



**Nine Mile Creek Watershed District  
2006 Annual Report**

*Prepared and submitted by:*  
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## **Employees and Consultants**

The Nine Mile Creek Watershed District (District) employs a full-time administrator as its only employee. The administrator oversees daily operations of the District. The District retains the services of an engineering consultant, a legal advisor, and an accountant to assist with District activities. The District contracts with another accounting firm to perform its annual financial audit.

### *District Administrator:*

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## **Introduction**

Established in 1959, the Nine Mile Creek Watershed District was the state's first urban watershed district. Despite its name, Nine Mile Creek's main branch actually travels 15.5 miles from its headwaters to its confluence with the Minnesota River. The Creek's name came from the fact that it is nine (9) miles from Fort Snelling following an early cart path that is now Old Shakopee Road. The Creek winds through the southwestern suburbs of the Twin Cities, draining a total of 50 square miles of a largely developed urban landscape, and encompassing most of Bloomington and Edina and portions of Minnetonka, Eden Prairie, Hopkins, and Richfield. Appointed by the Hennepin County Commissioners, each of the District's five Managers serve three-year terms.

Consistent with its statutory and regulatory obligations under Minn. Stat. § 103D.351 and Minnesota Rules § 8410.0150, the Board of Managers has prepared this Annual Report of the Nine Mile Creek Watershed District's financial status, its yearly activities and projects, its 2006 permitting and enforcement, and its 2007 goals and objectives. The Managers invite comments and suggestions concerning this report. Copies are available by contacting Kevin Bigalke, District Administrator, Nine Mile Creek Watershed District, 7710 Computer Avenue, Suite 135, Edina, MN 55435, (952) 835-2078.

### **2006 Highlights:**

- Completion of the 3<sup>rd</sup> Generation 509 Watershed Management Plan.
- Completion of the Minnetonka Lakes Water Quality Improvement Project.
- Established a volunteer Citizen-assisted Lake Monitoring Program, working with the Metropolitan Council.

- Substantial completion of the Bloomington Culverts Replacement Project.
- Completion of the feasibility report and authorized the implementation of the Eden Prairie Lakes Water Quality Improvement Program.
- The District hosted a Fall Tour highlighting the present and future projects throughout the District.
- Hosted the 2006 Photo Contest and developed the 2007 Nine Mile Creek Watershed District Calendar.
- Ongoing maintenance of the Lower Valley Project.

### **Assessment of Previous Work Plan**

In its 2005 Report, the District identified several broad goals and objectives for 2006, including:

1. Completion of the 3<sup>rd</sup> Generation Watershed Management Plan.
2. Development and Implementation of Basic Water Management Projects.
3. Continue Use Attainability Analyses & Lake and Creek studies.
4. Establish a Citizen-Assisted Lake Monitoring Program (CAMP).
5. Continued support of repair and maintenance project proposals
6. Reinvigorate the Citizen Advisory Committee.
7. Update the District website.
8. Continue working with the Technical Advisory Committee.

In 2006, the District made substantial progress toward all of these goals and objectives, as described below.

1. Completion of the 3<sup>rd</sup> Generation Watershed Management Plan

Starting in 2005, the Nine Mile Creek Watershed District (District) had been working on the development of its 3<sup>rd</sup> Generation Watershed Management Plan (Plan). During this process, the District hosted Public Water Forums in each of the cities in the District, met with staff for the cities both as a group and individually and hosted Technical Advisory Committee meetings to gather information on the issues and concerns regarding the Nine Mile Creek Watershed.

Throughout 2006, the District worked extensively on the Plan. The District started the review process of the Plan with the 60-day review in May 2006. The District responded to comments received during the 60-day review and held a public hearing on the Plan in August 2006. A 45-day agency review of the Plan followed. The Plan was submitted to the Board of Water and Soil Resources (BWSR) in November 2006. The Plan received formal BWSR approval in January 2007. The Nine Mile Creek Watershed District Board of Managers will formally adopt the new Watershed Management Plan in March 2007.

