

# Nine Mile Creek Watershed District Water Management Plan

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## 6.0 Implementation Program

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### 6.1 Implementation Program Responsibilities

The District is responsible for implementation of its programs. With respect to compliance with the Wetlands Conservation Act (WCA), the designated local government unit pursuant to the WCA shall be responsible for compliance and enforcement. Local units of government must develop and place in effect official controls required in this plan. Other than the wetland administration delegated to local government units, these controls must contain the minimum standards required by the plan. The District is responsible for information and data collection programs. Management programs are delegated to local government units while potential structural solutions are the responsibilities of the District. Counties are responsible for reviewing and approving the District's capital improvement program.

All referenced publications are available through the District engineer, District legal advisor, or District administrator.

### 6.2 Regulatory Controls

#### 6.2.1 Wetlands Conservation Act

The District Work in Waters permit regulates wetlands independent of authority of the Wetlands Conservation Act (WCA). The District will continue this permit regulation under its watershed law, independent of regulation under WCA. Through the work in waters permit the District enforces the requirements of the WCA as minimum conditions for the permit. The District reserves the right to enforce those minimum conditions and to be more restrictive should a designated local government unit fail to enforce the Act. The purpose of this dual regulation is to assure achievement of District goals and policies and to protect and enhance water resources. With respect to enforcing the WCA, the District provides technical assistance to municipalities designated as the local government unit. The District enforces the Act for municipalities which do not obtain that designation. The cities of Bloomington and Minnetonka are administering the requirements of the 1991 WCA, while the District performs that function for the cities of Eden Prairie, Edina, Hopkins, and Richfield.

The District does not maintain oversight other than by providing technical assistance. Technical Evaluation Panels in all scenarios are composed of a technical professional employee of the board, a technical professional employee of the local Soil and Water Conservation District or districts, and a technical professional with expertise in water resources management appointed by the local government unit as provided by Minnesota Statutes Section 103G.2242 Subd. 2.

The District will continue to work with the municipalities in the protection and preservation of wetlands through the Local Wetland Management Plan that prioritizes and assess the functions and values of wetlands.

Pursuant to Minnesota Statutes Section 103G.2372, the Commissioner of Minnesota Department of Natural Resources (MDNR), Conservation Officers, and Peace Officers shall enforce laws preserving and protecting wetlands.

The Commissioner of MDNR, a Conservation Officer, or a Peace Officer may issue a cease and desist order to stop any illegal activity adversely affecting a wetland. In the order, or by separate order, the Commissioner, Conservation Officer, or Peace Officer may require restoration or replacement of the wetland, as determined by the local Soil and Water Conservation District.

The Commissioner of MDNR or assigned Conservation Officer will be notified when a public waters wetlands is at issue and voluntary compliance or compliance through a civil action are deemed inappropriate or ineffective by the District. Personnel of the District will cooperate with the Commissioner in monitoring and enforcing water permits and take all action to the extent of their authority, respectively, that may be necessary or proper for the enforcement of the provisions, rules, standards, orders, or permits specified in law.

For all other non-public waters wetlands that are illegally and adversely impacted, and where compliance with wetland law, either voluntarily or through a civil action, are deemed ineffective or inappropriate by the District, the County Sheriff and/or Municipal Police will be notified to enforce the law.

Pursuant to Minnesota Rules Section 8420.0290 Subp. 3, the enforcement authority shall issue a restoration order or replacement order when the drain or fill has already been completed when discovered, or after a cease and desist order has been issued and the landowner does not seek an exemption or no loss determination within 3 weeks, or the local government unit denies the application.

Promptly upon being informed by the enforcement authority of the need, the Soil and Water Conservation District staff person shall inspect the site and prepare a plan in consultation with the local government unit for restoring the site to its pre-altered condition, unless the Soil and Water Conservation District person concludes that restoration is impossible. The Soil and Water Conservation District shall incorporate its plan into a restoration and replacement order and send it to the enforcement authority for service in person or by certified mail to the landowner.

If the Soil and Water Conservation District determines that restoration will not restore all the loss caused by the drain or fill activity, the enforcement authority may order a combination of restoration and replacement, or may order replacement rather than restoration, as determined by the Soil and Water Conservation District.

The District reserves the right to cause enforcement of the WCA by all other lawful civil means.

The District accepts utilization of the state wetland bank. In the event that banking within the District is not feasible or practical then the District will allow utilization of banking credits outside the District.

The District may chose to adopt more restrictive wetland controls than provided by the WCA or controls required by other law such as Minnesota Rules Chapter 7050.

