



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, January 8, 2020
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. Residential Permanent Dock Trends
2. EAW Requirements and Policy

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
 - A)** Oath of Office to Mark Kroll (City of Excelsior)
 - B)** Oath of Office to Denny Newell (City of Woodland)
- 6. APPROVAL OF MINUTES** – 12/11/2019 LMCD Regular Board Meetings
- 7. APPROVAL OF CONSENT AGENDA**
 - A)** Audit of Vouchers (12/16/2019 – 12/31/2019) and (01/01/2020 – 01/15/2020)
 - B)** Resolution Accepting Save the Lake Contributions (12/03/2019 – 12/31/2019)

8. PUBLIC COMMENTS – Persons in attendance for subjects not on the agenda (**limited to 5 minutes**). *Audience members may provide information to the Board. Please direct all comments to the Board Chair. The Board generally will not engage in public discussion or act 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

10. OTHER BUSINESS

11. OLD BUSINESS

A) Adopt 2020 Public Meeting Calendar

12. NEW BUSINESS

13. TREASURER REPORT

14. EXECUTIVE DIRECTOR UPDATE

15. STANDING LMCD COMMITTEE / WORKGROUP UPDATE

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

16. ADJOURNMENT

Future Items – Tentative

- Lake Use Vision and Policy Discussion Continuing Series
 - High Water Declaration Review- January 2020
 - Slow and No Wake Regulations- February 2020
 - Watercraft Density
 - Lake Sales and Services
 - Deicing Regulation Request

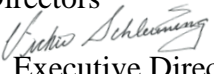


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DATE: January 8, 2020

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director 

RE: Residential Permanent Dock Trends

ACTION

Board review and discussion regarding trends in applications for permanent docks at residential properties on Lake Minnetonka.

BACKGROUND

In recent years, staff have received several requests to secure a permit for installation of a residential (non-multiple) permanent dock structure on Lake Minnetonka. Based on applicant comments and related inquiries, it appears that the most common motivations for installing a permanent dock is for convenience and to save money by reducing annual labor costs of seasonal dock installation and removal.

As a residential permanent dock permit is set up in the LMCD Code as an administrative approval, these applications are not currently reviewed by the full Board. However, agency and adjacent property review processes are in place to obtain input. The associated city representative and the Board chair are currently notified, along with regulatory agencies, through the 10-day notice process for a residential permanent dock application.

Staff would like board feedback regarding the process, observations, and implications for the lake and lake users. Some examples of residential permanent dock projects will be reviewed.

CONSIDERATIONS

- If permanent docks become more prevalent on the lake, is the Board concerned with how this may affect summer or winter recreation, or the lake's ecology?
- Does the Board wish to have additional oversight over each permanent dock application?
- Are there areas or conditions in which the Board believes installation of a permanent dock is unsuitable?
- Does the Board have any concern with how this trend may interact with other items in the LMCD Code (e.g., de-icing activity, conflicting or combined dock use areas)

ATTACHMENTS

- LMCD Code 5-2.05, Residential Permanent Docks
- LMCD Code 6-4.05, Residential and Permanent Dock Permit

CHAPTER 2

RESIDENTIAL STRUCTURES

5-2.01. Residential Single Docks.

Subd. 1. Description. A residential single dock is a dock constructed, placed, or maintained by a single-family residential use for the storage of four or fewer restricted watercraft.

Subd. 2. Licensing. The placement of a residential single dock does not require a permit or license from the LMCD, except as follows:

- (a) The construction of a residential single dock as a permanent dock requires a residential permanent dock license in accordance with Section 6-4.05; and
- (b) The placement of a residential single dock pursuant to a shared shoreline agreement entered into between neighboring residential owners requires a residential single dock license in accordance with Section 6-4.01 or a residential multiple dock license in accordance with Section 6-4.03.

Subd. 3. License Renewals. A residential single dock license does not need to be renewed.

Subd. 4. Alterations. A new single dock license shall be required if the shared shoreline agreement, if applicable, is amended or terminated or whenever the size, type, location, or configuration of the dock is changed. The application for the new license shall be submitted and processed in accordance with Section 6-4.01. No new license is required for the repair or replacement of a residential single dock previously placed in accordance with this Code where such repair or replacement does not alter the size, type, location, or configuration of the dock.

5-2.03. Residential Multiple Docks.

Subd. 1. Description. A residential multiple dock is a dock constructed, placed, maintained, or used by a residential use for the storage of five or more restricted watercraft.

Subd. 2. Licensing. The placement of a residential multiple dock requires a residential multiple dock license, the application for which shall be submitted and processed in accordance with Section 6-4.03.

Subd. 3. License Renewals. A residential multiple dock license shall be renewed annually as provided in Section 6-4.03, subdivision 6.

5-2.05. Residential Permanent Docks. The placement of a residential single dock as a permanent dock requires a residential permanent dock permit.

Subd. 1. Description. A residential permanent dock is a residential single dock constructed, placed, or maintained as a permanent dock that is used for the storage of four or fewer restricted watercraft.

Subd. 2. Permitting. The placement of a residential permanent dock requires a residential permanent dock permit, the application for which shall be submitted and processed in accordance with Section 6-4.05. Residential permanent docks in existence on May 5, 1982 may be continued without a permit.

Subd. 3. License Renewals. A residential permanent dock license does not need to be renewed.

Subd. 4. Alterations. A new residential permanent dock permit is required whenever the size, type, location, or configuration of the dock is changed. The application for the new permit shall be submitted and processed in accordance with Section 6-4.05. No new permit is required for repair or replacement of a previously permitted residential permanent dock where such repair or replacement does not alter the size, type, location, or configuration of the dock.

5-2.07. Association Single Docks.

Subd. 1. Description. An association single dock is a single dock owned or operated by a residential association and used primarily by the members or residents of the residential association.

Subd. 2. Licensing. The placement of an association single dock requires an association single dock license, the application for which shall be submitted and processed in accordance with Section 6-4.07.

Subd. 3. License Renewals. An association single dock license shall be renewed annually as provided in Section 6-4.11.

5-2.09. Association Multiple Docks.

Subd. 1. Description. An association multiple dock is a dock constructed, placed, or maintained by a residential association use for the storage of five or more restricted watercraft.

Subd. 2. Licensing. The placement of an association multiple dock requires an association multiple dock license, the application for which shall be submitted and processed in accordance with Section 6-4.09.

Subd. 3. License Renewals. An association multiple dock license shall be renewed annually as provided in Section 6-4.11.

Subd. 4. Acquisition of Commercial Mariana Property. If at any time a residential association acquires an ownership interest in riparian property at which a commercial marina is located, the Board may impose on the license of such facility any conditions deemed necessary to ensure that all previously existing amenities of the types listed in Section 6-2.13, subdivision 5, whether or not previously required pursuant to Section 6-2.13, remain available and to ensure that

- (b) All of the sites combined for the common multiple dock conform to current watercraft density requirements of Article 2, Chapter 4;
- (c) Each of the combined riparian sites is occupied by one single-family residential structure;
- (d) All of the restricted watercraft stored at the facility are owned by and registered to persons who live in the single family residential structures on the combined sites;
- (e) The dock structure has a single point of entry from the shoreline;
- (f) All of the combined sites have at least 20 feet of shoreline at elevation 929.4 NGVD;
- (g) No more watercraft may be stored at the combined site than can be practically and validly stored at the uncombined sites including consideration of side setback requirements at the uncombined sites;
- (h) The dock structure and watercraft storage must meet side setback requirements of the Code at both ends of the combined sites; and
- (i) The length of the dock use area will be based on the shoreline of the combined sites.

Subd. 6. License Renewal. An application for renewal of a license for a residential multiple dock shall be made no later than December 1st of the year preceding the year for which the license is sought. The Executive Director shall not accept a license application received after December 1st unless the application is accompanied by the required late fee. The Executive Director may issue renewal without change licenses if the applicants provide ownership and registration information on all of the watercraft stored at the dock.

6-4.05. Residential Permanent Dock Permit. An application for a residential permanent dock permit shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for a residential permanent dock license shall, in addition to the information required in Section 6-1.03, contain the following information:

- (a) A certified survey and dock plan showing the design, with dimensions, and location of the structure, including all boat storage units; and
- (b) A description of how the dock is proposed to be constructed in order to make it permanent.

Subd. 2. Issuing Authority. The Executive Director is authorized to issue a residential permanent dock permit administratively without a public hearing. The license shall specify the authorized boat storage units allowed at the structure. The Executive Director may refer any

residential permanent dock permit application to the Board for a decision and must refer any residential permanent dock permit application to the Board that the Executive Director proposes to deny.

Subd. 3. Review Criteria. The Executive Director shall consider the review criteria established in Section 6-4.03, subdivision 3, to the extent applicable.

Subd. 4. Requirements. The applicant shall provide the LMCD an as-built survey of the residential permanent dock within 30 days of completion of installation.

6-4.07. Association Single Dock License. An application for an association single dock license, to the extent required, shall be submitted, processed, and acted on in accordance with Section 6-4.09.

6-4.09. Association Multiple Dock License. An application for an association multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for an association multiple dock license shall, in addition to the information required in Section 6-1.03, contain the following information:

- (a) A plan showing the design, with dimensions, and location of the structure, including all boat storage units.

Subd. 2. Issuing Authority. The Executive Director is authorized to issue an association multiple dock license administratively without a public hearing. The Executive Director may refer any association multiple dock application to the Board and shall refer to the Board any association multiple dock application that the Executive Director proposes to deny. The license shall specify the authorized boat storage units allowed at the structure.

Subd. 3. Review Criteria. When considering an application the Executive Director shall consider, together with any other factors the Executive Director determines are relevant, the following:

- (a) Whether the proposed structure satisfies the review criteria for a commercial multiple dock, to the extent applicable, in Section 6-2.01, subdivision 3, excluding the public use criteria.

Subd. 4. Restrictions. An association multiple dock constructed after September 17, 1999 which provide dockage for more than one residential unit shall be so located and configured as to minimize the impact of the facility on adjacent and nearby properties which are not provided dockage at the facility, provided such location and configuration is reasonable, does not pose a hazard to navigation and is deemed by the Board to be generally consistent with the review criteria in this Section



WS ITEM 2

LAKE MINNETONKA CONSERVATION DISTRICT

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DATE: January 8, 2020

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director *Vickie Schleuning*

RE: EAW Requirements and Policy

ACTION

Board review and discussion of Environmental Assessment Worksheet (EAW) requirements and the LMCD's policy regarding elective EAWs.

BACKGROUND

At a recent board meeting during the review of a multiple dock reconfiguration application, a significant amount of discussion and public comments were made about EAW requirements for marinas. LMCD is the responsible governmental unit (RGU) for administering the EAW and Environmental Impact Statement (EIS) process.

The Board expressed interest in reviewing the process for determining when an EAW is mandatory and discretionary. Further, a marina owner mentioned there had been agreement for marinas to complete voluntary EAWs.

While information was provided regarding the LMCD process established over the past few years, more details and basis thereof will be provided for board discussion and input. A Quick Reference Guide from the Environmental Quality Board (EQB) outlining the basic facts for EAWs is attached for review. In addition, a memorandum regarding EAW requirements is attached from the LMCD attorney.

CONSIDERATIONS

- Does the Board wish to establish a policy to require a discretionary EAW in certain cases where an EAW would not be mandatory?
- If yes, what circumstances would the LMCD elect to require a discretionary EAW?

