

BDWMO 2022 Watershed Management Plan - 60-day Review Comments and Responses

August 2, 2022

ID No	Entity	Plan Section	Plan Page	Topic	Comment	Proposed Response	Plan Edit
1	BWSR	2.1.2, 2.12.1, 6		Linked references	Ensure hyperlinks are valid (Section 2.1.2, Section 2.12.1) and provide weblinks, when available, to referenced reports and studies (e.g. Section 2.8.4.4, Section 6).	Plan links will be checked and updated, as necessary, immediately prior to publication.	Y
2	BWSR	2.7.1.3 2.7.1.5	2-28 2-29	Impaired Waters	Section 2.7.1.3 for Orchard Lake and Section 2.7.1.5 for Lac Lavon. Please add clarifying language to narrative discussing listed impairments in these sections. Section 2.9.3 identifies that both resources are impaired for mercury in fish tissue.	Section 2.7.1.3 and Section 2.7.1.5 have been updated to note the impairments for mercury in fish tissue.	Y
3	BWSR	2.9.2 2.10	2-47 2-49	Water Quality Trends Water Quantity and Flooding	Section 2.9.2 Lake Water Quality, Trend Analysis, and Action Levels and Section 2.10 Water Quantity and Flooding. Water quality, water quantity and discharge trends are not summarized or there is limited to no discussion in the land and water inventory (MN Rule 8410.0060 Subp. 1.F). Please add narrative that generally describes water quantity and discharge trends and provide specific referenced locations (i.e. weblinks) to all city local surface water management plans where the complete data and analysis is freely accessible. Please expand on water quality discussion for strategic resources and provide revise BDWMO weblink to the reports section on the BDWMO website.	The water quality Section 2.9.2 has been updated to more explicitly discuss the results of trend analyses and include a direct link to the 2021 annual report which presents the results in graphs. Flow data is not available to characterize discharge trends in the watershed. A qualitative analysis of available lake level data has been added to Section 2.10 to generally characterize hydrologic trends. Note also that precipitation trends are described in Section 2.1.	Y
4	BWSR	4.3	4-5	Erosion and Sedimentation Goals and Policies	Plan priorities did not specifically include erosion or sedimentation as a high or a low priority issue. However, the Plan does incorporate sedimentation concerns as a greater water quality issue. Goal C and Goal H are also identical. Please clarify. We suggest the elimination of one of the redundant goal statements and incorporate Goal G and the erosion/sedimentation policies into the water quality goals and policies presented in Section 4.1.	The structure of Section 4 in the 60-day draft reflects the old (2012) Plan. The policies in current Section 4.3 have been migrated to other sections as appropriate. Goal G and H have been removed to reduce redundancy with remaining water quality goals.	Y
5	BWSR	2.8.8.4	2-42 5-5	Studies and Capital Projects	A list of previously completed studies are presented in Section 2.8.4.4. If the BDWMO anticipates completing additional implementation activities identified in any of these studies, we suggest that Section 5.1.5 be updated to include a list of those studies and related hyperlinks, and the implementation scheduled revised as necessary to reflect.	The study most likely to yield future projects in the near future is the City of Apple Valley's Keller Lake Subwatershed Assessment, as Keller Lake remains impaired. Section 5.1.5 has been updated to note this and include a link to that document.	Y
6	BWSR	Table 5-3		Implementation Schedule	Please correct footer alignment in Table 5-3, unable to read full footer text.	Footer alignment has been corrected so footnotes are fully legible	Y

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7	BWSR	5.1.5 Table 5-2 Table 5-3	5-5	Implementation Schedule	Section 5.1.5 and subsequent implementation tables. It is unclear what structural capital improvements the BDWMO anticipates completing in the life of this plan (MN Rule 8410.0105, Subp. 2). For structural projects/programs Tables 5-2 and 5-3 identifies direct BDWMO funds to the general watershed-wide projects/programs (PP-1, PP-2, PP-3). All other projects/program included for specific strategic water bodies are noted to assume local funding provided by City/partners with possible administration/grant funding support by the BDWMO, however, no specific implementation schedule is identified in table 5-3. Please address.	<p>At the time of developing the 60-day draft Plan, the BDWMO and member cities had not identified projects with enough specificity to detail them beyond the generally-scoped waterbody-specific line items in Table 5-2 and Table 5-3. The City of Apple Valley has subsequently identified several projects planned within the first few years of Plan implementation. Tables 5-2 and 5-3 will be updated to include these specific projects and anticipated years of implementation. The BDWMO anticipates that these opportunities will be funded by City funds in combination with BWSR Clean Water Fund Watershed Based Implementation Funding (WBIF). Notes to this effect will be added in the implementation years in Table 5-3.</p> <p>The items in Table 5-2 and Table 5-3 will be further defined as member cities identify and schedule future project opportunities. This may require Plan amendments. The amendment process is described in Section 5.1.5.</p>	N
8	BWSR	Table 5-4	5-16	Local Plans	Table 5-4 on page 5-16, please clarify if the City of Burnsville has adopted its local surface water management plan.	Table 5-4 will be updated to include the date of Burnsville local water plan adoption	Y
9	BWSR	5.5.2.1	5-17	Local Plans	Please clarify reference to amendment procedure for a local surface water management plan which is outlined in Section 5.5.2.1. Narrative provides reference to MN Rule 8410.0160 which does not identify a specific procedure.	The reference to MN Rules 8410.0160 has been removed. Section 5.5.2.1 has been updated to note that member cities must submit their local plan amendments to the BDWMO to approve or provide comment within 60 days.	Y
10	Dakota County	NA	NA	General	The County encourages the BDWMO and member cities to coordinate with the County for collaboration and potential cost participation on water quality improvement projects to ensure an equitable implementation strategy for all MS4s in addressing the Keller TMDL.	The BDWMO will consider opportunities for collaboration with the County when evaluating or implementing activities related to the Keller Lake TMDL. Dakota County has been added to the "Partners" for implementation activities KL-1 and KL-2 addressing Keller Lake.	Y
11	Dakota County	2.5	2-15	Geology	As of 2022, the Minnesota Geological Survey and Department of Natural Resources are in the process of updating the Dakota County Geologic Atlas.	The text of Section 2.5 has been revised to note an update is planned in 2022.	Y

