



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

AGENDA LAKE MINNETONKA CONSERVATION DISTRICT

Wednesday, April 24, 2019
Wayzata City Hall
600 Rice Street, Wayzata, MN 55391

WORK SESSION 6:00 p.m. to 7:00 p.m.

The purpose of the Work Session is to allow staff to seek input from the Board and for the Board to discuss matters in greater detail than generally available at the formal Board Session. The Board may give staff direction or express a preference, but does not formally vote on matters during Work Sessions. While all meetings of the Board are open to the public, Work Session discussions are generally limited to the Board, staff, and designated representatives. Work Sessions are not videotaped.

1. No Work Session- Meeting to Start at Formal Agenda

FORMAL BOARD AGENDA 7:00 p.m. to Adjournment

The purpose of the Formal Session is to allow the Board to conduct public hearings and to consider and take formal action on matters coming before the LMCD.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. CHAIR ANNOUNCEMENTS, Chair Gregg Thomas
6. APPROVAL OF MINUTES – 04/10/2019 LMCD Regular Board Meeting
7. APPROVAL OF CONSENT AGENDA
 - A) Audit of Vouchers (04/16/2019 – 04/30/2019)
8. PUBLIC COMMENTS – Persons in attendance for subjects not on the agenda (**limited to 5 minutes**)

Audience members may provide information to the Board. The Board generally will not engage in public discussion or take action on items not on the agenda. The Board may ask for clarifications or direct staff to report back on items at future meetings.

9. PUBLIC HEARINGS

- A) Non-Intoxicating Liquor License Application for PaddleTap LLC

10. OTHER BUSINESS

- A) None

11. OLD BUSINESS

- A) Authorization of Professional Services Agreement for Vegetation & AIS Master Plan Consultant and Budget Amendment
- B) Legislation Update

12. NEW BUSINESS

- A) USGS Zebra Mussel Control Research Project Temporary Structure Request

13. TREASURER REPORT

14. EXECUTIVE DIRECTOR UPDATE

- A) Ice Out Status
- B) Lake Minnetonka High Water Level Process

15. STANDING LMCD COMMITTEE / WORKGROUP UPDATE

- Aquatic Invasive Species Taskforce
- Budget Workgroup
- Recodification Workgroup
- Save the Lake Committee
- Strategic Plan Subcommittee

16. ADJOURNMENT

Future Items – Tentative

- Lake Use Vision and Policy Discussion Continuing Series- TBD
 - Lake Sales Discussion – on hold

ITEM 6

LAKE MINNETONKA CONSERVATION DISTRICT BOARD OF DIRECTORS

7:00 P.M., April 10, 2019
Wayzata City Hall

WORK SESSION

6:00 p.m. to 6:55 p.m.

Members present: Dan Baasen, Wayzata; Ben Brandt, Mound; Bill Cook, Greenwood; Ann Hoelscher, Victoria; Gary Hughes, Spring Park; Mark Kroll, Orono; Chris Rich, Woodland; Nicole Stone, Minnetonka; and Jake Walesch, Deephaven.

Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matthew Cook, Environmental Administrative Technician.

Members absent: Dennis Klohs, Minnetonka Beach; Mike Molitor, Minnetrista; Gregg Thomas, Tonka Bay; and Deborah Zorn, Shorewood. (Excelsior Vacant.)

Audience: Gabriel Jabbour, Tonka Bay Marina; Jerry Rockvam, Rockvam Boatyards; Rich Anderson, North Shore Marina; Travis Anderson, North Shore Marina; Bill Olson, Howards Point Marina; Bob Sarna, 500NNL; Dave Briggs, Wayzata Marine; Jay Soule, Al & Alma's; Josh Leddy, Back Channel Brewing; Brett Niccum, Niccum Docks; Victoria Seals, Orono City Council; Matt Johnson, Orono City Council;

Acting Chair Baasen called the Work Session to order at 6:05 p.m.

1. COMMUNICATIONS AND ENGAGEMENT

Hoelscher stated that a couple of members and staff had recently had an informal meeting with a communications consultant regarding the LMCD's public engagement efforts. She asked the Board to provide input as to whether the Workgroup should solicit bids from other communications consultants to assist in executing the District's Communications Plan and developing public engagement tools.

Rich asked what price the communications consultant offered for his or her services.

Hoelscher stated that the consultant stated a quote of \$20,000 to \$25,000 depending on scope of services.

Cook stated that he believed the Board needs to more clearly define what it hopes to get out of a communications consultant before requesting proposals for communications services.

Gilchrist suggests that a draft RFP be created for the board to consider.

2. MOBILE MEETINGS

Hoelscher stated that the Excelsior City Council has decided to hold some of its meetings in different locations within the city to connect with the community. She suggested that the LMCD consider a similar approach, holding LMCD Board meetings around Lake Minnetonka. Hoelscher acknowledged that mobile meeting logistics may prove difficult to accommodate.

Cook noted that most of the city halls around the lake are wired to record and/or broadcast meetings, so the LMCD Board could reasonably expect to use those facilities.

Baasen noted that there may be a cost involved with renting different meeting rooms. He added that the LMCD's contract with the City of Wayzata for the current LMCD Board meeting room may be impacted.

Kroll suggested the LMCD come to Orono City Hall or one of the marinas in Orono.

Rich stated that the LMCD having a consistent location for Board meetings makes it easier for the public to find and provide input.

Hughes noted that the LMCD Board has 14 members, and most city council chambers will not be big enough to host the LMCD Board.

Baasen suggested the LMCD gather more information regarding mobile meetings for future consideration.

Hoelscher stated that the LMCD could also wait to learn from the experience of the city councils around the lake that are testing out the mobile meeting model.

3. MULTIPLE DOCK LICENSEES LISTENING SESSION

Baasen stated that if by the end of the listening session, the Licensees felt like they had more to say, the LMCD Board could schedule more time at a future meeting.

Jabbour stated that he wanted to talk to the LMCD Board about its relationship with the marinas on Lake Minnetonka. He noted that the marina owners and operators met last weekend at the Shorewood Yacht Club to discuss their shared frustrations.

Jabbour stated that he believed that the LMCD needed to meet regularly with marina owners. Jabbour said that each of the marinas he owns have been foreclosed upon or filed for bankruptcy. He provided a Hennepin County tax statement for Al & Almas Queen of Excelsior, 687 Excelsior Boulevard stating the taxes have gone up a lot.

Jabbour listed some things he has done for the lake and stated he doesn't feel appreciated. He provided a letter, signed by the former Hennepin County Sheriff supporting marinas.

Jabbour stated that he has spent over \$41,000 to investigate the LMCD and he has invested millions around the lake.

Jabbour noted that the City of Minnetonka Beach's Comprehensive Plan pledges to give 100% of city residents boat slips.

Jabbour stated that he personally saw two issues with the LMCD. He said the first issue was that the LMCD Board does not appear to like him anymore or appreciate his contributions to the Lake. Jabbour said that the

second issue he sees is that the LMCD Board does not get out on the lake enough.

Jabbour stated he questioned the LMCD's authority to require licenses and charge license fees, wanted to question the State Auditor, and intends to bring a legal challenge against the LMCD. He added that he paid for the additional deputy on the Lake for three years.

Rockvam stated that he and his wife started Rockvam Boatyards in 1961, before the LMCD was established. He said that the Legislature created the LMCD in 1967 to address a poorly-maintained marina. Rockvam said that the LMCD had many lawsuits in the following years, adopting an adversarial relationship with marinas.

Rockvam stated that proposals for fuel boats have come to the LMCD Board three times and have gotten more attention than the marinas have. He said that the LMCD Board needs to decide if they believe the marinas provide value on the lake.

Jabbour asked to meet with some of the Board members to discuss these topics further.

Hoelscher volunteered to be part of that group.

Baasen stated that the LMCD Board would discuss the matter and reach out to Jabbour with a plan.

R. Anderson stated that he felt Matt Johnson of the Orono City Council should have been able to speak longer at the last LMCD Board meeting or speak about an item on the agenda. He expressed his concern about Minnetonka Beach opposing the legislation to remove LMCD regulation of off-lake boat storage facilities, the term "high-use marinas", and stated marina owners keep their marinas clean.

Jabbour added that he believed that docks on city land could not be allocated exclusively to residents of the same city. He explained that residents of other areas should have the same access to a city dock as other public resources.

REGULAR MEETING

7:00 p.m.

1. CALL TO ORDER

Acting Chair Baasen called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Dan Baasen, Wayzata; Ben Brandt, Mound; Bill Cook, Greenwood; Ann Hoelscher, Victoria; Gary Hughes, Spring Park; Mark Kroll, Orono; Chris Rich, Woodland; Nicole Stone, Minnetonka; and Jake Walesch, Deephaven.

Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matthew Cook, Environmental Administrative Technician.

Members absent: Dennis Klohs, Minnetonka Beach; Mike Molitor, Minnetrista; Gregg Thomas, Tonka Bay; and Deborah Zorn, Shorewood. (Excelsior Vacant.)

4. APPROVAL OF AGENDA

MOTION: Hughes moved, Walesch seconded to approve the amended agenda as presented.

Hoelscher requested amend the motion to amend the agenda, moving Item 10 to be considered as Item 8.

Thomas and Rich agreed.

VOTE: Motion carried unanimously.

MOTION: Hughes moved, Walesch seconded to approve the amended agenda as amended.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Acting Chair Baasen commented that there was an incident this afternoon on Lake Minnetonka. He stated that a man and his wife were found dead in their bed. He stated that the LMCD respects the loss of the Jacobs.

6. APPROVAL OF MINUTES- 03/27/2019 LMCD Regular Board Meeting

Rich noted on page nine, paragraph four, it should state, "...~~did not see it appropriate that this issue should have been pushed through without addressing or alerting the LMCD~~ believed the LMCD should have been notified first."

MOTION: Baasen moved, Rich seconded to approve the 03/27/2019 LMCD Regular Board Meeting minutes as amended.

VOTE: Motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA

MOTION: Cook moved, Kroll seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (04/01/2019 – 04/15/2019); **7B)** March Financial Summary and Balance Sheets; and, **7C)** Resolution Accepting Save the Lake Contributions (02/27/2019 – 03/31/2019).

VOTE: Motion carried unanimously.

8. OTHER BUSINESS

A) Hennepin County Sheriff Office Presentation

Dave Hutchinson, Hennepin County Sheriff, stated that ice out is approaching. He stated that the Sheriff's Office intends to continue and improve communications with the LMCD and Freshwater Society. He stated that they will have four boats on the lakes and are attempting to find additional funds to provide another person on Water Patrol. He stated that Lake Minnetonka is the largest and most public part of the Water Patrol division and remains a focus. He stated that he is committed to this effort and hopes that the relationship between the organizations will continue to grow. He provided details on staffing levels and water safety education. He stated that although enforcement will continue to be an element, they would also like to use education to prevent things from reaching those points. He hoped that the Sheriff's Office will have a stronger presence at events this summer. He provided a summary of the incidents from the past year including warnings, citations, and other enforcement and incident information. He stated that he is excited to be here.

Acting Chair Baasen thanked Hennepin County and the Sheriff's Office Water Patrol for all their efforts. He stated that the LMCD has had good relationships with the partnership for the past 20 to 25 years and will continue to provide support.

Hoelscher gave credit to the Sheriff for the drug sniffing goat video, which received a lot of attention. She commented that using humor to engage people is a great way to get attention.

Acting Chair Baasen stated that the Sheriff's Office assists with the boater safety classes with the LMCD and the information shared is helpful.

Sheriff Hutchinson stated that education is a huge focus, to keep people safe and avoid having to issue citations.

9. PUBLIC COMMENTS- Persons in attendance, subjects not on the agenda (limited to 5 minutes)

Richie Anderson, 3205 Crystal Bay Road, stated that he has two marinas and has been operating marinas in Orono since 1976. He stated that last week he asked an elected official, Matt Johnson, to come and talk about some of the agenda items. He stated the Chair did not let him talk long enough or comment on certain agenda items. He stated that he was not pleased with comments made about Orono or the city's ability to police the marina activity. A previous open forum commenter was allowed to talk for 25 minutes.

Acting Chair Baasen stated that the members of the Board are changed every two years on average. He stated that the LMCD can pursue the issue that was discussed with Mr. Anderson at the workshop.

Victoria Seals, 3620 Eileen Street, stated that as appointed or elected people it is the responsibility to listen. She noted that often elected officials take heat from the public. She stated that the LMCD Board is appointed

by their city and requested that the LMCD reach out to member cities.

10. PUBLIC HEARING

There were no public hearings.

11. OLD BUSINESS

A) Annual Financial Audit Report

Steven McDonald, Abdo, Eick & Meyers, presented the 2018 audited financial statement and the results of the audit. He reported that the field work was completed in February and the draft report was finalized. He stated that they provide an opinion on the financial statements and provided an unmodified/clean opinion, which is the highest-ranking result. He stated that they also check for Minnesota legal compliance and there were no issues of noncompliance. He advised that they review the internal controls and preparation of financial statements, noting that there are not enough checks and balances in that process because of the limited number of staff similar to other agencies of small size. He provided a summary of the fund balance information. He thanked staff for their assistance in this process.

Cook referenced the general fund balance and asked for additional information on why a reserve of that magnitude should be held.

Mr. McDonald replied that level of reserves would provide 25 to 50 percent of budgeted expenditures, which is equal to three to six months of expenses. He explained that it is important to have those funds available for times when cash is not coming in given the smaller budget.

12. NEW BUSINESS

A) Hennepin County Sheriff's Office Water Patrol Request for Funding

Acting Chair Baasen stated that he wanted to ensure that the Save the Lake Committee was able to review the request, noting that a number of different funding requests have been made throughout the years and the funding provided is dependent on the available funds. He stated that the request this year for the Water Patrol was \$42,000. He noted that Save the Lake met the previous day to consider the request and other funding obligations and recommended approving an allocation of \$30,000, which is an increase of \$5,000 from the previous year. He stated that while he wishes that they could contribute more, the available funds are dependent on the funds raised and other funding obligations.

MOTION: Kroll moved, Walesch seconded to approve a funding request in the amount of \$30,000 for the Hennepin County Sheriff Water Patrol efforts.

VOTE: Motion carried unanimously.

Sheriff Hutchinson stated that they are appreciative for the funds and will continue to provide a high level of service.

Acting Chair Baasen stated that they are also committed to continuing the partnership, which is why they were able to increase the funding from the previous year by \$5,000.

13. TREASURER REPORT

No report.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Ice Out - The Hennepin County Sheriff's Office works with the Freshwater Society to determine ice out and information will be posted on the LMCD website.
- Water levels – some concerns have been raised with the higher water levels. The Watershed District has been monitoring and providing updates to ensure that the lake levels do not get too high and to prevent flooding downstream.
- Zebra Mussel research project will occur in 2019. An information sheet is available. Potential locations for buoys have been identified and there is a tentative public meeting scheduled for April 23rd at 6:00 p.m. at the Deephaven City Hall.
- Staff will begin the preparation of solar lights over the next few weeks to prepare for installation.
- Winter installation projects are wrapping up and some may not occur until next winter.

COMMUNICATIONS PROGRAM

Hoelscher stated that the workgroup talked about potentially creating an RFP to receive communications assistance. She asked if the Board would need a motion for that action.

Gilchrist confirmed that would be appropriate. He noted that the Board would still have the opportunity to review the RFP and determine if it should be distributed.

MOTION: Hoelscher moved, Baasen seconded to request staff to draft an RFP to bring back to the Board for the purpose of contracting with a communications expert.

VOTE: Motion carried unanimously.

Hoelscher stated that she was contacted by the city of Excelsior regarding a desire to have LMCD presence at Art on the Lake. She stated that the LMCD has hosted booths at different community events. She noted that this event would be Saturday June 8th and Sunday June 9th. She stated that she is not available and asked if members of the Board would be interested.

Cook stated that he could staff the booth for half a day.

Baasen stated that he could assist as well.

Cook confirmed that he could be the lead for the event and planning.

Baasen stated that former Board member Shuff would most likely be willing to help as well. He stated that the events are fun and encouraged more Board members to participate in similar outreach activities.

Hoelscher stated that the cost for the non-profit table at the event would be \$110.

MOTION: Hoelscher moved, Cook seconded to participate in the Art at the Lake event on June 8th and June 9th in Excelsior.

VOTE: Motion carried unanimously.

16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce – RFP Update: Cook reported that three proposals were received for support services for AIS and the review of the harvesting program. Interviews will be held the following day and the Selection Committee will provide a recommendation to the Board at the next meeting. He noted that the proposals are consistent between the offerings, costs, and levels of experience.

Budget Workgroup: Cook reported that the group will meet to review the 2018 audit. He tasked the group with bringing forward a number of issues to the Board that will help the organization determine how to best move forward in the future relating to budget impacts.

Recodification Workgroup: Gilchrist stated that he is planning to prepare a rough draft plan to roll the document out for public comment.

Save the Lake Committee: Acting Chair Baasen reported that the group met to discuss the funding request for the Water Patrol. He stated that they also discussed the spring solicitation letter. He stated that they intend to send the spring letter in early May. He stated that the previous year the incentives to give at higher levels were effective and therefore the Committee would like to allocate up to \$3,000 to add incentives for contribution partnerships at the levels of \$250 and beyond.

MOTION: Kroll moved, Hoelscher seconded to approve funding of up to \$3,000 to add incentives for contribution partnerships at the levels of \$250 and beyond.

VOTE: Motion carried unanimously.

Acting Chair Baasen referenced the solar light program, noting that the Committee is reviewing whether that program should be expanded past simply channel buoys. He stated that they are also looking to add a second boater safety program. He encouraged new Board members to participate in the class. He stated that the program is geared for youth 12 to 17 years old.

Strategic Plan Subcommittee: Schleuning reported that the Committee met and had good discussion. She stated that a few ideas will be brought forward to the Board to prioritize.

17. ADJOURNMENT

Being no further business, the meeting was adjourned at 7:56 p.m.

