



Nine Mile Creek Discovery Point  
12800 Gerard Drive  
Eden Prairie, MN 55346  
(952) 835-2078  
ninemilecreek.org

CASE #PL2021-42

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August 30, 2021

Andrew Walser  
Walser Real Estate IV, LLC  
7700 France Ave S #410 N  
Edina, MN 55435

**RE: Approval of NMCWD Permit 2021-008 for Redevelopment at 4401 American Blvd W and 4217 American Blvd W in Bloomington**

Dear Andrew Walser,

The Nine Mile Creek Watershed District has approved your permit application for the project referenced in bold above. Attached is a copy of the permit and a set of general provisions that apply to the project.

By accepting the permit, you agree to the following stipulations for closeout of the permit and release of the financial assurance:

- Per Rule 4.5.8, an as-built drawing of the stormwater facilities conforming to the design specifications, including a stage volume relationship in tabular form for the underground stormwater management facility and surface infiltration basin.
- Buffer markers for compliance with Rule 3.4.5 are required. The buffer areas will be created in compliance with Rule 3.4.6.
- Submission of a plan for post-project management of chloride (salt) use on the site. The plan must include 1) the designation of an individual authorized to implement the chloride use plan and 2) the designation of a Minnesota Pollution Control Agency certified salt applicator engaged in the implementation of the chloride-use plan for the site. The release of the \$5,000 of the financial assurance required for the chloride-management plan requires that chloride-management plan has been provided and approved by the District's Administrator.
- Rule 12.4.1b requires demonstration and confirmation that the stormwater management facility has been constructed or installed and is functioning as designed and permitted. Verification, through daily observation logs and photographs, must be



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provided showing the stormwater facilities used for volume retention have drawn down within 48 hours from the completion of two 1-inch (approximate) separate rainfall events.

If you have any questions, please contact me or Bob Obermeyer, District Engineer at 952-832-2857.

Sincerely,

Lauren Foley  
Permit & Water Resources Coordinator  
[lfoley@ninemilecreek.org](mailto:lfoley@ninemilecreek.org)



## Permit No. 2021-008

Is hereby issued to Andrew Walser, subject to the conditions specified in the attached form:  
For the Redevelopment as proposed at 4401 American Blvd W and 4217 American Blvd W in  
Bloomington.

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Randy Anhorn  
Administrator

This permit expires on: September 1, 2022

## General Provisions

1. All temporary erosion control measures shown on the erosion and sedimentation control plans must be installed prior to commencement of surface or vegetation alteration and be maintained until completion of construction and vegetation is established as determined by NMCWD.

If silt fence is used, the bottom flap must be buried and the maximum allowable spacing between posts is 4-foot on center. All posts must be either 2-inch x 2-inch pine, hardwood, or steel fence posts. If hay bales are used, all bales must be staked in place and reinforced on the downstream side with snow fence.

2. All areas altered because of construction must be restored with seed and disced mulch, sod, wood fiber blanket, or be hard surfaced within two weeks after completion of land alteration and no later than the end of the permit period. Any erosion blanket used must be fully biodegradable and any blanket netting must have a loose-weave.
3. Upon final stabilization, the permit applicant is responsible for the removal of all erosion control measures installed throughout the project site.
4. At the entryway onto the site, a rock filter dike being a minimum of two feet in height and having maximum side slopes of 4:1 must be constructed. This rock filter dike will enable construction traffic to enter the site and also provide an erosion control facility.
5. If dewatering is required and sump pumps are used, all pumped water must be discharged through an erosion control facility prior to leaving the construction site. Proper energy dissipation must be provided at the outlet of the pump system.
6. The NMCWD must be notified a minimum of 48 hours prior to commencement of construction.
7. The NMCWD, its officers, employees and agents review, comment upon, and approve plans and specifications prepared by permit applicants and their consultants for the limited administrative purpose of determining whether there is reasonable assurance that the proposed project will comply with the regulations and criteria of the NMCWD. The determination of the NMCWD that issuance of this permit is appropriate was made in reliance on the information provided by the applicant.
8. The grant of this permit shall not in any way relieve the permittee, its engineer, or other professional consultants of responsibility, nor shall it make the NMCWD responsible for the technical adequacy of the engineer's or consultant's work. The grant of this permit shall not relieve the permittee from complying with all conditions and requirements of the permit which shall be retained by the permittee with the permit.
9. The issue of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or

any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

10. This permit is permissive only. No liability shall be imposed upon the NMCWD or any of its officers, agents or employees, officially or personally, on account of the granting of this permit or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors.
11. In all cases where the doing by the permittee of anything authorized by this permit shall involve the taking, using, or damaging of any property, rights or interests of any other person or persons, or of any publicly-owned lands or improvements or interests, the permittee, before proceeding therewith, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all necessary property, rights, and interest.
12. The permit is transferable only with the approval of the NMCWD (see NMCWD Rule 1.0). The permittee shall make no changes, without written permission previously obtained from the NMCWD, in the dimensions, capacity, or location of any items of work authorized by this permit.
13. The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the NMCWD for inspection of the work authorized by this permit.
14. This permit may be terminated by the NMCWD at any time deemed necessary in the interest of public health and welfare, or for violation of any of the provisions of this permit.
15. Construction work authorized under this permit shall be completed on or before date specified above. The permittee may, in writing, request that the NMCWD extend the time to complete the project in accordance with NMCWD Rule 1.0.