### **6.2.2 Erosion and Sedimentation Controls and Programs**

The District believes that in order to reduce soil erosion and sedimentation, best management practices (BMPs) and best available technologies must be required and implemented. The District adopts and requires as minimum practices the BMPs and best available technologies promulgated by the Minnesota Pollution Control Agency (MPCA) including Minnesota Pollution Control Agency, 2005, Minnesota Stormwater Steering Committee: "*The Minnesota Stormwater Manual.*" When circumstances show that the recommended practice or technology is neither practical nor feasible, comparable erosion and sedimentation mitigation methods may be applied.

In addition, the District has established a grading and land alteration permitting program to reduce erosion and sedimentation of receiving waters. A grading and land alteration permit is required for the following:

- a. Any project that proposes to alter or disturb more than 100 cubic yards of material.
- b. Filling or encroachment within the 100-year frequency floodplain of the creek system or detention basins.
- c. Filling with a nonexempt wetland area as defined by the WCA.
- d. Any project that could reasonably be expected to introduce sediment into public waters within the District.

The issuance of a land alteration permit is contingent upon submittal of plans that are compliant with adopted standards. NMCWD Rules revision will be undertaken beginning in 2007.

Owners and operators of construction activity disturbing **one acre or more** of land need to obtain an NPDES/SDS permit from the MPCA. Site disturbances less than one acre within a larger common plan of development or sale that is more than one acre also need permit coverage.

Regulated parties must develop a Stormwater Pollution Prevention plan that should be submitted to MPCA and the District.

### **6.2.3 Local Erosion and Sedimentation Controls**

The District requires, as part of the contents of local water management plans, that municipalities adopt controls for erosion and sedimentation controls similar in kind or character to those of the District, for the purpose of protecting soil from erosion during and after construction for projects or portions of projects that do not require a permit under the Grading and Land Alteration Permit

Program of the District. These requirements must be adopted so as to constitute enforceable provisions of any municipal permits.

#### **6.2.4 Local Shoreland and Floodplain Ordinances**

All municipalities which have been notified by MDNR have submitted shoreland and floodplain ordinances and are now enforcing them. There are no known significant flood prone areas in the District.

#### **6.2.5 Water Quality Nuisances**

The District has identified various water quality nuisances including noxious odors, goose feces on lakeside walkways, and fecal coliform bacteria in public beach areas, among others. While the District cannot solve all of these local water quality problems, it encourages municipalities to adopt effective controls that will reduce them (e.g., phosphorus fertilizer bans, prohibition of goose feeding, etc.).

### **6.3 Stormwater and Drainage Design Performance Standards**

For purposes of stormwater and drainage design performance standards, the District incorporates by reference water and wetland quality standards promulgated by the MPCA and modified as needed to achieve management plans adopted by the MDNR or the Metropolitan Council (MC) as to target in lake nutrient concentrations and pollutant loadings for sediments and nutrients. The District acknowledges that these targets are subject to revision as degrading trends or other requirements indicate. The District anticipates amendment of these targets once the MC completes its loading budget for achievement of the interim strategy for the Minnesota River and nonpoint source guidelines are established by the United States Environmental Protection Agency (U.S. EPA).

Stormwater management is required by the District for any project that removes surface vegetation from any lands which may reasonably be expected to introduce sediment into public waters within the District. At present this standard is applied to any activity involving more than 100 cubic yards of material. This performance regulation applies for any development whether new or a redevelopment. A threshold acreage or other criteria is not applied. The permit threshold will be revised as part of the District's Rule revision in 2007.

In managing stormwater, the District requires no increased rate of runoff from a pre-development condition accomplished through either regional basins or on site detention for the critical 100-year frequency storm event. At a minimum, water quality treatment will be provided through either regional or on site facilities that meet design recommendations of the Minnesota Pollution Control Agency, 2005, Minnesota Stormwater Steering Committee: *"The Minnesota Stormwater Manual."* Additional discharge requirements more restrictive than these minimum treatment requirements may be imposed by the District in order to achieve water quality standards as specified in Minnesota Rules Chapter 7050 and determined through analysis of attainable uses for a water resource.

### 6.3.1 Target In Lake Nutrient Concentrations

The MPCA has developed water quality standards relating to the suitability of lakes for swimming, by ecoregion. The District has adopted these standards for its swimming lakes.

The MDNR also recently investigated its lake ecological and management classifications and determined that changes would aid fishery managers in caring for aquatic communities. The District has adopted this method to facilitate lake management.