2. Development and Implementation of Basic Water Management Projects

*Minnetonka Lakes Basic Water Management Project*

In 2002, the City of Minnetonka petitioned the District for the Minnetonka Lakes Basic Management Project, based on the District's UAA of Glen, Shady Oak, Lone, and Minnetoga Lakes, and Woodgate Pond. The goal of the project was to protect and avoid significant degradation of water quality in these bodies of water. Throughout the Plan's implementation phase, the District worked with city officials and citizens to reach consensus and develop the plans for each component of the project. Although the planning process was lengthy, the

construction phase generally progressed smoothly, and by the end of 2005, all but one small component of the plan was complete. In October, the District organized a tour of the basins, plantings, and rainwater gardens that were built as part of the Plan. In 2006, the Minnetonka Lakes Water Quality Improvement Project was completed. Some general maintenance was done to replace plants that did not survive or were damaged by wildlife. The pond in Kinsell Park was improved by adding a “beehive” overflow structure to prevent the pond from over topping an adjacent trail.

#### *Bush Lake Outlet Invasive Species Control, Bloomington*

Working with Prairie Restoration, the District undertook a project to control invasive species along the Bush Lake Outlet shoreline. The project costs were shared with the City of Bloomington.

In 2006, the U.S. Army Corps of Engineers treated 14 acres on Bush Lake, 8 for Eurasian water milfoil and 6 for curlyleaf pondweed. Because the areas were small, granular formulations were used, which did not work as well as liquid formulations in previous years. Native plants continue to increase in diversity and occurrence.

#### *Eden Prairie Lakes Water Quality Improvement Project*

Following completion of the UAAs for Birch Island, Bryant, Smetana, and Anderson Lakes, Eden Prairie petitioned the District for the Eden Prairie Lakes Water Quality Improvement Project. As designed, the project will provide a coordinated approach to addressing water quality issues in the targeted lakes, including control of invasive plants, curly leaf pond weed, and Eurasian water milfoil. The project feasibility report was completed in July

2006. The project was reviewed by the Minnesota Department of Natural Resources, Board of Water and Soil Resources, and Three Rivers Park District. In October 2006, the District had appraisals of the five properties that require easements for the Cardinal Creek wetland restoration component of the project. District staff met with each of the five property owners to explain the project and the appraisal of their properties. The District held a public hearing on the project on December 7, 2006 & continued the public hearing to the Regular Board meeting on December 13, 2006. Following the public hearing, the District Board of Manager authorized the project. District staff will finalize the easements in the spring of 2007. The current timeline calls for construction of the project to begin in summer 2007.

#### *Bloomington Culvert Replacement Project*

In 2003, the City of Bloomington petitioned the District for a basic water management project to replace five aging culverts that presented a significant risk of flooding, erosion, and sedimentation. At the District's direction, the District Engineer prepared a report evaluating the feasibility and projected costs of the project. Finalized in 2005, the Engineer's report concluded that the project was necessary; feasible; and consistent with the District's 1996 Water Management Plan, the City's petition, and the Nine Mile Creek UAA of March 2004. The advisory committees of the Minnesota DNR and BWSR approved the plan, and the District held a public hearing on the project, at which property owners expressed support for the project. Because one of the culverts directly benefits the Canadian Pacific Railroad, the District has engaged in ongoing discussions with the Railroad about project plans and cost sharing, but has yet to reach any agreement.

In September 2005, the District granted the City's petition and ordered that the project be

constructed, excluding the Railroad culvert. On October 7, 2005, one of the culverts identified for replacement failed and required emergency repair, which only underscored the project's urgency. The District approved a construction bid in December 2005. Construction began on the project in February 2006. All but one culvert was replaced by March 2006. The 102<sup>nd</sup> street culvert replacement was delayed due to weather conditions. The culvert was replaced in the fall 2006. The final road surfacing will be complete in 2007. During 2006, the City and the District continued to work with the Railroad to explore cost-sharing and project parameters for the remaining culvert. Discussions with the railroad are still ongoing and will continue into 2007.