Dan Baasen, Acting Chair

Ann Hoelscher, Secretary

11:05 AM

04/16/19

Lake Minnetonka Conservation District
Check Detail
April 16 - 30, 2019

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
04/30/2019	EFT19-47	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-7,363.40
			P. E.R.A.	2020 · Payroll Liabilities -	Admin.	1,028.31
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-550.88
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-561.91
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-7,405.75
04/25/2019	EFT19-48	ADP Service Fee		Alerus Checking		
			Payroll 4/16/19 - 4/30/19	4180M10 · Professional Services - Admin.	Admin.	-76.70
TOTAL						-76.70
04/25/2019	EFT19-49	Frontier Communications		Alerus Checking		
			Phone and Internet 4/4/19 - 5/3/19	4060M10 · Telephone - Admin.	Admin.	-186.69
TOTAL						-186.69
04/30/2019	EFT19-50	SelectAccount Group Service Fee		Alerus Checking		
			HSA Administrative fee for April ...	4380M10 · Employee Benefits - Admin.	Admin.	-1.90
TOTAL						-1.90
04/25/2019	EFT19-51	Health Partners		Alerus Checking		
			Dental Insurance, May 2019	4380M10 · Employee Benefits - Admin.	Admin.	-111.76
TOTAL						-111.76
04/25/2019	EFT19-52	State of Minnesota		Alerus Checking		
			Unemployment Salaries (Tom El...	4020M30 · Salaries - EWM	AIS	-1,509.48
TOTAL						-1,509.48
04/25/2019	EFT19-53	P.E.R.A		Alerus Checking		
			Payroll 4/16/19 - 4/30/19	2020 · Payroll Liabilities -	Admin.	-1,028.31
TOTAL						-1,028.31

11:05 AM
04/16/19

Lake Minnetonka Conservation District
Check Detail
April 16 - 30, 2019

Date	Num	Name	Memo	Account	Class	Paid Amount
04/19/2019	EFT19-54	SW/WC Service Cooperatives		Alerus Checking		
			Health Insurance, May 2019	4380M10 · Employee Benefits - Admin.	Admin.	-1,394.00
TOTAL						-1,394.00
04/25/2019	EFT19-55	US Bank		Alerus Checking		
			Meeting Supplies	4230M10 · Meeting Exp. - Admin.	Admin.	-13.97
TOTAL						-13.97
04/25/2019	21590	ABDO EICK & MEYERS LLP		Alerus Checking		
04/25/2019	Inv.#413915		Audit Services	4040M10 · Auditing - Admin.	Admin.	-9,400.00
TOTAL						-9,400.00
04/25/2019	21591	City of Mound		Alerus Checking		
04/25/2019	Rent, May		Rent, May 2019	4320M10 · Office Rent - Admin.	Admin.	-1,570.45
TOTAL						-1,570.45
04/25/2019	21592	FRANCOTYP-POSTALIA, INC.		Alerus Checking		
04/25/2019	Inv.#RI104015...		Quarterly Rental Fee for Postage...	4080M10 · Postage - Admin.	Admin.	-89.85
TOTAL						-89.85
04/25/2019	21593	LMCC		Alerus Checking		
04/25/2019	Inv.#1275		VOD Services for Meeting 4/10/19	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00
04/25/2019	21594	Mark Hodges Media Productions		Alerus Checking		
04/25/2019	Inv.#20190410		Meeting 4/10/19	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-80.00
TOTAL						-80.00

11:05 AM
04/16/19

Lake Minnetonka Conservation District
Check Detail
April 16 - 30, 2019

Date	Num	Name	Memo	Account	Class	Paid Amount
04/25/2019	21595	TimeSaver Off Site Secretarial, Inc.		Alerus Checking		
04/25/2019	Inv.#M24639		Board Meeting Minutes 3/27/19, ...	4230M10 · Meeting Exp. - Admin.	Admin.	-217.13
TOTAL						-217.13



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: April 24, 2019

TO: LMCD Board of Directors

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director

SUBJECT: New Non-Intoxicating Liquor License for PaddleTap LLC

ACTION

Board consideration of PaddleTap LLC new 2019 non-intoxicating liquor license and receive public input as part of the public hearing for the application. The ports of call include Lord Fletchers, Spring Park; Back Channel Brewing (5th Street Ventures), Spring Park; Metro Lakes Marina, Mound; City of Wayzata Docks, Wayzata; and City of Excelsior Docks, Excelsior.

The following motions are offered depending on whether the Board wishes to approve or deny the request.

Approval:

I make a motion to approve PaddleTap LLC 2019 Non-Intoxicating Liquor License with the following authorized ports of call: Lord Fletchers, Spring Park; Back Channel Brewing (5th Street Ventures), Spring Park; Metro Lakes Marina, Mound; City of Wayzata Docks, Wayzata; and City of Excelsior Docks, Excelsior <with the following conditions...> .

Denial:

I make a motion to direct LMCD legal counsel to draft Findings of Fact and order denying PaddleTap LLC 2019 Non-intoxicating Liquor License based on the following reasons...

BACKGROUND

Ryan Jaeger of PaddleTap LLC (PaddleTap) has submitted the attached new non-intoxicating liquor license application for a new watercraft for hire vessel named *Miracle*. Operation of this vessel will be similar to the usage of other PaddleTap watercraft for hire on Lake Minnetonka.

As with the other two existing licensed PaddleTap watercraft for hire on Lake Minnetonka, patrons of the *Miracle* will bring their own alcoholic beverages. This requires a Non-intoxicating Liquor License from the LMCD and a Consumption and Display Permit from the Alcohol & Gambling Enforcement Division of the State Department of Public Safety.

The *Miracle* is being built as a 30-foot pontoon by Pontoon-American. The total capacity is anticipated at 18, which includes two crew members. The applicant will install a toilet facility on the vessel.

The *Watercraft for Hire* license is approved administratively, and the watercraft will be required to be built in accordance with LMCD Code Section 3.07 and other applicable regulations.

The applicant proposes to berth the watercraft at 5th Street Ventures. The applicant has identified Lord Fletchers, Spring Park; Metro Lakes Marina, Mound; City of Wayzata Docks, Wayzata; and the City of Excelsior Docks, Excelsior as its ports of call. LMCD Code Section 5.44, Subd. 2 states that "no ports of call shall be authorized by the Board without first securing a certificate from the municipality within such port of call lies stating the activities conducted by the applicant at the port of call are in compliance with municipal zoning laws." Staff have submitted the certificates for approval to the Cities of Spring Park, Mound, Excelsior, and Wayzata.

Pursuant to LMCD Code Section 5.05, Granting of License, the LMCD shall conduct a preliminary investigation of the applicant. The LMCD utilizes the Hennepin County Sheriff's Office (HCSO) to perform the investigations. The investigation has been completed and no disqualifying evidence was found.

APPLICATION FEE/PRELIMINARY INVESTIGATION DEPOSIT REFUND

The application fees paid for this request includes \$200 for the annual non-intoxicating liquor license application and a \$500 preliminary investigation deposit. Pursuant to LMCD Resolution 95, any balance not charged against the preliminary investigation deposit will be refunded.

PUBLIC HEARING

The public hearing provides an opportunity for interested individuals to present their views to the Board for consideration. This is an important part of reviewing the impact of a project. Only items under the LMCD Code and Board authority may be considered as part of any approval or denial decision.

Pursuant to LMCD Code Section 5.05, Subd. 2, Hearing and Issuance, the District shall investigate all facts set out in the application and not reviewed as part of the preliminary background investigation.

The hearing notice was published in the April 11, 2019 edition of the Lakeshore Weekly News. In addition, the Board packet was posted on the LMCD website, the public hearing announced on the Facebook and Twitter accounts, and the agenda posted on the LMCD bulletin board.

STAFF RECOMMENDATION

LMCD staff recommends the Board approve PaddleTap LLC 2019 Non-intoxicating Liquor License on condition of the following items:

- Installation of a bathroom;
- Receipt of all required materials, including insurance certificates, municipal certificates for ports of call, and a signature of approval from the head of HCSO Water Patrol; and
- Satisfactory completion of all required watercraft inspections.

Staff also recommends the Board approve a refund of any amount of the \$500 not applied to the background investigation deposit.

If this request is approved, pursuant to LMCD Code Section 3.07, Subd. 3 Issuance of Certificate, the Executive Director will issue PaddleTap LLC a 2019 Watercraft for Hire Certificate for the *Miracle* when applicable code requirements are met.

ATTACHMENT

- LMCD Liquor License Application
- Hennepin County Sheriff's Office Preliminary Investigation Report
- Public Hearing Notice



Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364
Phone: (952) 745-0789



ON-SALE BEER or NON-INTOXICATING MALT LIQUOR LICENSE

LMCD Fee 2019-81 License # _____ Name of Boat _____
(For LMCD use) 2019-82 Public Hearing Date _____

Because this form is to be copied, please use black ink or type. The form may be filled out online and printed.

I RYAN Jaeger as Paddle77P LCC owner for
(Name of person making application) (individual owner, officer, or partner)

and in behalf of Paddle77P LCC hereby submit in
(Myself, names of partners, name of corporation or association)

duplicate this application for on-sale non-intoxicating malt liquor license for the
Miracle located at
(Name of Charter Boat)

4787 Shoreline Dr. Spring Park MN 55389
(Street address of home port of call)

For the sale of beer in accordance with the provisions of the Minnesota Statutes, Chapter 340A and Chapter 437, Section 6, Minnesota Laws 1986, and of Lake Minnetonka Conservation District (LMCD) Code Chapter V, and to LMCD Resolution No 81. LMCD Code Section 5.21 defines "beer" or "non-intoxicating malt liquor" as any malt beverage with an alcoholic content of more than half of one percent by volume and not more than 3.2 percent by weight. The license is issued commencing upon board approval, 20__ and ending December 31st of the licensed year. Beer sales are not allowed under LMCD license while charter boat is in the port-of-call; license for those sales falls under the jurisdiction of the municipality involved.

Annual fee for an on-sale non-intoxicating malt liquor license..... \$200.00

Fee for a preliminary investigation required to be paid on submission of an initial application fee or an application for transfer of an on-sale non-intoxicating malt liquor license with any balance to be refunded and any over-cost to be prepaid..... \$500.00

TOTAL FEE ATTACHED..... \$

(Application fees are non-refundable)

In support of said application and in accordance with the requirements as set forth in said ordinance, there is also attached hereto, in white duplicate: () Part I, General Information; () Part II., Personal Information; () Liquor Liability Insurance (Dram Shop Statement)

Date: 1-16-19

[Signature]
Signature of person making application
For Myself - Paddle77P LCC
(Myself, names of partners, names of corporation or association)

Recommended for approval by: _____ Date: _____
(Director of Hennepin Co. Sheriff's Water Patrol)

200 - ck 2034
500 - ck 2033



DAVID P. HUTCHINSON
HENNEPIN COUNTY SHERIFF

ATTACHMENT

March 19th, 2019

Vickie Schleuning
Executive Director
Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364

Dear Ms. Schleuning,

Per your request, this office has completed a limited background investigation with reference to the following business and individual applicant(s):

Ryan Philip Jaeger

DOB 4/24/1986

D/B/A: Paddle Tap, LLC

Charter Boats:

- **Miracle**

In accordance with standard practice, the background investigation conducted by this Office is strictly limited to the collection of information directly related to the eligibility criteria specified under Minnesota Statutes Section 340A.402 which provides:

No retail license may be issued to:

- (1) a person under 21 years of age;
- (2) a person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;
- (3) a person not of good moral character and repute; or
- (4) a person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.

Executive Director – Lake Minnetonka Conservation District
Paddle Tap, LLC

March 19, 2019

Page 2

“In addition, no new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.”

Please be advised that the limited background investigation conducted by this Office resulted in the disclosure of no evidence of disqualification based on the statutory eligibility criteria reflected above. Given the necessarily limited scope of these investigations, this Office is unable to make any definitive conclusions related to No. 2 above or any conclusory recommendations regarding the moral character or reputation of individual applicants.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick King', enclosed within a large, loopy oval shape.

Major Patrick King
Investigations Bureau

PSK:nmm



ATTACHMENT

LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: April 4, 2019
TO: Lakeshore Weekly News
FROM: Vickie Schleuning, Executive Director
SUBJECT: Public Hearing Notice (04/11/2019 Edition)

LAKE MINNETONKA CONSERVATION DISTRICT PUBLIC HEARING NOTICE

7:00 PM, April 24, 2019
Wayzata City Hall
600 Rice Street, Wayzata, MN

New Non-Intoxicating Malt Liquor License Application

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider a new non-intoxicating malt liquor license application from PaddleTap, LLC for the charter boat, Miracle. All interested persons will be given an opportunity to comment.

Details available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364; Phone: (952) 745-0789.



ITEM 11A

LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: April 24, 2019

TO: LMCD Board of Directors

FROM: Vickie Schleuning, *Vickie Schleuning* Executive Director

SUBJECT: Authorization of Professional Services Agreement for Vegetation & AIS Master Plan Consultant and Budget Amendment

ACTION

Board review of Selection Committee's recommended consultant for the Vegetation & AIS Master Plan and authorization for staff and legal counsel to finalize and execute a professional services agreement with the consultant. Further, the Board will review and amend the budget to address AIS initiatives.

The following motions are offered depending on whether the Board wishes to approve or deny the recommendation.

Professional Services Agreement

Approval:

I make a motion to approve the selection of Emmons & Olivier Resources, Inc. and to authorize the Executive Director and legal counsel to finalize a professional services agreement with the consultant in the amount of \$74,760 and to authorize the Chair and Executive Director to execute it <with the following changes...>.

Denial:

I make a motion to deny the selection of Emmons & Olivier Resources, Inc. <for the following reasons...>.

Budget Amendment

Approval:

I make a motion to approve the budget amendment appropriating the following to the Vegetation & AIS Master Plan project: \$50,000 from General Fund Balance, \$10,000 from the AIS Fund Balance, and \$40,000 from the AIS Budgeted Funds. <with the following changes...>. In addition, the AIS Management Fund will be amended to include a pass-thru grant of \$20,000 for a Watercraft Inspection Program to help prevent the spread of AIS.

Denial:

I make a motion to deny the budget amendment <for the following reasons...>.

BACKGROUND

With the continuing spread of Aquatic Invasive Species (AIS) including the introduction of starry stonewort in a nearby lake, uncertainty of hybrid Eurasian watermilfoil, and numerous other AIS threats, the need for a vegetation and AIS master plan is crucial. Oftentimes, AIS are not effectively eradicated, instead becoming nuisances and hazards that require expensive management to control. The costs of AIS management are significant due to the size of Lake Minnetonka--more than 14,000 acres. Since Lake Minnetonka is one of the busiest lakes in the state, the risk of spreading AIS to other lakes increases, emphasizing the need for universal support for AIS efforts on Lake Minnetonka. Therefore, a comprehensive plan is important to guiding and coordinating efforts for Lake Minnetonka.

Three qualified proposals were received with quotes of \$74,760; \$88,850; and \$117,872.85. Interviews were conducted by the Selection Committee comprised of Ray Newman, U of M Fisheries and Wildlife, John Gryzbek, Commodore of Upper Minnetonka Yacht Club, Bill Cook LMCD AIS Taskforce Chair, Ann Hoelscher, LMCD Board Secretary, Ben Brandt, LMCD Board Director, and Vickie Schleuning, LMCD Executive Director. Based on the submissions and interviews with the Selection Committee, the recommendation is to award the agreement to EOR, Inc. Blue Water Science is part of the EOR team on this proposal. EOR Inc. also provided the lowest proposal for services in the amount of \$74,760. A copy of the proposal and presentation materials are attached. More information will be provided at the LMCD Board Meeting.

Upon authorization by the Board, the workgroup will work with the consultant to finalize deliverables and time frames. This process will include opportunities for input from the various stakeholders.

The following is an outline of the Vegetation & AIS Master Plan process:

- On December 12, 2018, the LMCD Board agreed to proceed with the development of a master plan to identify, prevent, and manage AIS on Lake Minnetonka.
- On January 9, 2019, the Board authorized the preparation of a request for proposal to contract with an AIS specialist to assist in the development of a lake-wide plan using a holistic, data-driven approach.
- On January 23, 2019, the Board discussed moving forward in receiving input from stakeholders and potential vendors.
- On January 25-28, 2019, a copy of the draft RFP was sent to member cities, regulatory agencies, AIS taskforce members, and other stakeholders seeking input.
- On February 8, 2019, the AIS Task Force reviewed and provided comment on the draft RFP. Another meeting was held later that day to provide an opportunity for vendors to comment

on the draft RFP.

- On February 20, 2019, the Board Officers Workgroup discussed the comments on and revisions to the RFP. The various feedback was reviewed, the comments addressed, and changes made as feasible.
- On February 27, 2019, the Board voted to publish the RFP. The RFP identified a Selection Committee to review submissions and recommend a final selection for the Board.
- On April 11, 2019, the Selection Committee held interviews with the applicants.

Budget Amendment

A budget amendment is also recommended indicating potential funding sources, funding allocation, and overall financial impacts. The 2018 Audit indicated a General Fund Balance Increase of \$62,095, AIS Fund Balance Increase of \$9,639, a Save the Lake Fund Balance Increase of \$598, and an Equipment Replacement Fund Balance Increase of \$745. The 2019 budgeted expenses for AIS is \$80,200. Anticipated 2019 budget variables include the Vegetation & AIS Master Plan for \$74,760 and communications and engagement initiative estimated at \$25,000. In 2019, \$80,200 was budgeted for harvesting, which has been suspended this year. However, some of these funds will be needed for equipment maintenance needs and contracting of harvesting if needed. In review of the budget, Treasurer Bill Cook is recommending the appropriation of funds for the Vegetation & AIS Master Plan as follows: \$50,000 from General Fund Balance, \$10,000 from AIS Fund Balance, and \$40,000 from a reduction in budgeted AIS Expenses.

Also, a more formal action as a budget amendment by the Board is recommended to acknowledge the pass-thru grant received from Hennepin County in the amount of \$20,000 for the AIS Prevention Watercraft Inspection Program. Three Rivers Park District will provide the professional services again this year as previously approved by the Board.

ATTACHMENTS

- Draft Professional Services Agreement for Vegetation & AIS Master Plan Consultant
- EOR, Inc. RFP Submittal and Presentation Materials

ATTACHMENT

PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is made by and between the Lake Minnetonka Conservation District (“LMCD”), a Minnesota joint powers organization, and the following consultant (“Consultant”):

Consultant Name/ Organization:	Federal EIN:
Mailing Address:	Telephone Number:
Contact Person:	Email:

The following person is designated the administrator of this Agreement for the LMCD (“Administrator”):

Name:	Email:
Mailing Address:	Telephone Number:

The LMCD and the Consultant may hereinafter be referred to individually as a “party” or collectively as the “parties.” In consideration of the mutual promises and agreements contained herein, and intending to be legally bound, the LMCD and the Consultant hereby agree as follows:

- Agreement Documents.** This Agreement, which includes the General Provisions attached as Exhibit A and the Description of Services attached as Exhibit B, sets out the entire understanding between the parties and it supersedes any prior written or oral discussions or agreements between the parties regarding the same subject matter. This Agreement also includes the LMCD’s Request For Proposals for Scientific Studies of Lake Minnetonka and Development of a Vegetation & AIS Master Plan and the proposal submitted by the Consultant, both of which are incorporated herein by reference. The provisions of the documents constituting the Agreement shall be read together and reconciled in the documents to the greatest extent reasonably possible. To the extent there are any conflicting provisions that cannot be reconciled, the more specific provision shall generally be controlling. In the event that a material conflict is found between provisions of the documents, the provisions in the following rank order shall take precedence: (1) the Descriptions of Services in Exhibit B; (2) this Professional Services Agreement document; (3) the General Provisions in Exhibit A; (4) the Consultant’s proposal; and last (5) the LMCD’s Scientific Studies of Lake Minnetonka and Development of a Vegetation & AIS Master Plan.
- Services.** The Consultant agrees to perform services as described in the attached Exhibit B (“Services”) in accordance with the terms and conditions of this Agreement. The Consultant

shall provide the services in a manner consistent with industry standards for similar Services and in accordance with the standards, requirements, and timelines set out in Exhibit A.