The methods of the District, the MPCA, and the MDNR are compatible. By cooperatively managing through these differing methods, the Managers believe that the water and related resources can be enhanced.

The Lake Management table (see Table 5-1, Section 5.0, page 5-28) summarizes the established management objectives for lakes within the Watershed, and NMCWD lake water quality goals are summarized below:

Lake	NMCWD Category	Total Phosphorus ([TP], µg/L)	Chlorophyll <i>a</i> ([Chl <i>a</i> ], µg/L)	Secchi Disc Transparency ([S.D.] m)	Trophic State Index TSI <sub>SD</sub>
NW Anderson	III Wildlife Habitat & Aesthetic Viewing	105 ≥ [TP] >75	60 ≥ [Chl <i>a</i> ] >40	0.6 ≤ [S.D.] <1.0	70 ≥ TSI <sub>SD</sub> >60
SE Anderson	II Partial Body Contact Recreational	75 ≥ [TP] >45	40 ≥ [Chl <i>a</i> ] >20	1.0 ≤ [S.D.] <2.0	60 ≥ TSI <sub>SD</sub> >50
SW Anderson	II Wildlife Habitat & Aesthetic Viewing	75 ≥ [TP] >45	40 ≥ [Chl <i>a</i> ] >20	1.0 ≤ [S.D.] <2.0	60 ≥ TSI <sub>SD</sub> >50
Arrowhead	Unspecified	--	--	--	--
Birch Island	II Partial Body Contact Recreational	75 ≥ [TP] >45	40 ≥ [Chl <i>a</i> ] >20	1.0 ≤ [S.D.] <2.0	60 ≥ TSI <sub>SD</sub> >50
Bryant	I Whole Body-Contact Recreational	[TP] ≤ 45	[Chl <i>a</i> ] ≤ 20	[S.D.] ≥ 2.0	TSI <sub>SD</sub> ≤ 50
Bush	I Whole Body-Contact Recreational	[TP] ≤ 45	[Chl <i>a</i> ] ≤ 20	[S.D.] ≥ 2.0	TSI <sub>SD</sub> ≤ 50
Cornelia—North Basin	Unspecified	--	--	--	--

Lake	NMCWD Category	Total Phosphorus ([TP], µg/L)	Chlorophyll <i>a</i> ([Chl <i>a</i> ], µg/L)	Secchi Disc Transparency ([S.D.] m)	Trophic State Index TSI <sub>SD</sub>
<b>Cornelia—South Basin</b>	Unspecified	--	--	--	--
<b>Glen</b>	<b>I</b> Whole Body-Contact Recreational	[TP] ≤ 45	[Chl <i>a</i> ] ≤ 20	[S.D.] ≥ 2.0	TSI <sub>SD</sub> ≤ 50
<b>Indianhead</b>	Unspecified	--	--	--	--
<b>Lone</b>	<b>I</b> Whole Body-Contact Recreational	[TP] ≤ 31	[Chl <i>a</i> ] ≤ 7.7	[S.D.] ≥ 1.8	TSI <sub>SD</sub> ≤ 52
<b>Minnetoga</b>	<b>I</b> Whole Body-Contact Recreational	[TP] ≤ 45	[Chl <i>a</i> ] ≤ 20	[S.D.] ≥ 2.0	TSI <sub>SD</sub> ≤ 50
<b>Mirror</b>	<b>IV</b> Runoff Management	[TP] > 105	[Chl <i>a</i> ] > 60	[S.D.] < 0.5	TSI <sub>SD</sub> > 70
<b>Normandale</b>	<b>II</b> Partial Body Contact Recreational	75 ≥ [TP] > 45	40 ≥ [Chl <i>a</i> ] > 20	1.0 ≤ [S.D.] < 2.0	60 ≥ TSI <sub>SD</sub> > 50
<b>Lower Penn</b>	<b>IV</b> Runoff Management	[TP] ≥ 105	[Chl <i>a</i> ] > 60	[S.D.] ≤ 0.5	TSI <sub>SD</sub> > 70
<b>Shady Oak</b>	<b>I</b> Whole Body-Contact Recreational	[TP] ≤ 45	[Chl <i>a</i> ] ≤ 20	[S.D.] ≥ 2.0	TSI <sub>SD</sub> ≤ 50
<b>Smetana</b>	<b>III</b> Fishing & aesthetic viewing	105 ≥ [TP] > 75	60 ≥ [Chl <i>a</i> ] > 50	0.6 ≤ [S.D.] < 1.0	70 ≥ TSI <sub>SD</sub> > 60

### 6.3.2 Maximum Permissible Runoff Rate and Volume

The District requires that rates of runoff from developing or redeveloping sites be limited to existing rates, or less, through the use of either regional basins or on site detention for the critical 100-year frequency storm event.

