

Minnesota Board of Water and Soil Resources  
One West Water Street, Suite 200  
St. Paul, Minnesota 55107

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**In the Matter** of the Boundary Change Petition  
for the Minnehaha Creek Watershed District in  
Hennepin County pursuant to Minnesota  
Statutes § 103B.215

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**ORDER  
BOUNDARY  
CHANGE  
HEARING**

Whereas, the Minnehaha Creek Watershed District filed a Petition dated February 9, 2000 with the Board of Water and Soil Resources (Board) on February 9, 2000, to change the watershed district's boundaries pursuant to Minn. Stat. § 103B.215, and;

**Whereas**, the Board has completed its review of the Petition;

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

**FINDINGS**

1. **Petition.** The Petition to change the boundary of the Minnehaha Creek Watershed District was filed by the Minnehaha Creek Watershed District Board of Managers with the Board on February 9, 2000.
2. **Property Description.** The territory to be included in the watershed district is an Area in Hennepin County, approximately 7 10 acres contiguous to the international airport, which includes but is not limited to, the Veterans Affairs Medical Center, Fort Snelling Cemetery, Bureau of Mines, a U.S. Naval facility, the Minnesota Department of Transportation, the Minneapolis Park Board, Camp Coldwater, and the Metropolitan Airports Commission. The Petition describes the Area in detail in Exhibits A and B of the Petition.

3. **Reasons for change.** The Petition lists the following:
  - A. The Area is not under the management or jurisdiction of any watershed district or joint powers watershed management organization.
  - B. The Area contains valued surface and ground water resources, including wetlands, black ash seeps along the Mississippi River bluffs, and Camp Coldwater Springs, a Native American sacred site and a valued natural and cultural resource. A remnant of native prairie, whose relation to the existing hydrology is not yet known, also is found within the Area.
  - C. MNDOT Highway 55 reconstruction will pass through the Area, including substantial construction associated with the Highway 55/Route 62 interchange. This construction will create potential wetland and surface water impacts and impacts on these valued groundwater resources. Light rail transit construction will follow, with a similar need for careful oversight.
  - D. The State of Minnesota recently has indicated an active intent to seek occupancy and use of buildings within Fort Snelling that lie within the Area, creating the likelihood of substantial construction activity associated with modernizing and providing infrastructure for the compound.
  - E. The remainder of the Area encompasses an assortment of federal and state lands subject in the coming years to transfer into other public or private hands and to use or development in ways not yet known.
4. **Filing Notice and Hearing Notice.** Minn. Stat. § 103B.215, Subd. 3 requires a notice of filing be published twice and, if a hearing is requested, publish a notice of hearing twice and hold a hearing. Due to the controversial nature of the Petition, the Board's commitment to timeliness and efficiency, and the Minnesota Department of Transportation's concern and request to comment, a notice should be published twice that includes both the filing and the hearing details. The notice would be mailed to all interested parties.
5. **Hearing Location.** The hearing should be held at the Veterans Affairs Medical Center

Conference Room. The facility is handicap accessible and located within the Area affected by the proposed boundary change.

6. Hearing Panel. The Board's Metro Water Planning Subcommittee should preside over the hearing due to their familiarity with the issues.
  
7. Hearing Time. The hearing should be held on Thursday, April 27, 2000, starting at 4:00 PM.
  
8. Hearing Scope. Testimony at the hearing will be limited to the merits of the proposed watershed district boundary change and the consistency or inconsistency of the proposed boundary change with the Metropolitan Surface Water Management Act as set forth in Minnesota Statutes § 103B.205 to 103B.255. Also, it is likely the Lower Minnesota River Watershed District will file a petition before the hearing involving this area and the entire Minneapolis--St. Paul International airport. Therefore, the notice should include the airport and surrounding areas not presently under a watershed management organization and, if such petition from the Lower Minnesota River Watershed District is received before the hearing, comments regarding both petitions should be considered at the hearing. (See Minn. Stat. § 103D.205, Subd. 5)

## CONCLUSIONS

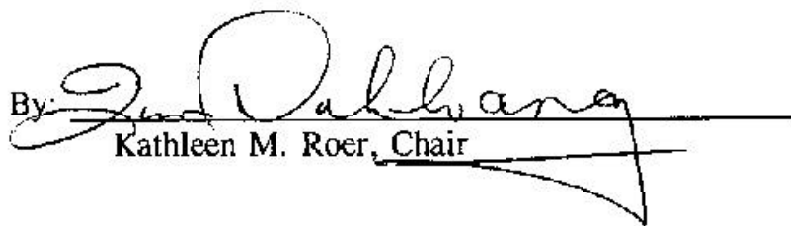
1. The petition for boundary change for the Minnehaha Creek Watershed District is valid in accordance with Minn. Stat. § 103B.215.
2. All relevant substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change hearing.
4. Notice of filing and hearing should be published as one notice due to the controversial nature of the Petition and the Minnesota Department of Transportation's request to comment.
5. The hearing should consider both petitions if the Lower Minnesota River Watershed District files a similar petition before the hearing.
6. The Notice of filing should include the Minneapolis--St. Paul International airport and surrounding areas not in a watershed management organization.

**ORDER**

The Board hereby orders that the hearing on the Petition for Boundary Change for the Minnehaha Creek Watershed District be heard by the Metro Water Planning Subcommittee on Thursday, April 27, 2000, starting at 4:00 PM at the Veterans Affairs Medical Center Conference Room, One Veterans Drive, Minneapolis, Minnesota, and that consideration be given to a similar petition if the Lower Minnesota River Watershed District files such petition before the hearing.

Dated this 22nd day of March, 2000.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By:   
Kathleen M. Roer, Chair