ATTACHMENTS

- EQB Quick Reference: Environmental Assessment Worksheet
- Attorney Gilchrist Memorandum



Quick Reference: Environmental Assessment Worksheet (EAW)

The EAW is a brief document designed to lay out the basic facts of a project necessary to determine if an Environmental Impact Statement (EIS) is required for the proposed project. The [EAW form](#) consists of 20 questions that provide the information needed to determine if the project will have significant environmental impacts. In addition to the legal purpose of the EAW in determining the need for an EIS, the EAW also provides permit information, informs the public about the project, and helps identify ways to protect the environment. The EAW is not meant to approve or deny a project, but instead act as a source of information to guide other approvals and permitting decisions. The EAW is completed by the Responsible Governmental Unit (RGU) designated according to [Minnesota Rules 4410](#).

Environmental Review Exemptions

Some projects of a specific size and nature are exempted from the environmental review process as indicated in [Minnesota Rules 4410.4600](#). If a project is identified as exempt, then it is not required to go through environmental review in order to move forward.

Mandatory Environmental Review

Projects that meet or exceed the thresholds described in [Minnesota Rules 4410.4300](#) are required to complete an EAW. If a project meets or exceeds the thresholds described in [Minnesota Rules 4410.4400](#), then an EIS is required. When determining if a project meets a mandatory environmental review category threshold, it is important to keep in mind any connected actions, phased actions, or project expansions within the last three years that cumulatively may trigger mandatory environmental review. These provisions are described in [Minnesota Rules 4410.1000](#), Subpart 4, and [Minnesota Rules 4410.4300](#), Subpart 1 respectively.

Discretionary Environmental Review

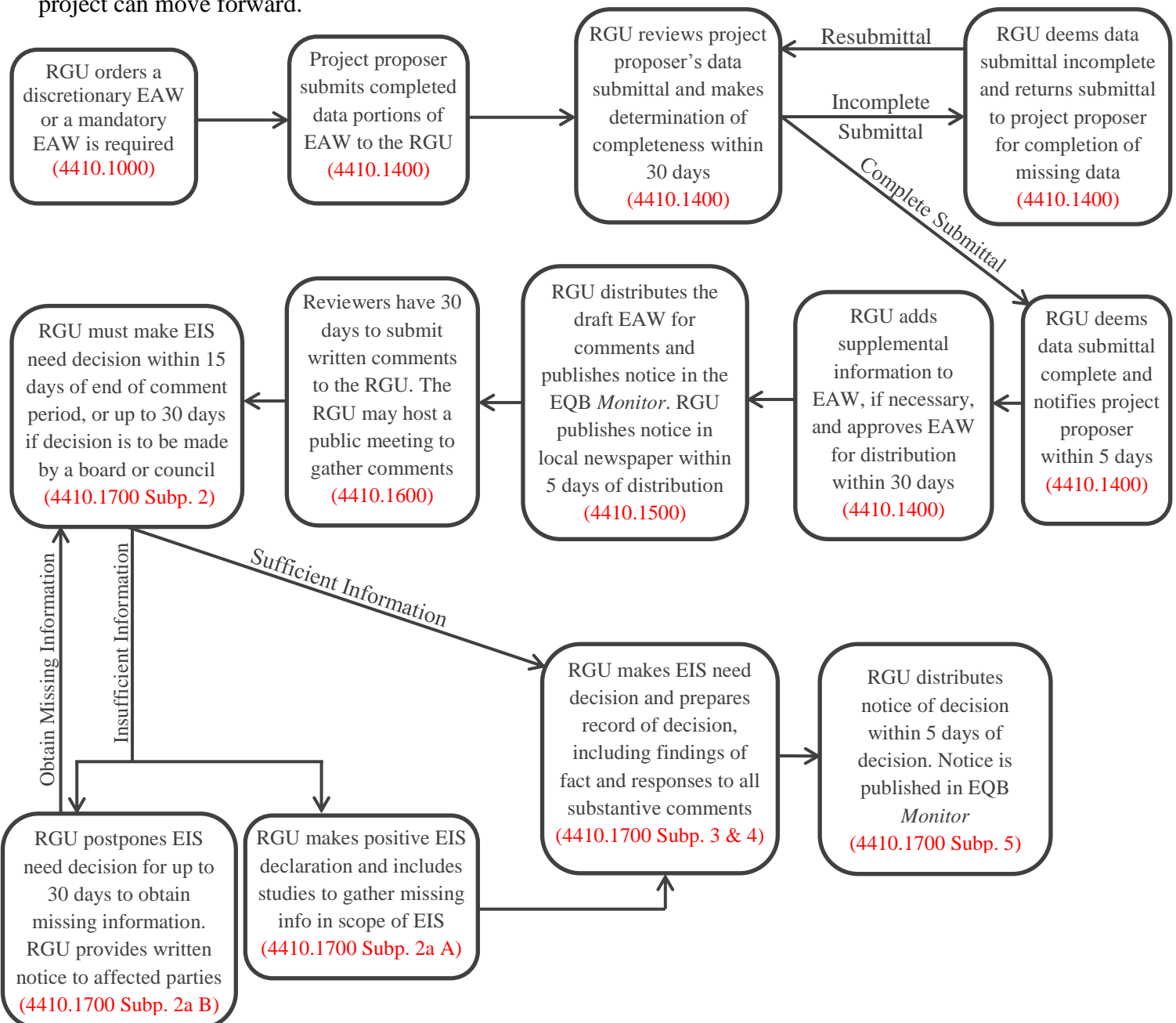
Projects that are not exempt nor require a mandatory environmental review can still go through the EAW process according to [Minnesota Rules 4410.1000](#), Subpart 3. A government unit with approval authority over a project can order a discretionary EAW if it determines that the project may have the potential for significant environmental effects. A discretionary EAW can be particularly appropriate for projects with some possibility of significant adverse environmental impacts or the perception of such. A discretionary EAW can help the RGU identify the adverse environmental impacts of a project and their severity. Additionally, discretionary environmental review may be ordered by a RGU in response to a citizen petition or if the project proposer wishes to initiate environmental review to determine if the project has the potential for significant environmental impacts.

Please note that this quick reference guide is not intended to substitute for [Minnesota Rules 4410](#). It is designed to help RGUs and others implement the environmental review process more effectively and efficiently. The guide does not alter the rules or change their meaning; if any inconsistencies arise between this guide and the rules, the rules take precedent. Please contact EQB Staff with any questions at Env.Review@state.mn.us or 651-757-2873.

EAW Process Steps

(Minnesota Rules 4410.1000 – 1700)

The EAW should be prepared as early as practicable in the project development process. The RGU as designated in [Minnesota Rules 4410](#) is responsible for preparing the EAW based on data submitted by the project proposer. The EAW process includes a comment period and the option for an RGU to host a public meeting to gather additional comments. Once the EAW process is completed, the RGU must make a decision on the need for an EIS. [Minnesota Rules 4410.1700](#), Subpart 1 specifies that a positive EIS decision shall be made for projects that “have the potential for significant environmental effects”. If a project does not have the potential for significant environmental effects, then the RGU shall issue a negative EIS decision, and the project can move forward.



Kennedy

&

Graven

CHARTERED

Troy J. Gilchrist
470 US Bank Plaza
200 South Sixth Street
Minneapolis MN 55402
(612) 337-9214 telephone
(612) 337-9310 fax
tgilchrist@kennedy-graven.com
<http://www.kennedy-graven.com>

Also: St. Cloud Office
501 W. Germain Street, Suite 304
St. Cloud, MN 56301
(320) 240-8200 telephone

MEMORANDUM

To: LMCD Board of Directors

From: Troy Gilchrist, LMCD Attorney

Date: October 23, 2019

Re: EAW Requirements Related to the Reconfiguration Application from the Caribbean

I thought it would be helpful for me to provide the Board some additional information on the EAW process given the amount of assertions and questions that have been raised regarding the need for an EAW associated with the proposed reconfiguration of the nonconforming docks at the Caribbean. I will provide this information in as succinct a format as possible to make it easier to read prior to the meeting.

- **Does the proposed reconfiguration trigger a mandatory EAW? No.**

The Board has received outside comments that a mandatory EAW is required under Minn. R., part 4410.4300, subp. 25 related to the proposed reconfiguration of this commercial marina. The assertion is that because the reconfiguration of the docks falls within the broad definition of “construction” that an EAW is required. Under this interpretation, any construction activities affecting 20,000 square feet of the lake would trigger an EAW, even if it is the replacement of an existing dock in the same location, or the annual reinstallation of a removable dock system. If this were the case, nearly every application involving a commercial marina would require an EAW. The result would be significant costs and delays for commercial marinas simply attempting to reconfigure or repair their docks. That is not how the LMCD has applied the EAW process in the past and there is no basis on which to change going forward.

The statement of need and reasonableness provided for the current rule reflects an intent to address the construction of marinas and then expansions that exceed 20,000 square feet. This marina has existed for decades and the reconfiguration of the existing dock system does not

produce the types of potential significant environmental effects the construction of a new marina, or the expansion of an existing marina, might produce.

- **Who decides if an EAW is required? The LMCD Board.**

There was an assertion from others that the EQB said a mandatory EAW is required here. However, the EQB has made it clear it does not make those determinations in cases like this. Instead, that decision is left to the responsible governmental unit (“RGU”), which is the LMCD Board.

- **Can the Board require an EAW even if one is not mandated by rule? Yes, but only if the Board determines there is a potential for “significant environmental effects.”**

Under Minn. R., part 4410.4500, an RGU can order what is referred to as a discretionary EAW if it determines “that because of the nature or location of the proposed project the project may have the potential for significant environmental effects” The Board would need to make specific written findings to support such a decision. In short, the Board would have to explain how the proposed reconfiguration has the potential to produce significant environmental effects as compared to the existing dock system. To my knowledge, the Board has not ordered a discretionary EAW in the past and, because of the delays it would entail, the Board would need to be careful to have specific reasons for ordering one in this case when an EAW has not been required with dock reconfigurations in the past that did not involve an expansion.

- **Is it possible for the public to request an EAW by petition? Yes.**

Under Minn. R., part 4410.1100, at least 100 individuals may petition the EQB to request the preparation of an EAW. If a proper petition is received by the EQB, it will determine the RGU to make a determination on whether to approve the petition and order an EAW. The LMCD would almost certainly be designated the RGU and receive the petition from the EQB. The determination on whether to order an EAW is made based on the material evidence presented by the petitioners, the applicant, and others as to whether, “because of the nature or location of the proposed project, the project may have the potential for significant environmental effects.” If such potential is not shown, the RGU must deny the petition. The RGU only has 15 days from its receipt of the petition to make that decision (with some ability to request an extension). If the LMCD does receive a petition from the EQB, under Minn. R., part 4410.3100, subp. 1 the LMCD is prohibited from making a final decision on the application until the petition is denied or, if an EAW is ordered, until the EAW is completed and a negative declaration is issued on the need for an EIS.

ITEM 6

LAKE MINNETONKA CONSERVATION DISTRICT BOARD OF DIRECTORS

7:00 P.M., December 11, 2019
Wayzata City Hall

WORK SESSION

6:00 p.m. to 7.00 p.m.

Members present: Rich Anderson, Orono; Dan Baasen, Wayzata (arrived at 6:55pm); Bill Cook, Greenwood; Ann Hoelscher, Victoria; Gary Hughes, Spring Park; Chris Rich, Woodland; Nicole Stone, Minnetonka

Members absent: Ben Brandt, Mound; Dennis Klohs, Minnetonka Beach; Mike Molitor, Minnetrista; Gregg Thomas, Tonka Bay; Jake Walesch, Deephaven; Deborah Zorn, Shorewood; Vacant, City of Excelsior and Woodland.

Present in Audience: Steve McComas, Jason Naber, Denny Newell, Eric Evenson, Gabriel Jabbour, Rod Kern, and others that may not have signed the attendance sheet.

