



## Nine Mile Creek Discovery Point

12800 Gerard Drive  
Eden Prairie, MN 55346

(952) 835-2078

[ninemilecreek.org](http://ninemilecreek.org)

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August 4, 2021

Steve Gurney  
City of Bloomington  
1700 West 98<sup>th</sup> Street  
Bloomington, MN 55403

### **RE: Oxboro Lake Maintenance Project Environmental Assessment Worksheet**

The Nine Mile Creek Watershed District (District) received notice of the 30-day comment period (due by August 19, 2021) for the City of Bloomington's Environmental Assessment Worksheet (EAW) for its proposed Oxboro Lake Maintenance Project.

The purpose of the proposed project, undertaken by the City of Bloomington, is meant to improve the lake's functionality and water quality, while improving the quality of the water leaving the lake and flowing into Nine Mile Creek. The project will include the drawdown of Oxboro Lake to excavate and remove between 65 to 100,000 cubic yards of unconsolidated sediments to improve the water quality of the lake. Other aspects of the project include tree removal at the four proposed construction access locations, shoreline stabilization, reconstruction of existing storm sewer outfalls in the northeast and northwest corners of the lake and restoration of disturbed area with native vegetation. The work is to begin in November, 2021, expected to last for two years, and will primarily be undertaken during the winter months.

The analysis of the lake bottom sediments at six locations indicates that the material to be dredged is suitable for residential and industrial reuse as identified by the Minnesota Pollution Control Agency. The material excavated will be hauled off-site.

The District has reviewed the EAW and has the following comments:

#### **Question 8. Permits and approval required:**

The table in this subsection indicates that the only permit required from the Nine Mile Creek Watershed District is for erosion control. The proposed project will actually trigger the need to address additional District rules as well. The District rules that may apply to the project include:

- Rule 2 - Floodplain Management and Drainage alteration,
- Rule 3 - Wetlands Management,
- Rule 5 - Erosion and Sediment Control,
- Rule 6 - Waterbody Crossings and structure,
- Rule 7 - Shoreline and Streambank Improvements and
- Rule 8 - Sediment Removal.



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The applicability of the various Rule(s) or portions of the Rule(s) will be dependent upon the regulatory role of the Minnesota Department of Natural Resources and which portions of their role, if any, would be waived to the District for review, consistent with General Permit #1997-6112.

In addition, the EAW mentions the project is expected to go out for bid in October, 2021, with construction to begin as soon as November, 2021. Although the District board of managers has delegated certain permit approval authority to the administrator, I believe the project presents public-interest considerations that warrant determination of the associated permit application by the District board of managers at an open board meeting (held the third Wednesday of each month). In particular and as discussed below, the project has the potential to temporarily have a negative affect water quality in Nine Mile Creek. For this reason, and for the City to meet its proposed project schedule, I suggest that the City start the permit application submittal process as soon as possible, to allow for the review of the application by the District's engineer(s) prior to being included on an upcoming District board meeting agenda.

### **Question 11. Water Resources:**

The EAW states that the segment of Nine of Mile Creek to receive the water pumped from the lake has been identified as impaired for benthic macroinvertebrates. In addition, the EAW should indicate that the creek is also impaired for chlorides. An estimate of the volume to be pumped (one time draw down) is 16.5 million gallons. The rate and outflow velocity of the pumped discharge should be stated with an analysis of any potential impacts that this discharge may have on the creek. Also, an analysis is required either through the EAW process or through the permitting process identifying impacts, if any, the pumped water from Oxboro Lake, which is generally considered as poor, will have on the water quality of the Creek. The Minnesota Pollution Control Agency standards established for the creek cannot be exceeded by the proposed dewatering.

In addition, the lake drawn down will have any impact on the reptiles (turtles) within the lake (similar to the drawdown of N.W. and S.W. Anderson Lake and recently Normandale Lake undertaken by the District). The DNR will likely have the City address this through their review process. But if not, from past experience, the City should prepare a turtle management plan. The EAW does not address potential turtle impacts.

If you have any questions regarding the District's review of the EAW, please contact me at 952.835.2078. District staff are available to provide assistance in addressing our comments.

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