



Item 6A.
BCWMC 9-19-13

August 29, 2013

Board of Commissioners
Bassett Creek Watershed Management Commission
c/o Barr Engineering Co.
4700 West 77th Street
Minneapolis, MN 55435

RE: Order, Amendment to the Watershed Management Plan

Dear Chair and Commissioners:

I am pleased to forward the enclosed Order dated August 29, 2013, of the Board of Water and Soil Resources (Board) that approves the 2013 Amendment to the Watershed Management Plan (Amendment) for the Bassett Creek Watershed Management Organization. On behalf of the Board, I wish to commend the Commissioners, staff, consultants, technical advisors, and all others associated with development of the Amendment.

Please be advised that MN Rule 8410.0140, subpart 5 requires within 30 days of adoption of the Amendment the Organization must distribute copies of the Amendment to all agencies and individuals who have received a copy of the draft Amendment in the form of replacement pages for the Watershed Management Plan. Paper copies must be distributed unless the receiving entity has previously agreed to receipt in an alternative format. BWSR looks forward to continuing to work with the Organization as you implement the Plan and document its outcomes.

Please feel free to contact Brad Wozney, Board Conservationist at (651) 296-6068, or at the central office address, for further assistance in this matter.

Sincerely,

Brian Napstad
Chair

Enclosure

cc: Laura Jester, WMO Administrator
cc's continued on next page

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>Mankato</i>	<i>New Ulm</i>	<i>Rochester</i>
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Central Office / Metro Office 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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Hennepin County Board of Commissioners

Joel Settles, Hennepin County Environmental Services (via email)

Karen Chandler, Barr Engineering Company (via email)

Tom Petersen, HCD (via email)

Jack Gleason, DNR (via email)

Rob Sip, MDA (via email)

Pat Bailey, MDH (via email)

Judy Sventek, Metropolitan Council (via email)

William Moore, Metropolitan Council (via email)

Beth Neuendorf, MNDOT (via email)

Juline Holleran, MPCA (via email)

Jim Haertel, BWSR (via email)

Brad Wozney, BWSR (via email)

Mary Jo Anderson, BWSR (file copy)

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the
Amendment to the Watershed Management
Plan for the **Bassett Creek Watershed**
Management Organization, pursuant to
Minnesota Statutes Section 103B.231,
Subdivision 11.

**ORDER
APPROVING
AMENDMENT TO
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Commissioners of the Bassett Creek Watershed Management Organization (Commission) submitted a Watershed Management Plan Amendment dated June 2013 (Amendment), to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

Whereas, the Board has completed its review of the Amendment;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **WMO Establishment.** The Bassett Creek Flood Control Commission was formed in 1968 primarily to study flooding issues in the watershed and adopted a watershed management plan in 1972. In 1984, the Bassett Creek Watershed Management Commission (Commission) was created after revising the Flood Control Commission's joint powers agreement. The Commission prepared its first generation watershed management plan that the Board approved in July 1989.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11. The second generation plan was approved by the Board in August 2004. Subsequently, the Commission completed two major and four minor amendments between 2005 and 2012.
3. **Nature of the Watershed.** The Commission is located in the heart of Hennepin County. It is bound by the Mississippi River WMO to the east, on the south and west by the Minnehaha Creek Watershed District, on the northwest by the Elm Creek WMO, and on the north by Shingle Creek WMO. The watershed encompasses all or part of the following nine cities: Plymouth, Medicine Lake, Golden Valley, Robbinsdale, Crystal, New Hope, Minnetonka, St. Louis Park, and Minneapolis. Bassett Creek discharges into

the Mississippi River in downtown Minneapolis below St. Anthony Falls. The watershed contains five major lakes and three creek branches. The Bassett Creek watershed covers 39.6 square miles and is predominantly fully developed. Scattered areas of redevelopment throughout the watershed are proposed.

4. **Amendment Development and Review.** The Amendment proposes to add three capital projects to the capital improvement program. The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on February 28, 2013. The Commission received comment letters from the Metropolitan Council, MN Department of Agriculture, MN DNR, MPCA, and the Board. All comments during the formal comment period were addressed and did not result in plan changes. The Commission held public hearings on May 16 and June 20, 2013, with no comments that resulted in plan changes. The Hennepin County Board approved the proposed amendment in accordance with MN Stat §103B.231 Subd. 7(c). The final draft Amendment was submitted to the Board and plan review agencies on June 27, 2013, for final review and approval.
5. **Metropolitan Council Review.** Met Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan*.
6. **Department of Agriculture Review.** The MDA did not have any comments on the Amendment.
7. **Department of Health Review.** The MDH did not comment on the Amendment.
8. **Department of Natural Resources Review.** The DNR had significant permitting concerns regarding the Schaper Pond Diversion Project and had recommendations on completing systematic subwatershed assessments in the WMO, reviewing its standards to address infiltration and abstraction, and incorporating outcomes of the MIDS process. The Commission fully addressed the concerns such that the DNR had no further comments.
9. **Pollution Control Agency Review.** The PCA did not have any comments on the Amendment.
10. **Department of Transportation Review.** The DOT did not comment on the Amendment.
11. **Local Review.** The Commissions circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. No comments were received.
12. **Board of Water and Soil Resources Review.** Board staff commended the Commissions for maintaining a current Plan and had no other comments.
13. **Amendment Summary.** The Amendment proposes to add three capital improvement projects to the capital improvement program (Table 12-2): Schaper Pond improvements,

Briarwood-Dawnview water quality improvement project, and Twin Lake alum treatment.

14. **Metro Region Committee Meeting.** The Board's Metro Region Committee met on August 12, 2013, to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Jack Ditmore, and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Mary Peterson. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Bassett Creek Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 11.
3. The Bassett Creek Watershed Management Organization's Amendment attached to this Order defines the need and purpose of the Plan changes and the methods of financing.
4. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Amendment dated June 2013 to the Bassett Creek Watershed Management Organization Watershed Management Plan.

Dated at Two Harbors, Minnesota this 29th day of August 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


BY: Brian Napstad, Chair