1. Lake Minnetonka Vegetation & AIS Master Plan Update

B. Cook provided a presentation on the Harvesting Program Review.

He presented the review criteria and a brief overview of what actions related to vegetation the LMCD took in 2019. He noted some characteristics and observed effects of several aquatic invasive species found in Lake Minnetonka.

He stated great efforts were made to engage the community and collect feedback through the LMCD website, social media, media releases and more. He noted that many comments and suggestions were received through the web mapping tool, the vegetation survey, and the technical advisory group.

He provided a map from the web mapping tool showing where lake users reported problematic vegetation.

He stated the harvesting program covered a small percentage of the littoral zone and is constrained to the summer months because of staffing which limits the capacity for addressing vegetation before it becomes a nuisance. He also discussed weed cutting and the floating material produced by boat traffic.

He provided a map indicating bays that are treated with herbicides and a map of the areas that were harvested in 2018.

He stated that operational efficiencies could be improved with more strategic communications elements and supervision of field staff, as well as by the addition of pre and post field surveys.

He stated that harvesting equipment would not need to be replaced in 2020 and that the recommended additions to the program, including additional field supervision, harvester operator training, floating weed collection, and other services, would cost the LMCD about \$50,000 per year. He noted municipal dues would increase 10 percent as a result.

He presented the recommendation given by EOR/Blue Water Science that a 3-year pilot study be introduced, during which the LMCD would contract harvesting in navigation areas based on communication with fisheries, bay captains, and residents. He also stated the recommendation that a lake management professional be hired to conduct surveys and determine no cut areas.

He stated that no effective preventative starry stonewort program is in place in Minnesota and a new approach, including early detection systems and rapid response capabilities, is needed.

He asked if there were any questions and informed the board on how it may proceed.

Mr. Naber (EOR) stated the starry stonewort document sets the stage for active prevention when available in the future.

Mr. McComas stated it is a good mission, harvesters still have a role regardless of some inefficiencies, and described the 150ft or more criteria. There is a subjective perception of a problem and one permit may be needed along with vegetation delineation.

Hughes stated on page 5 that the 150 ft zone doesn't work with Seton Lake since the whole area is a public corridor and there were problems this summer with vegetation.

Mr. McComas said channels such as this would be clarified.

B. Cook stated the navigation areas or 150 feet for 2020 is 1 of 3-year pilot.

Hoelscher asked what would happen with the LMCD's harvesting equipment during the pilot.

Mr. Naber stated that the harvesters will be stored and will receive routine maintenance.

Anderson stated main channels remain open due to boat traffic so not in favor of contract harvester.

Mr. Naber stated oversight of harvesters would be provided.

Walesch inquired if we want to harvest, where and why, and does not support that role.

B. Cook stated we are not far apart and that is the purpose of pilot, to collect additional data and be strategic.

Walesch recommended we check with people and do we respect cities request.

Stone stated that her Mayor wants a holistic view and consideration of resources and knowledge.

Hughes again stated Seton was bad and is a public channel.

The meeting was adjourned at 6:57 PM.

REGULAR SESSION

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: Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director.

Members absent: Gregg Thomas, Tonka Bay; Dennis Klohs, Minnetonka Beach; and Mike Molitor, Minnetrista. Excelsior and Woodland Vacant.

Present in Audience: Eric Evenson, Gabriel Jabbour, Rod Kern, Steve McComas, Jason Naber, Denny Newell, Steven and Sunhi Schussler, James Gilbert, Esq., and others that may not have signed the attendance sheet.

4. APPROVAL OF AGENDA

MOTION: Hughes moved, Hoelscher seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Acting Chair Baasen thanked everyone for the work completed in the past year. He encouraged the members of the Board to participate in a work group, if they are not already.

6. APPROVAL OF MINUTES- 11/13/2019 LMCD Regular Board Meeting

MOTION: Cook moved, Hoelscher seconded to approve the 11/13/2019 LMCD Regular Board Meeting minutes as submitted.

VOTE: Ayes (8), Abstained (2), (Stone and Zorn). Motion carried.

7. APPROVAL OF CONSENT AGENDA

Anderson removed Item 7A "Audit of Vouchers (11/16/2019 – 11/30/2019)" from the consent agenda.

Acting Chair Baasen noted that Item 7A will be considered under Item 10.

MOTION: Hughes moved, Walesch seconded to approve the consent agenda as amended, making the change noted by Anderson above. Motion carried unanimously. Items so approved included: **7B)** November Financial Summary and Balance Sheet; **7C)** Resolution Accepting Save the Lake Contributions (11/01/2019 – 12/03/2019); and **7D)** 2019 Appointments for Legal Services, Auditor, Bank Depository, and Official Newspaper.

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

Gabriel Jabbour, 985 Tonkawa Road, stated that he attempted to participate in the AIS meeting but there was less than desirable equipment which caused difficulties in hearing comments. His opinion is that the legislature scope can be expanded by choice. He provided background information on discovery of milfoil in the lake and the donations that were provided by residents to begin harvesting. He stated that in the process of attempting to do the right thing, the LMCD ended up taking on a responsibility that was not its own. He believed that it is the responsibility and authority of Hennepin County to keep the thoroughfare open, not the LMCD. He provided background information on the DNR decision to not provide funds for harvesting to the LMCD and instead providing a larger allocation of funds to Hennepin County to provide that service. He urged the LMCD to attempt to gain assistance from Hennepin County.

Denny Newell, Woodland resident, stated that it is anticipated that he will join the Board in 2020 and has been attempting to get up to speed. He recalled reading information that about 40 percent of the boats are indigenous while the remainder are transient. Therefore, the lake provides a recreation space for people in the County and State and there should be some type of assistance in maintaining this asset. He commented that Minnetonka is a dirty lake as more boats come out dirty compared to those going in, using information from the checkpoints.

Eric Evenson, Lake Minnetonka Association, stated that Phelps Bay is shown as being treated with herbicides but has not been since 2015.

Acting Chairperson Baasen noted that this topic will appear at a later time on the agenda and therefore the comments could be brought forward during that discussion.

Mr. Evenson provided clarification on the amount of funding Hennepin County receives and provided background information on the funding requests the LMA has submit to Hennepin County but has not been awarded. He agreed that Lake Minnetonka is a regional resource and the heaviest recreational lake in the state, but yet the lake is left to manage itself. He agreed Hennepin County should provide funding.

Cook asked that the LMCD develop talking points that could be shared by the Board members and/or City Council members when speaking with County Commissioners.

Schleuning commented that the Hennepin County application process is open, and staff will prepare applications to submit.

Steve Schussler, 2217 Huntington Point Road East, stated that he would like to settle his issue amicably so that he is not responsible for a financial burden to the LMCD or Minnetonka Beach. He stated that the facts regarding the property at 2217 Huntington Point Road East have been misrepresented by the LMCD and City of Minnetonka Beach. He provided background information on the three previous property owners and three letters of disappointment submitted. He stated that as a property owner he pays over \$60,000 in taxes but is unable to have a dock. He stated that it is hard when the neighboring dock goes 50 percent in front of their property, taking away their riparian rights. He provided input on Klohs and a bill he submitted to the property owner in the amount of \$635 for the supposed inconvenience that the slip renters have incurred. He provided input on the investment that he and his wife put into the fire lane to ensure that the neighboring dock would have continued access during his construction. He identified the four dock slips that are in front of his property. He commented on the inappropriate behavior of Klohs and the other slip holders. He stated that the LMCD and City of Minnetonka Beach are responsible for their representative and what he says. He commented that he would like to avoid going down a legal route but will hold the LMCD responsible. He provided additional information on instances where Klohs did not recuse himself on issues related to dock 10. He commented that the LMCD has robbed his property of its riparian rights. He stated that this should be an issue of common sense and thanked the Board for listening to his concerns.

James Gilbert, attorney representing the Schussler party, stated that he is present as dock 10 has caused problems in the community for the past decade and he was hired to review the history and laws. He stated that in his opinion dock 10 is illegal and is located on an easement with density that would not be allowed in a residential area. He stated that his client has 110 feet of shoreline but is unable to have a dock because of the location of dock 10. He noted that he and his client spoke at the Minnetonka Beach City Council, but the City has not been cooperative and therefore they are attempting to resolve the issue with the LMCD. He referenced the letter that they sent to the LMCD the previous week as they were concerned that dock 10 would receive administrative approval for dock 10 renewal. He believed that the LMCD has the ability to eliminate dock 10 from the application. He asked that if dock 10 is going to be included, he would ask for a public hearing to present additional information to the Board.

Anderson commented that he has read the brief and that he supports the rights of the property owner at 2217 Huntington Point Road East. He stated that he is a long-term member of the community and cannot imagine that dock 10 would be allowed to go in the fire lane and in front of the home in this manner.

Mr. Gilbert asked that his information be distributed to the Board for further review.

Sunhi Schussler, 2217 Huntington Point Road East, stated that the biggest issue they have is safety as the dock 10 slip is almost on their shoreline. She commented that the neighboring property owner has small children using the lake and they feel that this is a recipe for someone to get hurt.

Walesch asked if this topic would be considered on a future agenda.

Gilchrist stated that the City of Minnetonka Beach is making an application for a renewal without change, which does not require the application to come before the Board unless determined by the Executive Director. He stated that he will follow up and provide additional information to the correspondence received. He stated that the Board has heard from the landowner that the renewal come before the Board, but the Code does not require that action. He stated that the LMCD has not yet received the renewal request.

Walesch asked if the Board would hear more about this prior to the renewal being considered.

Schleuning stated that typically renewals are reviewed in March and we need time to review the materials.

Anderson stated that it would seem to him to simply just not include dock 10 in the Minnetonka Beach renewal request.

Schleuning stated that staff needs time to review the materials and provide information to the Board to make an informed decision regarding suggested next steps.

9. PUBLIC HEARING

There were no public hearings.

10. OTHER BUSINESS

7A) Audit of Vouchers (11/16/2019 – 11/30/2019)

Anderson stated that it appears that legal counsel is paid monthly but noted a prosecution cost that appeared in the list.

Schleuning stated that there is a cycle for prosecution costs and noted that she will provide additional information to Anderson.

MOTION: Zorn moved, Stone seconded to approve **7A) Audit of Vouchers (11/16/2019 – 11/30/2019)**.

VOTE: Motion carried unanimously.

11. OLD BUSINESS

A) Lake Minnetonka Vegetation & AIS Master Plan Update

Cook reported that there is a recommendation from the consultants to initiate a three-year pilot study, under the conditions that the LMCD will not be operating its harvesters during that period and any harvesting needing to be done would be contracted through private harvesters. He stated that the consultant also recommends hiring a lake management professional to assist in strategic assessment of vegetation and AIS issue that arise and to help

determine future practices. He confirmed that the lake management professional would be a consultant/contracted position and not a direct employee of the LMCD at this time.

Eric Evenson, LMA, noted his previous comment related to Phelps Bay. He spoke in support of the comments from Walesch and Anderson regarding the overall question as to whether the LMCD should be harvesting. He stated that he received a call from a resident on Seton Lake that was asking how the other bays were treated and explained chemical treatment and costs. He stated that the issue with the County funding is not with the County Board, but with the County staff.

Gabriel Jabbour stated that Hennepin County staff receives the funding and is in charge of allocating the funding. He recognized the challenge Hennepin County has in terms of budget management because of the size of the County. He provided examples of when the LMCD can interact with Hennepin County staff on this topic.