3. **Compensation.** The LMCD shall compensate the Consultant for the Services as provided in Exhibit A. Unless expressly provided otherwise in Exhibit A, the total amount or rate of compensation is an all-inclusive amount that includes all expenses, costs, taxes, and other amounts the Consultant incurs or pays to provide the Services. The LMCD shall not be responsible for paying any amounts for the completion of the Services other than those expressly provided for in Exhibit A.
4. **Term.** This Agreement shall commence on the date below and shall terminate upon the completion of, and payment for, the Services, unless terminated earlier as provided in this Agreement.

IN WITNESS WHEREOF, the duly authorized representatives of the parties have executed this Agreement effective as of the year and date indicated below.

Effective date of this Agreement:_____.

FOR THE CONSULTANT:

By _____

Its _____

Date _____

By _____

Its _____

Date _____

FOR THE LMCD:

By _____

Its _____

Date _____

By _____

Its _____

Date _____

EXHIBIT A

General Provisions

These General Provisions apply to the Agreement to which it is attached and all capitalized terms of the Agreement shall apply to these General Provisions. These General Provisions are made part of the Agreement as if fully set out therein.

1. **Invoices.** The Consultant shall submit itemized invoices for the Services actually provided under this Agreement no more than once a month during the term of this Agreement. If the reimbursement of expenses is expressly authorized in Exhibit B, no such expenses shall be reimbursed unless they are detailed in writing and accompanied by receipts. All invoices are subject to verification by the LMCD's Executive Director or the Administrator. The LMCD has thirty (30) days from the receipt of invoice to pay the Consultant. However, if, in the LMCD's reasonable determination, an invoice does not contain sufficient detail to verify the delivery of the Services for which payment is being sought, the LMCD may withhold payment on the invoice until the Consultant provides the requested additional detail. Such withholding shall not constitute a breach of this agreement. No more than 90% of the amount due under this Agreement shall be paid to the Consultant until the deliverables and final deliverables to be produced by the Consultant as part of the Services have been reviewed and accepted by the LMCD.
2. **Independent Contractor.** The Contractor and its employees are not employees of the LMCD. Nothing in the Agreement is intended or should be construed in any manner as creating or establishing the relationship as employer/employee, co-partners, or a joint venture between the LMCD and the Contractor. It is agreed that the Consultant and its employees will act as an independent Contractor and acquire no rights to tenure, workers' compensation benefits, unemployment compensation benefits, medical and hospital benefits, sick and vacation leave, severance pay, pension benefits or other rights or benefits offered to employees of the LMCD. The manner in which the Services are performed shall be controlled by the Consultant; however, the nature of the Services and the results to be achieved shall be specified by the LMCD.
3. **No Agency.** Consultant, as an independent Contractor, shall not be considered an agent or servant of the LMCD for any purpose and shall have no authority to enter into any contracts, create any obligations, or make any warranties or representations on behalf of the LMCD. To the extent applicable and contemplated in the delivery of the Services, the Consultant may apply for and obtain needed permits on behalf of the LMCD at Consultant's own cost.
4. **Deliverables.** If the Consultant is required to produce specific deliverables to the LMCD as part of the Services to be provided under this Agreement, such deliverables shall be identified in Exhibit B of the Agreement.
5. **Ownership and Use of Work Product.** All data notes, working papers, reports and other work products prepared or developed in connection with the provision of Services under the Agreement (hereinafter "Work Product") shall become upon creation, the exclusive property of the LMCD. Consultant may not use the Work Product or any other deliverables under this

Agreement for any purpose other than fulfilling its obligations under this Agreement without prior written consent of the LMCD. The LMCD may grant or deny Consultant's application for such consent or may condition its consent on the payment of compensation or the imposition of such other conditions as the LMCD deems appropriate. The Consultant may use the Work Product as an example of their work in their portfolio and may reuse standard portions of such Work Product in the normal course of its business. The Consultant represents and warrants that the Work does not and will not infringe upon any intellectual property rights of other persons or entities.

6. **Naming Rights and Acknowledgements.** To ensure that appropriate credit for funding and other contributions of the LMCD and its staff members is given for their participation in producing any deliverables as part of the Services, and to the extent applicable, the LMCD shall have their name and logo represented in the materials that are developed and will be acknowledged in printed materials, publications, presentations and other uses and materials developed under this Agreement. The LMCD retains and shall have the right to control the title, citations, acknowledgments, attributions, cover design, logos and credits of the deliverables produced as part of the Services.
7. **Termination.** The LMCD may cancel this Agreement upon thirty (30) days written notice, except that if the Consultant is in default and fails to cure the default within the period provided in the written notice of default as provided in this Agreement, the LMCD has the right to terminate this Agreement immediately upon written notice of termination. Consultant will be paid for Services properly rendered prior to the effective date of termination. The following provisions of this Agreement shall survive expiration, termination, or cancellation of this Agreement: Indemnification; Insurance; Applicable Law; Audit; and Data Practices.
8. **Legal Compliance.** The Consultant shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances in providing the Services and shall obtain all permits and permissions that may be required. This contract shall be governed by and construed according to the Laws of the State of Minnesota
9. **Indemnification.** The Consultant agrees to defend, indemnify and hold harmless, the LMCD, its officials, officers, agents and employees from any liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorney's fees, resulting directly or indirectly from any act or omission of the Consultant, its offices, employers, agents, contractors or subcontractors or anyone directly or indirectly employed by them, or anyone volunteering for them, or anyone for whose acts or omissions they may be liable in the performance of the activities specified in this Agreement and against all loss by reason of the failure of the Consultant to perform fully, in any respect, all obligations under this Agreement. Nothing in this Agreement shall constitute a waiver by the LMCD of any limits on or exclusions from liability available to it under Minnesota Statutes, chapter 466 or other law.
10. **Insurance.** Consultant agrees to at all times during the term of this Agreement, have and keep or cause to have and be kept in force, and to cause all Contractors and subcontractors to do likewise, the following insurance coverages with at least the following limits:

- (a) Commercial General Liability on an occurrence basis with Contractual Liability Coverage:

	<u>Limits</u>
General Annual Aggregate	\$2,000,000
Products-Completed Operations	\$1,500,000
Personal and Advertising Injury	\$1,500,000
Each Occurrence –	
Combined Bodily Injury and Property Damage	\$1,500,000
(b) Commercial Automobile Liability – Combined single limit each occurrence for bodily injury and property damage covering owned, non-owned, and hired automobiles.	\$1,000,000
(c) Workers’ Compensation and Employer’s Liability:	
(1) Workers’ Compensation	Statutory
If the Consultant is based outside the State of Minnesota, coverage must apply to Minnesota laws.	
(2) Employer’s Liability. Bodily Injury by:	
Accident – Each accident	\$500,000
Disease – Policy Limit	\$500,000
Disease – Each Employee	\$500,000
(d) Professional Liability	
Per Claim or Event	\$1,500,000
Annual Aggregate	\$2,000,000

The required coverage limits may be achieved through an excess or umbrella policy, provided such policy provides the same scope of coverages as the underlying policy. The insurance must be maintained continuously for a period of at least one year after the termination of this Agreement. The Consultant shall have the LMCD named as an additional insured on its commercial general liability policy. The Consultant shall provide the LMCD a certificate of insurance showing the required coverages, insurance limits, and additional insured endorsement before undertaking any Services under this Agreement. The Consultant will require that any subcontractors furnish certificates of insurance to the Consultant of the insurance coverages listed above, and provide updated certificates as coverages expire. It is the sole responsibility of the Consultant to determine the need for and to procure additional insurance that may be needed to satisfy its indemnification obligation or other obligations in connection with this Agreement. Copies of policies will be submitted to the LMCD upon written request.

11. **Consultant Representations.** The Consultant represents and warrants, as inducement to the LMCD to enter into the Agreement, as follows: (a) it has the legal authority to enter into this Agreement; (b) the person(s) executing this Agreement on behalf of the Consultant is duly authorized to enter into this Agreement and to bind the Consultant to its terms; (c) all of the documents that constitute this Agreement are valid and binding on the Consultant; (d) it will comply with the terms and conditions of this Agreement; (e) it has the necessary licenses, personnel, experience, skill, tools, and equipment to complete the Services in accordance with the standards and timelines established in this Agreement; and (f) it is not involved in or aware of any action, claim, suit, or proceeding that is reasonably anticipated to interfere with Consultant's ability to provide the Services in accordance with the terms of this Agreement.
12. **Conflict of Interest.** Consultant agrees that it will not, during the term of this Agreement, enter into a contract or otherwise accept employment for the performance of any work or service with any individual, business, partnership, corporation, government, governmental unit, or any other organization that would create a conflict of interest in the performance of its obligations under this Agreement.
13. **Not Exclusive.** This Agreement does not constitute an exclusive contract between the LMCD and the Consultant. The LMCD remains free to contract for similar services from other consultants and the Consultant remains free to contract to provide similar services to others, provided that any such contracts do not interfere with the delivery of Services under this Agreement.
14. **Amendments.** No modification, amendment, deletion, or waiver in the terms of this Agreement, or any expansion in the scope of the Services, is valid unless it is in writing and signed by the parties.
15. **Notices.** Any notice or demand authorized or required under this Agreement shall be in writing and shall be sent by certified mail to, with respect to the LMCD, the Administrator and, with respect to the Consultant, to the Consultant's contact person, each as identified at the outset of the Agreement.
16. **Substitution of Personnel.** The Services shall be provided by the person or persons identified in Exhibit B. Upon prior approval by the LMCD, the Consultant may substitute other persons to perform the Services. If substitution is permitted by the LMCD, the Consultant shall furnish information to the LMCD to allow proper review of the qualifications of the substituted person.
17. **Subcontracting and Assignment.** Consultant shall not enter into any subcontract for performance of any Services contemplated under this Agreement, nor assign any interest in the Agreement, without the prior written approval of the LMCD and subject to such conditions and provisions as the LMCD may deem necessary or desirable in its sole discretion. Consultant shall be responsible for the performance of all of its subcontractors. If the LMCD permits the use of subcontractors, the Contract shall, pursuant to Minnesota Statutes, section 471.425, subdivision 4a, pay any subcontractors within 10 days of the Consultant's receipt of payment from the LMCD for undisputed services provided by the

subcontractor. Any undisputed amounts not paid to a subcontractor within 10 days shall be subject to, and the Consultant shall pay, interest of 1-1/2 percent per month. The minimum monthly interest penalty the Consultant shall pay for an unpaid balance of \$100 or more is \$10. For an unpaid balance of less than \$100, the Consultant shall pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from the Consultant must be awarded its costs and disbursements, including attorney's fees, incurred in bringing the action.

18. **Default by Consultant.** Unless excused by LMCD's default, the occurrence of an uncontrollable circumstance, or LMCD issuing a written waiver of default, each of the following shall constitute default on part of the Consultant:
- (a) The written admission by Consultant that it is bankrupt; or filing by Consultant of a voluntary petition under the Federal Bankruptcy Act; or the filing of an involuntary petition under the Federal Bankruptcy Act against the Consultant unless dismissed within ninety (90) days. The Notice of Default and cure provision of this Agreement do not apply to this paragraph;
 - (b) The making of any arrangement with or for the benefit of Consultant's creditors involving an assignment to a trustee, receiver or similar fiduciary. The Notice of Default and cure provisions of this Agreement do not apply to this paragraph;
 - (c) Making a material misrepresentation in any of the documents submitted by the Consultant or in any other provisions or conditions relied upon in the making or modification of the Agreement;
 - (d) The Consultant is found to persistently disregard laws, ordinances, rules, regulations or orders of any public authority having jurisdiction;
 - (e) Failure to make satisfactory progress towards completion of the Services; or
 - (f) Failure to perform any other material provision of the Agreement.
19. **Default by the LMCD.** Unless excused by Consultant's default or the occurrence of uncontrollable circumstances or Consultant waiver of default, each of the following shall constitute a default on the part of the LMCD:
- (a) The persistent or repeated failure or refusal by LMCD to pay or prevent payment of any uncontested amount to the Consultant timely and properly submitted as required by this Agreement;
 - (b) Making a material misrepresentation in any of the documents provided by the LMCD or in any other provisions or conditions relied upon in making the Agreement; or
 - (c) Persistent or repeated failure to perform any other material provision of this Agreement.

20. **Written Notice of Default.** Unless otherwise provided, no event shall constitute a default giving rise to the right to terminate unless and until written Notice of Default is given to the defaulting party, specifying the particular event, series of events, or failure constituting the default and a reasonable cure period.
21. **Cure Period.** If the party in default fails to cure the specified circumstances as described by the Notice of Default within ten (10) days or such longer period as may be provided in the Notice of Default, then this Agreement may immediately be terminated by the party not in default providing a written notice of termination to the party in default.
22. **Withholding of Payment.** Notwithstanding any other provision of the Agreement, the LMCD may, after giving Notice of Default, withhold, without penalty or interest, any payment which becomes due after Notice of Default is given, until the default is excused, waived in writing, cured, or the Agreement is terminated. The LMCD shall not be responsible for paying any portion of the withheld funds upon translation for the Consultant's default if the services for which payment is being sought were deficient or are not usable by the consultant hired to complete the Services.
23. **Preservation of Other Remedies.** The rights and remedies of the LMCD provided in the Agreement shall not be exclusive and are in addition to any other rights and remedies provided by law or under the Agreement.
24. **Duty to Mitigate.** Both parties shall use their best efforts to mitigate any damages that might be suffered by reason of any event giving rise to a remedy hereunder.
25. **Cost of Termination.** In the event this Agreement is terminated by reason of default by the Consultant, LMCD may recover the necessary costs of termination, including but not limited to, administrative costs, attorney's fees and legal costs, from the Consultant.
26. **Reperformance.** The LMCD may require the Consultant, at the Consultant's sole expense, to reperform any of the Services provided for in this Agreement that do not meet the established standards.
27. **Set-Off.** Notwithstanding any other provision of the Agreement to the contrary, upon the Consultant's breach of this Agreement the LMCD may withhold any payment due Consultant for purposes of set-off until such time as the exact amount of damages due is determined. Such withholding shall not constitute default or failure to perform on the part of LMCD.
28. **No Waiver.** If the LMCD fails to enforce any provisions of this Agreement, such failure does not waive the provision or the LMCD's right to enforce it.
29. **Data Practices.** The Consultant agrees to comply with the Minnesota Government Data Practices Act and all other applicable laws relating to data privacy or confidentiality. The Consultant will immediately report to the LMCD any data requests from third parties relating to this Agreement. The LMCD agrees to work with the Consultant to respond to the data

request. The Consultant agrees to hold the LMCD, its officers, and employees harmless from any claims resulting from the Consultant's unlawful disclosure, use or failure to produce.

30. **Nondiscrimination.** Consultant agrees to abide by the requirements and regulations of The Americans with Disabilities Act of 1990 (ADA), the Minnesota Human Rights Act (Minn. Stat. Chap. 363), and Title VII of the Civil Rights Act of 1964. These laws deal with discrimination based on race, gender, disability, and religion, and with sexual harassment. Violation of any of the above laws can lead to the immediate termination of this Agreement without needing to provide a cure period.
31. **Audit.** The Consultant agrees that the LMCD, the Minnesota State Auditor, and Minnesota Legislative Auditor, or any of their duly authorized representatives, at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt and transcribe any books, documents, papers, and records that are relevant and involve transactions relating to this Agreement.
32. **Applicable Law.** The law of the State of Minnesota shall govern all interpretations of this Agreement, and the appropriate venue and jurisdiction for any litigation that may arise under this Agreement will be in and under those courts located within the County of Hennepin, State of Minnesota, regardless of the place of business, residence or incorporation of the Consultant.
33. **Severability.** If any provision of this Agreement is held invalid, illegal, or unenforceable, the remaining provisions will not be affected.

Exhibit B
Description of Services

This Description of Services applies to the Agreement to which it is attached and all capitalized terms of the Agreement shall apply to this Description of Services. This Description of Services is made part of the Agreement as if fully set out therein and the Request for Services for Scientific Studies of Lake Minnetonka and Development of a Vegetation & AIS Master Plan

- A. **Background.** The following provides the background information regarding the Services to be provided: The primary focus of this initiative is to develop a holistic and data-driven set of scientific studies culminating in a Lake Minnetonka Vegetation and AIS Master Plan (Master Plan). It is anticipated that this document will be able to be adjusted over time to meet new or modified information.
- B. **Scope of Services.** The scope of the Services to be provided by the Consultant shall include the following:
- (1) Proactive Starry Stonewort Protection Plan
 - (2) A review of the efficiency of the current harvesting program.
 - (3) A review of the current harvesting program management, methods and procedures
 - (4) AIS Inventory Mapping
 - (5) AIS Master Plan and Threat Assessment
 - (6) AIS Emergency Action Plan Module
 - (7) Ongoing assistance to the LMCD Board
- C. **Schedule of Work and Budget.** The following identifies the schedule for the provisions of the specific items of work to be completed as part of the Services and the budget applicable to each:

	Target Date for completed task	Cost of scope or task
Scope 1 Planning		
Task 1		
Task 2		
Task 3		
Scope 2 Materials		
Material 1		
Material 2		
Material 3		
Scope 3 Facilitate Meetings		
Task 1		
Task 2		

Task 3		
Scope 4 Reporting		
Task 1		
Task 2		
Task 3		

D. **Deliverables.** The Consultant shall provide the following deliverables to the LMCD as part of the Services:

- (1) Starry Stonewort Response Plan 06/15/2019
- (2) Harvesting Program Reviews 06/31/2019
- (3) Vegetation/AIS Inventory & Mapping 09/30/2019
- (4) Master Plan 12/15/2019

E. **Compensation.** The LMCD shall pay the Consultant the following amount, or the following rate, for the Services provided under this Agreement:

- (1) **Hourly Rate.** An hourly rate, which shall be billed in no greater than 15 minute increments, of \$_____.
- (2) **Total Amount.** A total not to exceed amount of \$_____.

F. **Additional Invoicing Requirements.** The Consultant shall comply with each of the following in submitting invoices to the LMCD with respect to the Services provided under the Agreement:

- (1) Company and Contact Information
- (2) Deliverable, total hours, breakdown of tasks, and retainage

G. **Special Provisions.** The following special provisions shall apply to the Agreement and shall be controlling notwithstanding any provisions to the contrary in the General Provisions:

- (1)
- (2)

**Proposal for:
Scientific Studies of Lake Minnetonka and Development of a
Vegetation & AIS Master Plan**



Document Component Specs

Text: Staples • multipurpose paper, 24 lb. text – 50% post-consumer fibers, FSC Certified.

Back Cover: Neenah Paper • Esse • Texture, Sapphire • 100 lb. cover • 30% post-consumer fibers, Green Seal® Certified

Wire Binding: Manufactured using recycled high carbon steel



March 26, 2019

Lake Minnetonka Conservation District
Attn: Vickie Schleuning, LMCD Executive Director
Attn: Bill Cook, LMCD Board Director
5341 Maywood Rd, Suite 200
Mound, MN 55364

Subject: Proposal for Scientific Studies of Lake Minnetonka and Development of a Vegetation & AIS Master Plan

Dear: Vickie and Bill

Since Emmons & Olivier Resources (EOR) was founded 20 years ago, aquatic resource management has been a mainstay of our work. EOR staff developed expertise in preparing environmental planning documents for a variety of government organizations, including regional planning groups, municipalities and watershed districts. EOR has earned the reputation for delivering comprehensible and useable planning documents for diverse and sometimes polarized stakeholders. We are committed to developing proactive, integrated, and rapidly deployable solutions aimed at protecting Lake Minnetonka for years to come.