#### *Lower Valley Project Maintenance*

The Lower Valley Restoration Project was completed in 1991 to address erosion issues in the lower reach of Nine Mile Creek. The District and the City of Bloomington continue to partner on this project to address erosion issues and to stabilize the banks of Nine Mile Creek.

#### *Hopkins Streambank and Habitat Restoration Project*

In May 2006, the City of Hopkins petitioned the District for a streambank and habitat restoration project for Nine Mile Creek. The District accepted the petition and authorized the feasibility study for the project. The District is sharing the design responsibilities with the City of Hopkins. The District has entered into a cooperative agreement with the City of Hopkins defining the roles and responsibilities of each party. It is anticipated that the feasibility report will be completed by fall 2007.

3. Continue Use Attainability Analyses & Lake and Creek studies

Since 2004, the Nine Mile Creek has been on the Minnesota Pollution Control Agency's "Impaired Water" lists for turbidity, chloride and fish community Index of Biotic Integrity (IBI). In response to this listing, the District undertook a minimum three-year program, which includes water quality monitoring at three Watershed Outlet Monitoring Program (WOMP) stations on the creek, and electrofishing. In 2007, the District will enter the fourth year of this program. In conjunction with this monitoring, the District will continue to work with the MPCA to determine the appropriate standards for assessing and classifying the creek's impairment, and to identify best practices for improving the water quality in the creek and achieving "unimpaired" status. The District will be working with the MPCA in 2007 to develop TMDL studies for chlorides, turbidity, and fish IBI.

In 2005, the District gained a powerful tool in its efforts to monitor and return the Creek to its best use. Using Creek XP-SWMM water engineering software, the District undertook its first analysis of the regional floodplain since the 1970's, and created modeling for 50, 100 and 500-year storms. The District also completed P8 water quality modeling, which will guide efforts to meet various MPCA goals, such as the requirement that pollutant loads not exceed 1988 standards. The District is using the models to assist the Cities of Bloomington and Eden Prairie with the MS4 non-degradation assessments and reports.

4. Establish a Citizen-Assisted Lake Monitoring Program (CAMP)

In 2006, The District partnered with the Metropolitan Council to support Citizen-assisted Lake Monitoring efforts on 5 lakes in the District. The lakes included in the citizen monitoring program were: Glen Lake & Wing Lake in Minnetonka, Lake Cornelia in Edina, and

Normandale Lake & Bush Lake in Bloomington. The District and the City of Minnetonka cost-shared the support for the Wing Lake monitoring team.

The District plans to continue the CAMP monitoring on the same five lakes and adding Minnetoga Lake to the program in 2007 in partnership with the City of Minnetonka.

5. *Continued Support of Repair and Maintenance Project Proposals*

The District continues to make repair and maintenance funding available to municipalities on a 50/50 cost-sharing basis, allocated according to the number of square mile of each city within the District. In 2006, the District's repair and maintenance funding supported several significant projects:

- Nine Mile Creek Culver Sediment Removal - Edina
- Walnut Ridge Park Trail Improvement - Edina
- Several sediment clean outs throughout City of Bloomington

6. *Education and Outreach*

*Photo Contest and 2007 Calendar*

In 2002, the District held its first photo contest to collect photos to be used in a calendar. The photo contest has been held every other year since 2002. In 2006, the District held its third photo contest to collect photos to use in a 2007 calendar. Over 100 photos were submitted for the contest. The criteria for the photos were that they had to have a water or natural resource focus and be from within the Nine Mile Creek Watershed District. Twenty-four photos were selected to include in the 2007 calendar. The 2007 calendar also serves as the annual



communication for the District. The District distributed the calendars to residents through the mail, at each of the city offices, and public libraries. Over 2700 calendars have been distributed.