### 6.3.3 Flooding Impact Standards

Natural resource impact standards are those established by law, including Minnesota Rules Chapter 7050 and set forth in state guidance: State of Minnesota Storm Water Advisory Group, May, 1995. “Guidance for Evaluating Urban Storm Water and Snowmelt Runoff Impacts to Wetlands.” This regulation tends to reduce the flooding impacts to natural resources.

The District established a floodway encompassing the channels of watercourses, the beds of water basins, and those portions of the adjoining floodplains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood assuming ultimate development conditions. A “regional flood” means a flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval. Pursuant to the District flood plain permit the District requires flood mitigation. “Mitigation” means the act of alleviating the effects of floods and flooding by moderating or reducing the severe damages resulting from floods through structural and nonstructural flood management measures. Structural and nonstructural flood management measures are permit specific. Nonstructural flood management measures include, but are not limited to title certifications, a requirement that low floor elevations be a minimum elevations of 2 feet above the regional flood elevation, and restricted floodway encroachment that prevents unreasonable public hazard and ensures the capacity of the floodplain to carry and discharge a regional flood.

#### **6.3.4 Design Criteria for Stormwater Outlet Structures**

Although the District does not establish design criteria for stormwater conveyance systems, the District does require design criteria as established in the following guideline: Minnesota Pollution Control Agency, 2005, Minnesota Stormwater Steering Committee: “*The Minnesota Stormwater Manual*.” In addition, systems must be in accord with municipal requirements for stormwater outlet structures.

These standards and criteria apply to any grading, filling or other land alteration which removes surface vegetation from any lands which may reasonably be expected to introduce sediment into public waters within the District. At present this standard is applied to any activity involving more than one hundred cubic yards of material. This performance regulation applies to any development whether new or a redevelopment. A threshold by acreage or other criteria is not applied.

The District does though require the location of manholes and sedimentation basins so that they may feasibly and practically be maintained and repaired. As an additional water quality requirement, in accord with current municipal practices, the District requires a minimum manhole dimension of 60 inches.

#### **6.3.5 Water Quality Basin Design Methodology**

Minimum water quality treatment will be provided through either regional or on site facilities that meet the minimum design requirements of the Minnesota Pollution Control Agency, 2005, Minnesota Stormwater Steering Committee: “*The Minnesota Stormwater Manual*.” Additional discharge requirements may be imposed by the District in order to achieve water quality standards as specified in Minnesota Rules Chapter 7050 or as specified in an attainable use analysis conducted for a water resource.

These standards and criteria apply to any grading, filling or other land alteration which removes surface vegetation from any lands which may reasonably be expected to introduce sediment into public waters within the District. At present this standard is applied to any activity involving more than one hundred cubic yards of material. This performance regulation applies to any development whether new or a redevelopment. A threshold by acreage or other criteria is not applied.

### **6.3.6 Pollutant Loading Requirements**

The District adopts by reference the requirements, if any, of the MPCA with respect to pollutant loadings including those established by Total Maximum Daily Load (TMDL) studies.

### **6.3.7 Variances**

The District may, upon application, modify or permit variance from the minimum standards and criteria and from adopted rules if it is determined that such modification or variance is consistent with the general welfare. In allowing any modification or variance, the District may, if it deems such action advisable and reasonable in the circumstances, condition modification or variance so as to conserve natural resources of the state using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources. The applicant for a variance which, in the opinion of the District, may result in a material adverse effect on the environment may be requested by the District to demonstrate the nature and extent of the effect. The applicant may show that there is no feasible and prudent alternative and the conduct at issue is consistent with and reasonably required for promotion of the public health, safety, and welfare in light of the state's paramount concern for the protection of its air, water, land and other natural resources from pollution, impairment, or destruction. Economic considerations alone shall not constitute justification for a modification or variance.

Requests for variance will be acted upon promptly by the District. Specific time lines are not established for variances because of the complexity of the requests and consideration necessary to justify a modification or variance though three months is considered a reasonable period.