EOR could not be more fortunate to have Steve McComas and his staff from Blue Water Science (BWS) on our team. Steve is recognized as a local expert in lake management across the State of Minnesota. Steve is the lead scientist on this project and brings decades of field experience, research and AIS management to the team. BWS has a robust client base of lake management organizations and EOR has a long history of collaborating with BWS on lake management projects for our shared watershed and lake improvement district clients.

The EOR/BWS team provides the following key benefits for this project:

- Brings the latest information on starry stonewort management.
- Successfully worked to contain early starry stonewort infestations in 3 Minnesota lakes.
- Experience evaluating harvesting programs where the objectives were to control AIS.
- Experience conducting surveys on Lake Minnetonka for EWM, flowering rush, and zebra mussels.
- Robust GIS staff to address the compilation of existing plant survey maps as well as being able to construct a mapping framework to accommodate future surveys.
- Staff trained and experienced in facilitating productive input and civic engagement processes

We have read and understand requirements set forth in the RFP and can provide required deliverables in the timeline specified. The EOR team has no conflicts of interest and meets specified insurance requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "JRN", is positioned above the printed name of the signatory.

Jason R. Naber, WDC
Sr. Environmental Scientist
Project Manager

EOR is an Equal Opportunity Affirmative Action Employer

Emmons & Olivier Resources, Inc. 7030 6th Street North Oakdale, MN 55128 T/ 651.770.8448 F/ 651.770.2552
www.eorinc.com

FIRM EXPERIENCE AND QUALIFICATIONS

EOR Credentials

- 30 Professionals
- 9 Professional Engineers /
5 Engineers-in-Training
- 1 Professional Geologist
- 2 Registered Landscape
Architects
- 1 Registered Architect
- 3 Certified Erosion/
Sediment Control Specialists
- 6 LEED Accredited
Professionals
- 17 Professionals with
Master degrees or higher
- 8 Professionals with
10-20 years of experience
- 15 Professionals with
over 20 years of experience

Emmons and Olivier Resources (EOR) is a collaborative group of environmental and design professionals passionate about protecting our waters, restoring healthy ecosystems, and enhancing our community's unique sense of place. Founded in 1996, we are an employee owned, multi-disciplinary water resource-based firm that specializes in:

- *water-resources engineering, watershed planning, and modeling*
- *sustainable site design, planning, and landscape architecture*
- *environmental compliance, biological surveying, and restoration*

Water

- State of the science stormwater modeling
- floodplain management
- geologic and hydrogeologic investigations
- groundwater modeling, planning, and management
- lake and wetland management plans
- policy & ordinance development
- stormwater management and outreach
- stream assessment, restoration, and monitoring
- TMDL and watershed protection studies

Ecology

- ecological restoration design
- environmental compliance
- environmental planning and management
- invasive species documentation and management
- vegetation assessment and classification
- wetland regulatory activities
- wildlife surveys and monitoring

Community

- civil design, construction management, and land surveying
- green infrastructure design
- low impact development & conservation design
- parks & trails planning and design
- campus and community planning
- public participation, input, and project awareness
- sediment control and conservation practices
- sustainability planning

PROJECT TEAM

**Steve McComas, Blue Water Science – [See Appendix A for Full Resume](#)****Role: BWS Lead Scientist**

Steve McComas has over 35 years of working experience on lakes and streams and has addressed aquatic invasive species issues for over 25 years. Steve has written 2 books on lake management and has published papers on AIS including starry stonewort management techniques. Steve has conducted aquatic plant surveys on over 900 lakes and has evaluated harvesting and herbicide programs for a variety of lake groups including the LMCD and the Minnehaha Creek Watershed District. Steve is familiar with the lake and has conducted aquatic plant surveys on Lake Minnetonka going back to the mid 1990s.

**Jason Naber, WDC– [See Appendix A for Full Resume](#)****Role: Project Manager**

Jason Naber has 30 years of experience in natural and water resources mgmt., GIS mapping, and threatened and endangered wildlife surveys. Jason has been involved with the development of several resource mgmt. plans (RMP), comprehensive wetland management plans (CWMP), and in the implementation of total maximum daily load (TMDL) studies focusing in biotic impairments. Jason is very well versed in local, state and federal environmental regulations and permitting programs, has served on multiple technical advisory committees and routinely presents technical and policy topics at regional and national conferences.

**Connor McComas****Role: Aquatic Ecologist/GIS**

Connor McComas has over 10 years of experience in lake and stream surveying and GIS map making using a variety of formats. Along with surveying water quality, plants, fish, and sediments, Connor has been involved with AIS surveys and AIS risk assessments. Connor is well versed in using GIS for aquatic plant point intercept surveys and has prepared hundreds of point intercept grid maps.

**Mike Majeski****Role: Biologist**

Mike Majeski has 18 years of experience as a biologist with a focus on wildlife and aquatic ecology. His work includes stream assessment and design, water quality studies, biological monitoring, and wildlife surveys. Mike has managed a variety of projects including invasive species detection and management, rare species surveys, stream habitat enhancements, large scale water quality monitoring & flow studies, & stressor identification.

**Joe Pallardy****Role: Biologist**

Joe Pallardy has 10 years of experience in natural resource management, water quality modeling, monitoring, and field work. Joe specializes in water quality modeling (HSPF), TMDL studies and Watershed Restoration and Protection Strategies (WRAPs), and agricultural BMP prioritization. His field experience includes natural resource inventories, aquatic plant identification, and wetland delineations.

**James Marty****Role: Biologist**

Jimmy has 4 years of experience as an environmental scientist, specializing in wetland science, environmental due diligence, and natural resource surveys and monitoring. Combined with a research background in ecological restoration, he possesses a well-rounded skill set that contributes to a wide variety of projects, ranging from desktop-level reviews and analysis to expansive field efforts and site assessments.

**Etoile Jensen, GISP****Role: GIS Management**

Etoile is a GIS Professional with over 30 years of experience in cartography, photogrammetry, database design, compatibility and conversion, and spatial analysis. Etoile specializes in GIS data analysis for natural resources mgmt., land-use, and civil/water resources engineering. Having coordinated multiple data requirements, data application and geo-processing needs, Etoile provides GIS support to a variety of projects and client types.



PROJECT APPROACH

EOR is pleased to submit this proposal to help the Lake Minnetonka Conservation District (LMCD) develop the scientific studies necessary to advance a Lake Minnetonka Vegetation and AIS Master Plan. EOR and Blue Water Science (BWS) understand a holistic planning and scientific approach will be necessary to properly assess AIS risk, prevention, response, and existing and future management. The teaming of EOR and BWS offer a superior combination of planning and technical knowledge. EOR is a regional leader in watershed and natural resource planning, and the AIS and lake management expertise and experience of BWS is renowned across the state.

Seven priorities were identified by LMCD in the RFP. This proposal incorporates all tasks identified in the RFP for each priority and provides our qualifications and approach to address each priority.

1.0 Proactive Starry Stonewort Protection Plan (Priority 1)

The Project Team is equipped with the scientific expertise and network to develop and prepare a starry stonewort fact sheet and proactive protection plan. Mr. Steve McComas of BWS has been at the forefront of starry stonewort management in Minnesota and has assisted in starry stonewort treatments at Lake Sylvia, Rice Lake, Pleasant Lake, and Lake Koronis. The starry stonewort invasion has been contained to the Lake Sylvia and Rice Lake public accesses with no vegetative growth observed outside the public access during fall 2018 surveys. Success at Lake Sylvia and Rice Lake is attributed to comprehensive knowledge of starry stonewort ecology and biology and innovative methods developed through working relationships with AIS experts.

The Project Team will develop the Plan and assess new approaches using information gained through practice, review of best available science, and an established network of AIS experts. Mr. McComas provides a direct line of communication with MAISRC through his role as an Advisory Board member. New approaches will include assessment of prevention methods such as public access re-design, early detection methods such as use of environmental DNA (eDNA) monitoring programs, and public engagement via social media and open-source GIS applications to integrate public observations and feedback.

Project Examples

- BWS – Starry stonewort management (Lake Sylvia, Rice Lake, Pleasant Lake, Lake Koronis)

2.0 Assessment of Existing Harvesting Program (Priorities 2 and 3)

Assessment of the existing LMCD harvesting program will require proficiency in both scientific and financial review. BWS brings 25 years of AIS experience to the project team and technical knowledge required for a detailed assessment of benefits and liabilities. EOR provides AIS consulting services to several metro watershed districts with established knowledge in pressing AIS issues. Additionally, EOR led the Financial Assurance and Permit Technical Assurance studies for the DNR for a controversial mine evaluating a financial assurance package exceeding \$1 billion. The package required extensive assessment of operation, viability, and risk in addition to technical review, and approaches developed during the study can be applied to the assessment of the LMCD harvesting program.

The Project Team will provide a scientific and financial review of the LMCD according to the tasks outlined in the RFP. Risk and cost analysis of harvesting compared to other methods will be critical. For example, new research demonstrates that genotype identity of EWM stands is critical to their susceptibility to different treatments and may crucially influence long-term management. This review will not only encompass an internal review of the LMCD program, but also will assess comparable management programs of other large lake systems. AIS harvesting and large EWM control programs exist regionally (Forest Lake), statewide (Detroit Lakes), and nationwide (Lake Tahoe, Ca/NV; Lake George, NY) and may provide useful analogs for LMCD. Additionally, Mr. McComas possesses relationships with leading harvester manufacturers such as Aquarius Systems in Wisconsin, and contacting them may offer valuable insight into case studies and technical and financial operations.

Project Examples

- EOR – Mine Financial Assurance and Permit Technical Assurance (DNR)
- BWS – 25 years of AIS experience and intimate familiarity with diverse approaches to lake mgmt.

3.0 Mapping (Priority 4)

The Project Team understands the complexity of spatial data required by LMCD and will use their extensive experience in AIS delineations and GIS data management and processing. EOR has experience using powerful GIS tools to generate informative and descriptive maps for AIS, watershed, and natural resource mapping.

The Project Team will obtain and integrate existing data and develop a centralized location for data management through collaboration with Hennepin County or other viable external/internal options. EOR will draw upon previous experience using data driven pages to generate informative, descriptive, and uniform maps of each bay. Maps will include existing AIS, protected vegetation species, and bathymetry data in addition to a proposed whole-lake point-intercept grid. This process will allow for assessment of data gaps on both whole-lake and individual bay scales. GIS may also incorporate open-source applications to integrate public observations and feedback.

Project Examples

- BWS/EOR – Extensive experience with AIS mapping, including data collection, management, processing, display, and analysis
- EOR – Collected and displayed AIS delineation data using data-driven mapping
- EOR – Gathered public feedback and observations of flooding, flood damage, and water infrastructure from citizens of Bondurant, Iowa using a web-based GIS application and social media



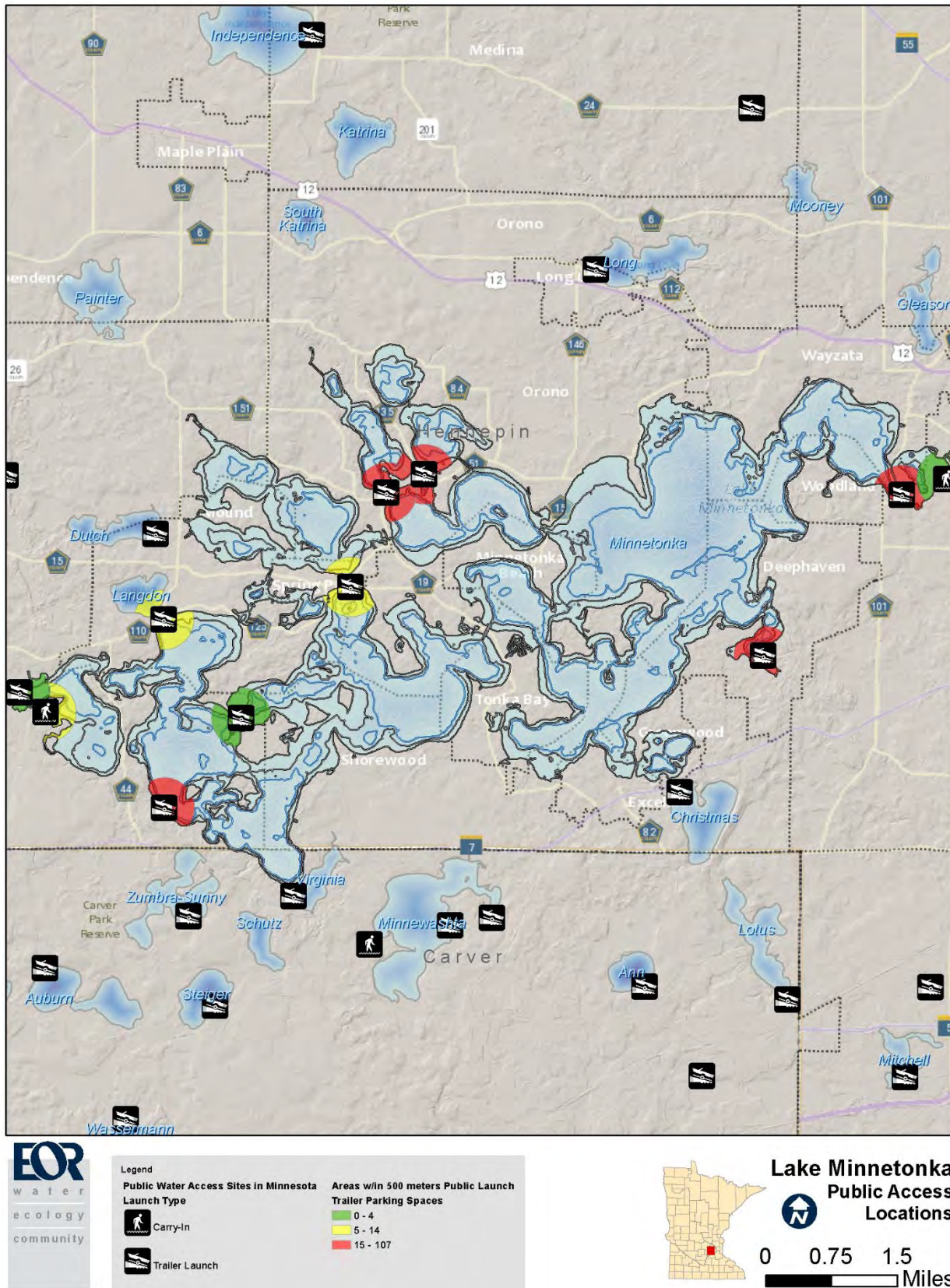


Figure 1. Public water access launch type. Portions of Lake Minnetonka within a 500 meter radius of each public access were color coded based on the number of boat trailer parking spaces. Source: MN DNR Public Water Access Sites in Minnesota.

4.0 Vegetation and AIS Master Plan (Priority 5)

The Vegetation and AIS Master Plan will require technical expertise and careful planning to integrate the completed Priority tasks with brief yet comprehensive Modules. The Project Team will call on the expertise of BWS and planning experience of EOR to draft a revisable document that LMCD can adapt in the future.

Blue Water Science has prepared AIS Master Plans for Counties, Watershed Districts, Cities, and individual lake associations. For example AIS Master Plans were developed for 20 lakes in Dakota County, 12 lakes in Le Sueur County, 6 lakes in the Comfort Lake/Forest Lake Watershed District, and 3 lakes in the Carnelian Marine St. Croix Watershed District. In addition, AIS Action Plans were produced for several lakes for the Minneapolis Park and Recreation Board.

The Project Team will develop Modules for known AIS within Lake Minnetonka including Eurasian watermilfoil, curly-leaf pondweed, flowering rush, purple loosestrife, and zebra mussels. Further, a Module template will be developed for potential AIS threats that can be modified according to future needs. Findings from the completed Priority tasks will comprise sections of the Master Plan, with latest feedback and information incorporated.

Project Examples

- BWS – AIS Master Plans for 41 Minnesota lakes
- EOR – One Watershed One Plan (Lake Superior North, Cannon River, Pomme de Terre River)
- EOR – Watershed Management Planning (many metropolitan and outstate Watershed Districts)

5.0 AIS Emergency Action Plans (Priority 6)

As one of the busiest lakes in the state and with new AIS threats continually emerging, it is clearly critical to establish an AIS Emergency Action Plan for Lake Minnetonka. Within the metro area, BWS developed and helped implement a Rapid Response Plan for zebra mussels in Lake Minnetonka in 2010. BWS has also developed Emergency Action Plans or Rapid Response Plans for the Chain of Lakes in Minneapolis as well as lakes in the Comfort Lake-Forest Lake Watershed District. For example, the Rapid Response Plan for zebra mussels in Forest Lake was tested when the species was observed in Forest Lake in 2015. The Rapid Response Plan was effective and efficient in providing data required to initiate active management. EOR will call on recent experience managing rapid response to detection of Eurasian water milfoil at Muskellunge Lake in northern Wisconsin in 2016.

The Project Team will prepare an Emergency Action Plan for starry stonewort integrating DNR guidance documents (DNR 2013). Guidance from additional jurisdictions and regional case studies will also be considered in development of the Emergency Action Plan. The template for the Emergency Action Plan will be easily adaptable to other AIS threats.

Project Examples

- BWS – Rapid Response Plans or Emergency Action Plans (Lake Minnetonka, Minneapolis Chain of Lakes, and lakes in the Comfort Lake-Forest Lake Watershed District)
- EOR - Rapid Response management of EWM invasion (Muskellunge Lake, Wisconsin)

6.0 AIS MASTERPLAN PRESENTATIONS AND MEETINGS

The Project Team will deliver the Plan and present full recommendations for implementation to the LMCD AIS Committee. This phase of the project includes all required presentations and meetings to garner input on a Masterplan build from a consensus building process. Our team has included the following:

- A. Periodic coordination meetings with LMCD either in person, via phone or web conference
- B. Prepare for and attend one LMCD AIS Committee Presentation
- C. Prepare for and attend up to six AIS meetings
- D. Prepare for and attend up to four public Board meetings
- E. Prepare for and attend up to two public presentation meetings

7.0 AIS PROGRAM ASSISTANCE (Priority 7)

EOR's team of limnologists, ecologists, and engineers have years of experience working with stakeholders from public and private parties to manage AIS throughout Minnesota and Wisconsin. Ongoing work includes AIS management planning for Comfort Lake Forest Lake Watershed District focusing on inspection site improvements, carp surveys and management, and zebra mussel monitoring. All of the following tasks will be provided by the EOR/BWS team at the request of LMCD.