Cook referenced the question of whether the LMCD should be harvesting. He commented that he is unsure whether the LMCD should be harvesting. He stated that he is pretty sure that the LMCD is harvesting too much. He stated that he expects the pilot study to provide an answer to that question, specifically whether the harvesting equipment could be sold, and the organization move to a contracted service for needed harvesting. He expressed appreciation for everyone that participated throughout this process in attempt to provide a better history of the lake.

MOTION: Cook moved, Hoelscher seconded to initiate a three-year pilot study where the LMCD does not harvest and only completes harvesting through contracted service on an as needed basis and to hire a lake management professional to assist in this process, with the first task being to assess whether Seton Lake and that area would benefit from a different approach.

Further discussion: Walesch asked if the actions could be separated to be voted on independently. He stated that he likes the first proposed action but believed additional parameters should be added for "as needed basis".

Acting Chair Baasen provided additional input on how he interpreted the motion.

Walesch asked if Cook is open to separating the two issues.

Cook replied that he believed the two issues go together as he did not believe the first item could be completed without the technical and analytical skills that would be provided by the lake management professional and therefore would be inclined to keep the actions as one. He stated that a similar path was followed the previous year and the LMCD did not contract for harvesting, but this motion would provide the LMCD with the flexibility to address an issue that may arise.

Walesch commented that consultants have been hired to complete this study and was unsure why another consultant would be hired.

Cook explained that this position would be a continuation of what the consultants are doing, as the actions desired are not part of the original RFP. He stated that the current consultants would be eligible to bid on the services, similar to other contractors. He noted that the Board would be a part of the selection of the contractor.

Walesch asked if this would develop a proposal for the lake management professional.

Cook confirmed that to be more accurate language. He agreed to amend the motion to state: initiate a procurement process to obtain a professional lake manager.

Gilchrist noted that he understood that to be a clarification of the motion made.

Acting Chair Baasen confirmed that both Cook and Hoelscher were comfortable with the amended language.

Hughes stated that he would want to ensure that this would include other options, such as chemical treatment.

Acting Chair Baasen confirmed that this will review the topic on a holistic level and will include options of that nature.

Anderson suggested that the LMCD not complete contracted harvesting and instead assist the general public if they have a desire for harvesting in their area.

Acting Chair Baasen noted that would significantly amend the motion.

Cook commented that this would be similar to the process that was followed this past season, noting that the LMCD did not have a condition that required the LMCD to contract for harvesting. He noted that although the situation may not arise, the LMCD should be provided with the ability.

Hoelscher agreed that the LMCD should have the ability to respond if there is a safety issue that arises and requires action.

Walesch provided additional background information on why that ability is helpful for the LMCD to have. He confirmed that the bulleted items included in the staff report were not included in the motion as proposed.

VOTE: Motion carried unanimously.

12. TREASURER REPORT

Cook reported that the organization is tracking close to budget, noting that court fines are falling behind but the prosecution costs are also lower, so those items balance out. He pointed out that several expenses are yet to be invoiced. He noted that the AIS planning work is operating under the budgeted amount. He stated that the Save the Lake income is about half of the projected amount as the organization typically receives the remainder following the last solicitation letter that was recently sent out.

Anderson noted the staff comment that some residents have commented that they will not be contributing to Save the Lake because the harvesting was not completed.

Schleuning stated that there were additional comments that some people would be willing to pay more for

harvesting.

Anderson asked staff to provide the number they are lacking in donations and he would work to collect additional donations to make up that anticipated gap.

Schleuning stated that might be difficult but would attempt to determine the impact.

13. NEW BUSINESS

Anderson asked if this would be an opportunity to discuss future business. He referenced applicants that have made mention to make improvements. He stated that there was a mention of an EAW but did not believe it would be fair to require an EAW for those applicants as the Caribbean was not required to complete an EAW. He asked if the LMCD allows permanent docks, as the City of Orono is going to submit a permanent dock application. He asked if there is a moratorium on new de-icing licenses.

Schleuning stated that the EAW requirements and policy should be discussed in January. She noted that the LMCD would follow the process in place, but the Board could discuss the policy itself. She provided information on the process for permanent dock applications and the eligibility requirements for de-icing. She also noted that applicants are made aware of the limitations regarding new deicing requests.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Current activities are listed on the website. Schleuning briefly reviewed the upcoming events and activities.
- Information has been added to the website in attempt to assist the public in easily gathering information. She highlighted some of the useful links available.
- Spiny Waterflea Webinar will be hosted on December 19th by the MAISRC. It is free but registration is required. She encouraged Board members to register for the event.
- Draft 2020 meeting calendar will soon be available. She noted potential conflicts with the November Board meeting dates and asked the Board to consider alternate dates.
- Schleuning provided information regarding the high cost of AIS across the country.

Hoelscher asked that Board members that have not yet completed the Executive Director evaluation or board self-evaluation to complete those surveys.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Save the Lake Committee: Baasen reported that the second solicitation letter was sent out three weeks ago and some responses have been received. He echoed the comments that there have been responses that people are

disappointed with the navigation issues caused by the lack of harvesting. He encouraged the Board to contribute to Save the Lake. He stated that the LMCD cannot do a lot of things that it does if Save the Lake is not successful.

Anderson noted that he sent a note to a couple Board members and staff related to illegal de-icing activity and was impressed with the swift action of staff.

Strategic Plan Subcommittee: No report.

Nomination Committee: Zorn stated that the group will meet within the next few days and will communicate to the Board on the process. She noted that the self-nomination deadline is December 31st.

16. ADJOURNMENT

Being there no further business, the meeting was adjourned at 8:31 p.m.

Gregg Thomas, Chair

Ann Hoelscher, Secretary

0:19 AM

2/20/19

Lake Minnetonka Conservation District
Check Detail
December 16 - 31, 2019

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
12/31/2019	EFT19-155	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-7,996.16
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,116.88
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-598.33
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-610.31
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-8,045.79
12/31/2019	EFT19-156	ADP Service Fee		Alerus Checking		
			Payroll 12/16/19 - 12/31/19	4180M10 · Professional Services - Admin.	Admin.	-76.70
TOTAL						-76.70
12/26/2019	EFT19-157	Frontier Communications		Alerus Checking		
			Phone and Internet 12/4/19 - 1/3/...	4060M10 · Telephone - Admin.	Admin.	-197.15
TOTAL						-197.15
12/31/2019	EFT19-158	SelectAccount Group Service Fee		Alerus Checking		
			HSA Administrative fee for Dece...	4380M10 · Employee Benefits - Admin.	Admin.	-2.85
TOTAL						-2.85
12/26/2019	EFT19-159	Health Partners		Alerus Checking		
			Dental Insurance, January 2020	4380M10 · Employee Benefits - Admin.	Admin.	-170.85
TOTAL						-170.85
12/26/2019	EFT19-160	P.E.R.A		Alerus Checking		
			Payroll 12/16/19 - 12/31/19	2020 · Payroll Liabilities -	Admin.	-1,116.88
TOTAL						-1,116.88
12/20/2019	EFT19-161	SW/WC Service Cooperatives		Alerus Checking		
			Health Insurance, January 2020	4380M10 · Employee Benefits - Admin.	Admin.	-2,164.50
TOTAL						-2,164.50

0:19 AM
2/20/19

Lake Minnetonka Conservation District
Check Detail
December 16 - 31, 2019

Date	Num	Name	Memo	Account	Class	Paid Amount
12/26/2019	EFT19-162	US Bank		Alerus Checking		
			SA, ice for meeting	4230M10 · Meeting Exp. - Admin.	Admin.	-13.67
			Best Buy, phone cord for meeting	4230M10 · Meeting Exp. - Admin.	Admin.	-24.71
			STK Shutterstock, photo for Soli...	4100M10 · Printing - Admin.	Admin.	-49.00
TOTAL						-87.38
12/26/2019	21723	Andrea Rehm		Alerus Checking		
12/26/2019	Mileage 12/13/19		Mileage 12/13/19	4400M10 · Mileage/Exp's - Admin.	Admin.	-33.99
TOTAL						-33.99
12/26/2019	21724	City of Mound		Alerus Checking		
12/26/2019	January 2020		Rent, January 2020	4320M10 · Office Rent - Admin.	Admin.	-1,609.71
TOTAL						-1,609.71
12/26/2019	21725	Emmons & Oliver Resources, Inc.		Alerus Checking		
12/26/2019	Inv.#01449-00...		EOR Lake Minnetonka AIS Mast...	4181M30 · Prof. Services - AIS Prevention	AIS	-6,370.13
TOTAL						-6,370.13
12/26/2019	21726	Innovative Office Solutions LLC		Alerus Checking		
12/26/2019	Inv.#IN2788866		Office Supplies	4220M10 · Office Supplies -Admin.	Admin.	-71.83
			Save the Lake #10 Envelopes	4100M20 · Printing - S/L	STL	-210.67
TOTAL						-282.50
12/26/2019	21727	LMCC		Alerus Checking		
12/26/2019	Inv.#1326		VOD Services for Meeting 12/11/...	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00
12/26/2019	21728	Southwest News Media		Alerus Checking		
12/26/2019	Inv.#378052		Legal Notice Deicing Licenses	4110M10 · Public Info./Legal - Admin.	Admin.	-89.10
TOTAL						-89.10

0:19 AM

2/20/19

Lake Minnetonka Conservation District
Check Detail
 December 16 - 31, 2019

Date	Num	Name	Memo	Account	Class	Paid Amount
12/26/2019	21729	TimeSaver Off Site Secretarial, Inc.		Alerus Checking		
12/26/2019	Inv.#M25325		Board Meeting Minutes 12/11/19	4230M10 · Meeting Exp. - Admin.	Admin.	-180.00
TOTAL						-180.00
12/26/2019	21730	Vickie Schleuning		Alerus Checking		
12/26/2019	Reimburse Par...		Government Center Parking	4400M10 · Mileage/Exp's - Admin.	Admin.	-35.00
TOTAL						-35.00
12/26/2019	21731	VOID		Alerus Checking		
TOTAL						0.00
12/19/2019	21732	Innovative Office Solutions LLC		Alerus Checking		
12/19/2019	Inv.#In2791705		Office Supplies	4220M10 · Office Supplies -Admin.	Admin.	-59.46
TOTAL						-59.46
12/19/2019	21733	LMCC		Alerus Checking		
12/19/2019	Inv.#1317		VOD Services for Meeting 10/23/...	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00
12/19/2019	21734	Matthew Cook		Alerus Checking		
12/19/2019	Mileage 8/20-1...		Mileage 8/20/19 - 12/17/19	4400M10 · Mileage/Exp's - Admin.	Admin.	-21.23
TOTAL						-21.23
12/19/2019	21735	VOID		Alerus Checking		
TOTAL						0.00
12/20/2019	21736	Vickie Schleuning		Alerus Checking		
12/20/2019	Mileage 5/3-12...		Mileage 5/3/19 - 12/19/19	4400M10 · Mileage/Exp's - Admin.	Admin.	-213.44
TOTAL						-213.44

0:19 AM

2/20/19

Lake Minnetonka Conservation District
Check Detail
December 16 - 31, 2019

Date	Num	Name	Memo	Account	Class	Paid Amount
12/20/2019	21737	Curfman's Trucking & Repair Inc.		Alerus Checking		
12/20/2019	Inv.#C19V614....		Harvester End of Year Maint	4721M30 · Specialty Mechanic - EWM	AIS	-1,890.00
			Winterize Mako	4150M30 · Equip. Supplies & Maint. - EWM	AIS	-125.00
			Ford Truck Service Call	4150M30 · Equip. Supplies & Maint. - EWM	AIS	-125.00
			Ford Truck Tow and Service	4150M30 · Equip. Supplies & Maint. - EWM	AIS	-709.44
TOTAL						-2,849.44

