



**DRAFT**

October 24, 2016

Daryl Ellison  
Minnesota Department of Natural Resources  
7050 E. Highway 101  
Shakopee, MN 55379

**RE: Comments on Proposed Trout Stream Designation in Bloomington**

Dear Mr. Ellison:

Today the Bloomington City Council authorized the following comments on the Minnesota Department of Natural Resources' (DNR) proposal to add an unnamed stream in Sections 1 and 12 of Township T27N, Range R24W to the designated trout stream list. The stream is commonly referred to as "Ike's Creek" and originates on City owned land at 2401 E. Old Shakopee Road, diagonally across from the Mall of America. Thank you for the notice regarding the proposal and for the opportunity to comment.

While Bloomington supports restoring native aquatic species along the Minnesota River Valley and plans to maintain the City owned parcels that host the upper reaches of the stream in their natural state, the City has concerns about formal designation of the stream as a "trout stream."

The stream lies in Bloomington's South Loop District, which is already the most intensely developed portion of Bloomington, home to four light rail stations and the busiest transit station in Minnesota. The South Loop District is forecast to receive 64 percent of Bloomington's employment growth through 2040. The District is also home to major semiconductor employers that rely on groundwater from wells. Continued growth in the district is a key component of Bloomington's Comprehensive Plan.

Ike's Creek exists in a historically disturbed area. The City of Bloomington constructed the Stadium Area Storm Sewer Outfall Project between 1983 and 1986. This project established a storm sewer connection from East Old Shakopee Road and Killebrew Drive to the Minnesota River near the alignment of the proposed trout stream. The pond that currently exists at the headwaters of the stream was constructed as part of this project. In addition, the project established the outlet skimmer for the pond, installed perforated 12-inch PVC underdrains directing groundwater flows into the pond, and modified the upper reaches of the channel. The project preserved the natural resources of this area by keeping storm sewer drainage out of the stream. However, the project also established piped groundwater inputs to the stream. It is assumed these inputs help maintain stream base flow, which raises the question of whether or not the stream would be able to sustain a trout population without these piped groundwater inputs.

Placing the stream on the designated trout stream list will trigger a number of standards under State law that may reduce the development potential of surrounding properties. Buffer requirements will extend onto the adjacent undeveloped parcels on each side of the City owned land. These vacant parcels, owned by the Metropolitan Airports Commission (MAC) are being marketed for development. A buyer reports having the MAC property to the east of the stream under contract. Trout stream designation may impact adjacent development and any associated sales contract.

Continued growth in the South Loop District will include changes in land use and the construction of buildings and other related infrastructure. Construction activity often includes dewatering to construct building footings or install deep utility infrastructure which may or may not have an effect on local groundwater flow. The City understands the primary source aquifer for the stream has been identified to be the shallow water table. If the DNR intends to restrict dewatering activities in this area, the City requests the DNR perform a sub-surface watershed delineation project to guide land use and dewatering activities prior to designating Ike's Creek as a trout stream. Additionally infiltrating stormwater runoff is commonly required as part of the State issued NPDES construction stormwater permit. Once introduced into the ground, the path of infiltrated stormwater is somewhat unknown and it may have potential to alter shallow groundwater characteristics.

Another concern is that the surrounding district is home to major semiconductor employers that depend on groundwater. We envision that these businesses may want to expand their use of groundwater in the future and that new and similar businesses may locate in the district and require groundwater wells. The additional DNR review process for groundwater appropriation permits near trout streams may limit growth in the surrounding district.

Bloomington has taken several regulatory steps to protect Ike's Creek and others like it. The City has created a bluff protection overlay district that applies to the property and has adopted a steep slope ordinance. Bloomington also has policies in place that avoid over the bluff discharge of stormwater. The City is committed to preserving the parcels that host the stream in their natural state as much as possible. Bloomington's commitment to sustainability is demonstrated by the recent ability of the stream to support a trout population even though it has been surrounded by urban development for over 40 years.

Given 1) the significant environmental protection standards already in place, 2) the current vitality of the stream, 3) the history of disturbance and influence of established infrastructure on base flow, 4) the City's intention to continue to enforce the many protections already in place, and 5) that formal designation as a "trout stream" could restrict development but have no appreciable new positive benefit for the stream, Bloomington requests that the Minnesota Department of Natural Resources not designate Ike's Creek as a trout stream. Instead, Bloomington requests that the Minnesota Department of Natural Resources continue to work with Bloomington and the U.S. Fish and Wildlife Service to keep the stream in its natural state without a formal trout stream designation.

Sincerely,

Gene Winstead  
Mayor