- A. Assist LMCD with AIS Mgmt. Program
- B. Prepare for and/or facilitate meetings & preparation of minutes
- C. Memos & Statements of Understanding
- D. Support permit applications
- E. LMCD Board presentations

Our team has extensive experience in AIS program management and are also able to bring in national experts on an as-needed basis. For example, we will work with MAISRC on specific AIS problems.

Project Examples

- BWS – Action plans for AIS programs for over 50 lake management organizations
- EOR – AIS Management Planning (Comfort Lake-Forest Lake Watershed District)
- EOR – Carp Surveys, In-Lake Management Plan (Prior Lake Spring Lake Watershed District)
- EOR – Aquatic Plant Surveys on more than 100 lakes (MN DNR, WI DNR, Chisago Lakes)
- EOR – Curly Leaf Pondweed Delineation, Permitting, and Bidding to Apply Herbicide (Brown's Creek Watershed District)
- EOR – AIS Reconnaissance (Carnelian Marine Watershed District)

See **Appendix B Project Cutsheets** for project details

PROJECT FEES AND STAFFING

TEAM MEMBER:	JN	JM	MM	JP	ET	SMc	CMc	Total	Expenses			Project
BILLING CATEGORY:	P4	P1	P2	P2	T3			EOR	Mileage	Copies-Repro	Total	Total
HOURLY RATE:	169	99	125	125	106	138	115	Labor				
PHASE 01 Starry Stonewort Protection Plan	3					40	20	63				
TASK 01-A: Develop Fact Sheet	1					8	4	\$1,733		\$20	\$20	\$1,753
TASK 01-B: Contact MAISRC / Agencies For Input						8	4	\$1,564				\$1,564
TASK 01-C: Develop Proactive Protection Options	1					8	4	\$1,733				\$1,733
TASK 01-D: Identify Funding Sources						8	4	\$1,564				\$1,564
TASK 01-E: Draft Proactive Work Plan	1					8	4	\$1,733				\$1,733
PHASE 01 TOTAL:	\$507					\$5,520	\$2,300	\$8,327		\$20	\$20	\$8,347
PHASE 02 Assess Existing Harvest / Mgmt. Program	5	80				10	10	145				
TASK 02-A: Lit Review Pros & Cons of Ex. Harvest	1	16	4	4		2	2	\$3,259		\$20	\$20	\$3,279
TASK 02-B: Harvest Program Review & Recs	1	16	4	4		2	2	\$3,259				\$3,259
TASK 02-C: Financial Summary of AIS Program	1	16	4	4		2	2	\$3,259				\$3,259
TASK 02-D: Cost Comparison - Existing vs Proposed	1	16	4	4		2	2	\$3,259				\$3,259
TASK 02-E: Outcome/ Recommendations	1	16	4	4		2	2	\$3,259				\$3,259
PHASE 02 TOTAL:	\$845	\$7,920	\$2,500	\$2,500		\$1,380	\$1,150	\$16,295		\$20	\$20	\$16,315
PHASE 03 Mapping	2		4	38	48	4	8	104				
TASK 03-A: GIS Base Map for Each Bay				10	20.		2	\$3,600		\$20	\$20	\$3,620
TASK 03-B: Obtain AIS Data to Develop Maps				4	4.	1	2	\$1,292				\$1,292
TASK 03-C: GIS Data Management & Functionality	1			20	20.	1	2	\$5,157				\$5,157
TASK 03-D: Fees & Scopes for P/I Surveys	1		4			1		\$807				\$807
TASK 03-E: Mapping Support for Permits				4.	4.	1	2	\$1,292				\$1,292
PHASE 03 TOTAL:	\$338		\$500	\$4,750	\$5,088	\$552	\$920	\$12,148		\$20	\$20	\$12,168
PHASE 04 Vegetation & AIS Master Plan Development	7	32		32		14	14	99				
TASK 04-A: Module Development	1	8		8		2	2	\$2,467		\$20	\$20	\$2,487
TASK 04-B: Cost Comparison - Existing vs Proposed	1	4		4		2	2	\$1,571				\$1,571
TASK 04-C: Lit Review of Treatment / Hybrid AIS	1	4		4		2	2	\$1,571				\$1,571
TASK 04-D: Scope/ Mgmt. of AIS From Private Parties	1	4		4		2	2	\$1,571				\$1,571
TASK 04-E: Existing vs Alternate Options Analysis	1	4		4		2	2	\$1,571				\$1,571
TASK 04-F: Assess New Methods for AIS Mgmt.	1	4		4		2	2	\$1,571				\$1,571
TASK 04-G: Integration of Existing / New Methods	1	4		4		2	2	\$1,571				\$1,571
PHASE 04 TOTAL:	\$1,183	\$3,168		\$4,000		\$1,932	\$1,610	\$11,893		\$20	\$20	\$11,913
PHASE 05 Emergency Action Plans	1	2				6	2	11				
TASK 05-A: Starry Stonewort Emergency Action Plan	1	2				6	2	\$1,425		\$20	\$20	\$1,445
PHASE 05 TOTAL:	\$169	\$198				\$828	\$230	\$1,425		\$20	\$20	\$1,445
PHASE 06 AIS Master Plan Presentations & Meetings	68	14				68	14	164				
TASK 06-A: Coordination meetings with LMCD	8					8		\$2,456				\$2,456
TASK 06-B: LMCD AIS Committee Presentation	8	2				8	2	\$2,884				\$2,884
TASK 06-C: 6 AIS meetings	24	6				24	6	\$8,652	\$300		\$300	\$8,952
TASK 06-D: 4 public Board meetings	16	4				16	4	\$5,768	\$200		\$200	\$5,968
TASK 06-E: 2 public presentation meetings	12	2				12	2	\$4,112	\$200		\$200	\$4,312
PHASE 06 TOTAL:	\$11,492	\$1,386				\$9,384	\$1,610	\$23,872	\$700		\$700	\$24,572
PHASE 07 AIS Program Assistance (Hourly)												
TASK 07-A: Assist LMCD with AIS Mgmt. Program	Depending on requested activities, this could be strategic planning or fieldwork. Total hours are dependent on program and staff needs.											
TASK 07-B: Meetings & Minutes	Typical meetings are expected to require 2 hours of time from either Steve or Jason. Preparation of minutes will require an additional 1 hour.											
TASK 07-C: Memos & Statements of Understanding	Technical memos and other formal documentation are typically completed in 4-6 hrs. These are led by Steve with support from technical staff.											
TASK 07-D: Support permit applications	Lake management permit support is typically provided by mid-level staff. A typical permit may require a few hours of work (minus agency meetings).											
TASK 07-E: LMCD Board Presentations	Presentations to the LMCD Board will be given by Jason or Steve. Typically about 4 hours is assumed for each Board Presentation.											
PROJECT TOTALS HOURS	86	128	24	90	48	142	68	586				
PROJECT TOTALS COST	\$14,534	\$12,672	\$3,000	\$11,250	\$5,088	\$19,596	\$7,820	\$73,960	\$700	\$100	\$800	\$74,760

PROJECT SCHEDULE

MONTHS (2019):	Apr	May	Jun (1-15)	Jun (16-30)	Aug	Sep	Oct	Nov	Dec
PHASE 01 Starry Stonewort Protection Plan									
TASK 01-A: Develop Fact Sheet									
TASK 01-B: Contact MAISRC / Agencies For Input									
TASK 01-C: Develop Proactive Protection Options									
TASK 01-D: Identify Funding Sources									
TASK 01-E: Draft Proactive Work Plan									
PHASE 02 Assess Existing Harvest / Mgmt. Program									
TASK 02-A: Lit Review Pros & Cons of Ex. Harvest									
TASK 02-B: Harvest Program Review & Recs									
TASK 02-C: Financial Summary of AIS Program									
TASK 02-D: Cost Comparison - Existing vs Proposed									
TASK 02-E: Outcome/ Recommendations									
PHASE 03 Mapping									
TASK 03-A: GIS Base Map for Each Bay									
TASK 03-B: Obtain AIS Data to Develop Maps									
TASK 03-C: GIS Data Management & Functionality									
TASK 03-D: Fees & Scopes for P/I Surveys									
TASK 03-E: Mapping Support for Permits	TBD								
PHASE 04 Vegetation & AIS Master Plan Development									
TASK 04-A: Module Development									
TASK 04-B: Cost Comparison - Existing vs Proposed									
TASK 04-C: Lit Review of Treatment / Hybrid AIS									
TASK 04-D: Scope/ Mgmt. of AIS From Private Parties									
TASK 04-E: Existing vs Alternate Options Analysis									
TASK 04-F: Assess New Methods for AIS Mgmt.									
TASK 04-G: Integration of Existing / New Methods									
PHASE 05 Emergency Action Plans									
TASK 05-A: Starry Stonewort Emergency Action Plan									
PHASE 06 AIS Master Plan Presentations & Meetings									
TASK 06-A: Coordination meetings with LMCD & minutes									
TASK 06-B: LMCD AIS Committee Presentation									
TASK 06-C: 6 AIS meetings & minutes									
TASK 06-D: 4 public Board meetings & minutes	<i>The public Board Meetings and public presentation schedule will be determined during the course of the project.</i>								
TASK 06-E: 2 public presentation meetings									
PHASE 07 AIS Program Assistance (Hourly)	<i>AIS Program assistance tasks may be scheduled as needed throughout the course of 2019 and for future phases.</i>								
TASK 07-A: Assist LMCD with AIS Mgmt. Program									
TASK 07-B: Meetings & Minutes									
TASK 07-C: Memos & Statements of Understanding									
TASK 07-D: Support permit applications									
TASK 07-E: LMCD Board Presentations									

REFERENCES



Mike Kinney (EOR & BWS)

Administrator

Comfort Lake Forest Lake Watershed District

44 Lake Street South, Suite A

Forest Lake, MN 55025

651-395-5855/

michael.kinney@clflwd.org

Matt Kocian (EOR & BWS)

Lake and Stream Specialist

Rice Creek Watershed District

4325 Pheasant Ridge Drive, Suite 611

Blaine, MN 55449-4539

763-398-3070/

MKocian@ricecreek.org

Kevin Farum (BWS)

Aquatic Invasive Species Committee Chair

Koronis Lake Association

612.963.5248 /

kevinfarum@koronislakeassociation.org

Jerry Spetzman (EOR & BWS)

Chisago Lakes LID Administrator

Chisago County

P.O. Box 748. 12631 Lake Blvd.

Lindstrom, MN 55045

651-213-8383/

jerry.spetzman@chisagocounty.us

APPENDIX A: Team Résumés



550 South Snelling Avenue, St. Paul, MN 55116

651.690.9602

Steve McComas, Aquatic Scientist

Education

M.S.C.E. Civil Engineering. 1983. University of Minnesota. Minneapolis, Minnesota.
M.S. Environmental Sciences. 1980. Texas Christian University. Fort Worth, Texas.
B.A. Biology-Geology. 1976. College of St. Thomas. St. Paul, Minnesota.

Experience

Steve McComas is owner of Blue Water Science, a three-person consulting firm in St. Paul, Minnesota. He has been working on lakes and streams for over 30 years and has worked on aquatic invasive species issues for 25 years.

Steve has authored over 800 journal publications, magazine articles, and technical reports. Steve has conducted numerous lake management/lake restoration projects throughout the midwest. He is the author of **LakeSmarts**, a book on lake maintenance projects and **Lake and Pond Management Guidebook**, a book that describes over 300 projects to improve lake conditions. He has hands-on experience with lake and watershed monitoring, wastewater engineering, and implementing or recommending techniques to protect lakes, control algal blooms, manage aquatic plants, and improve sport fishing.

Mr. McComas has been involved with large and small lake management projects addressing aquatic invasive species combined with designing in-lake improvement projects. Innovative lake management programs have been one of the hallmarks of Steve McComas and Blue Water Science.

Professional Employment

1987-Present: Blue Water Science. St. Paul, Minnesota (*Steve McComas, owner; Jo Stuckert, aquatic scientist; Connor McComas, project scientist; 3-person company*).
1983-1987: Applied Research & Technology. Chicago, Illinois & St. Paul, Minnesota (*Steve McComas, owner; 1-person company*).
1981-1983: WAPORA, Inc. Chicago, Illinois (*consulting engineering firm; 20-person office*).
1980: Agency for International Development (*conducted research on the Sea of Galilee, Israel and Nile delta lakes, Egypt*).

Books

- McComas, S.R. 2003. Lake and Pond Management Guidebook. CRC Press, Boca Raton, Florida, 286 p.
- McComas, S.R. 1993. Lake Smarts: the first lake maintenance handbook. Terrene Institute, Washington, DC, 215 pp.

Peer Reviewed Publications

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- McComas, S.R. and R.W. Drenner. 1982. Species replacement in a reservoir fish community: silverside feeding mechanics and competition. Canadian Journal of Fisheries and Aquatic Sciences 39:815-821.
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AIS Experience – Steve McComas

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McComas, S.R. 2018. Starry stonewort surveys for Rice Lake, Stearns County, Minnesota in 2018. Prepared for the Rice Lake Association.

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McComas, S.R. and J.A. Stuckert. 2019. Aquatic plant surveys for Crystal Lake, Burnsville, Minnesota, 2018. Prepared for the City of Burnsville, Minnesota (including mechanical harvesting summary).

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McComas, S. R. And J.A. Stuckert. 2007. Curlyleaf pondweed harvesting program summary for Orchard Lake, Lakeville, Minnesota 2004 through 2006. Prepared for the City of Lakeville, Minnesota.

McComas, S.R. 2005. Aquatic plant surveys and curlyleaf pondweed harvesting summary for Bald Eagle Lake, Ramsey County, 2003. Prepared for Bald Eagle Lake Association.

McComas, S.R. 2003. Curlyleaf pondweed harvesting program summary for Bald Eagle Lake, Ramsey County. Prepared for Bald Eagle Lake Association.

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McComas, S.R. 1996. Underwater evaluation of weed pulling and harvesting on Lake Minnetonka. Report for the Lake Minnetonka Association.

Curlyleaf Pondweed and Eurasian Watermilfoil Experience

Peer Reviewed Journal Article: McComas, S.R., Y.E. Christianson, and U. Singh. 2015. Effects of curlyleaf pondweed control on water quality and coontail abundance in Gleason Lake, Minnesota. *Lake and Reservoir Management*, 31:109–114, 2015

Peer Reviewed Journal Article: McComas, S. and J. Stuckert. 2000. Pre-emptive cutting as a control technique for nuisance growth of curly-leaf pondweed, *Potamogeton crispus*. *Verh. Internat. Verein. Limnol.* 27:2048-2051.

McComas, S.R. and J.A. Stuckert. 2016. Aquatic plant surveys for Black/Seton/Emerald Bays, Lake Minnetonka, Hennepin County, Minnesota, 2015. Prepared for the Minnehaha Creek Watershed District.

McComas, S.R. and J.A. Stuckert. 2016. Aquatic plant surveys for Crystal Bay, Lake Minnetonka, Hennepin County, Minnesota, 2015. Prepared for the Minnehaha Creek Watershed District.

McComas, S.R. 2013. Aquatic plant point intercept survey for North Arm Bay of Lake Minnetonka, City of Orono, Minnesota, 2013. Prepared for the Lake Minnetonka Association.

McComas, S.R. and J.A. Stuckert. 2009. Aquatic plant surveys for Gideon Bay, Lake Minnetonka, Hennepin County, Minnesota, 2008 and 2009. Prepared for the Lake Minnetonka Association.

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800 other surveys for 50 different lakes have been conducted to evaluate and manage CLP and EWM in lakes

Flowering Rush Experience

McComas, S.R. 2019. Flowering rush delineation, control, and assessment for Forest Lake, Washington County, Minnesota, 2018. Prepared for Washington County and the Comfort Lake - Forest Lake Watershed District.

McComas, S.R. 2018. Flowering rush delineation, control, and assessment for Forest Lake, Washington County, Minnesota, 2017. Prepared for Washington County and the Comfort Lake - Forest Lake Watershed District.

McComas, S.R. 2016. Flowering rush delineation, control, and assessment for Forest Lake, Washington County, Minnesota, 2016. Prepared for Washington County and the Comfort Lake - Forest Lake Watershed District.

McComas, S.R. 2017. Flowering rush in Lake Minnetonka in 2016. Report for the Minnehaha Creek Watershed District.

McComas, S.R. 2015. Flowering rush control in selected sites in Lake Minnetonka in 2014. Report for the Minnehaha Creek Watershed District.

McComas, S.R. 2014. Flowering rush control by hand pulling in selected sites in Lake Minnetonka in 2013. Report for the Minnehaha Creek Watershed District.

McComas, S.R. 1994. Investigation of Flowering Rush distribution and ecology in the Detroit Lakes Area, Minnesota. Report for the Minnesota Department of Natural Resources.

Zebra Mussel Experience

McComas, S.R., J.A. Stuckert, and C.C. McComas. 2019. Aquatic invasive species review for Little Rock Lake, Mayhew Lake, Elk River, Mississippi River, Rum River, Stony Brook, and St. Francis River, Benton County, Minnesota. Prepared for Benton County, Minnesota.

McComas, S.R., J.A. Stuckert, and C.C. McComas. 2019. Zebra mussel and starry stonewort searches for Big Fish Lake, Stearns County, Minnesota, 2018. Prepared for the Big Fish Lake Association.

McComas, S.R., J.A. Stuckert, and C.C. McComas. 2019. Zebra mussel rapid response assessment for Bald Eagle Lake, Ramsey County, Minnesota, 2018. Prepared for the Ramsey County Parks and Recreation - Soil and Water Division.

McComas, S.R. 2018. Status of zebra mussel densities and water quality impacts in Lake Minnetonka. Prepared for the Minnehaha Creek Watershed District.

McComas, S.R., J.A. Stuckert, and C.C. McComas. 2018. Zebra mussel rapid response assessment for Lake Johanna, Ramsey County, Minnesota, September 13-14, 2018. Prepared for the Ramsey County Parks and Recreation - Soil and Water Division.

McComas, S.R. 2017. Zebra mussel and starry stonewort early detection surveys at twelve Ramsey County lakes in 2017. Prepared for Ramsey County, Minnesota.

McComas, S.R., J.A. Stuckert, and C.C. McComas. 2017. Aquatic invasive species action plan for selected Dakota County Parks Lakes, Dakota County, Minnesota. Prepared for Dakota County.

McComas, S.R. 2015. Aquatic invasive species action plans for Le Sueur County, Minnesota. Prepared for Le Sueur County, Minnesota.

McComas, S.R. 2015. Zebra mussel early detection surveys and habitat suitability at twelve Ramsey County lakes in 2015. Prepared for Ramsey County Parks and Recreation Department Maplewood, Minnesota.

McComas, S.R. 2015. Zebra mussel early detection, rapid response, and control plan for lakes in Ramsey County, Minnesota. Prepared for Ramsey County Parks and Recreation Department Maplewood, Minnesota.

Molloy, D.P and S.R. McComas. 2014. The introduction of zebra mussels into Christmas Lake: How and when did it happen? Prepared for the Christmas Lake Association.

Molloy, D.P and S.R. McComas. 2014. Were the Christmas Lake attempts at zebra mussel eradication a success?: Why a two-year follow-up mussel detection study with a temporary moratorium on transient boat launches makes sense. Prepared for the Christmas Lake Association.