#### *Fall Tour*

On September 26, 2006, the District hosted its Fall Tour highlighting the Lone Lake Park parking lot raingarden & stormwater retrofit, the City of Minnetonka City Hall stormwater management practices and future projects that the District is working on. Following the site visits, the tour returned to the Bryant Lake Park Pavillion where John Barten, Three Rivers Park District Water Quality Specialist, gave a presentation on the Park District's efforts to improve water quality. The District recognized its citizen assisted lake monitoring program volunteers with certificates of appreciation. The tour was attended by city, county, and state agency staff, Watershed District Board, staff, & consultants, and members of the District's Citizen Advisory Committee.

#### *Environmental Fairs*

In 2006, Nine Mile Creek Watershed District staff and managers attended and participated in Environmental Fairs hosted by the Cities of Minnetonka and Eden Prairie. The District had its display at the fairs and distributed information about the District, our water quality monitoring efforts, and our new Watershed Management Plan. The fairs provided an opportunity for the District to meet with residents of the District and discuss their concerns about the water quality and overall health of the Watershed.

#### *Presentations to other organizations*

As part of its education and outreach program, District staff gave presentations on interested groups and organizations. Presentations topics included the District's efforts to improve and protect the water resources of the Nine Mile Creek Watershed, alternative

landscaping options to protect water quality, information on Lake Cornelia, and information on the District's stormdrain marking program. Presentations were given to a neighborhood group concerned about Lake Cornelia in Edina, the Wild Ones native plant organization, students at two Edina schools, the Bush Lake Izaak Walton League, and the Minnesota Land Trust.

7. *Reinvigorate the Citizen Advisory Committee*

In 2006, the District made significant efforts to reinvigorate its Citizen Advisory Committee (CAC). District staff developed a survey and mailed it to 50 people currently or previously involved with the CAC to gauge their interest in participating in the CAC, issues of concern, and topics they would be interested in hearing presentations on. The survey received a 90 percent response rate and helped identify areas of interest for CAC participation. Following the survey, District staff had the CAC participate in a planning exercise to identify priority areas, volunteer opportunities, and education/outreach needs. The planning exercise resulted in the development of a Citizen Advisory Committee Work Plan that will guide the CAC activities over the next couple of years.

8. *Update the District's Website*

The District website has been a valuable tool for providing information about the District, its regulatory program, and its meeting calendar. District staff updated the website's calendar and provided period notices regarding District activities on the website. An overall update to the website was not completed due to time constraints and the District's desire to gain the input from the Citizen Advisory Committee.

9. Continue Working with the Technical Advisory Committee

The District worked with the Technical Advisory Committee (TAC) in 2006 during the development of the 3<sup>rd</sup> Generation Watershed Management Plan. The TAC met to review to goals and policies section (Chapter 4 of the Plan) and the implementation section (Chapter 8 of the Plan). The TAC also was involved during the 60-day and 45-day review periods.

10. Minnesota Association of Watershed Districts Participation

Board members and staff attended the Minnesota Association of Watershed Districts' (MAWD) Annual Meeting and Conference and the MAWD Summer Tour. The Board and staff also attended the MAWD Legislative Breakfast. Board members and staff were also active with Metro MAWD and the District Administrator was active with the Association of District Administrators.

**Projected 2007 Work Plan**

Development of New Watershed District Rules

A primary component of the District's 2007 work is the development of new rules to support the goals and policies identified in the 3<sup>rd</sup> Generation Watershed Management Plan. The District will work closely with its Technical Advisory Committee throughout the rule-making process. The rules will reflect the District's desire to protect water quality as well as reduce the volume of water reaching the creek from stormwater runoff.

Implementation of the Eden Prairie Lakes Water Quality Improvement Project

The District will be completing the final designs for this project that includes Northwest and Southwest Anderson Lakes, Bryant Lake, and Birch Island Lake. It is anticipated that a

Request for Proposals for the construction of the project will be issued in the summer with construct to begin during the summer and fall of 2007.