0:35 AM
1/03/20

Lake Minnetonka Conservation District
Check Detail
January 1 - 15, 2020

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
01/02/2020	EFT-19-163	ADP Service Fee		Alerus Checking		
			Payroll 1/1/20 - 1/15/20	4180M10 · Professional Services - Admin.	Admin.	-76.70
TOTAL						-76.70
01/02/2020	EFT-19-164	SelectAccount Group Service...		Alerus Checking		
			HSA Employer Contribution for January 2020 (Vickie...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for January 2020 (Matt C...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for January 2020 (Tamm...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
TOTAL						-337.50
01/02/2020	EFT-19-165	P.E.R.A		Alerus Checking		
			Payroll 1/1/20 - 1/15/20	2020 · Payroll Liabilities -	Admin.	-1,164.28
TOTAL						-1,164.28
01/02/2020	EFT-19-166	Unum Life Insurance		Alerus Checking		
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	-136.60
TOTAL						-136.60
01/09/2020	EFT-19-167	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-8,334.80
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,164.28
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-623.72
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-636.23
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-8,388.34
01/09/2020	21739	AIS Advanced Imaging Soluti...		Alerus Checking		
01/09/2020	Inv.#403313299		Copier Contract 12/20/19 - 1/20/20	4140M10 · Equipment R&M - Admin.	Admin.	-262.52
TOTAL						-262.52

Lake Minnetonka Conservation District
Check Detail
January 1 - 15, 2020

Date	Num	Name	Memo	Account	Class	Paid Amount
01/09/2020	21740	City of Wayzata		Alerus Checking		
01/09/2020	2020		2020 Agreement for Meeting Room	4230M10 · Meeting Exp. - Admin.	Admin.	-3,646.00
TOTAL						-3,646.00
01/09/2020	21741	DVS Renewal		Alerus Checking		
01/09/2020	Feb 2022		Tabs for Ford Truck	4090M30 · DMV - EWM	AIS	-19.25
01/09/2020	Feb 2022		Tabs for Cargo Trailer	4090M30 · DMV - EWM	AIS	-19.25
TOTAL						-38.50
01/09/2020	21742	Kennedy & Graven		Alerus Checking		
01/09/2020	November 2019		Legal Fees November 2019	4620M10 · Legal Fees - Admin.	Admin.	-3,053.45
TOTAL						-3,053.45
01/09/2020	21743	NCPERS Group Life Insurance		Alerus Checking		
01/09/2020	January 2020		Life Insurance, January 2020	4380M10 · Employee Benefits - Admin.	Admin.	-48.00
TOTAL						-48.00
01/09/2020	21744	Tallen & Baertschi		Alerus Checking		
01/09/2020	December 2019		December prosecution costs	4640M10 · Prosecution Fees - Admin.	Admin.	-916.02
TOTAL						-916.02
01/09/2020	21746	Mark Hodges Media Producti...		Alerus Checking		
01/09/2020	20191211		Meeting 12/11/19	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-80.00
TOTAL						-80.00



ITEM 7B

RESOLUTION NO. 197

A RESOLUTION ACCEPTING CONTRIBUTION(S) TO THE LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)

WHEREAS, the LMCD is a regional government agency established by Minnesota Statutes Section 103B.605, Subd. 1;

WHEREAS, contributions to the LMCD "Save the Lake" fund are generally tax deductible to individuals under the IRS Code 26 USC Section 170 (b)(1)(a) because contributions to any political subdivision of any state for exclusively public purposes are deductible;

WHEREAS, municipalities are generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its stakeholders, and is specifically authorized to accept gifts;

WHEREAS, LMCD wishes to follow similar requirements as established for municipalities for accepting donations;

WHEREAS, the attached listed person(s) and entity(ies) have offered to contribute the cash amount(s) set forth with any terms or conditions as outlined in Attachment I to the LMCD;

WHEREAS, such contribution(s) have been contributed to the LMCD for the benefit of the public, as allowed by law; and

WHEREAS, the LMCD Board of Directors finds that it is appropriate to accept the contribution(s) offered.

NOW THEREFORE, BE IT RESOLVED BY THE LMCD BOARD, STATE OF MINNESOTA AS FOLLOWS:

1. The contribution(s) described with Attachment I is/are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.

2. The executive director is hereby directed to issue receipt(s) acknowledging the LMCD's receipt of the contributor's contribution(s).

Adopted by the Board this 8th day of January, 2020.

Gregg Thomas, Chair

ATTEST:

Ann Hoelscher, Secretary

Lake Minnetonka Conservation District
Transaction Detail By Account
December 4 - 31, 2019

Resolution #197 Attachment 1 - Save the Lake Contributions

Date	Num	Contributor	Memo	Amount
12/09/2019	934	Lance H. Wallin	STL Donations (General)	500.00
12/09/2019	15027	William L. Trubeck	STL Donations (General)	100.00
12/09/2019	10677	John Bohn	STL Donations (General)	25.00
12/09/2019	10655	Lewis Cradit	STL Donations (General)	50.00
12/09/2019	2363	David Aul	STL Donations (General)	25.00
12/09/2019	9462	Gerhard Lano	STL Donations (General)	100.00
12/09/2019	8520	Bean's Greenwood Marina Inc.	STL Donations (General)	100.00
12/09/2019	7116	Donna L. Adams	STL Donations (General)	50.00
12/09/2019	2428	Edward W. Malone	STL Donations (General)	50.00
12/09/2019	14668	Leone & Pat McGlone	STL Donations (General)	100.00
12/09/2019	16807	Lawrence Reid	STL Donations (General)	100.00
12/09/2019	PayPal	PayPal	(Lesley Longval) 500.00	485.20
12/09/2019	PayPal	PayPal	(Joe Fronius) 7.00 Dec	6.50
12/09/2019	PayPal	PayPal	(Joe Fronius) 7.00 Jan	6.50
12/09/2019	PayPal	PayPal	(Mason Myers) 100.00	96.80
12/09/2019	PayPal	PayPal	(Darryl Landstrom) 100.00	96.80
12/16/2019	7117	James Prokopanko	STL Donations (General)	100.00
12/16/2019	5855	D. D. Spatz	STL Donations (General)	50.00
12/16/2019	12465	Roger Schmidt	STL Donations (General)	100.00
12/16/2019	7580	Nicole Stone	STL Donations (General)	500.00
12/16/2019	2745	Baycliffe Property Owners Assoc.	STL Donations (General)	200.00
12/16/2019	1549	Ralf Bates	STL Donations (General)	25.00
12/16/2019	8176	Steven Tallen	STL Donations (General)	250.00
12/16/2019	5043	Richard Ragatz	STL Donations (General)	100.00
12/16/2019	1759	Barb Swenson	STL Donations (General)	100.00
12/16/2019	5433	Alan Miller	STL Donations (General)	50.00
12/16/2019	16740	Lawrence Elsen	STL Donations (General)	50.00
12/16/2019	10296	Donald Swanson	STL Donations (General)	100.00
12/16/2019	20659	Michael Huntley	STL Donations (General)	25.00
12/16/2019	16103	James Wyman	STL Donations (General)	100.00
12/16/2019	6914	Mary Alexander	STL Donations (General)	100.00
12/16/2019	13352	Leslie Heinen	STL Donations (General)	100.00
12/20/2019	8302	Raymond Newkirk	STL Donations (General)	200.00
12/20/2019	9422	Frank Brixius	STL Donations (General)	50.00
12/20/2019	15540	Wyatt Moe	STL Donations (General)	50.00
12/20/2019	18033	John M Bailey	STL Donations (General)	250.00
12/27/2019	8138	James & Tamra Segal	STL Donations (General)	50.00

Resolution #197 Attachment 1 - Save the Lake Contributions cont'd.

12/27/2019	3018	Stanley Goldberg	STL Donations (General)	50.00
12/27/2019	8942	Jeff and Evie Engler	STL Donations (General)	100.00
12/27/2019	23305	Richard & Judith Corson	STL Donations (General)	100.00
12/27/2019	9724	Thomas Forsythe	STL Donations (General)	50.00
12/27/2019	5578	John B. Wartman	STL Donations (General)	50.00
12/27/2019	13070	Lea Rae Reese	STL Donations (General)	50.00
12/27/2019	3691	Kevin & Kari Kantola	STL Donations (General)	50.00
12/27/2019	00034305	Gary & Susan Rappaport	STL Donations (General)	500.00
Total				5,391.80



Lake Minnetonka Conservation District 2020 Public Meeting Calendar

DRAFT

January

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February

S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

LMCD Regular Board Meetings

Wayzata City Hall, 600 Rice Street
2nd and 4th Wednesday of Each Month *
6:00 p.m. - 7:00 p.m. (Work Session- not televised)
7:00 p.m. - Adjourn (Formal Agenda- televised)
*No Meeting Scheduled for 4th Wednesday in Nov / Dec
Televised on LMCC: <http://www.lmcc-tv.org/lmcd.html>

March

S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Aquatic Invasive Species (AIS) Task Force

LMCD Office, 5341 Maywood Road
Suite 200, Mound
2nd Friday of February & quarterly thereafter as needed
8:30 a.m.

May

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Save the Lake Committee

City of Minnetonka, 14600 Minnetonka Blvd
Burwell Room, Minnetonka
Typically 2nd Tuesday every other month
5:00 p.m.

July

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August

S	M	T	W	Th	F	S
						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

LMCD Observed Holidays

Office Closed

September

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November

S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	*11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

*November 11th is VETERAN'S DAY, LMCD CLOSED
however, the room is available Veteran's Day.
To re-schedule, these dates are also available:
Thursday, 12th Friday, 13th
Thursday, 19th Friday, 20th



To preserve and enhance the "Lake Minnetonka experience"

Residential Permanent Dock Regulations & Discussion

LMCD BOARD WORK SESSION

JANUARY 8, 2020

PRESENTED BY: EXECUTIVE DIRECTOR VICKIE SCHLEUNING

Outline

Definitions

- Permanent Dock
- Seasonal Dock

Permit Application and Review Process

- Staff review
- Agency review
- Elective neighbor notification

Considerations

- Long-term
- Public comments

Permanent Dock Definition

Per LMCD Code, a permanent dock is any dock that is not a “seasonal dock.” (1-3.01. Subd. 69)

LMCD Code defines a “seasonal dock” as “any dock which is so designed and constructed that it may be removed from the lake on a seasonal basis. All components ... must be capable of removal by manual means without the use of power equipment, machines or tools other than hand held power tools.” (1-3.01. Subd. 89)

What is *not* a permanent dock?

A seasonal dock, even if left in the lake year-round, is *not* a permanent dock.



Permanent Docks

Typically, permanent docks have wood or metal pilings with large diameters (ranging from several inches to multiple feet in width), driven by large equipment



Residential Permanent Dock?