McComas, S.R. and J.A. Stuckert. 2011. Christmas Lake Habitat Suitability Assessment for Invasive Zebra Mussels. Prepared for the Christmas Lake Association.

McComas, S.R. 2010. Lake Minnetonka zebra mussel enhanced assessment. Prepared for the Minnehaha Creek Watershed District.

Zebra Mussel Searches/Rapid Responses for:

2018: Big Marine Lake, Lake Marion, Cedar Lake

2017: Sugar Lake, Comfort Lake, Forest Lake

2015: Big Cormorant Lake, Bryant Lake

2014: White Bear Lake, Green Lake

Project Experience

Invasive Species Management

Invasive species continue to threaten our ecosystem. Jason has worked with multiple local resource agencies to plan for, manage, monitor and remove harmful invasive species.

Aquatic Invasive Species Management Planning

Comfort Lake - Forest Lake Watershed District/ Program Manager.

Developed the goals for an Aquatic Invasive Species program in the watershed district and continues to manage annual activities. Projects include invasive plant management, carp management and invasive species monitoring. Important role in the project included field assessments, stakeholder coordination, public messaging, budgeting and reporting.

Chisago Lakes Carp Management Planning

Chisago Lakes Lake Improvement District/ Program Manager.

Developed annual activities for the lake improvement district to research and manage carp population in the chain of lakes. On-going activities included harvests, population surveys, coordination with agencies & stakeholders, and habitat assessments.

Prior Lake Spring Lake Watershed Carp Management Planning

Prior Lake-Spring Lake Watershed District/ Program Manager.

Developed a schedule of carp management activities within the entire watershed. Activities included barrier and harvest planning, population surveys and coordination with agencies.

Water Management Planning

Water is the basis of life and planning for its long-term availability is critical to the sustainability of our ecosystem. Jason has provided his natural resource expertise in many important water planning projects.

Cannon River One Watershed- One Plan

Dakota County SWCD & Planning Partners / Lead Biologist and Natural resources Advisor.

Currently preparing the One Watershed-One Plan document for the host of entities in the planning area. Responsibilities to date have included the preparation of the Land and Water Resources Inventory, and attendance at planning and public meetings.

Lake Superior North - One Watershed, One Plan

Cook and Lake County SWCD. Project Manager.

Developed a One Watershed, One Plan for the most highly valued natural resource area in the State of Minnesota. In addition to managing the project, Jason participated in technical committee meetings and did significant plan writing on natural resource related goals and objectives.

Wetland Management Planning

Jason has led and implemented many comprehensive wetland plans. These plans were conducted for watershed districts and municipalities. In some cases the wetland plans included variations to the Wetland Conservation Act to meet local needs and in the case of the City of Lino Lakes, Section 404 of the Clean Water Act was varied to allow mitigation flexibility through a Special Area Management Plan. Activities in these wetland planning projects included field inventories, plan writing, rule making, public meeting facilitation and legal proceedings.

City of Lino Lakes Special Area Management Plan (SAMP)

Rice Creek Watershed District & City of Lino Lakes. PM.

Coordinated municipal land use planning with resource protection to develop the first SAMP with the USACE for the State of Minnesota. The SAMP was developed from a local wetland plan developed by EOR for the Rice Creek Watershed District and the Lino Lakes Comprehensive Plan written by the City's consultant. The outcome of the SAMP includes a coordinated local, state and federal permitting process. The federal permitting process resulted in a Programmatic General Permit



**Jason
Naber**

WDC

**Senior Partner
Environmental
Scientist**

Jason Naber has 30 years of experience in natural resource management and ecological restoration. He has been the project lead for several resource management plans, Watershed Restoration and Protection Strategies (WRAPS) and a One Watershed- One Plan. He is very familiar with environmental regulatory programs, wetland banking and routinely conducts rare species surveys. Jason is an experienced project facilitator. He is an effective communicator and is frequently invited to give technical presentations and participate in educational seminars.

Education

1992 Bachelor of Arts in
Biology, St. John's University

Continuing Education

2002 Rosgen Stream Geomorphology
2005 Systematic Development of
Informed Consent
2012 MN DNR Field Guide Training
for Native Plant Community
Classification
2013 Wetland Delineator Certification
(WDC)
2014 MN DNR Stream Restoration-
Assessment and Monitoring

Areas of Expertise

- Natural Resource Management, Restoration & Planning
- Watershed Planning
- Wetland Regulatory Process & Planning
- Wildlife Surveys - Prequalified rare species surveyor (MNDNR)

Professional Activities

- MN Wetland Professional Assoc.
- Instructor for BWSR Lateral Effect Training Seminars
- Advisor for MN Drainage Manual update
- Advisor for Metro. State Univ. Science Masters Degree Program
- Advisor for Corps of Engineers' Red River Watershed Management Plan

Rice Creek Watershed Comprehensive Wetland Protection and Management Plan

Rice Creek Watershed District. Project Manager.

Managed several wetland planning efforts that integrated wildlife and vegetation surveys, watershed hydrologic modeling, and wetland functional assessments. Facilitated technical meetings as well as public meetings for wetland values surveys and agency approval processes. Provided solution to long-standing legal standoff between the State of Minnesota, local governing units and landowners.

Prior Lake-Spring Lake Watershed Comprehensive Wetland Plan

Prior Lake Spring Lake Watershed District. Project Manager.

Initiated the project to help the Watershed District identify wetland reestablishment, restoration and protection sites to enhance wetland functions, particularly improving water quality draining to TMDL-listed lakes. Work included heavy participation by local agencies, a field inventory using a MNRAM to assess wetland function, plan writing and the approval process.

Natural Resource Management & Planning

Jason is committed to preserving the integrity of our natural resources for future generations. His signature work involves protecting our resources from threats and improving degraded ecosystems. His vast experience in natural resource management and strong communication skills make him an excellent contributor to multi-faceted planning projects.

Adaptive Management Plans for MnDNR Scientific Natural Areas

MN/DNR - Scientific Natural Areas, Project Manager.

Conducted field inventories and wrote adaptive management plans for multiple Scientific Natural Areas across the State of Minnesota.

Fergus Falls Waterfowl Production Area Restoration Evaluations

MN/DNR Biologist & Project Manager.

Conducted field inventories on multiple Waterfowl Production Areas near Fergus Falls, MN. Reviewed wetland and prairie restoration activities and prepared a report used to assess project status. This report was used in a DNR-led review of state funded restoration projects.

Riverine Turtle Hydrology/Hydrologic Assessment

MN Department of Natural Resources. Project Manager/Biologist.

This project was awarded a State Wildlife Grant through MN DNR to study hydrologic effects on known nest sites for two species of state-listed riverine turtles; wood turtle & smooth softshell. Work included an extensive H & H modeling as well as nest site monitoring and population surveys

Parks, Trails & Open Space Planning

Jason is regularly brought in to participate in parks and open space planning activities. His experience with natural resources complements park and open space planning by developing sustainable landscapes that enhance biodiversity and increase public interest in green spaces. Jason leads planning efforts through EOR and frequently collaborates with planning firms as a subconsultant.

Lake Byllesby Regional Park Master Plan

Dakota County Parks Department/ Biologist-subconsultant.

Collaborated with the park planning team as a natural resources specialist. Responsible for conducting site inventories, providing guidance to the park Master Plan and attending meetings both with the public and park planning teams.

Olmsted County Parks Masterplan

Olmsted County Parks Department / Biologist-subconsultant.

Collaborated with a partner firm to prepare master plans for several regional parks in Olmsted County. Responsible for mapping of existing natural resources in the newly acquired parks and utilizing existing Access/GIS database to update restoration & management projects for the largest park in the County system.

Fred Richards Golf Course Master Plan

City of Edina Parks Department/ Biologist-subconsultant.

Participated in the project as a natural resources advisor to the park planning team. Responsible for conducting site inventories, providing guidance the park masterplan, and attending meetings both with the public and project teams. Developed a strategy in the planning concept to build a high-functioning wetland system within an urban park that is eligible for wetland banking credits.

Local Surface Water Management Planning

Local surface water planning for municipalities requires an integration of resource management disciplines and technical expertise. Jason has played important roles in plan writing, meeting facilitation and the plan approval process.

Lino Lakes Surface Water Management Plan

City of Lino Lakes. Natural Resource Specialist.

Incorporate natural resource preservation & restoration strategies from other resource management planning work completed by EOR for the City of Lino Lakes. Activities included meeting facilitation, plan writing and finalizing the plan through local plan approval process.

APPENDIX B: Project Cutsheets





13 Lake AIS Reconnaissance

Date: 2013
Location: Northern Washington
County
Client(s): Carnelian-Marine-St.
Croix Watershed
District

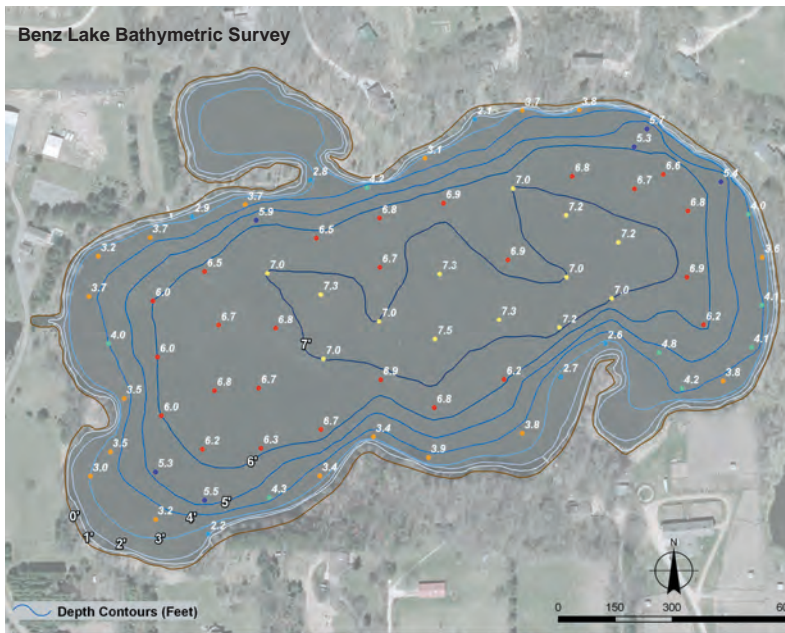
Summary

Aquatic Invasive Species (AIS) has become a more widespread concern of Watershed Districts due to the detrimental effects AIS have on native communities and water quality. Sixteen of the 31 lakes within CMSCWD are known to have at least one (aquatic plant) AIS and 4 have been confirmed via point-intercept surveys not to have AIS present.

This project investigated the remaining 11 lakes via a cost-effective, targeted macrophyte sampling strategy to verify that AIS plant species are not present or document their abundance if found. Survey for invasive aquatic animal species of concern (zebra mussels, spiny water fleas, and rusty crayfish) was also completed.

Client Benefits

- Cost-effective lake reconnaissance protocol developed to investigate AIS existence/proliferation.
- Mapping of the current areas of infestation to afford the ability to monitor future proliferation or decline.



Benz Lake Strategic Lake Management Plan

Date: 2009
Location: Stillwater
Client(s): Brown's Creek Watershed District

Summary

As part of a District initiative to manage its resources based on a scientific approach, EOR developed a Strategic Lake Management Plan to address the ecological concerns of Benz Lake, as well as improve the Lake's water quality and recreational opportunities.

As very little was known about Benz Lake and its watershed, the initial investigative process included an extensive data gathering effort that included the following biological surveys: fisheries, macrophytes, zooplankton, and phytoplankton, and a bathymetric survey of the lake,

After evaluating the existing state of the lake, goals were developed for its future condition with input from project stakeholders including, lakeshore property owners and residents of the watershed.

In addition to the Management Plan, EOR developed a detailed Implementation Plan that included lake-specific actions targeted to meet the lake's management goals.

Client Benefits

- Construction of a Bathtub in-lake model, and the calculation of internal loading due to sediment release of phosphorus.
- Action plan for nutrient reduction.
- Stakeholder-led planning initiative.



CLFLWD Watershed Management Plan

Date: 2011
Location: District Wide
Client(s): Comfort Lake - Forest Lake Watershed District (CLFLWD)

Summary

The CLFLWD Watershed Mgmt. Plan was developed using EOR's technical expertise and input from stakeholders, municipalities, and the Board of Managers.

The Plan provides a clear framework to implement programs, projects and capital improvements that will direct the District toward its water resource goals. The Plan's lake summaries present background data and action plans for each lake. These summaries provide quick reference guides for the Board, staff, and stakeholders - summarizing each resource's history and the District's action plans.

In addition, the Plan ties all projects and programs to the District's annual budgeting process and integrates with the TMDL studies and water quality studies that established load limits for lake areas.

Client Benefits

- Designed for active use by CLFLWD Staff and Board, the Plan establishes budgets and timelines for project implementation, and provides quick reference guides for each lake within the district.
- Plan provides an action framework establishing new programs and outlining projects to address current watershed concerns.

COMFORT LAKE WATERSHED SUMMARY

Lake Status

Overall Strategy:
Improve Water Quality

Water Quality:

Rating: C	Secchi: 5.23 ft
TP: 35 µg/L	Chl-a: 16.3 µg/L

Impairment: Aquatic recreation
due to nutrient/eutrophication biological indicators

Water Quality Trend:

Secchi – Improving;
TP – No Trend;
Chl-a - Improving

Shoreland Classification:

General Development

Subwatershed Land Cover:

30% wetland, 15% medium-density residential, 11% cropland, 10% grassland and 10% forest

Resource Goals

Short Term Goals – Year 2020

- Maintain a water quality rating of C.
- Achieve a five-year mean summer phosphorus concentration at or below 40 µg/L \pm 4%.
- Maintain a mean summer secchi depth no less than 5 ft.

Long Range Goals - Year 2030

- Maintain a water quality rating of C.
- Achieve a five-year mean summer phosphorus concentration at or below 40 µg/L \pm 4%.
- Maintain a mean summer secchi depth no less than 5 ft.

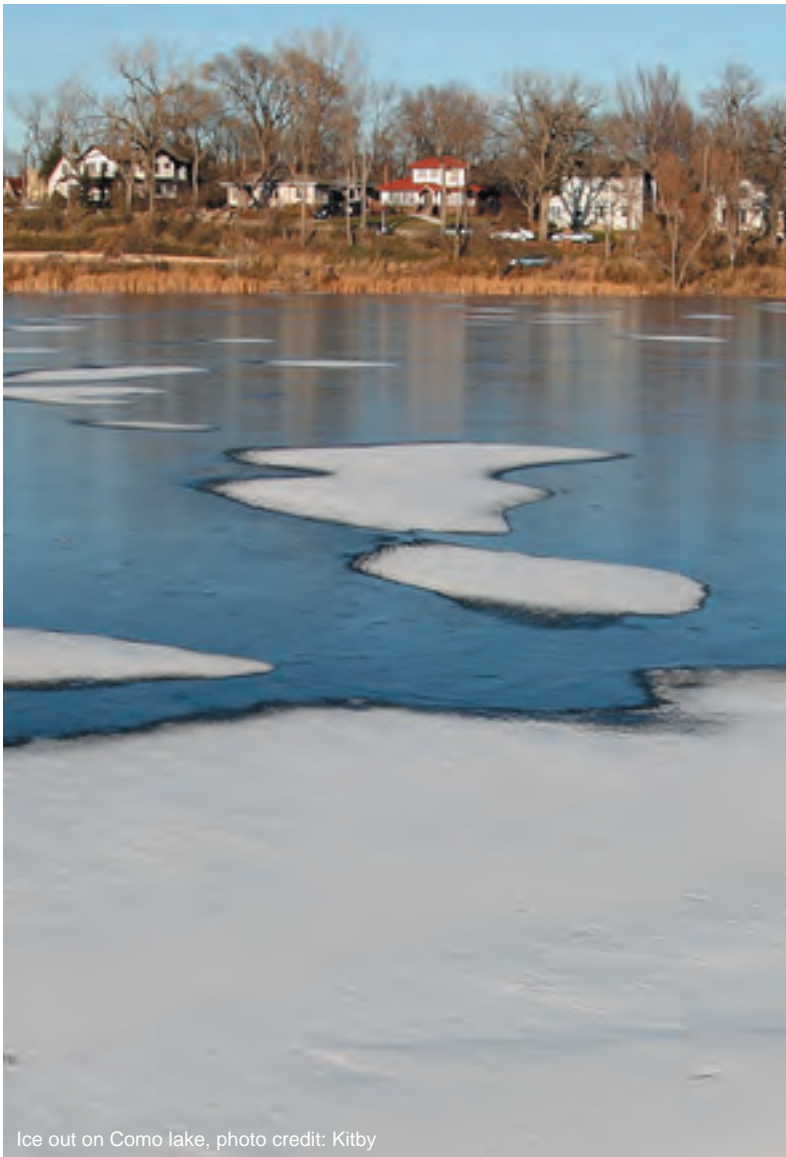
Long Range Goals - Year 2040

- Attain a water quality rating of B.
- Achieve a five-year mean summer phosphorus concentration at or below 30 µg/L \pm 4%.
- Maintain a mean summer secchi depth no less than 7 ft.



BASIC FACTS

DNR ID	13005300
Lake Area	219 acres
Subwatershed Area	24,832 acres
Outlet Elevation	885.4 ft.
Low Water Level	884.8.11 ('69)
High Water Level	888.32 ('75)
Ordinary High Water	887.20
100-Yr. Flood Elev	NA (FEMA)
Control Structures:	42 ft. control weir at outlet
Greatest Depth	47 ft.
Littoral Area	90 acres
Public Access Sites	1
Fish Species:	Bass, Walleye, Northern Pike, Yellow Perch, Black and Brown Bullhead, Bowfin, Brook Silverside, Common Carp, Pumpkinseed and Bluegill Sunfish, White and Black Crappie (2005)
Aquatic Nuisance Species:	Curlyleaf Pond Weed
References:	Water Monitoring Report (CLFLWD, 2009) DNR Lake Finder MPCA Lake Water Quality Summary CLFLWD Six Lakes TMDL (2010)



Ice out on Como lake, photo credit: Kitby



Como Lake - U of M, Metropolitan Design Center Image Bank

Como Lake Strategic Lake Mgmt. Plan

Date: 2002
Location: St. Paul, MN
Client(s): Capitol Region Watershed District (CRWD)

Summary

The Como Lake Strategic Lake Management Plan (SLMP) was developed through an extensive public participation process that included several community members and representatives from both State and local agencies.

The plan, which evolved over 12 meetings within 18 months, identified key lake management issues of concern. Based on these issues, a series of goals were developed for the future vision of the Lake.

The implementation plan provides the District and the City of St. Paul a framework for managing the Lake and focuses on the reduction of phosphorus inputs through a subwatershed loading plan.

Specific load-reduction projects were identified for each of the lake's eight subwatersheds.

Client Benefits

- Accounts for the challenging shallow lake dynamics.
- Acknowledges the area's important historical and cultural landmarks.
- Detailed a subwatershed nutrient loading reduction plan/approach.