*Feasibility Study of the Hopkins Streambank & Habitat Restoration Project*

In May 2006, the District accepted a petition by the City of Hopkins for a streambank and habitat restoration project for Nine Mile Creek. The District has entered into a cooperative agreement with the City of Hopkins for the design and implementation of the project. In 2007, the District will work with the City of Hopkins to study the feasibility of the project and develop design options to achieve the goals of the project.

*Continue UAA /Lake /Creek Studies*

In 2007, the District will continue to monitor Nine Mile Creek with the WOMP stations. The District will be adding continuous turbidity monitoring transducers at each of its WOMP stations. The District will also continue with the cycled lake monitoring.

*Citizen Assisted Lake Monitoring Program (CAMP)*

In 2007, the District is supporting citizen monitoring through the Metropolitan Council's Citizen Assisted lake Monitoring Program (CAMP). Trained volunteer monitoring teams will collect water quality samples from Lake Cornelia in Edina, Bush Lake and Normandale Lake in Bloomington, and Glen Lake and Wing Lake in Minnetonka. The District is partnering with the City of Minnetonka to support a monitoring team for Minnetoga Lake as well.

*Continued Support of Repair and Maintenance Proposals*

The District continues to maintain a Repair and Maintenance Fund to cost-share with the cities of the District the cost of repair and maintenance of stormsewers, water quality treatment features, and lake and stream projects. The cities request 50/50 cost-share of projects as they are scheduled.

### Continued Support of CAC

The Nine Mile Creek Watershed District historically has had an active Citizen Advisory Committee (CAC). The District worked with the CAC in 2006 to develop a CAC work plan that will guide its activities over the next couple of years. The District will support and guide the CAC on the implementation of the work plan activities.

### Update District Website

In 2007, the District's CAC will be reviewing the District website to make it a more useful tool. The website will be used during the rule making process to post the draft rules for broader access for review. The Watershed Management Plan and rules will be posted on the website so that anyone interested will have an opportunity to review and comment on the rules.

### Technical Advisory Committee

The District anticipates working with the Technical Advisory Committee to begin discussing the development of performance standards and the rules revision process that the District will undertake in 2007. The District will also request the assistance of the Technical Advisory Committee in the development of the TMDL studies in partnership with the Minnesota Pollution Control Agency.

## **Permitting Activity**

### *Summary of Permits and Variances Issued and Denied*

In 2006, the District reviewed and granted 64 grading and land alteration permits. The Board of Managers reviews permit applications, with the assistance from the District Engineer and District Administrator, and imposes various conditions for approval as appropriate. The District issued permits in the following cities: Bloomington – 27; Edina – 17; Minnetonka – 10; Hopkins – 3; Eden Prairie – 6; Richfield – 1.

The District subjects projects to a preliminary review so that it can issue permits simultaneously, or shortly after, municipal permits. In 2006, the District did not grant any permits that required a variance to its rules.

In 1997, the MNDR issued a general permit allowing the District to regulate certain aspects of work in public waters, which streamlines and expedites the permitting process for applicants who undertake certain specified activities. In 2006, the District reviewed and approved four (4) Minnesota Department of Natural Resources Permits for Work in Protected Waters.

### *Enforcement Activity*

The District's engineer regularly inspects permitted work to ensure compliance with permit conditions. If violations are found, the District attorney typically will notify permittees and seek voluntary abatement or correction before resorting to formal legal action. In 2006, no enforcement actions were necessary.

## **Summary of Water Quality Monitoring Data**

Under the 1996 Plan, the District conducted Use Attainability Analyses on all of its major lakes on a three-year rotating cycle. The Engineer's Annual Report contains UAA monitoring data for all of the District's Lakes. The annual Engineer's Report will be completed and made available later this year (2007).

Water quality and biological data collected during 2006 indicate Nine Mile Creek has remained within the historical range of values. The 2006 fish data indicate the stream's ecological use is generally the same or better than the stream's historical data. The stream's average 2006 HBI water quality classification was also within the historical range of values for Nine Mile Creek.

