

Lake Shamineau High Water Outlet

Stakeholder Coordination Plan

July 10, 2020

1. Plan Purpose

The purpose of this Stakeholder Coordination Plan (“Plan”) is to document the proposed approach to the development of the Lake Shamineau High Water Outlet Project (“Project”), which will include an outlet that will transfer water from Lake Shamineau to Fish Trap Creek for the purpose of alleviating the flooding that is occurring on the lake. The Plan is intended to provide a roadmap for the development of the Project and focuses on the initial phases of identifying an initial concept for the Project and outreach efforts to gather information and answer questions posed by agencies, landowners and other stakeholders. The Plan was prepared by the Lake Shamineau Lake Improvement District (“LSLID”) to assist them with their outreach efforts by laying out their approach to the Project, including potential timelines for discussions with stakeholders and anticipated requests for information and input.

The Plan may not address all key regulatory requirements or decision points, and some issues may arise as the Project is further developed. The Plan is likely to evolve as information is gathered and decisions are made. The LSLID intends to distribute the Plan, and any subsequent updates, to interested stakeholders as a means of keeping everyone advised of the latest information.

2. Project Overview

The LSLID recently determined that a previously studied option for an infiltration system was not going to be a feasible solution. It was also determined that other options involving pipes or ditches running north and east from the northeast corner of the lake were not viable due to landowner concerns and permitting obstacles. The LSLID is now pursuing an outlet that will center around transferring water from the lake to Fish Trap Creek, with a couple similar routes being considered at the present time. Generally speaking, the LSLID is proposing to pump lake water out of the southwest corner of the lake through a forcemain running west along 340th Street and then south along US Highway 10 where it will eventually outlet and gravity flow through the highway and then downstream to Fish Trap Creek. The forcemain could potentially discharge into a ditch that has recently been cleaned out on the south side of County Road 203. It is also possible that the water could end up crossing under the highway through another existing culvert located farther south of the county road. Other route options could also be considered as additional information is gathered.

The LSLID recently retained Houston Engineering, Inc. (“HEI”) to assist the LID with an initial system capacity analysis and an associated outreach effort to gather information and coordinate

with project stakeholders, including local, state and federal agencies, property owners and LSLID members. This effort will include a review of the capacity of the system required to address the flooding issues along with a cursory review of the potential impacts associated with transferring the water downstream. It is anticipated that HEI and the LSLID will be working on these efforts over the course of the next few months, with the bulk of the effort being completed prior to the LSLID's annual meeting to be held on August 29, 2020.

At the present time the LSLID is assuming that a filtration system will be required in order to prevent Eurasian Water Milfoil (EWM) from being transferred downstream. The DNR is in the process of completing a survey of Fish Trap Lake and Fish Trap Creek to verify whether EWM is present or not. If EWM is found in those water bodies, it is likely that a filter will not be required.

3. LSLID Contacts & Personnel

- a. Lake Shamineau LID:
 - i. Cindy Kevern, Rick Rosar, Bob Koll, Fred Comb, Ardis Sandstrom
 - 1. Main contact: Rick Rosar (612-709-6402) Rick@RapidGlass.com
- b. Houston Engineering:
 - i. Mike Opat (Project Manager), Mark Aanenson (Environmental), Jeff Langan
 - 1. Main contact: Mike Opat (701-499-9473) mopat@houstoneng.com

4. Project Stakeholders

The LSLID has already engaged some stakeholders in preliminary discussions pertaining to the proposed outlet to Fish Trap Creek. A list of many, but not all, of the potential stakeholders that will potentially be involved is included below, along with a brief summary of known concerns, recent discussions, key decisions points and other relevant information. Many decisions will be tied to more than one stakeholder and some of these connections are also identified below. The stakeholders are listed in no particular order.

- a. LSLID
 - i. Responsible for developing a permanent outlet project, including the determination of the route and capacity of the system.
 - ii. The LSLID will be holding its annual meeting on Saturday, August 29, 2020 and they will updating its membership on the Project and potentially asking for the membership to approve additional funding, if it has been determined by that point that additional funds are needed.
- b. HEI
 - i. Assisting the LSLID with engineering and environmental services associated with the Project.
- c. MnDNR
 - i. Public Waters Permit: It is anticipated that the LSLID will need to secure a Public Waters Permit associated with the construction of the inlet work that will be located in Lake Shamineau. The remainder of the project will not be subject to MnDNR permitting unless public waters are impacted by construction; however, the Public Waters Permit for the inlet may include conditions tied to downstream

impacts. The MnDNR has determined that the Project will not require a Water Appropriations Permit.