Library Lake Management Plan

Date: 2010
Location: Cumberland, WI
Client(s): Beaver Dam Lake Management District

Summary

EOR and Harmony Environmental developed the Library Lake Mgmt. Plan in order to formally recognize the value of Library Lake in downtown Cumberland. The Plan helped to establish an understanding of the Lake's problems and outline the threats of further deterioration.

Driven by these factors, the Plan establishes goals and objectives which were used to define future management actions within the City's planning framework.

EOR completed a detailed Master Plan for the City, which was a vital component of the Library Lake Management Plan.

Client Benefits

- Project assisted in leveraging over \$200,000 in WI/DNR grant funding for implementation plan line items.
- All-in-one resource examining the historic and current state of the lake including a compilation of findings from previous studies.
- Clear statement of the regulatory and planning framework applicable to Library Lake.
- Comprehensive goal setting process considered transportation, natural resources, economic development, civic identity and recreation.



Long Lake Management Plan

Date: 2006
Location: Stillwater
Client(s): Brown's Creek Watershed District

Summary

EOR facilitated a stakeholder-led planning process to develop the Long Lake Management Plan. The primary focus of the Plan was to address declining water quality and decreased aquatic recreational opportunities. Lakeshore residents, local government representatives, & other lake-users were presented with a conditions assessment of the lake and were asked to set goals for its future condition.

In assessing Long Lake, EOR developed a P8 water quality model to determine the level of nutrient & sediment loading from the watershed, and constructed a WiLMS in-lake model to predict the lake's response to potential load reductions.

The Plan detailed a subwatershed-based nutrient & sediment reduction strategy designed to meet the in-lake goals of improved water quality and increased recreational opportunities.

Client Benefits

- United stakeholders with varied interests in the planning process.
- Provided a road map for future management in the watershed.
- Identified hot spots for nutrient and sediment loading to the lake.
- Developed priority areas for improving existing stormwater management facilities.
- Awarded \$75,000 BWSR grant for implementing watershed BMPs.



Lake Superior North One Watershed, One Plan

Date: 2017
Location: NE Minnesota
Client(s): Cook & Lake Cnty.
 Soil and Water
 Conservation Dist.
 (SWCD)

Summary

EOR worked closely with the Lake and Cook County SWCD's, Technical Advisory- and Policy Committees to write one of the first One Watershed, One Plans in MN. Approved by the MN Board of Water & Soil Resources (BWSR), the Plan "... clearly presents water management goals, actions and priorities" - *BWSR Acting Chair*.

The Plan's process of prioritizing resources for protection and restoration included value modeling to facilitate an organized process of evaluating priorities and significant public input. Noting that these priority resources are some of the most valued resources in Minnesota.

The Plan targets projects that will protect and enhance Minnesota's high quality resources and provides an implementation plan which will enable local stakeholders to secure funding to achieve the Plan's goals.

Client Benefits

- Approved Plan makes the watershed eligible for future BWSR competitive grant awards.
- Creating a watershed mgmt. plan brings together a partnership of Counties, SWCDs, and a multitude of State Agencies, non-profits and local partners to implement a shared action plan for the area.
- The Plan identifies prioritized, targeted, & measurable outcomes resulting in effective resource allocation and improved accountability for state funding.





MCWD Lakes TMDL & Implementation Plan

Date: 2010
Location: District Wide
Client(s): MPCA & Minnehaha Creek Watershed Dist. (MCWD)

Summary

Nine lakes in the MCWD were on the 303(d) list of impaired waters due to excessive nutrients. A large focus of this project was to address the integration of MS4 stormwater permitting and TMDLs.

This project entailed:

- evaluating inlet water quality goals to determine the applicability of site-specific standards
- requesting reclassification of one of the lakes as a wetland
- developing TMDL allocations for four lakes, including three lakes in watersheds with high development pressures and one lake in fully-developed Minneapolis
- developing an implementation plan

The TMDL Implementation Plan integrates the Watershed District's Watershed Management Plan, local Surface Water Management Plans, and TMDL goals.

Client Benefits

- Coordination among the MPCA, watershed district, and member communities to provide an implementation approach that integrates their respective needs.
- Guidance for the MPCA and watershed district to provide assistance to cities needing to meet wasteload allocations.



Sand & Long Lake Diagnostic Study

Date: 2010 - 2013
Location: Washington County
Client(s): Carnelian-Marine
 St. Croix Watershed
 District (CMSCWD)

Summary

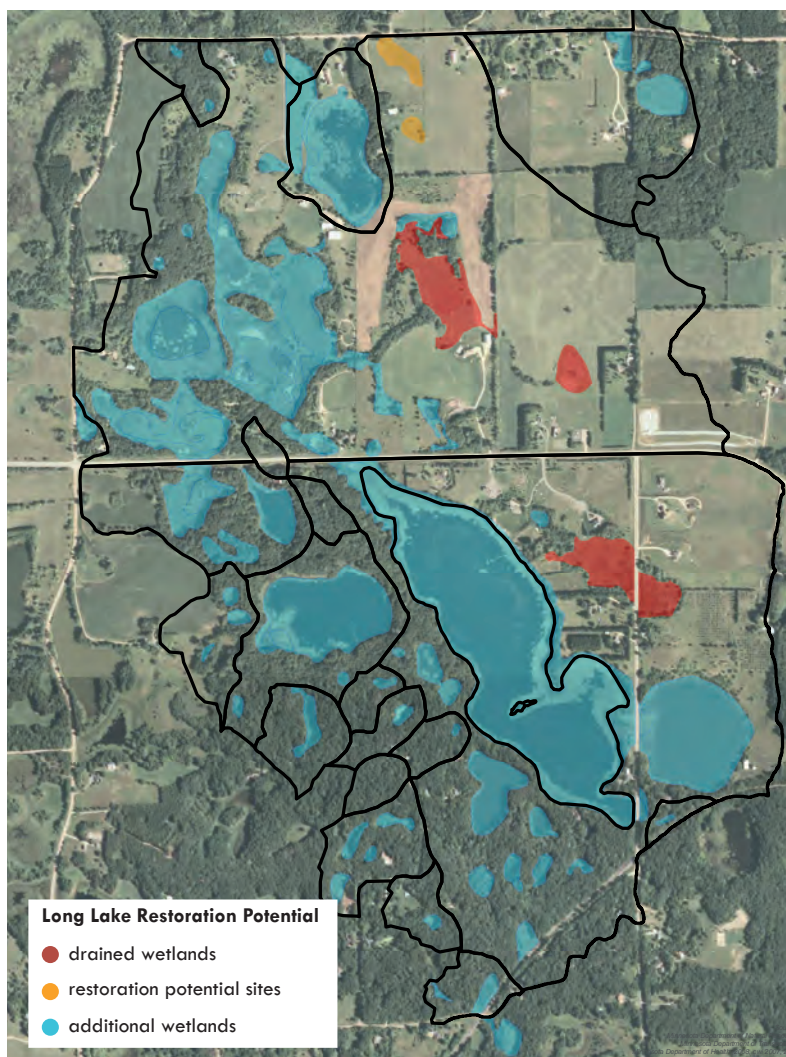
As Sand & Long Lake are high priority shallow lakes within the CMSCWD, this area has been identified as having a high ecological wildlife ranking. The area contains a moderate ranking for rare features potential, and at the time of the study, both Sand and Long lake were meeting the state water quality standards for shallow lakes.

This study provided the additional information required to address the pollutant loads to each of the lakes and improve water quality. Maintaining the state water quality levels for these lakes ensure that they continue to remain off the state's impaired waters 303(d) list.

Study involved preemptive data analysis, watershed & in-lake modeling, & stakeholder involvement for the development of water quality objectives, as well as implementation initiatives.

Client Benefits

- Water quality improvement objectives identified by an active watershed and citizen's group, outside of the TMDL program.
- Study addressed issues of non-degradation of waters currently meeting water quality standards.
- Shallow lake ecology findings contributed to existing efforts in the region.
- Assisted in developing successful implementation programs for shallow lakes.





Southwest Urban Lakes Study

Date: 2009
Location: SW District Area
Client(s): Rice Creek Watershed District (RCWD)

Summary

This project assessed the water quality of 24 lakes in the southwest portion of RCWD and developed management action plans for each lake, in response to inquiries for assistance in cleaning up degraded urban lakes. The lakes and watersheds were assessed to determine the causes of the poor quality and to identify options for improvement. Two meetings were held for each lake with interested stakeholders.

The end product included Lake Mgmt. Action Plans (MAPs), which summarized lake characteristics and existing lake data, provided a diagnostic assessment of the data, summarized public input, identified water quality issues, and recommended remedial strategies on a lake-watershed basis.

Over 200 potential retrofit BMPs were identified in the MAPs. The BMPs were prioritized for further assessment and implementation feasibility using a cost-benefit analysis. The RCWD is currently implementing the recommended strategy.

Client Benefits

- Management Action Plans for 24 urban lakes.
- Cost benefit analysis tool to be used for project prioritization.



Spring Lake Carp Survey & Management Plan

Date: 2012
Location: Spring Lake
Client(s): Prior Lake Spring Lake
Watershed District

Summary

A management plan was created to address water quality improvements for lakes within the Prior Lake Spring Lake Watershed District. Part of this plan involved the assessment of common carp (*Cyprinus carpio*) populations within select lakes of the watershed.

Carp present a barrier to improving water quality since they re-suspend lake sediments which release phosphorus back into the water column, contributing to algal growth. The initial phase of the Spring Lake Carp Management Plan included a population survey and the calculation of the carp's reproductive capacity which will be used to inform the design and implementation of various carp management strategies.

Client Benefits

- Carp population size and concentration used to inform management decisions for controlling the carp's population and propagation within the watershed.
- Identification of potential spawning areas and locations for fish barriers.
- Success of this project will garner support for future carp management opportunities within the watershed..



Square Lake Implementation Plan Update

Date: 2010 - 2013
Location: Washington Cnty, MN
Client(s): Carnelian-Marine-St.
Croix Watershed Dist.

Summary

Square Lk. is of regional significance due to its very high water quality and unique recreational opportunities that include trout fishing and scuba diving. However, recent declines in the lake's water clarity had become more pronounced causing a growing concern among the lake users and stakeholders. The goal of this study was to investigate the cause of the degradation and to recommend a course of action to reverse this trend.

The study focused on in-lake biological interactions as they relate to water transparency, with detailed investigations of the lake's plankton and fish communities. In addition, previous models were being verified through the monitoring of phosphorus loading to the lake.

After conclusion of the study, the existing implementation plan was updated to identify and prioritize management activities.

Client Benefits

- Increased understanding of the in-lake biological dynamics.
- Recommendations for preventing increases in phosphorus loads from the watershed.
- Study formed the basis of applications for implementation funding through MPCA and other agencies.



Starry Stonewort Fragments and Bulbils in the Treatment Area, October 9, 2018

Starry Stonewort Surveys for Lake Sylvia, Wright County, Minnesota in 2018

Survey Dates: May 15 and 23, June 25, July 27, August 27,
October 9 and 25, 2018

Prepared for:
Greater Lake Sylvia
Association



Prepared by:
Steve McComas
Blue Water Science
St. Paul, MN 55116

January 2019



Zebra Mussels on Aquatic Plants in Crystal Bay, Lake Minnetonka on October 10, 2016

Status of Zebra Mussel Densities and Water Quality Impacts in Lake Minnetonka

DRAFT

Prepared for:
**Minnehaha Creek
Watershed District**



Prepared by:
**Steve McComas
Blue Water Science**

January 19, 2018



A 2016 site with no flowering rush in Browns Bay. This site had over 5,000 square feet of flowering rush in 2015.

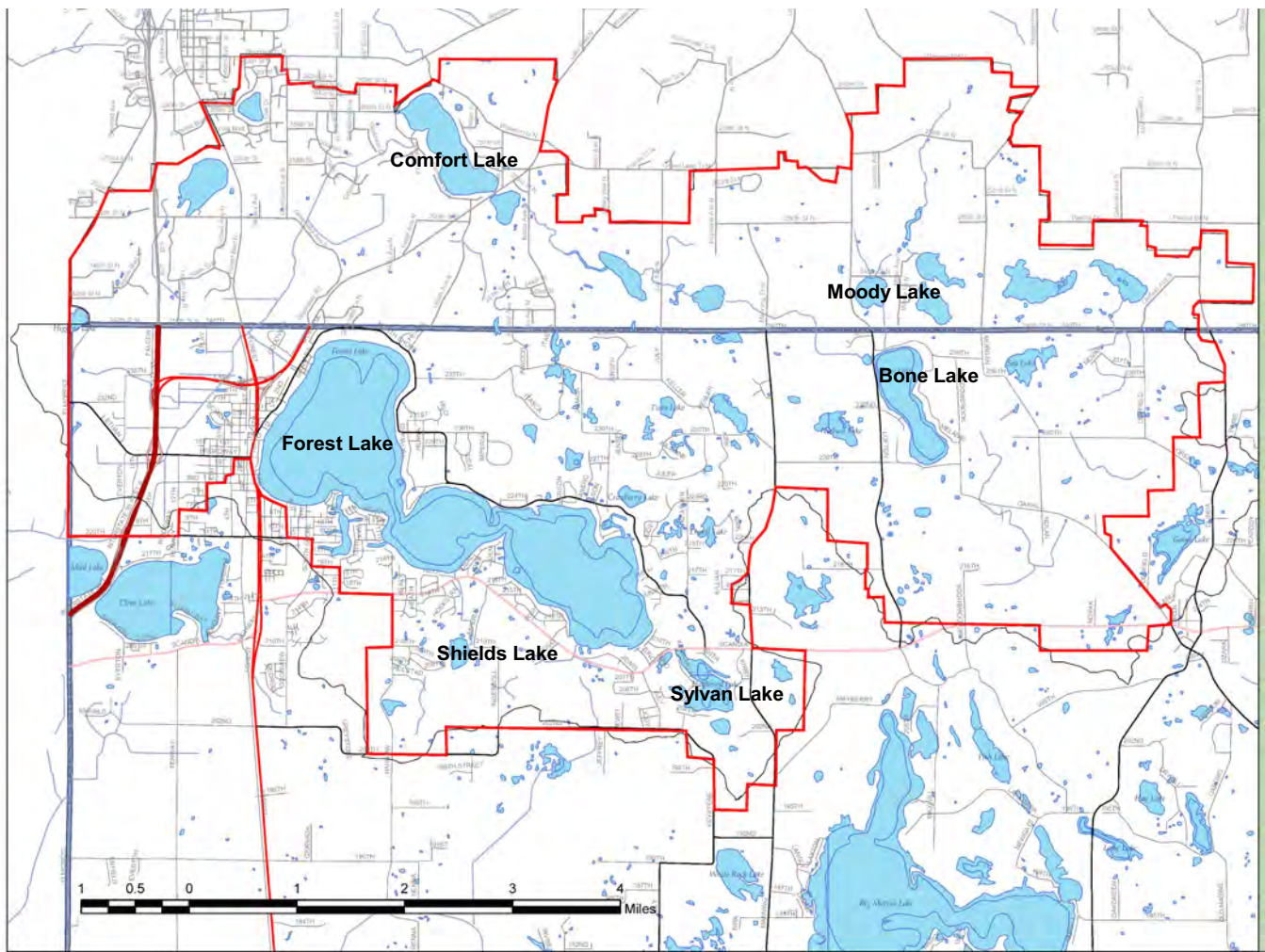
Flowering Rush in Lake Minnetonka in 2016

Prepared for:
**Minnehaha Creek
Watershed District**



Prepared by:
**Steve McComas
Blue Water Science**

December 2016



Comfort Lake/Forest Lake Watershed District

Summary of Aquatic Invasive Species Action Plans for Six Comfort Lake/Forest Lake Watershed District Lakes

Prepared for:
**Comfort Lake/Forest Lake
Watershed District
Forest Lake, Minnesota**



Prepared by:
**Steve McComas,
Jo Stuckert, and
Connor McComas
Blue Water Science
St. Paul, MN**

April 2015



Aquatic Plant Sample from Green Lake, August 2018

Aquatic Plant Point-Intercept Survey for Green Lake, Kandiyohi County, Minnesota, 2018

Point-Intercept Combined with a Meander Survey: August 9-10, 2018

Prepared for:
Green Lake Property
Owners Association



Prepared by:
Steve McComas
Jo Stuckert
Blue Water Science
St. Paul, MN 55116

December 2018



Steve McComas

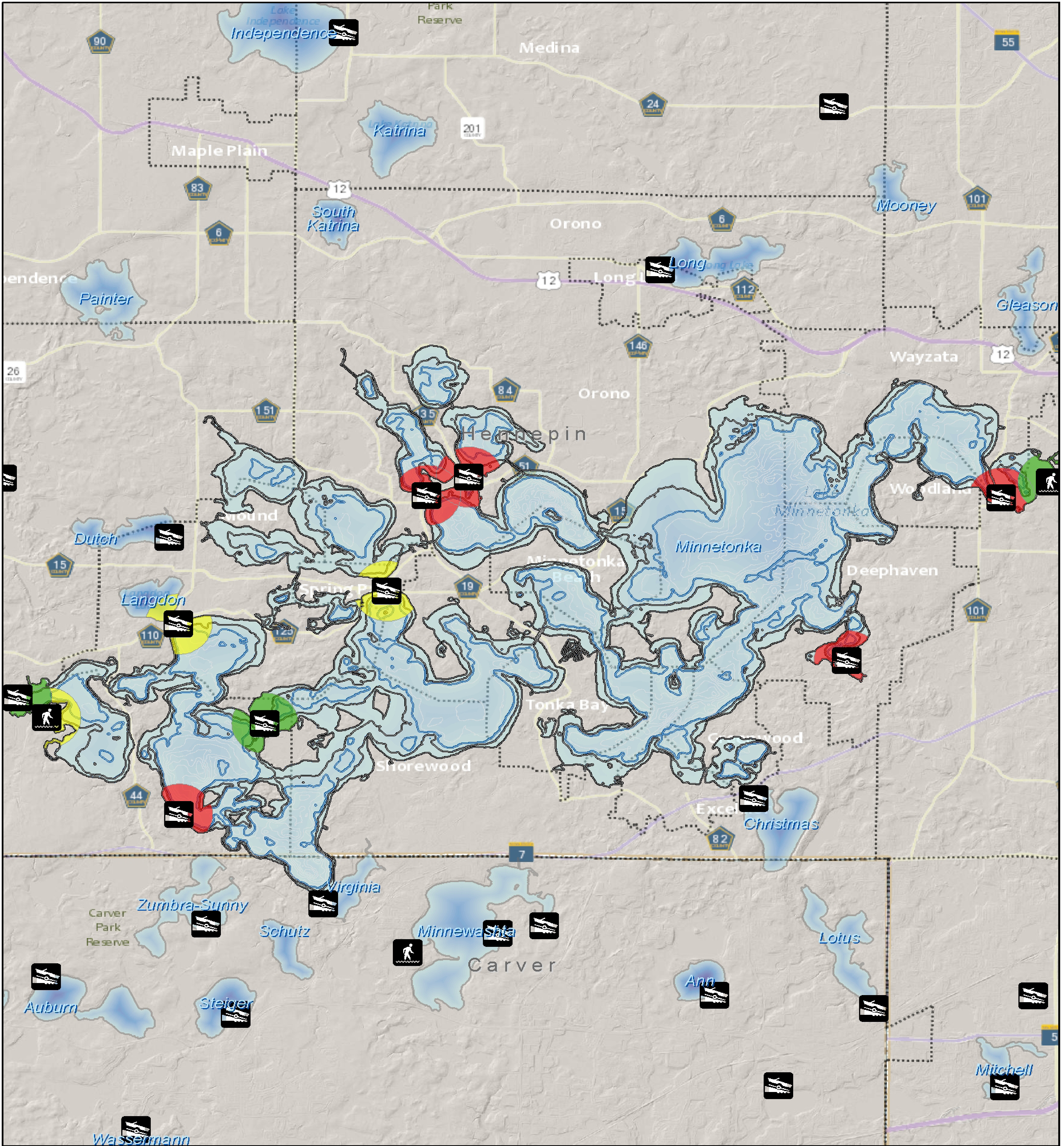
*Lake and Pond
Management*
Guidebook



LEWIS PUBLISHERS

Lake Minnetonka Vegetation & AIS Management Plan

April 11, 2019 -Interview



Legend

Public Water Access Sites in Minnesota

Launch Type

- Carry-In
- Trailer Launch

Areas w/in 500 meters Public Launch Trailer Parking Spaces

- 0 - 4
- 5 - 14
- 15 - 107



Lake Minnetonka Public Access Locations

0 0.75 1.5 Miles

EXPERIENCE

- AQUATIC INVASIVE SPECIES
- VEGETATION MANAGEMENT
- WATER QUALITY
- LAKE MANAGEMENT
- WATERSHED PLANNING
- WATER RESOURCE PLANNING
- GEOGRAPHIC INFORMATION SYSTEMS (GIS)



