

## Schedule of Nine Mile Creek Watershed District Critical-Sector Work

April 2, 2020; updated April 13, 2020; May 4, 2020; May 6, 2020

Minnesota Governor Tim Walz’ Emergency Executive Order 20-48 directs citizens of the state to stay at home to mitigate the damage to public health from the COVID-19 virus. The table below describes field work to be conducted by staff or contractors that Nine Mile Creek Watershed District has been determined to be exempt from the order, i.e., may be commenced or continue by virtue of being included in an exemption in the order. NMCWD has found the work to fall within one or more “critical sector” categories described by EEO 20-48 and associated guidance.<sup>1</sup> The NMCWD Board of Managers has directed that such work must be conducted with the minimum possible number of workers necessary for safe and effective completion of the work, and in a manner that conforms to Minnesota Occupational Safety and Health Standards and the Minnesota Department of Health and the federal Centers for Disease Control guidelines related to COVID-19, including standards for social distancing and hygiene.

Description of Work	Basis for Exempt Finding
NMCWD office addition <ul style="list-style-type: none"> <li>• <i>Demolition, site preparation, grading, construction</i></li> </ul>	(Sec. 6.aa(i)) Construction of all kinds is exempt.
Water-resource monitoring and data collection <ul style="list-style-type: none"> <li>• <i>Collection of samples, field research, and site inspections, monitoring and surveys</i></li> </ul>	(Sec. 6.i(vii)) Exemption added in EEO 20-48 broadly encompasses field work to support ongoing water-quality protection and improvement efforts.
Regulatory field work <ul style="list-style-type: none"> <li>• <i>Permit-site inspections</i></li> <li>• <i>Wetland Conservation Act onsite meetings</i></li> </ul>	(Sec. 6.i(iii, vii) ) Inspecting wetlands and permit sites facilitates continuing economic activity (land-disturbing construction activities) subject to regulatory requirements, consistent with CISA guidance on “workers to ensure continuity of building functions ... including permits and inspections for construction supporting essential infrastructure”; applicants rely on NMCWD review and oversight, and have a legal right to regulatory approval for which they

<sup>1</sup> See, please, Emergency Executive Order 20-48 and associated guidance, including “Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response, Version 3.0” published by the federal Cybersecurity and Infrastructure Security Agency, available at [https://mn.gov/governor/assets/EO%2020-48%20Final\\_tcm1055-430499.pdf](https://mn.gov/governor/assets/EO%2020-48%20Final_tcm1055-430499.pdf)

	qualify, making this work a priority service.
<p>Normandale Lake Improvement Project</p> <ul style="list-style-type: none"> <li>• <i>Vegetation survey</i></li> <li>• <i>Temperature monitoring</i></li> <li>• <i>Water-quality monitoring</i></li> <li>• <i>Lake-level and flow-rate monitoring</i></li> <li>• <i>Herbicide treatment</i></li> <li>• <i>Fish surveys and management</i></li> <li>• <i>Project field management</i></li> </ul>	<p>(Sec. 6.i(iii, vii)) Ongoing NMCWD project is a priority service needed to fulfill commitments to citizens and partner City of Bloomington, and comply with state permitting requirements.</p> <ul style="list-style-type: none"> <li>• Vegetation survey; flow-rate, lake-level, water-quality and temperature monitoring are critical to assessing success of prior investment of public funds and determining feasibility of herbicide treatment to preserve and enhance value of past NMCWD water-quality improvement work and securing the benefits of past investment of public funds in improvements.</li> <li>• Fish surveys and management are separate but critical components of ongoing work and are designed to ensure water-quality improvement and public expenditures to date are not lost.</li> <li>• Field management is necessary to ensure effective realization of public investment.</li> </ul>
<p>Flood-risk monitoring</p> <ul style="list-style-type: none"> <li>• <i>Lake-level sensor installation and readings</i></li> <li>• <i>Stream flow-rate data collection, including Watershed Outlet Monitoring Program monitoring</i></li> </ul>	<p>(Secs. 6.g; 6.i(iii, vii)) Assessment of spring flood risk is critical to public health and safety and integrity of public and private structures.</p>
<p>Office maintenance</p> <ul style="list-style-type: none"> <li>• <i>Includes mail, security, checking infrastructure (HVAC, computer server, etc.), posting notices – all only as needed</i></li> </ul>	<p>(Sec. 6.i(iii); CISA guidance) Administration is required to ensure continuity of building functions and avoid loss of publicly funded operations and maintain office in accordance with legal commitments (including the development agreement with the city and</p>

	applicable code requirements); critically facilitates timely processing of regulatory reviews in accordance with statutory and other legal requirements.
<p>Grading &amp; construction</p> <ul style="list-style-type: none"> <li>• <i>Nonprofit Best-Management Practices Project – five sites in Edina and Bloomington</i></li> <li>• <i>Project field management</i></li> </ul>	(Secs. 6.i(iii, vii); 6.aa(i); CISA guidance) Agreements for property use and a contract for construction have been executed, and rescheduling and renegotiating would put public investment at risk of increased cost or cancellation; project field management is necessary to ensure effective realization of public investment; timely completion of the work has been deemed a priority service of NMCWD.
<p>Landscaping &amp; property maintenance</p> <ul style="list-style-type: none"> <li>• <i>Discovery Point restoration</i></li> <li>• <i>Bush Lake shoreline vegetation management</i></li> </ul>	(Sec. 6.c(ii), 6.i(vii)) Landscaping work is exempt under EEO 20-48, and shoreline vegetation management is habitat restoration and plant management.
<p>Lake Cornelia Alum Treatment Project</p> <ul style="list-style-type: none"> <li>• <i>Water-quality and temperature monitoring</i></li> <li>• <i>Alum application</i></li> <li>• <i>Project field management</i></li> </ul>	(Sec. 6.i(iii, vii)) Water-quality and temperature monitoring and project field management are critical to determining feasibility of alum treatment to preserve and enhance value of past NMCWD water-quality improvement work and securing the benefits of past investment of public funds in improvements. An agreement for the alum application work has been entered, and rescheduling and renegotiating would put public investment at risk of increased cost or cancellation; preliminary vegetative-management work will be completed by the City of Edina, the value of which will be diminished if NMCWD does not timely complete alum application,

	which has been deemed a priority service of NMCWD.
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