## **6.4 Information Program**

The District Information Program consists of publication of pertinent portions of its annual report and distribution of articles and news releases, prepared by its Administrator, to widely distributed local newspapers and interested members of the community. The annual report identifies the Managers, current advisory committee members, how to contact the organization, its role in local water management, the goals and policies of the organization, when public meetings are held, how the Organization is financed, where the Plan can be viewed, and other information relative to the implementation of the Plan. The District prepared a videotape presentation that was shown on public cable television and is available through schools and libraries within the District. Besides these written and audiovisual communications, the Board of Managers also holds an annual tour of the District for the purpose of discussing and inspecting projects and other aspects of the work of the

District. This annual tour is attended by members of the public and representatives of other public authorities and state and metropolitan agencies.

The District also has established and supports two advisory committees in which members of the public may participate: one is a Technical Advisory Committee (TAC) composed primarily of municipal engineers who advise the District engineer and offer review comments and advice; the other is a Citizens' Advisory Committee, which is charged with organizing public seminars on significant topics such as water quality and wetland issues, as well as other matters that the committee deems of sufficient importance.

## **6.5 Data Collection Programs**

The District conducts a lake and stream monitoring program for water quality purposes. The District has expanded these programs to address water quality impairments that must be remediated through the MPCA's TMDL process. These changes are expected to refine and strengthen data collection practices of the District. It is also expected that these changes will facilitate use of the data by units of government involved in collecting water quality and quantity management data. This data collection program is adequate to prescribe what BMPs must be adopted in order to achieve water quality goals for both lakes and streams. Additionally, the District intends to initiate a citizen stream monitoring program in the future. The District encourages the local units of government collecting data to submit the data to the District and other regulatory agencies to be included in the overall data collection program.

### **6.5.1 Location of Sampling Sites**

The stream and lake level sampling locations are shown on Figure 2-7 (page 2-21) Section 2.0.

### **6.5.2 Lake Water Quality Monitoring Protocol**

Following completion of the Use Attainability Analyses (UAAs) for its 15 major lakes and their respective watersheds, the District intends to resume its normal, rotating lake monitoring program. That program involves monitoring of one-third of the District lakes during each of three consecutive years, followed by data analysis and reporting of results, including updated temporal trend analyses during the fourth year.

Monitoring activities include water quality sampling at a single site, generally at the deepest point in the lake that best represents its limnological properties. Samples are collected once in early-spring, within 2 weeks of ice-out, before thermal stratification develops, and six times during the summer and early-fall months, (mid-May to mid-September). On each sampling date samples are collected from the upper mixing zone of the lake and along a 1-meter interval depth profile, from surface to within ½- meter off the bottom.

Samples collected from the upper mixing zone are analyzed for total- and soluble reactive-phosphorus, and chlorophyll *a* concentrations, plus algal cell density counts. Samples taken at depth are analyzed for total phosphorus. Additionally pH, conductivity, and dissolved oxygen

concentrations are measured along the 1-meter depth interval profile, and the Secchi disc transparency of the water is measured. Comparable monitoring at additional sampling sites may also be undertaken where lake basin morphology has created distinctly different hydrologic or limnologic sub-basins, or where major lake tributaries influence lake water quality.

### 6.5.3 Stream Water Quality Monitoring Protocol

The District conducts stream water quality monitoring activities at three permanent flow-gaging and automated sampling stations, year-round (see Figure 2-7, page 2-21). These three District stations and the MC's Watershed Outlet Monitoring Program (WOMP) station are distributed along the creek as follows:

Main Stem	West 98 <sup>th</sup> Street 106 <sup>th</sup> Street (Metropolitan Council)
North Branch	West 72 <sup>nd</sup> Street
South Branch	West 78 <sup>th</sup> Street

Comprehensive data collection occurs at these sites including information on the following parameters:

#### Hydrology

- Streamflow; Flow (cfs)

#### Meteorology

- Daily Precipitation Totals (inches/day)

#### Water Quality

##### *Basic Parameters*

- Laboratory pH
- Alkalinity (mg/L as CaCO<sub>3</sub>)
- Hardness (mg/L as CaCO<sub>3</sub>)
- Conductivity (µmhos/cm)

##### *Solids*

- Total suspended solids: TSS (mg/L)
- Volatile suspended solids; VSS (mg/L)
- Turbidity (NTU)

##### *Oxygen Demand*

- Total biochemical oxygen demand; Total BOD<sub>5</sub> (mg/L)
- Carbonaceous biochemical oxygen demand; CBOD<sub>5</sub> (mg/L)
- Total chemical oxygen demand; COD (mg/L)
- Total dissolved chemical oxygen demand; Dissolved COD (mg/L)