- ii. Filter: At the present time, MnDNR is advising the LSLID that a filter capable of filter EWM is required. The MnDNR is conducting a field survey of Fish Trap Lake and Fish Trap Creek to check for the presence of EWM in those water bodies and a filter will may be required if EWM is found in those water bodies.
 - 1. Given the presence of EWM in Lake Alexander, which drains into Fish Trip Lake, the LSLID believes that it may just be a matter of time before EWM becomes present in Fish Trap Lake, if it isn't already. The LSLID would also like to look into the viability of EWM in a riverine setting, such as Fish Trap Creek; thereby making it unnecessary to filter water being discharged directly into the riverine setting. For these reasons, amongst others, the LSLID would like to further the discussion with the MnDNR on the need for a filter if EWM is not found in Fish Trap Lake and/or Fish Trap Creek during the current survey.
 - iii. Funding: The LSLID is seeking funding support from the State of Minnesota through the MnDNR.
 - 1. The LSLID will be submitting a report to Pat Lynch (MnDNR) by the end of July which will document a potential route, preliminary costs and a proposed timeline through construction. Submittal and approval of this report should release \$52,000 in state funding to the LSLID to fund the current phase and some additional project development efforts.
 - 2. The LSLID is seeking Flood Damage Reduction (FDR) funding from the state to help offset costs of the Project. The amount of this funding is currently unknown. Funding for the FDR program is included in the proposed bonding bill that is pending consideration if/when the legislature reconvenes under a special session.
- d. Morrison County
- i. Morrison County has been designing a system to divert the inflows coming into the lake and diverting them to the newly cleaned out ditch ("Blue Line Ditch") south of CR 203 in Scandia Valley Township. They are diverting inflows to Lake Shamineau along CR 203 south of the lake, creating an impoundment area and pumping the water 1 mile over high ground to the new ditch. The county is funding this effort.
 - ii. The LSLID may need to secure permission from the county to cross CR 203 with the forcemain for the permanent project. This will be addressed during the final design phase.
 - iii. The LSLID will work with Morrison County Land Services on any zoning or land use approvals required for the project.
- e. Todd County
- i. Initial discussions and/or communications have taken place between the LSLID and Lew Noska (SWCD) and Nancy Uhlenkamp (Todd County Ditch Inspector).

3. Shannon Wettstein is the SWCD representative on the Morrison County TEP
 4. Lew Noska is the SWCD representative on the Todd County TEP
 5. If the LGU is already represented on the panel there might only be two members of the panel (i.e. if the SWCD is acting as the LGU).
- iii. If a project potentially impacts public waters or wetlands in the shoreland zone a representative from the Minnesota Department of Natural Resources (DNR) participates on the TEP.
 1. Mark Anderson is the MnDNR representative on both the Todd County and Morrison County TEPs, if a DNR representative is required.
 - iv. All of these representatives on the TEP have technical expertise in wetland issues.
- h. United States Army Corps of Engineers (USACE)
- i. USACE's role with this project is to regulate potential impacts to Waters of the United States (WOTUS), specifically discharges of fill into those water bodies. At the present time the LSLID anticipates that any impacts to wetlands resulting from construction of the Project will be temporary in nature. Construction of the inlet works, and potentially the outlet works, may require USACE authorization under Section 404 of the Clean Water Act. The need for a permit, and the type of permit required (i.e. individual vs. Nationwide Permit) will not be known until the Project is designed. The LSLID will submit any necessary permit applications at such time that the Project has been designed to a level that all potential impacts to WOTUS are known.
- i. Landowners
- i. The LSLID will secure necessary property rights for construction and operation of the Project. The extent of the property rights needed is not known at this time because the route for the project, the size of the system and the capacity of the downstream waterways have not been identified. The LSLID, with assistance from HEI as requested, will contact potentially impacted landowners early in the process and continue to maintain contact with them throughout the process. A general approach to these discussions might go as follows:
 1. Secure permissions for survey work
 2. Initial discussions/identify concerns
 3. Gather information to address questions
 4. More detailed discussions once engineering data on impacts is available
 5. LSLID secures letter of intent/agreements, etc. from landowners that will allow LSLID to set route and project features and proceed with design, permitting and construction knowing that the property rights are secured.
 6. Follow up with formal legal documents for flowage easements and easements or fee title acquisitions for construction.
- j. LSLID Membership
- i. The LSLID membership has elected members of the LSLID Board to represent their interests and lead the development of a permanent outlet. The LSLID Board will keep the membership apprised of the status of the Project and may seek input

from the membership as decisions are made, but for the most part all decisions rest with the Board (see below).

