

BOARD OF WATER AND SOIL RESOURCES
1 West Water Street, Suite 200
St. Paul, Minnesota 55107

PETITION FOR BOUNDARY CHANGE OF
MINNEHAHA CREEK WATERSHED DISTRICT
PURSUANT TO MINNESOTA STATUTES §103B.215

TO: Board of Water and Soil Resources
1 West Water Street
Suite 200
St. Paul MN 55101

The Minnehaha Creek Watershed District (MCWD) hereby petitions the Board of Water and Soil Resources (BWSR) for an order approving the change of boundary of the MCWD to include additional lands encompassing 710 acres as described herein.

1. The MCWD encompasses an area of 181 square miles, including most of Hennepin County and a portion of Carver County and encompassing part or all of thirty cities and townships, including the lower third of the City of Minneapolis.
2. The MCWD contains all land that drains to Minnehaha Creek. Another 1675 acres of land, or 2.6 square miles, drains directly to the Mississippi River between the outlet of Minnehaha Creek to the north and the confluence of the Mississippi and Minnesota Rivers to the south. Of this area, 940 acres presently lies within the MCWD. The remaining 735 acres is contiguous to the MCWD and is not under the management or jurisdiction of any watershed district or joint powers watershed management organization (JPWMO).
3. The area that the MCVVD petitions BWSR to incorporate within its boundaries is delineated in Exhibit A and described with particularity in Exhibit B (hereinafter, the "Petitioned Area"). The boundary of the Petitioned Area approximates the hydrological divide separating Mississippi River and Minnesota River drainage. The Area comprises parts A and B as delineated in Exhibit A, respectively 75 and 635 acres in size, for a total area of 710 acres.
4. The Petitioned Area contains valued surface and groundwater resources, including wetlands, black ash seeps along the Mississippi River bluffs, and Camp Coldwater Springs, a Native American sac--red 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.

5. Watershed district or JPWMO oversight of the Area is important at this time in light of planned and potential future development activity within the Area.

- a. The Minnesota Department of Transportation Highway 55 reconstruction will pass through the Area, including the 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.
- b. 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.
- c. 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.

6. Inclusion of the Petitioned Area within the MCWD is wholly consistent with the purposes of Minnesota Statutes §§103B.205 to 103B.255.

- a. The Area contains valued surface and groundwater resources that it is the purpose of §§103B.205 to 103B.255 to protect. See Minn. Stat. §103B.201.
- b. The change conforms to the principle of establishing boundaries on a hydrological basis. Presently all land, other than the Area, that drains to the Mississippi River south of the M Minnehaha Creek outlet is within the MCWD. The change would place all such land within the authority of a single water management body. Further, there is substantial evidence that surface waters and shallow aquifer flows within the MCWD, from the Lake Minnetonka area to that portion of the MCWD directly north of and contiguous to the Area, feed groundwater flows underlying the Area and hydrologically support Camp Coldwater Springs and the seeps within the Area.
- c. Foremost, the statutes establish a comprehensive planning and management process that intends for water resources within the seven-county metropolitan area to be actively managed and protected by a watershed district or JPWMO. The area southeast of and contiguous to the City of Minneapolis, of which the Petitioned Area is a part, is the only land within the metropolitan area that is under the jurisdiction of no water resource management authority. This petition seeks to bring under MCWD management and oversight that part of the area that drains to the

Mississippi River. The other proximate authority, the Lower Minnesota River Watershed District, is exclusively concerned with lands draining to the Minnesota River. The MCWD is the appropriate, and only appropriate, water resources management body to assume authority over the Area.

- d. The statutes mandate that water resource management include both a capital improvement program and official controls applicable to development activity. Absent watershed district or JPWMO jurisdiction, no capital improvements or development controls may be instituted for water resource protection within the Area. This gap is aggravated by the similar absence of municipal jurisdiction over the state and federal lands that make up the Area. Further, the lack of MCWD jurisdiction over this land adjacent to the Mississippi River constrains the MCWD's ability to undertake future capital projects for management of Mississippi River drainage that originates within MCWD boundaries.

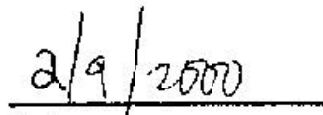
7. The Petitioned Area lies within the territory of no city, town, watershed district or JPWMO, so that the concurrence requirement of Minnesota Statutes §103B.215, subs. 2(c) and 4(c), is inapplicable.

8. Pursuant to Minnesota Statutes §103B.225, the MCWD represents that no property in the affected area is responsible for any outstanding indebtedness, levies or assessments, and that the boundary change will not affect any benefits or damages for previously constructed improvements.