### *Nutrients*

- Total phosphorus; TP (mg/L)
- Dissolved phosphorus; TDP (mg/L)
- Soluble reactive phosphorus; SRP (mg/L)
- Total Kjeldahl nitrogen; TKN (mg/L)
- Nitrate nitrogen; NO<sub>3</sub>-N (mg/L)
- Nitrite nitrogen; NO<sub>2</sub>-N (mg/L)
- Ammonia nitrogen; NH<sub>3</sub>-N (mg/L)

### *Heavy Metals*

- Total cadmium; Cd (mg/L)
- Total chromium; Cr (mg/L)
- Total copper; Cu (mg/L)
- Total lead; Pb (mg/L)
- Total nickel; Ni (mg/L)
- Total zinc; Zn (mg/L)

Samples are collected on a stage-activated basis during periods of elevated stream flow following runoff-producing storm events throughout the ice-free season. These storm event-related samples are supplemented by collection of monthly fair weather grab samples, year-round.

Stream water quality monitoring also includes annual surveys of seven reference stream reaches (see Figure 2-7, Section 2.0, page 2-21) to reassess their conditions as part of a recurrent Ecological Use Classification analysis of Nine Mile Creek. Each year these same stream reaches are reevaluated to determine stream substrate and aquatic habitat conditions, and both benthic macroinvertebrates and fish species present are quantified. Biological monitoring of benthic invertebrates and fish are conducted according to MPCA- and MDNR-approved methods, including electrofishing with backpack shocking equipment to determine if biotic impairments exist that would result in the creek's inclusion on the MPCA Impaired Waters list..

#### **6.5.4 Periodic Analysis of Data**

Lake water quality data will be collected over a 3-year period and reported out each 4<sup>th</sup> year, on a cyclical basis, in a summary report. Stream water quality samples are analyzed and reported annually in the annual report of the District.

## 6.6 Management Programs

The District will require local plans to assess the need for periodic maintenance of municipal infrastructure and specify any new programs or revisions to existing programs needed to accomplish the District goals and objectives. Each Comprehensive Storm Water Management Plan must further identify whether the municipality or private parties are responsible for maintenance. Each local plan must, at a minimum, assess or require local plans to assess:

- a. the need and frequency for sweeping of public and private streets and parking lots;
- b. the need and frequency for inspecting stormwater outfalls, sumps, and ponds;
- c. the adequacy of maintenance programs for stormwater facilities and water level control structures;
- d. the need to establish a water body management classification system to provide for water quality and quantity management based on a hierarchical basis;
- e. the need to establish local spill containment cleanup plans; and
- f. the need for other management programs as considered necessary.

## 6.7 Potential Structural Solutions to Problems

Potential structural solutions are intended to avoid or minimize public expenditures to correct or alleviate flooding or pollution problems. These solutions complement the regulatory program of the District. Potential structural solutions are defined as a “project” or a “capital improvement.”

**“Project”** means planning development, construction, maintenance, repair or improvement of the watershed district for a purpose for which the District is established. Minn. Stat “103D.011 subd. 21.” Projects include diagnostic study of water pollution caused by point or nonpoint sources, planning to implement BMPs recommended by MPCA or other BMPs authority, and the physical features constructed or actions taken to implement. Minn. Stat. “103F.711 subd. 8.”

**“Capital Improvement”** means a physical improvement that is not directed toward maintenance of an in-place system during its life expectancy. Minn. Rules '8410.0020 subp. 3.

Projects and capital improvements are identified through a three-step process. First, each water resource is inventoried and assessed to identify its existing and potential beneficial uses. Second, existing and potential beneficial uses are analyzed to determine which uses are attainable. Third, best management plans are prepared to implement those practices necessary to attain the identified beneficial uses. Projects and capital improvements are designed as part of this third step. Capital improvements identified as part of this step are then incorporated into the Capital Improvement Program of the District. Capital improvements may be financed through a variety of means over and above those levies available to fund projects.

These structural solutions, including the Capital Improvement Program, are prioritized and scheduled for financing through the Watershed Act §103B or the Metropolitan Surface Water Management Act §103D. The financing used varies depending upon the particular project or improvement at issue and other factors such as prior levies and restraints upon increased levies. The financing schedule identifies projects and capital improvements, cost estimates, schedules for construction and anticipated sources of revenue for each item, see Tables 8-2a, 8-2b, and 8-3, pages 8-4, 8-5, and 8-7, respectively.