- ii. The LSLID must follow the legal requirements associated with the special assessment process (Chapter 429), including obtaining approval of the membership to levy special assessment to the membership. The LSLID has already approved special assessments associated with the Project, but the membership will need to approve any changes the special assessments if they are anticipated to exceed the amount that was originally approved.
- k. Crookneck Lake Improvement District (CLID)
 - i. The CLID has previously expressed concerns pertaining to the potential impact the drawdown of Lake Shamineau could have on Crookneck Lake. The LSLID is aware of these concerns and is proceeding with the development of the Project with CLID's concerns in mind. Members of the LSLID Board are talking with members of the CLID Board and meetings and communications will continue, and information will be shared as it becomes available.
- l. MnDOT
 - i. The LSLID is anticipating that the proposed route for the Project will likely include forcemain installation and other appearances that will be constructed within the right-of-way for US Highway 10. The LSLID will coordinate with MnDOT as soon as a feasible route has been identified and the LSLID will submit applications for all necessary permits and approvals.
 - 1. The LSLID is aware that permission from MnDOT to install permanent utilities (including the LSLID's forcemain pipe) may come with a condition that the LSLID is responsible for relocating the utility at the LSLID's sole expense should MnDOT require the utility to be relocated due to reconstruction of the highway (or for other reasons).
- m. Townships
 - i. The LSLID is anticipating that the proposed route for the Project will include the construction of ditches and forcemain installation and other appearances that will be constructed within the right-of-way along township roadways. The LSLID will secure permission from the township, and underlying landowners if necessary, to complete this work.
 - ii. The LSLID is currently analyzing the capacity of the existing crossings through township roads located between US Highway 10 and Fish Trap Creek. The LSLID will consult with township officials and address potential deficiencies that would be caused by the addition of water from Lake Shamineau.
- n. Lake Shamineau Emergency Task Force (LSETF)
 - i. The LSETF has been working on emergency means and methods of removing water from Lake Shamineau and preventing additional water from entering the lake. This group is separate from the LSLID Board and the LSLID. The LSETF and the LSLID Board will continue to update one another on their efforts.
- o. Project Team
 - i. The purpose of the Lake Improvement District project team is to provide communication and feedback as the LID moves through the LID approved High-

Water Outlet Control Project. Team members will provide valuable input to the LSLID Board of Directors to enable them to make informed decisions on the project. The team is made up of a diverse cross section of representatives including Lake Shamineau Association Members, Lake Shamineau commercial and residential property owners, Morrison County Commissioner, and LSLID Board members.

- ii. The project team will work in support of the overall goal of the High-Water project to determine a solution to the high-water problem that is most feasible, cost-effective and timely, and will minimize ongoing maintenance and future operating costs.

5. Project Development Plan

- a. The following plan outlines the general approach the LSLID is intending to follow as it works toward identifying and developing a permanent outlet for Lake Shamineau. This plan is not set in stone and is anticipated that it will evolve as discussions are held with stakeholders, information is gathered, and decisions are made. For this reason, this plan is currently focused on the near-term with a further generalized view of the long-term.
 - i. July/August 2020:
 - 1. HEI completing field survey, concept plan and system capacity analysis.
 - a. Lew Noska will look for existing information on past US Fish & Wildlife projects along the proposed route.
 - 2. Consult with MnDNR (ongoing)
 - a. MnDNR jurisdiction established (Public Waters Permit for inlet works; water appropriations permit not required)
 - b. Initial decision on need for EWM filter pending (early July)
 - i. Further discussion depending on decision
 - c. LSLID will coordinate with DNR on potential conditions applied to the Public Waters Permit once engineering information on the potential hydraulic impacts to downstream waterways is available.
 - 3. Discuss the potential for discharging water from Lake Shamineau into TCD 41 with Todd County
 - a. Initial discussions have taken place. Further discussions will be had in July and continue as necessary.
 - b. LSLID and county officials to discuss the potential for the LSLID to pay an outlet fee to gain permission to discharge into the ditch (early July).
 - c. Engineering information on the potential hydraulic impacts to downstream waterways will be available by July 24, 2020.
 - 4. Landowners
 - a. The LSLID will contact landowners potentially impacted by the water flowing from the outlet downstream to Fish Trap Creek.

Some of these discussions have already taken place and the LSLID will attempt to contact all of these landowners in July and discussions will continue as needed and as more information becomes available.

- b. The LSLID will contact additional landowners potentially impacted by the water being discharged from Lake Shamineau into the Fish Trap Creek/TCD 41 system as needed and these discussions will continue as the project moves forward.
 - c. As the concept plan for the Project is developed and the route and associated construction footprint are identified the LSLID will contact all landowners potentially impacted by the construction footprint. If the concept plan changes and the associated construction footprint changes the LSLID will immediately notify all property owners.
5. LSLID Membership
- a. The LSLID membership will hold its annual meeting on August 29, 2020. At that time the LID members will be asked to vote on budget items related to the project. Members will receive information on this when they receive their annual meeting information in the mail in early August.
6. TEP
- a. The LSLID will communicate with the TEP(s) as the initial outreach efforts are occurring and to provide periodic updates, but substantive discussions with the TEP will not be initiated until permit applications are submitted, which is not expected to take place until the fall of 2020 or later.
- ii. The goal with the steps listed above is to identify a feasible solution to the problem with documented landowner support, a pathway to regulatory approval and adequate funding.
1. Once a feasible solution is identified the LSLID will move forward with the next steps in the process, including preliminary design, permitting, and regulatory approval.
 2. Once necessary permits and other approvals are in hand the LSLID can move forward with final design, right of way acquisition, and construction.