A Residential Permanent Dock is “a permanent dock constructed or maintained at a single-family residential property for the private use of the residents of the dwelling on the property.” (LMCD Code Section 1-3.01. Subd. 82)

Formerly referred to as “non-multiple” permanent dock

Permanent Dock Permit Process

1. LMCD receives complete application
2. LMCD submits request for review to MN DNR, MCWD the City, LMCD Board Representative, Board Chair, and any other site-specific party
3. LMCD submits notice to neighboring / potentially impacted sites
 - Public notification for administrative approvals not currently required by Code; doing so is an informal policy established at staff level
4. LMCD reviews input and application materials
 - Conducts inspections as necessary
5. LMCD sends approved permit or letter of denial
6. As built may be required
7. Site visit

Permanent Dock Review Criteria

Typical LMCD code requirements apply

- Max Dock Length
 - Feet of shoreline no greater than 100 feet, up to approximately 4' water depth as measured from OHW
- Setbacks
 - Permanent structures require Variance from Board for any proposed deviation from setback and length requirements

Other Considerations

- Conflicting dock use areas
 - May bring to Board, possible variance
- Sensitive habitat / ecological concerns in the area

Emerging Trends & Observations

- Financial: Some people expressed savings
 - Cost of materials and installation of permanent structures, while high, may be lower than cost of materials and repeated installation/removal of seasonal structures over time.
- Risk: Applicants, though ineligible to de-ice before March 1st, opt to take on risk of ice damage.
 - Risk varies by bay and year
- Partial Structures: Some people sought to install permanent pilings only for lift structures, attaching decking seasonally.
 - Concerns potential hazards
 - Inconsistent layout

Number of
Permanent Dock
Permits Issued

2019 (YTD)	2
2018	8
2017	5
2016	0
2015	1
2014	1
2013	3
2012	3
2011	4
2010	2
2009	1
2008	1
2007	4
2006	5
2005	5

Potential Impact & Concerns



More permanent docks around the lake

Unknown cumulative effect on lake ecology- advantages and limitations

Unknown cumulative effect on recreation

- May change winter use of lake such as fishing, snowmobiling, etc.
- Unknown effect on ice strength (thermal bleed)



More docks damaged by shifting ice sheets each late winter/early spring and complaints



Additional requests for changes to de-icing Code requirements to allow more de-icing licenses

De-icing activity creates weakened ice / open water; may have aggregate impact on winter recreation

Topic to be considered at future board meeting



Received concerns regarding appearance and blocking views and impact to property values

Questions and Board Discussion

1. Should establishing standards for number, type, or locations be considered?
 - Can areas vulnerable to ice damage be determined?
2. Would the Board like to impose **different length or size restrictions** on future permanent dock projects?
3. Is the Board comfortable with the permanent dock permit application review process? Would any proposed changes alter outcomes?
 - **Formalize public notice** policy?
 - **Full Board or Committee review** of permanent dock applications?
4. Any other considerations or concerns?

Thank You



To preserve and enhance the "Lake Minnetonka experience"



To preserve and enhance the "Lake Minnetonka experience"

Environmental Assessment Worksheet (EAW) Overview

LMCD BOARD WORK SESSION

JANUARY 8, 2020

PRESENTED BY: EXECUTIVE DIRECTOR VICKIE SCHLEUNING

Overview

Purpose

History

Types of Determinations

Process

Project Criteria

Policy Questions & Feedback

Purpose

- Purpose of Discussion
 - Review process and requirements for Environmental Assessment Worksheets (EAW) per Board Request
 - Obtain board feedback regarding certain standards and policies
- Purpose of EAWs
 - To collect information needed to determine if a project will have significant environmental impacts that would require an Environmental Impact Statement (EIS).

History of EAW

Excerpts from Statements of Need and Reasonableness (SONARs) for Minnesota Rules chapter 4410.4300 subpart 25

1982: <https://www.leg.state.mn.us/archive/sonar/SONAR-00003.pdf>

This category area is proposed because of the potential for significant impacts related to water quality, air quality, noise, wildlife habitat, aesthetics, and the use of public resources. Specific categories proposed within this category area includes: Mandatory EAW - 6 MCAR § 3.038 X.

Marinas. Construction or cumulative expansion of a marina or harbor project which results in a total of 20,000 or more sq. ft. of temporary or permanent water surface area used for docks, docking, or maneuvering of watercraft. (local)

1995: <https://www.leg.state.mn.us/archive/sonar/SONAR-02551.pdf>

Part 4410.4300, subp. 25. Marinas. The new language is for clarification, attempting to specify that an EAW is required when marina size reaches or surpasses 20,000 square feet, and in 20,000 square foot increments thereafter. The original language would require an EAW for every expansion after the initial 20,000 square foot size had been reached.

Types of Determination

- Basically 3 Types
 - Mandatory
 - Discretionary
 - Petition

Mandatory EAWs

Mandatory for Marinas. For new construction or expansion of a marina or harbor that results in a 20,000 or more square foot total of water surface or maneuvering. The LMCD is the RGU.

A mandatory EAW is triggered if:

- A marina crosses the 20,000 square foot water area threshold for the first time OR
- An existing marina adds greater than 20,000 square feet of structures and navigation through an expansion.

Discretionary EAW

A governmental unit with jurisdiction may order the preparation of an EAW for any project that does not exceed the mandatory thresholds . . . if the governmental unit determines that because of the nature or location of the proposed project the project may have the potential for significant environmental effects . . . *Minn. R. 4410.4500*

EAW by Petition

Under Minn. R., part 4410.1100, at least 100 individuals may petition the EQB to request the preparation of an EAW. If a proper petition is received by the EQB, it will determine the RGU to make a determination on whether to approve the petition and order an EAW.

The determination on whether to order an EAW is made based on the material evidence presented by the petitioners, the applicant, and others as to whether, “because of the nature or location of the proposed project, the project may have the potential for significant environmental effects.” If such potential is not shown, the RGU must deny the petition.

Process

- See Quick Reference: Environmental Assessment Worksheet by Environmental Quality Board (EQB)
- Prescribed
- Detailed
- Time Specific

Examples of EAW Recent EAW Projects for Expansions

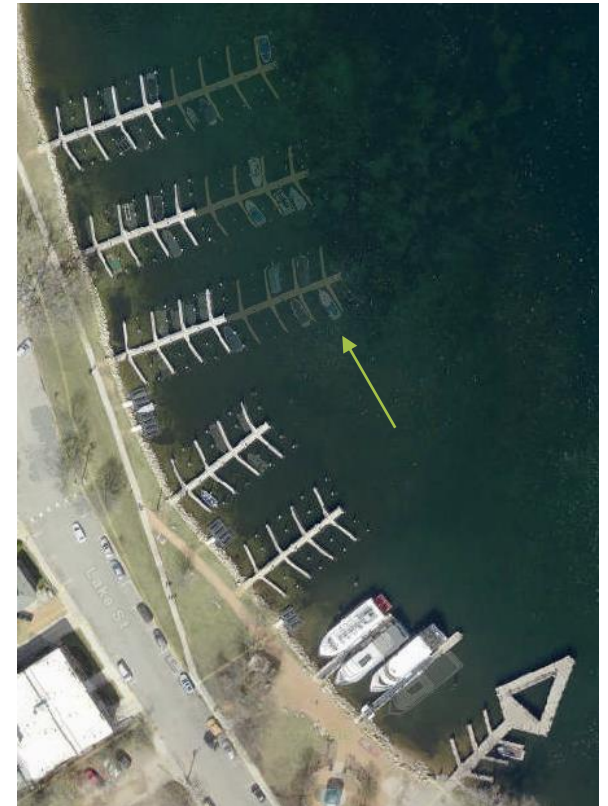
Howard's Point Marina



Brown's Bay Marina - Tanager



City of Excelsior



5th Street Venture



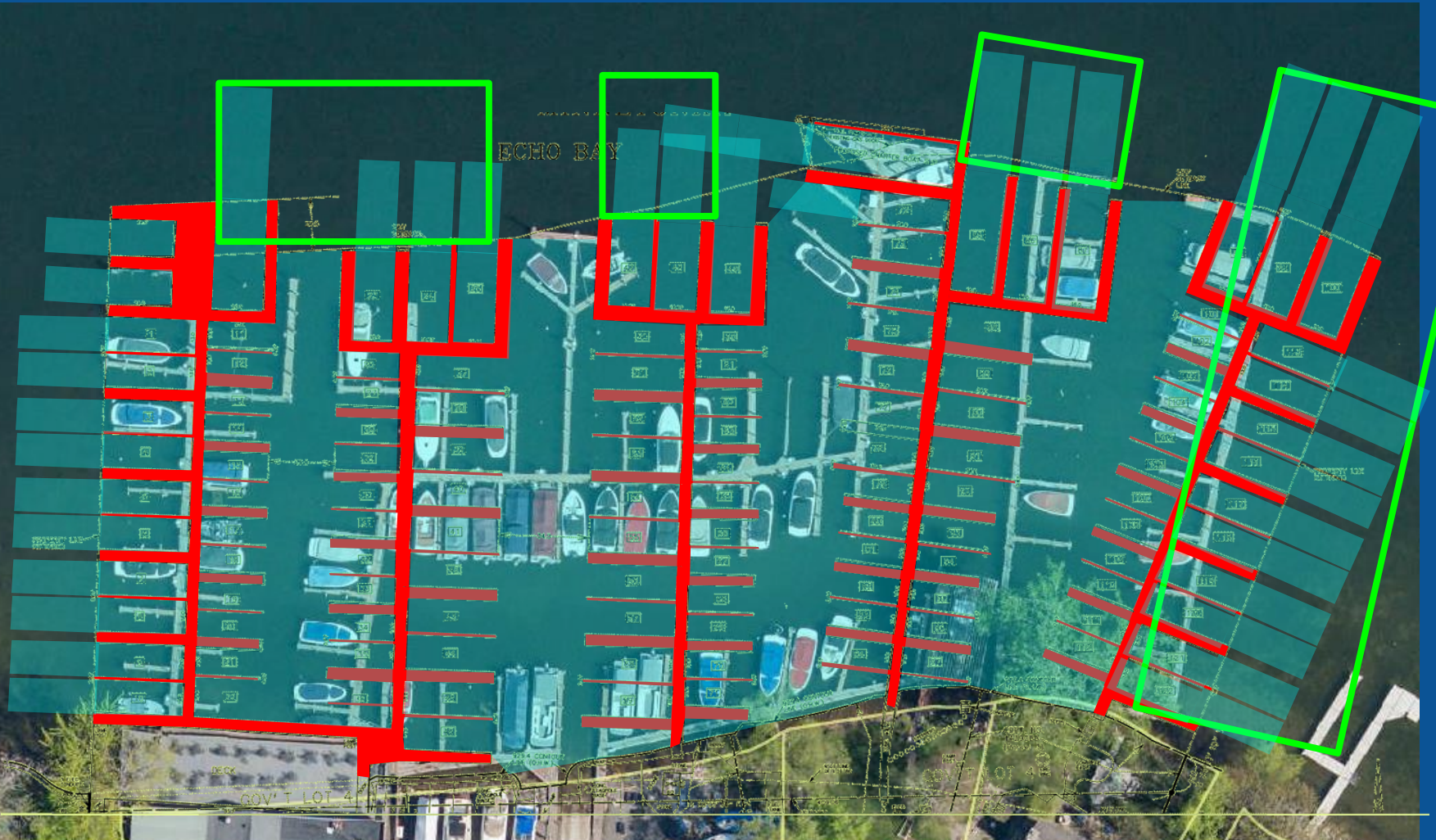
Project Criteria

*Example Only, Not an
Approved Project*

Structural surface area -----

Storage / Navigational surface area --

Area of expansion -----



For illustrative purposes only- Not an approved site plan

Policy Questions & Feedback

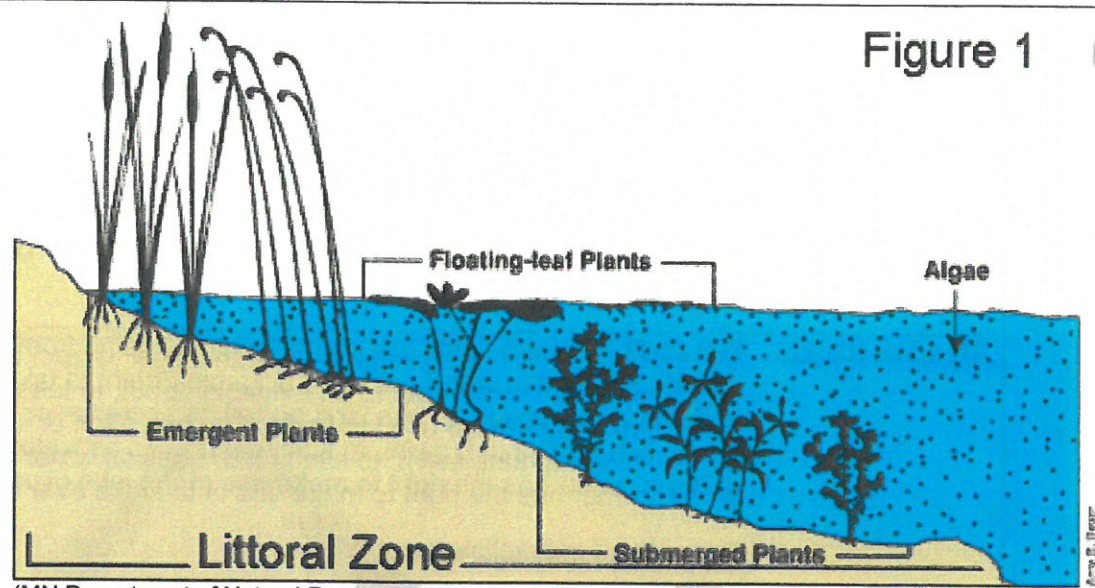
- Does the Board wish to establish a policy to require a discretionary EAW where not mandated?
- If yes, under what circumstances?