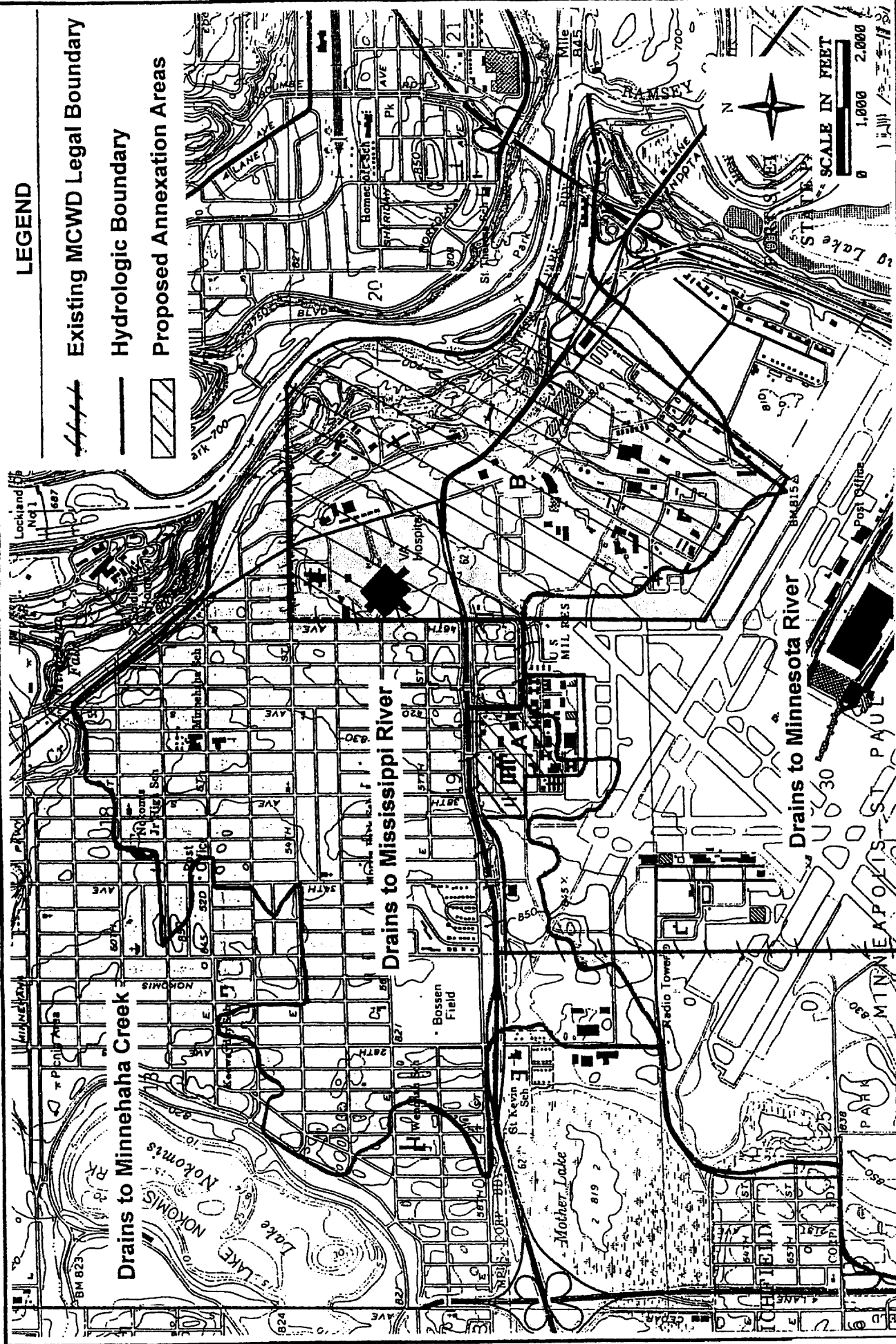
WHEREFORE, the undersigned by her signature submits this petition on behalf of and pursuant to authority granted by the Minnehaha Creek Watershed District Board of Managers to the Board of Water and Soil Resources, in accordance with Minnesota Statutes § 103B.215 and the rules and procedures of the Board, and respectfully asks the Board to issue findings and an order making the boundary change requested herein.





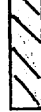
Pamela Blixt, President

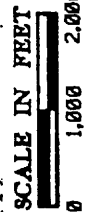


Date



LEGEND

-  Existing MCWD Legal Boundary
-  Hydrologic Boundary
-  Proposed Annexation Areas



JAN 2000

Wenck
 Vigrick Associates, Inc.
 1800 Pioneer Creek Center
 Maple Plain, MN 55359
 Environmental Engineers

Drains to Minnehaha Creek

Drains to Mississippi River

Drains to Minnesota River

MINNEHAHA CREEK WATERSHED DISTRICT

Proposed District Boundary Change

**MCWD Boundary Change Petition
Petitioned Area**

1. Beginning at the existing boundary of the Minnehaha Creek Watershed District at the intersection of the east line of Section 25 and the centerline of Highway 62, proceeding southerly to the south boundary of the City of Minneapolis;
2. Thence easterly on the City of Minneapolis south boundary line to the centerline of 37th Avenue extended;
3. Thence southerly on the centerline of 37th Avenue extended, the same also being the boundary line between the MAC and U.S. Property; to the centerline of 59th Street;
4. Thence easterly on the centerline of 59th Street, the same also being the boundary line between the MAC and U.S. Property, approximately 600 feet to the centerline of 39th Avenue extended;
5. Thence southerly on 39th Avenue extended, the same being the boundary line between the MAC and U.S. Property, a distance of approximately 900 feet;
6. Thence southeasterly on the boundary line between the MAC and U.S. Property approximately 300 feet;
7. Thence easterly on the boundary line between the MAC and U.S. Property approximately 1,300 feet;
8. Thence northerly on the boundary line between the MAC and U.S. Property to the centerline of 59th Street;
9. Thence easterly on the centerline of 59th Street, the same also being the boundary line between the MAC and City of Minneapolis, to the centerline of 46th Avenue;
10. Thence southerly on the boundary line between the MAC and U.S. Property, the same also being the east line of Sections 19 and 30, Township 28 North, Range 24 West, 4th Principal Meridian, approximately 2,800 feet;
11. Thence southeasterly on the boundary line between the MAC and U.S. Property to the centerline of Bloomington Road;
12. Thence northeasterly on the centerline of Bloomington Road to the centerline of State Highway 5, and continuing northeasterly on the centerline of Bloomington Road extended to the east boundary of Hennepin County;
13. Thence northwesterly on the east boundary of Hennepin County to the intersection with the existing boundary of the MCWD at 54th Street;
14. Thence following the existing boundary of the MCWD to the point of beginning.