



**Metropolitan Division**  
Waters Edge  
1500 West County Road B2  
Roseville, MN 55113

March 16, 2000

Mr. Ronald Harnack  
Executive Director  
Minnesota Board of Water and Soil Resources  
One Water Street, Suite 200  
Saint Paul, MN 55107

Re: Minnehaha Creek Watershed District  
2/9/2000 Petition for Boundary Change

Dear Mr. Harnack:

The Minnesota Department of Transportation (MnDOT) has reviewed a copy of the February 9, 2000, petition from the Minnehaha Creek Watershed District (MCWD) requesting a boundary change. The area proposed for annexation includes the Veterans Administration complex and other federal properties located on the north side of the airport complex.

MnDOT has several concerns with this proposal and is taking this opportunity to note our objection to the boundary change. We request that the Minnesota Board of Water and Soil Resources (BWSR) consider our comments during your review process.

At the outset, it is important to understand the true impetus behind the request for the boundary change. MnDOT attended a MCWD meeting on the night of January 6, 2000, to discuss the monitoring we are conducting as part of the TH 55 construction near Minnehaha Creek. Near the close of that meeting TH 55 protestors requested that the MCWD Managers consider extending the Watershed boundaries to include the area surrounding Coldwater Spring. Subsequently the "Preserve Camp Coldwater Coalition" wrote the attached January 19, 2000, letter to the MCWD requesting that the MCWD petition BWSR for the boundary change. This was prompted by the fact that MnDOT has a contract letting scheduled in June of 2000 for the final portion of TH 55 that connects to TH 62. At their January 20, 2000, meeting the MCWD Managers directed their staff and attorney to prepare the boundary change request in response to the TH 55 protestors.

**The Proposed Boundary Change Will Needlessly Continue the TH 55 Controversy**

The TH 55 project now under construction has been under development since the 1960's. It is strongly supported by the City of Minneapolis and Hennepin County. As the project developed it was modified significantly to address concerns of the City, the Minneapolis Park Board, and the Citizen Task Force representing residents and businesses. After

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more than thirty years of planning and public involvement the project is now nearing completion. While the project has broad support from the local government agencies, elected officials and residents, protest groups continue to refuse to recognize or accept the fact that the TH 55 reconstruction and the subsequent LRT project address critical transportation needs of the region. Numerous lawsuits have been filed in court. In all cases, the county, state, and federal court systems have upheld the project development and environmental review process MnDOT utilized. Unfortunately these challenges have simply served to consume substantial public fluids in legal costs, staff time and project delays.

The proposed boundary change represents yet another attempt by the protest groups to extend this controversy and voice their opposition to the TH 55 and LRT projects. Redefining Watershed District boundaries in response to the goals of protest groups is simply poor public policy. It is time to end the ml 55 controversy and complete this public works project.

**Development Activities in This Area Are Being Appropriately Managed By the Responsible Regulatory Agencies**

The MCWD petition implies that since the area is currently not within a watershed district or management area, water resource issues are not being adequately considered. That is simply not the case. For the proposed TH 55 and 62 interchange project MnDOT has been coordinating and obtaining permits from the Corp of Engineers, Department of Natural Resources, and Pollution Control Agency. Erosion control, wetland impacts, and groundwater monitoring requirements are already being addressed by these agencies which have current jurisdiction in this area. In fact, as a courtesy we have included MCWD representatives in meetings with the Corp of Engineers and DNR to include their input in developing the agreed upon monitoring plans with those agencies. Further, the courts have determined that this project complies with the provisions of Section 4(f) of the Department of Transportation Act of 1988, the National Environmental Policy Act, the federal Clean Air Act, the Native American Grave Protection Act, and the National Historic Preservation Act. Within the next month the project design will have been completed. The design complies with the rules and requirements of all agencies that currently have permit oversight. We object to the proposed redefinition of Watershed District boundaries to unnecessarily add yet another permitting requirement at the eleventh hour and possibly delay our project.

**The Area To Be Annexed Is Beyond The Hydrologic Boundaries of Minnehaha Creek Drainage Area**

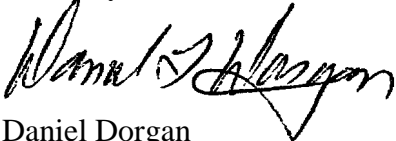
The Minnehaha Creek Watershed District was established in 1967 to protect the water resources of the Minnehaha Creek watershed. The area to be annexed drains to the

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Mississippi River, not Minnehaha Creek. Extending the Watershed District boundaries to the proposed area of annexation is inconsistent with the primary mission of the MCWD to protect Minnehaha Creek. While we understand it is difficult or sometimes impractical to legally define a watershed boundary along strict hydrologic boundaries, this proposal goes far beyond the hydrologic boundaries of Minnehaha Creek.

For the reasons noted above we object to the petition proposal and request that the Minnesota Board of Water and Soil Resources deny this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Dorgan". The signature is fluid and cursive, with a large, stylized initial 'D'.

Daniel Dorgan  
Assistant Division Engineer  
Project Development

Attachment: January 19,2000 letter

cc: Margo Labau