Nine Mile stream water quality data generally met MPCA criteria during 2006 as 93.3% of 2006 measurements met MPCA criteria. High specific conductance measurements at all stream sample locations during March exceeded the MPCA criterion of 1,000  $\mu\text{mho}/\text{cm}$ . Specific conductance measurements on the North Fork exceeded the MPCA criterion during April, June, and July. From historical data, it appears that there is persistently high specific conductance at North Fork stations during the spring and summer period. Dissolved oxygen was below the MPCA criterion (i.e., minimum of 5 mg/L) during July at one North Fork station and during August and September at Main Stem station 7A.

The Nine Mile Creek fish community was assessed to using a fish Index of Biotic Integrity (IBI) to provide a measure of the fish community's ecological health. The fish IBI has had a slight improvement from 2004 to 2006. The average Nine Mile Creek fish IBI across all stations was 25.4 in 2004, 29.5 in 2005, and 31.9 in 2006. Macroinvertebrate data collected from Nine Mile Creek during 1976 through 2006 were analyzed using Hilsenhoff's Biotic Index (HBI)

as another measure of stream quality. The 2006 average HBI value for Nine Mile Creek of 6.10 (fair water quality) was in the middle of the historical range of values (5.6 to 6.7).

The data indicate that despite urbanization impacts, water quality data collected from Nine Mile Creek during 1968 through 2006 have remained relatively stable over time, with fluctuations related to annual climate variability. Urbanization impacts upon the stream has resulted in a fish and macroinvertebrate community tolerant of stream conditions.

### **Status of Local Plan Adoption and Implementation**

The District monitors the plans of watershed districts and water management organizations that affect the District's cities and that have been approved by the Board of Soil and Water Resources. Currently, the cities of Edina, Eden Prairie, Minnetonka, and Richfield have approved local water management plans.

### **Biennial Solicitation of Interest Proposals**

Under M.S.A. 103B.227, subd. 5, the District must issue a biennial solicitation for legal, technical, and other professional services. The District issued a formal solicitation for legal services in June 2005, and selected Smith Partners, PLLP, as its new legal counsel in August 2005. The District issued its biennial solicitation for engineering, accounting, auditing, and communications in July 2005. New proposals for engineering, legal, and other professional services will be solicited in July 2007.



### **Fund Balances for Specific Program Elements.**

The District's fund balances and financial status will be included in the District's annual audit. The annual audit will be submitted upon completion.

### **Status of any Locally Adopted Wetland Banking Program**

Because of the inherent limitations of a fully urbanized watershed, the District has not developed a wetland-banking program. Instead, it uses the state wetland bank administered by the Minnesota Board of Water and Soil Resources.

### **Annual Written Communication to the Public**

As required by Minn. R. 8410.0100, subp.4, the District prepared and disseminated its annual notice to the public that identified the Board members, the current CAC members, contact and public meeting information, and information concerning its role in watershed planning. In 2006, the District ran its annual communication in the Sun Newspapers and produced the 2007 calendar, which included an annual communication piece in the calendar. Copies of the written communications are included in the Appendix.

### **Annual Audited Financial Report and Audit Report**

The District's audited annual financial report was prepared by Tautges Redpath, Ltd., a certified public accounting firm. As required by Minn. R. 8410.0150, subp. 2, the Audited Financial Report includes classification and reporting of revenues and expenditures, a balance sheet, an analysis of changes in final balances, and all additional statements necessary for full

financial disclosure. The 2006 Audited Financial Report may be found in the appendix to this Annual Report.

### **2007 Annual Budget**

The District adopted its 2007 Annual Budget in August 2006. The 2007 Budget may be found in the appendix to this Annual Report.

## **Appendix**

- 1. Annual Audit**
- 2. 2007 Approved Annual Budget**
- 3. Copy of Annual Communication**