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MEMO

TO: Nine Mile Creek Watershed District Board of Managers

FROM: Randy Anhorn

DATE: August 8, 2018

RE: City of Richfield Surface Water Management Plan

Background

In accordance with Minnesota Statutes section 103B.235, subdivision 3, Nine Mile Creek Watershed District (NMCWD) staff have reviewed the City of Richfield's draft Surface Water Management Plan (Plan) for consistency with NMCWD's adopted fifth-generation 2017-2027 Water Management Plan (WMP) and Minnesota Rules 8410.0160.

Review Overview

Overall, the Plan provides a useful water management tool for Richfield to follow and implement over the next 10 years. It meets the requirements of Minnesota Rule 8410.0160 by including an executive summary, identifying water resource management goals, strategies, and policies, identifying existing and proposed physical environment and land-use, and provides a summary of the drainage characteristics within the city.

For the portions of the city that are within the NMCWD boundaries, the Plan appears to defer to NMCWD to exercise of regulatory authority on all substantive water-resources topics and key flood-protection points covered by the NMCWD rules. But as noted below some clarification with regard to exercise of regulatory authority is needed. In addition, the Plan states that NMCWD will continue to be the governmental unit administering the requirements of the Wetland Conservation Act for the portion of Richfield that is within the NMCWD.

NMCWD received the Metropolitan Council's August 1, 2018 comments on the Plan and considered them in its review of the Plan. Following this review, recommended conditions on approval of the Richfield Surface Water Management Plan are as follows:

Executive Summary

Section 1

1.5 – typo correction – MCWD is mentioned twice; add NMCWD to the statement of entities approving the Plan.

Section 3

3.1.2.2 Chlorides – NMCWD acknowledges and supports the city’s detailed analysis and specific efforts described in this subsection to address the chloride impairment of Nine Mile Creek. The city’s goals and plans for continued efforts in this arena should be added to sections 4 and 5, respectively.

Section 4.0 – Goals, Strategies and Policies

1. **Introduction:** The text here should affirm that the goals, strategies and policies in the Plan have been developed to conform the watershed-management plans of the watershed organizations that share jurisdiction with the city.
2. **4.2.2 Regulation and Permitting:** The WMP requires that local water management plans clearly state whether [the city intends] to amend its official controls (ordinances) and policies to provide protection of water resources at least as effective as provided by the District rules or defer exercise of sole regulatory authority” to NMCWD (within NMCWD’s jurisdiction). (WMP subsection 6.2.1.) The WMP goes on to provide specific provisions that need to be included in a local water management plan if the city wishes to elect to exercise sole regulatory jurisdiction over the subject matter of one or more NMCWD rules. This memo does not dig into those details, though, because it appears – but the Plan should be clarified to state – that the city wishes to defer exercise of regulatory authority to NMCWD. In addition to making a clear statement confirming that intent, the Plan should clarify the following:
 - Subsection 4.2.2 of the Plan states that the city “adopts the applicable rules and requirements of” the watershed organizations within each entity’s jurisdiction in the city. It’s not clear what this means, but if the intent is to underscore the city’s support for and reliance on the watershed organizations’ implementation of the regulatory standards, that’s fine, though the Plan might use a different verb, such as “supports.” If the intent is state otherwise, the city and NMCWD should discuss.
 - Subsection 4.2.2 goes on to state that the city “shares permitting duties” with watershed organization and notes that NMCWD is the permitting authority for projects that trigger the NMCWD rules. (The syntax in the third bullet in the second set of bullets in section 4.2.2 needs some cleanup, though.) This is followed in subsection 5.3.4 by text stating the NMCWD “exercises some regulatory responsibilities within the city.” (The latter subsection helpfully notes that NMCWD will continue to administer the Wetland Conservation Act in the portion of the city within the Nine Mile Creek watershed.) Again, these statements indicate that the city wishes to defer exercise of regulatory authority to NMCWD for the land-disturbing activity governed by the

NMCWD rules, but it would be useful for the Plan to include an explicit statement along these lines.

3. **4.3.2 Flood Risk Reduction and Rate Control:** The city's Engineering Design Standards for Stormwater Management, 9.5 Freeboard, states that the City requires a minimum of two feet of freeboard elevation between the low point of entry elevation and the 1% chance event high-water elevation (100-year storm event) in a given area for all new and redeveloped structures. This is in conflict with subsection 4.3.3 of the NMCWD rules, which references the low floor rather than low opening.

Section 5.o – Implementation Program

1. **5.3.2.1 City Requirements** – NMCWD recognizes and appreciates the specifics provides in this subsection. Note, though, the WMP includes a specific request that the city provide it with any updates to its wellhead protection plan as a matter of course, not only in response to NMCWD requests as stated in subsection 4.3.5, item 6. (NMCWD may not be aware of an update such it staff would know to request it.)
2. **Table 5-1 Implementation Program – Capital Improvements:** NMCWD understands that the city has studies under way and planned that will contribute a basis for design of water-quality improvement and water-quantity management projects, but encourages the city to consider options for implementation of projects in the first five years of the new Plan, rather than waiting to 2023.
3. **Table 5-3 Implementation Program Studies:** The city must add a specific timeframe(s) and commitments to complete the hydrology and hydraulic modeling and the water-quality modeling referenced in this section. The models must incorporate and be completed utilizing Atlas 14 rainfall data issued by the National Oceanic and Atmospheric Administration in 2013. Atlas 14 supersedes Technical Paper 40 and 49 issued by the US Weather Bureau in 1961 and 1964, respectively. Water quality modeling must be completed using a model that shows annual removal efficiencies for both total phosphorus (60% removal required) and total suspended solids (90% removal required). For rate control, the Plan states that the City will manage rate to prevent capacity of downstream systems from being exceeded. The District's rule requires that flow rates be limited to that from existing conditions for the 2-, 10-, and 100-year frequency storm events for all points where stormwater discharge leaves the site.

A clear and specific plan to complete these steps is needed to meet the requirements for local water management plans in Minnesota Rules 8410.0160, subp. 3C and 3E(1) and (2).

Section 6.o – References

1. The recently adopted amendments to the NMCWD rules should be noted. The amended rules were adopted April 10, 2018, with an effective date of May 21, 2018.

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