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12	Dakota County	2.14	2-58	Pollutant Sources	Subsurface Sewage Treatment Systems (SSTS, AKA septic systems) – Should note that the member cities of the WMO regulate SSTS within their boundaries, subject to their local ordinances and County Ordinance 113, in addition to state law and rule.	Text has been added noting that member cities also regulate SSTS via local controls and Dakota County Ordinance 113.	Y
13	Dakota County	3.6	3-11	Groundwater Issues	For private drinking water wells, Dakota County is implementing a Community Focused Sampling Program, in accordance with the 2020-2030 Groundwater Plan. On a five-year rotation, the County is offering every household that uses a private drinking water well the opportunity to have their well tested, at no cost to the household, for contaminants such as nitrate, arsenic, manganese, lead, and chloride. <ul style="list-style-type: none"> o Burnsville – projected for sampling in 2023 o <i>[Links provided in letter for other City studies]</i> In 2021-2022, also in accordance with the Groundwater Plan, Dakota County has initiated a Groundwater/Source Water Collaborative, in which the WMO’s member cities are participating.	Text has been added to Section 2.6.3 to summarize the program and 2019-2020 results. Text has been added to Section 3.6 noting the availability of the program and referring the reader to Section 2.6.3 for more information.	Y
14	Dakota County	4.6	4-8	Groundwater Policies	Recommend adding a policy that member cities will help promote or encourage the sealing of unused wells since it was mentioned as a potential contamination source in previous chapters. Note that the County does have a well seal grant program to help landowners with cost-share of sealing wells.	A policy has been added to Section 4.5 (new numbering of groundwater section) noting that the BDWMO and member cities shall promote well sealing leveraging County resources, as available.	Y
15	Dakota SWCD	NA	NA	NA	Letter of no comment received June 15, 2022.	The BDWMO appreciates the Dakota SWCD's review and participation throughout the planning process.	N
16	MDNR	NA	NA	NA	Letter of no comment received July 8, 2022.	The BDWMO appreciates the MDNR's review and participation throughout the planning process.	N
17	MPCA	NA	NA	NA	Letter of no comment received July 8, 2022.	The BDWMO appreciates the MPCA's review and participation throughout the planning process.	N
18	MnDOT	4.9.1	4-13	Performance Standards	The trigger for rate and volume control and permanent water quality treatment (1 acre of disturbance per Section 4.9.1) should be based on added/reconstructed impervious consistent with the NPDES permits rather than based on soil disturbance. As a State agency, MnDOT does not follow the local city stormwater requirements, but follows the NPDES requirements.	The BDWMO prefers to keep the trigger based on disturbance rather than impervious area, to require treatment for smaller projects that would otherwise not meet the trigger. The BDWMO recognizes that MnDOT is exempted from this performance standard and operates under the NPDES permit.	N

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19	Met Council	4.9.1 Table 4-1 Table 4-2	4-13	Performance Standards	The BDWMO is not a permitting authority, and its general philosophy is that the member communities are responsible for managing water resources in the watershed. BDWMO should consider promoting uniform performance standards (Table 4-1) and wetland management performance standards (Table 4-2) among the member cities in the watershed.	During the Plan update process, the BDWMO reviewed current city performance standards and determined that updates to establish uniform performance standards would require significant effort from member cities to update local controls with limited benefit (i.e., no significant change in overall performance standards)	N
20	Met Council	5.1.5 Table 5-2 Table 5-3	5-5	Implementation Schedule	The costs for many of the projects/ programs management actions in Tables 5-2, (Implementation Schedule - with activity descriptions) and 5-3 (Implementation Schedule - estimated cost by year) are listed as "TBD". While we realize it is difficult to plan future projects over a ten-year span, and the reality of annual budgets, this really is central to the implementation section of the plan and any further detail or specifics that could be provided would improve the plan. If this isn't possible at this time, any changes to these tables should be made via minor amendments to the plan as they are available.	See response to comment #7 above	N