KEY STAFF



Project Manager

Jason Naber, WDC
Senior Biologist, Partner
BS - Biology
Experience: 30 Years



Lead Scientist

Steve McComas
Aquatic Scientist
BWS Founder
MSCE - Civil Engineering
MS- Environmental Science
BA - Biology-Geology
Experience: 35 Years



Biologist/GIS

Joe Pallardy
Biologist / GIS
MS- Biology
BS - Biology
Experience: 10 Years



Planner/Facilitator

Camilla Correll, PE



Biologist

Mike Majeski



Biologist / GIS

Jimmy Marty



limonologist/Facilitator

Dr. Meghan Funke, PE



Aquatic Ecologist

Connor McComas



GIS Manager

Etoile Jensen, GISP

KEY POINTS

EOR EXPERIENCE

BWS EXPERIENCE

STARRY STONEWORT

MINNETONKA EXPERIENCE

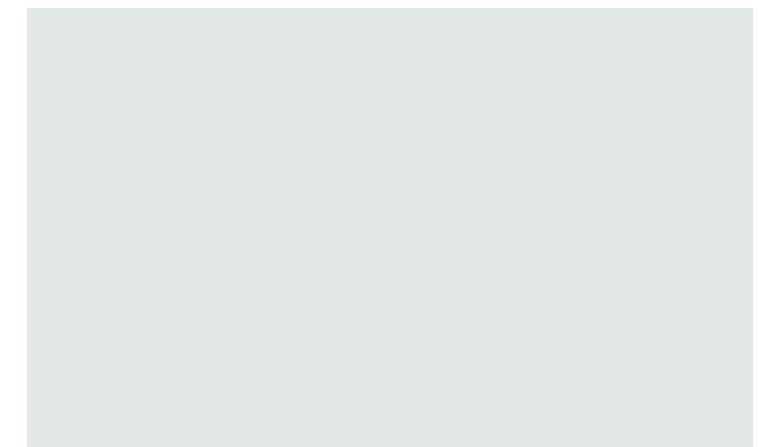
HARVEST VS HERBICIDE

GIS MAPPING

FACILITATION

GRAPHIC + MEDIA

Notes:





ITEM 12A

LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: April 24, 2019

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director *Vickie Schleuning*

SUBJECT: USGS Zebra Mussel Control Research Project Temporary Structure Request

ACTION

Board review of a temporary structure permit application to place buoys and research equipment in St. Albans Bay and Robinsons Bay as part of a zebra mussel control research project.

The following motions are offered depending on whether the Board wishes to approve or deny the request.

Approval:

I make a motion to approve the temporary structure permit application in coordination with the Hennepin County Sheriff's Office Water Patrol permit <with the following conditions...>.

Denial:

I make a motion to deny the temporary structure permit application <for the following reasons...>.

BACKGROUND

LMCD Code Section 2.07, Subdivision 3, states that the Board may grant permits, in accordance with LMCD Section 3.09, "Special Events", for temporary structures located more than 200 feet from shore. The Hennepin County Sheriff's Office Water Patrol Division (Water Patrol) typically processes and approves special event permits and temporary structure permits in accordance with LMCD Code Sections 3.09 and LMCD Resolution 111.

Staff from the Water Patrol and LMCD have elected to bring this permit to the Board's attention because of the distance of the structures from shore (further than 200 feet), the duration of the project (May through October), and the visibility of the project. The exact location of the buoys and other equipment will be finalized at the commencement of the research project.

While the Board has been previously informed about the project, an updated research project information sheet is attached. A public information meeting is scheduled for April 23, 2019 at 6:00 p.m. at Deephaven City Hall. LMCD staff recommend that the Board make a motion to approve the permit to formalize the Board's review of the project.

ATTACHMENTS

- HCSO Water Patrol Temporary Structure Permit Application
- April 12, 2019 Zebra Mussel Control Research Project Update

ATTACHMENT



HENNEPIN COUNTY SHERIFF'S OFFICE
WATER PATROL UNIT
 4141 Shoreline Drive; Spring Park, MN 55384

TEMPORARY STRUCTURE APPLICATION

The following information is necessary to ensure proper and accurate issuance of your permit. Please fill out completely – including the diagram on the reverse side – and return it to our office as soon as possible.

NAME: James A. Luoma – Upper Midwest Environmental Sciences Center DATE OF BIRTH: 01-28-1968

2630 Fanta Reed Road, La Crosse, WI 54603
 Address City State ZIP

E-MAIL ADDRESS: jluoma@usgs.gov

PHONE: 608-781-6391 608-799-1723
 Home Work Cell Other

LAKESHORE OWNER (if not above applicant): Various/unknown

Address City State ZIP

PHONE: Home Work Cell Other

LOCATION OF PROPOSED STRUCTURE: (Lake or Bay): St Albans and Robinson Bays

SELECT ONE. A separate application must be filled out for each temporary structure you are requesting.

Mooring Buoy Floating Raft Swim Buoys Slalom Course Other* Ice Rink
☐ ☐ ☐ ☐ ☒ ☐

*Describe the structure: lighted 5" "hazard area" Spar Buoys (with a 1 square meter PVC pipe ring for a 14-day period)

I hereby acknowledge that my temporary structure meets the proper regulations.

APPLICANT'S SIGNATURE: JAMES LUOMA Digitally signed by JAMES LUOMA
 Date: 2019.04.08 07:38:36 -05'00' DATE: 04/08/2019

PERMIT ISSUED BY DEPUTY: [Signature] pending LincD board approval DATE: 4-17-19

Please sign and return completed form to Sheriff's Water Patrol

-- For Office Use Only --

Date	Badge#		Date	Badge#	
_____	_____	Letter of permission from CITY	_____	_____	Renewed
_____	_____	Letter of permission from LANDOWNER	_____	_____	Renewed
_____	_____	Signed list of ADJACENT LANDOWNERS	_____	_____	Renewed
_____	_____	Letter of permission from _____	_____	_____	Renewed
_____	_____	Letter of permission from _____	_____	_____	Renewed

!!Remember to draw diagram on back / page 2!!

TEMPORARY STRUCTURE LOCATION DIAGRAM

INSTRUCTIONS: Prepare a detailed drawing of the area where you propose to place your temporary structure. Your drawing should encompass the shoreline and lake area in front of your property and the two adjacent lots. Be sure to include lot lines, docks and any existing temporary structures in front of all three lots. Note any landmarks that will assist our deputies in locating your site from a boat. You must indicate the length of the shoreline between your lot lines (lake frontage) and the distance from shore to the proposed location for your structure. Indicate



St. Albans Bay (treated)	
Distance to shore	
Buoy	(ft)
1	400
2	260
3	250
4	120
5	305



Robinson Bay (control)	
Buoy	Distance to shore (ft)
1	100
2	150
3	470
4	400
5	320



Zebra Mussel Control Research Project

Lake Minnetonka- St. Albans Bay and Robinson Bay
Summer 2019

Project Overview

Non-native zebra mussels are a high-impact nuisance aquatic invasive species that negatively impact the ecology of infested waterbodies. They can also have severe economic impacts related to mitigating their biofouling of water intakes, boats, docks, and other equipment. The purpose of this research project is to evaluate the use of low-dose EarthTec QZ® (copper) treatments to manage zebra mussel populations by suppressing their early life stages. Project support is provided through Minnesota's Environment and Natural Resources Trust Funds and it will be led by the United States Geological Survey (USGS). Project, funds, and reporting oversight will be provided by the Minnesota Aquatic Invasive Species Research Center (MAISRC). The project was developed after preliminary research conducted by researchers at the University of Minnesota and Minnehaha Creek Watershed District showed promising results for the use of low-dose copper treatments to suppress the early life stages of zebra mussels. The project is planned to be conducted in 2019 within St. Albans Bay (treated) and Robinson Bay (control) of Lake Minnetonka.

Time Frame

The project is anticipated to start in early May with the positioning of five buoys and submerged samplers in each bay. The 10-day treatment period is scheduled to commence in late July and all of the field components of the project will be completed in October.

Project Details

The USGS in partnership with MAISRC will lead the project and coordinate the contracting for the purchase of the EarthTec QZ® (copper) and contract laboratory support. Five every-other-day applications of EarthTec QZ® are scheduled to begin the week of July 22, 2019 and they are designed to maintain 60 parts per billion of copper in the water. The project will start in early to mid-May, when five buoys and zebra mussel plate samplers will be placed in both St. Albans Bay (treated) and Robinson Bay (control). This will allow evaluation of zebra mussel colonization throughout the entire growing season. The buoys will be placed in 12 to 15 feet of water and they will be removed in October 2019. During the treatment phase, submerged cages containing either adult zebra mussels, native mussels, or juvenile fish will be clustered around each buoy and used to assess treatment-related impacts.

The orange and white buoys are 5-inches in diameter and they are labeled "Hazard Area". There are no hazards associated with the application of EarthTec QZ®, nor are there any water use or contact restrictions following the application of EarthTec QZ®. In fact, EarthTec QZ® is certified by NSF for use in drinking water. The buoys identify the locations for the submerged plate samplers, the mesh cages, and the locations where water and sediment samples will be collected.

Flashing solar lights will be attached to each buoy to minimize the chances of an unintended impact and the plate samplers will be below. Preliminary buoy and test site locations are indicated on the attached maps.

In addition to assessing treatment-related impacts to target (zebra mussels) and nontarget animals (fish and mussels) previously listed, the impacts to native zooplankton, benthic invertebrates, and algae will also be assessed. A contracting laboratory (RMB labs) will be used to quantify the abundance of zebra mussel larvae (veligers) and native zooplankton in plankton tows, and the abundance of benthic invertebrates in the sediment samples. A suite of water chemistry parameters will also be measured so that the results of the project can be readily transferred to other waterbodies that may have different water chemistry profiles.

This research project has support from the Lake Minnetonka Conservation District (LMCD), Lake Minnetonka Association, Hennepin County, the Minnehaha Creek Watershed District, the City of Greenwood, Minnesota Department of Natural Resources (MN DNR), and Tonka Bay Marina. The project has been reviewed for compliance with the National Environmental Policy Act (NEPA) and USGS policy. Project permits for the placement of buoys and equipment and the application of copper have been applied for from the Hennepin County Sheriff's office, LMCD, and the MN DNR.

How You Can Help

While measures are in place to ensure the success of the research project, your assistance in reporting unforeseen events would be appreciated. If you notice any movement in the buoys due to weather, traffic wakes, or other reasons, please contact the USGS. If you notice any suspicious activity, contact 9-1-1 for HCSO Water Patrol assistance.

Project Updates and Contact Information

It is anticipated that the results of the research project will be publicly available in early 2020. For more information about the project or to report an incident with equipment, contact:

James A. Luoma
Research Fisheries Biologist
United States Geological Survey
Upper Midwest Environmental Sciences Center
2630 Fanta Reed Rd
LaCrosse, WI 54603
Office (608)781-6391, Cell (608)799-1723
<https://www.usgs.gov/centers/umesc>

Informational Meeting

A public meeting will be held on April 23, 2019 at 6:00 pm to discuss the project and to answer questions.

Where: Deephaven City Hall
20225 Cottagewood Road
Deephaven, Minnesota

When: April 23rd at 6:00 p.m.

Frequently Asked Questions

1) Why was Lake Minnetonka selected for the study?

Lake Minnetonka provides ample shallow water habitat with good access to native invertebrates and zebra mussels. The study will also benefit from previous zebra mussel testing conducted with EarthTec QZ[®] by the UMN and MCWD. Additionally, groups such as the DNR, MCWD, LMCD, and Tonka Bay/St. Albans Bay Marinas have committed support, time, and/or resources to this project.

2) Has EarthTec QZ[®] been previously used in Minnesota?

Yes, EarthTec QZ[®] has been previously used in Minnesota during several zebra mussel eradication attempts at concentrations approximately 10 times greater than what will be used in this study. Other products with the same active ingredient (copper) are routinely used in lakes to control algae and snails at concentrations approximately 16 times greater than what will be used in the study.

3) Are there hazards associated with the application of EarthTec QZ[®] and will the study impact my use of the lake or consumption of fish?

No, there are no hazards associated with the application of EarthTec QZ[®] and there are no entry, use, or fish consumption restrictions after the application of EarthTec QZ[®]. EarthTec QZ[®] is certified by NSF for application to drinking water.

4) Will the study impact my lake access?

No, the buoys and cages will be positioned in 12-15' of water and boat passage through the study area will not be impeded.

5) When will the study take place?

The applications are scheduled for approximately July 22-30, 2019 and the assessments are scheduled for August-October 2019. The completion times are estimates and dependent upon study logistics and weather conditions.

6) What can I expect to see?

In early to mid-May there will be boats and study personnel preparing and installing buoys and submerged plate samplers in each bay. A few days prior to the applications study personnel will prepare and install submerged cages with test animals near each buoy. Study personnel will also collect water chemistry parameters, water samples, sediment samples, and plankton tows throughout the test period. On application days, EarthTec QZ[®] will be applied during the early morning hours from a

small barge using a venturi injection system. During the assessments, submerged samplers from each buoy location will be retrieved, and all test animals will be assessed for survival. All buoys and samplers will be removed from the bay at the conclusion of the assessment phase in October.

7) What benefit will the results of this research provide?

The research will help determine the suitability of low-dose EarthTec QZ® treatments for managing zebra mussel populations and the impact of copper-based products on aquatic environments. Our research goal is to provide data to inform the decisions of natural resource management agencies regarding the use of copper-based products for controlling zebra mussels and for other labelled uses.

8) Where can I find more information?

The public meeting on April 23rd will discuss the details of the EarthTec QZ® treatment on Lake Minnetonka and answer questions related to the project.

Proposed Buoy and Sampler Locations

St. Albans Bay



Robinson Bay





LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

TO: LMCD Board of Directors

FROM: Vickie Schleuning, *Vickie Schleuning* Executive Director

DATE: April 24, 2019

SUBJECT: Executive Director Update

The following items are highlights of ongoing LMCD projects and Lake-related current events.

- **Ice Out**

Ice out was declared April 20, 2019 at 1:46pm, a week later than the median date.

- **Water Levels and High Water Declaration Process**

Lake Minnetonka water levels are being closely monitored by the Minnehaha Creek Watershed District (MCWD) and coordinated with the Minneapolis Park Board to minimize flooding on the lake and downstream. The lake level as of today is 929.99 feet and the Gray's Bay Dam discharge is 300 CFS.

No high water declaration has been made. **However, we encourage lake users to take reasonable steps to minimize wakes to prevent accidents and minimize erosion of the shoreline.**

According to the LMCD Code, these are the basic conditions about high water declarations:

1. The Executive Director may declare high water restrictions where water levels are at or above 930.0 ft for five consecutive days. See sample declaration form.
2. The Executive Director shall declare high water restrictions where water levels are at or above 930.0 feet for eight consecutive days.
3. Executive Director shall declare high water restrictions where water levels are at or above 930.25 feet.

Communications will occur through the media, website, social media, signage, agency partners, etc.

The following are some recommendations until water levels stabilize at lower levels.

- In certain situations, it may be helpful for some dock owners to delay installation until the water stabilizes and possibly lowers so they are at appropriate heights during most of the season.
- Please make sure docks and other structures are secured to avoid parts floating away and creating hazards or nuisances.

**LAKE MINNETONKA CONSERVATION DISTRICT
HENNEPIN COUNTY, MINNESOTA**

HIGH WATER DECLARATION

The Executive Director of the Lake Minnetonka Conservation District hereby makes the following findings and declaration:

FINDINGS

- (a) LMCD Code of Ordinances, Section 3.021 provides for the occurrence of high water conditions on Lake Minnetonka;
- (b) Section 3.021, subd. 4 authorizes the Executive Director to make a high water declaration if the elevation of the Lake has been at or above 930.0 feet NGVD for a period of five consecutive days, which is confirmed with the following readings:
 - (1) The readings on the first and last days of the five day period show an elevation of at least 930.0 feet NGVD;
 - (2) At least one reading is taken between the first and last days of the period that confirms an elevation of 930.0 feet NGVD; and
 - (3) No reading taken during the five day period shows an elevation of less than 930.0 feet NGVD;
- (c) The Executive Director is authorized to determine the elevation of the Lake using authoritative sources the Executive Director deems reliable;
- (d) The Executive Director relies on the information provided by Minnehaha Creek Watershed District to determine the elevation of the Lake, which the Executive Director finds to be an authoritative and reliable source of that information;
- (e) On April __, 201x, the elevation of the Lake was measured at _____ feet NGVD;
- (f) Another reading taken on April __, 201x showed the Lake elevation at _____ feet NGVD;
- (g) On April __, 201x, which is at least five days from the first above 930.0 feet NGVD reading, the Lake elevation was at _____ feet NGVD;
- (h) At no point during this five day period did the measurements show a Lake elevation below 930.0 feet NGVD;

5. This high water declaration, and the resulting minimum wake restrictions, shall remain in effect until the Executive Director acts to terminate the declaration upon determining the Lake elevation has fallen and remains below 930.0 feet NGVD for a period of at least three consecutive days. Once the Executive Director acts to terminate the declaration, the Executive Director shall provide notice of the termination to the same persons notified when the declaration went into effect.

Dated: April __, 201x.

Vickie Schleuning
LMCD Executive Director