Thank You

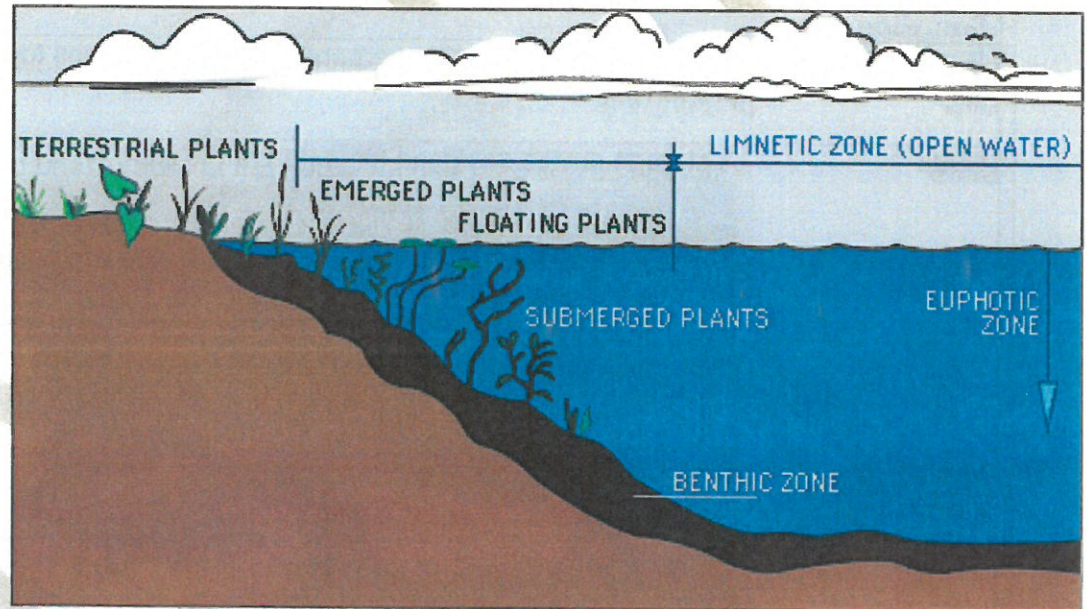


To preserve and enhance the "Lake Minnetonka experience"

Figure 1




(MN Department of Natural Resources)



(UMN Duluth – MN Shoreland Management Guide)

Launching Ramp	Any ramp, deck, roadway, crane, tracks, slides, or any other similar device or location used for launching boats or watercraft from the shore into the Lake, other than those located at residential sites and used solely for launching boats or watercraft owned by residents of that site or to be stored or moored at that site.
Multiple Dock	Any dock or mooring area constructed or maintained for the storage of five or more restricted watercraft, other than commercial docks.
Overnight Facilities	Facilities or parts of facilities that are licensed for the docking of watercraft overnight.
Restricted vs Unrestricted Watercraft	" Restricted Watercraft " means any boat or vessel for use on or stored on the public waters on the Lake except for unrestricted watercraft as defined in this section.

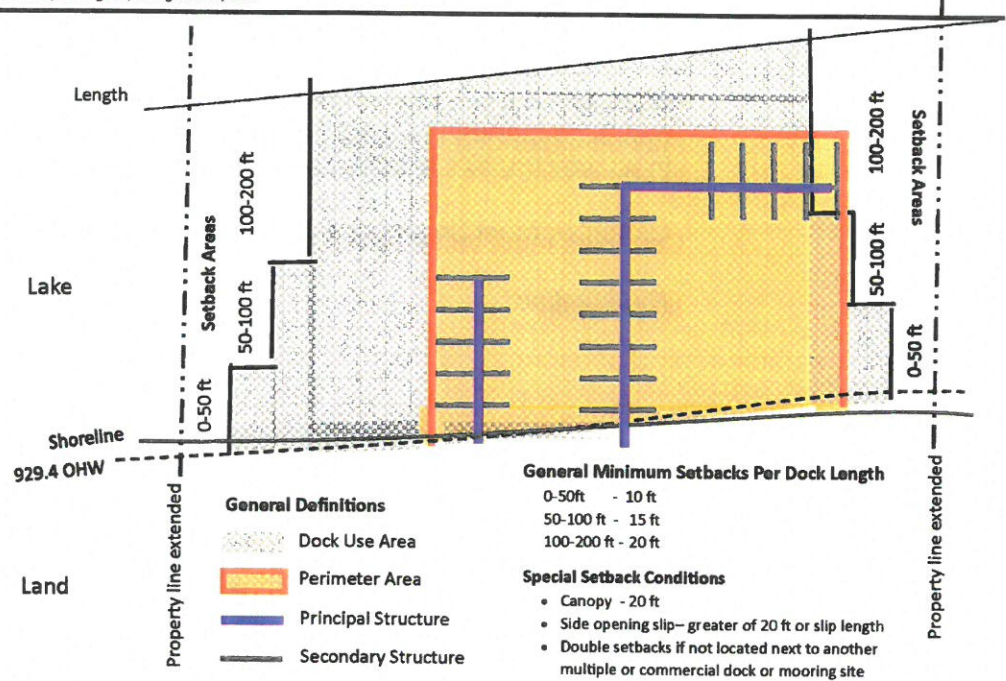
	<p>"Unrestricted Watercraft" means any boat or vessel for use on or stored on the public waters of the lake that is:</p> <ul style="list-style-type: none"> a) 16 feet or less in length and has no motor; or b) 16 feet or less in length and has a motor of 10 horsepower or less, as rated by the manufacturer at the time of manufacture, whether or not the motor is operational; or c) 20 feet or less in length and has no motor, and that is propelled solely by human power.
Riparian Rights	<p>MN DNR: Riparian rights are property rights arising from owning shoreland. They include the right to wharf out to a navigable depth; to take water for domestic and agricultural purposes; to use land added by accretion or exposed by reliction; to take ice; to fish, boat, hunt, swim; to such other uses as water bodies are normally put. A riparian owner has the right to make use of the lake over its entire surface.</p> <p>Some legal restrictions exist.</p>
Sediment Sampling	An investigation of the make-up and depths of sediment.
Side-Opening Slip	A boat slip that is roughly perpendicular to and opens towards an extended side property line.
Slide	<p>A storage device designed for watercraft to slide on and off.</p>  <p>(Photo: The Dock Doctors)</p>
Slip	A structure designed solely to secure a watercraft for the purpose of protecting it from damage from sun, wind, storm, or rain. The term does not include boat houses, decks, roofs, or similar structures.
Transient Facilities	Facilities or parts of facilities that are licensed for the temporary docking of watercraft, but not including the docking of watercraft overnight.
Watercraft Density	The number of watercraft stored at a site.
Watercraft	A watercraft storage unit (WSU) is a calculation that considers the size and surface

Storage Unit (WSU)	area of the lake used for a BSU. A larger boat slip has a larger WSU.
Wetland	An area of land saturated with water, permanently or seasonally typically identified with specific types of vegetation that live in that area.
Wetland Delineation	A determination of boundaries of protected wetland made through an investigation of the soil (see "sediment sampling"), vegetation, and hydrology.

DRAFT

Example Multiple Dock Configuration Regulations Summary

Example illustrates Nonconforming setback. It is intended for informational purposes only. Other regulations or conditions may apply such as variances, ecological, navigational, etc.



Lake Minnetonka Conservation District, 5341 Maywood Rd, #200, Mound MN 55364. Ph: 952-745-0789, lmcd@lmcd.org, www.lmcd.org

Form rev 06192019

Dock vs Deck

"Dock" means any wharf, pier, or other structure or combination of wharves, piers, or other structure constructed or maintained in or over the Lake, whether floating or not, including all "Is", "Ts" or posts which may be a part thereof, whether affixed or adjacent to the principal structure.

"Deck" means a structure other than a dock, or element thereof, measuring more than eight feet in length or width, located above the surface of the Lake and designed for use as a platform, floor, cover, or any combination thereof.

Easement

A legal right to use another's land for a specific limited purpose (i.g. lake access). The legal title to the land remains with the owner of the land.

Houseboat

A boat that can be or is used as a dwelling. Restrictions to overnight sleeping exist on Lake Minnetonka.

Lake Zones

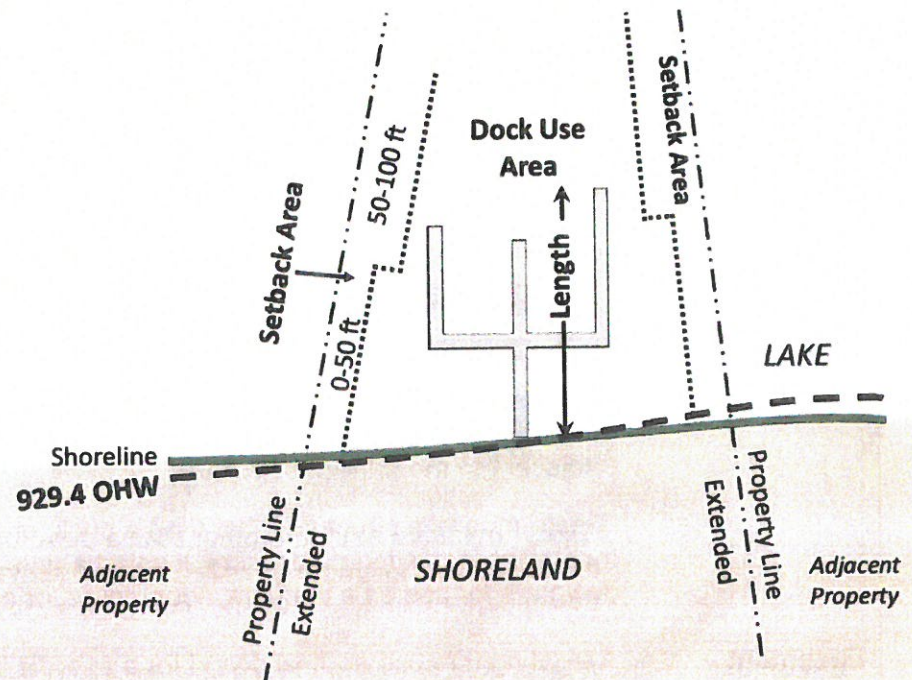
- **Littoral Zone:** zone near shore area where sunlight penetrates all the way to the sediment and allows aquatic plants to grow.
- **Limnetic Zone:** the open water area where light does not generally penetrate all the way to the bottom.
- **Benthic Zone:** bottom sediment.
- **Euphotic Zone:** the layer from the surface down to the depth where light levels become too low for photosynthesizers.

