



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

August 14, 2024

Brian Bochman
Enclave Companies
1 2nd St N, #102
Fargo, ND 58102

RE: Approval of NMCWD Permit 2023-144 for Multi-family apartment building, commercial building, parking lots, entrance drives, retaining walls, and sidewalks at/near 6701 78th St W in Bloomington

Dear Brian,

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 after the project:

- The work associated with the project under the terms of Permit #2023-144 must have an impervious surface area and configuration materially consistent with the approved plans. A design that differs materially from the approved plans will need to be the subject of a request for a permit modification or new permit, which will be subject to review for compliance with all applicable regulatory requirements.
- In accordance with Rule 3.4.5, buffer markers are required at the limits of the wetland buffer areas on the site.
- Per Rule 4.5.6, an as-built drawing of the stormwater management facilities conforming to the design specifications, including a stage volume relationship in tabular form for the infiltration facilities, as approved by the district, must be provided. The as-built drawings must be based on relevant surveyed information (bottom of system, outlet, and size of systems) to demonstrate compliance.



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- Per Rule 12.4.1b, demonstration and confirmation that the stormwater management facilities have been constructed or installed and are functioning as designed and permitted. Verification, through daily observation logs and photographs, must be provided showing the stormwater management facility used for volume retention have drawn down within 48 hours from the completion of two 1-inch (approximate) separate rainfall events.
- Submission of a plan for post-project management of Chloride 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.
- Per Rule 4.3.5, a receipt showing recordation of a maintenance declaration for the operation and maintenance of the stormwater management facilities and wetland buffer areas is required. A draft of the declaration has been approved by the district.

If you have any questions, please contact us or Louise Heffernan, District Engineer at lheffernan@barr.com.

Sincerely,

Zachary Stafslie
permitting@ninemilecreek.org



Permit No. 2023-144

Is hereby issued to Brian, Enclave Companies, subject to the conditions specified in the attached form:

For the Multi-family apartment building, commercial building, parking lots, entrance drives, retaining walls, and sidewalks. as proposed at/near 6701 78th St W in Bloomington.

Erica Sniegowski
District Administrator

This permit expires on: 09/01/2025

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 Nine Mile Creek Watershed District (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. If dewatering is required, 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.
5. NMCWD requests notification a minimum of 48 hours prior to commencement of construction.
6. 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 NMCWD. The determination of NMCWD that issuance of this permit is appropriate was made in reliance on the information provided by the applicant.
7. 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 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.
8. 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.
9. This permit is permissive only. No liability shall be imposed upon 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.

10. 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.
11. The permit is transferable only with the approval of 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.
12. 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.
13. 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.
14. Construction work authorized under this permit shall be completed on or before permit's expiration date. The permittee may, in writing, request that NMCWD extend the time to complete the project in accordance with NMCWD Rule 1.0.






NMCWD Permit Approval 2023-144

Final Audit Report

2024-08-14

Created:	2024-08-14
By:	Zach Stafslie (permitting@ninemilecreek.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAsF43Wlj71yk0B_MTIxelt5-PN655qqha

"NMCWD Permit Approval 2023-144" History

-  Document created by Zach Stafslie (permitting@ninemilecreek.org)
2024-08-14 - 9:08:03 PM GMT
-  Document emailed to Erica Sniegowski (esniegowski@ninemilecreek.org) for signature
2024-08-14 - 9:08:09 PM GMT
-  Email viewed by Erica Sniegowski (esniegowski@ninemilecreek.org)
2024-08-14 - 9:27:21 PM GMT
-  Document e-signed by Erica Sniegowski (esniegowski@ninemilecreek.org)
Signature Date: 2024-08-14 - 9:28:06 PM GMT - Time Source: server
-  Agreement completed.
2024-08-14 - 9:28:06 PM GMT