Setbacks shall be doubled for all multiple docks, mooring areas, and commercial single docks on each side where such structures are not located adjacent to another multiple dock, mooring area, or commercial single dock. Multiple docks, mooring areas, and commercial single docks in existence on May 3, 1978 shall not be subject to setback doubling if such structures are not expanded.

Sites with a DUA width of 50 feet or less that were in existence on February 2, 1970 may be expanded to a side setback limitation of 5 feet, provided that such setbacks in no way impairs access to neighboring docks.

Canopies must be setback from side site lines a minimum distance of 20 feet.

Residential:



Commercial:



--- Greater than 30
-- inches high

Commercial Dock A dock or dock structure used in conjunction with a commercial or other revenue producing business enterprise including a private club, or a dock or dock structure on land owned by a municipality or political subdivision and operated, controlled or licensed by the municipality or political subdivision, but not including apartments or any such businesses involving the leasing of real property for residential use.

Conservation Easement A legal agreement between a landowner and a land trust or government agency that limits uses of a property to protect its conservation values.

Consolidated vs Unconsolidated Sediment "Consolidated sediment" has been converted into hard material or rock by compaction.
"Unconsolidated sediment" is a loosely arranged sediment, formed by weathered rocks and redeposition of fragments.

Dock Use Area (DUA) **Length:**
The length of the authorized dock use area extends into the Lake a distance equal to the length of shoreline frontage of the site as measured at right angles to the side site lines as extended into the Lake. The total length shall not extend beyond 100 feet, even if the site has more than 100 feet of shoreline.

An authorized DUA for sites with commercial use that have a commercial structure that was in existence on August 30, 1978 shall extend into the Lake a distance of 200 feet.

Sites in existence on February 5, 1970 shall be determined as follows:

- Over 40 feet of frontage: If the site has a Lake frontage of 40 feet or more, but less than 60 feet, the authorized DUA extends into the Lake a distance of 60 feet.
- Under 40 feet of frontage: If the site has a Lake frontage of less than 40 feet, the authorized DUA extends into the Lake to the point necessary to reach a water depth of four feet, except that no such dock shall be located or extended more than 60 feet into the Lake,

Setbacks:

The width of an authorized DUA is limited by the following setbacks, which are measure from the side site lines as extended into the Lake.

<i>For that portion of the length of the authorized DUA which extends from the shore:</i>	<i>The setback from the side site line as extended into the Lake shall be:</i>
<i>Zero to 50 feet</i>	<i>10 feet</i>
<i>50 to 100 feet</i>	<i>15 feet</i>
<i>100 to 200 feet</i>	<i>20 feet</i>

These are select definitions from the code and from other sources to help directors better understand some of the terms used in discussing matters related to the Lake and the LMCD.

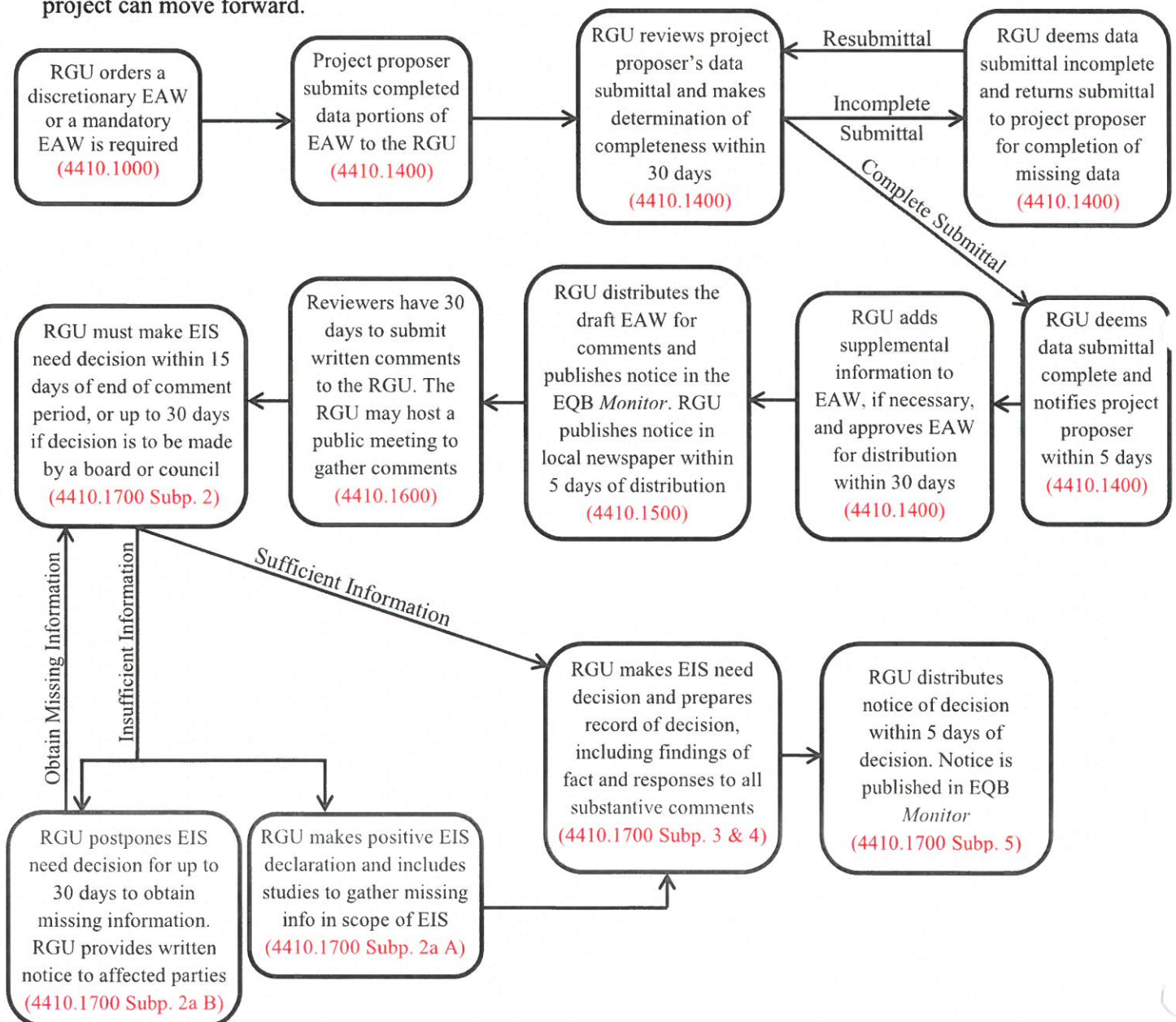
Term	Definition
Abstract vs Torrens	<p>There are 2 recording systems used for MN properties, Torrens and Abstract. Hennepin County Definition:</p> <p>Abstract properties have an Abstract of Title, a document that summarizes the recorded history of a parcel of land (mortgages, easements, deeds, etc.).</p> <p>A property becomes Torrens after the owner registers it through the court system and a Certificate of Title is issued.</p>
Abutting Property	An abutting property is a property that has shoreline.
Accretion, Avulsion, Reliction	<p>Accretion is the increase of land area through sediment deposits by a body of water.</p> <p>Reliction is the increase in land area as the result of permanently receding water levels.</p> <p>Avulsion is the sudden cutting off of land by a change of course of a body of water or flooding.</p>
Boat House	A permanent, year-round boat shelter. A prohibited structure on lake Minnetonka (LMCD Code Section 2-6.05). Some exceptions exist for maintaining or repairing existing structures.
Boat Lift	A device that raises and lowers watercraft from the water including free standing and floating. A boat lift is not considered a canopy if the fabric is less than 30 inches in vertical height. See canopy.
Boat Storage Structure	
Boat Storage Unit (BSU)	A space or facility available for mooring, docking, or storing a watercraft to be used on the Lake.
Bog	Spongy ground consisting mainly of partially decayed plant matter that has detached from land to form floating islands. If attached to land it is considered a wetland.
Canopy	That part of a slip structure comprised of an overhead, fabric cover designed to shelter a watercraft from sun, wind or rain, together with poles, rigging and appurtenances that support the cover. An overhead, fabric cover that is an integral part of a boat lift is not a canopy unless the vertical height of the fabric cover exceeds 30 inches.



EAW Process Steps

(Minnesota Rules 4410.1000 – 1700)

The EAW should be prepared as early as practicable in the project development process. The RGU as designated in [Minnesota Rules 4410](#) is responsible for preparing the EAW based on data submitted by the project proposer. The EAW process includes a comment period and the option for an RGU to host a public meeting to gather additional comments. Once the EAW process is completed, the RGU must make a decision on the need for an EIS. [Minnesota Rules 4410.1700](#), Subpart 1 specifies that a positive EIS decision shall be made for projects that “have the potential for significant environmental effects”. If a project does not have the potential for significant environmental effects, then the RGU shall issue a negative EIS decision, and the project can move forward.





Quick Reference: Environmental Assessment Worksheet (EAW)

The EAW is a brief document designed to lay out the basic facts of a project necessary to determine if an Environmental Impact Statement (EIS) is required for the proposed project. The [EAW form](#) consists of 20 questions that provide the information needed to determine if the project will have significant environmental impacts. In addition to the legal purpose of the EAW in determining the need for an EIS, the EAW also provides permit information, informs the public about the project, and helps identify ways to protect the environment. The EAW is not meant to approve or deny a project, but instead act as a source of information to guide other approvals and permitting decisions. The EAW is completed by the Responsible Governmental Unit (RGU) designated according to [Minnesota Rules 4410](#).

Environmental Review Exemptions

Some projects of a specific size and nature are exempted from the environmental review process as indicated in [Minnesota Rules 4410.4600](#). If a project is identified as exempt, then it is not required to go through environmental review in order to move forward.

Mandatory Environmental Review

Projects that meet or exceed the thresholds described in [Minnesota Rules 4410.4300](#) are required to complete an EAW. If a project meets or exceeds the thresholds described in [Minnesota Rules 4410.4400](#), then an EIS is required. When determining if a project meets a mandatory environmental review category threshold, it is important to keep in mind any connected actions, phased actions, or project expansions within the last three years that cumulatively may trigger mandatory environmental review. These provisions are described in [Minnesota Rules 4410.1000](#), Subpart 4, and [Minnesota Rules 4410.4300](#), Subpart 1 respectively.

Discretionary Environmental Review

Projects that are not exempt nor require a mandatory environmental review can still go through the EAW process according to [Minnesota Rules 4410.1000](#), Subpart 3. A government unit with approval authority over a project can order a discretionary EAW if it determines that the project may have the potential for significant environmental effects. A discretionary EAW can be particularly appropriate for projects with some possibility of significant adverse environmental impacts or the perception of such. A discretionary EAW can help the RGU identify the adverse environmental impacts of a project and their severity. Additionally, discretionary environmental review may be ordered by a RGU in response to a citizen petition or if the project proposer wishes to initiate environmental review to determine if the project has the potential for significant environmental impacts.

Please note that this quick reference guide is not intended to substitute for [Minnesota Rules 4410](#). It is designed to help RGUs and others implement the environmental review process more effectively and efficiently. The guide does not alter the rules or change their meaning; if any inconsistencies arise between this guide and the rules, the rules take precedent. Please contact EQB Staff with any questions at Env.Review@state.mn.us or 651-757-2873.