

Final Abstract

Final Report Approved on December 29, 2023

M.L. 2020 Project Abstract

For the Period Ending June 30, 2024

Project Title: Whiskey Creek & Mississippi River Water Quality/Habitat/Recreation

Project Manager: Tim Terrill

Affiliation: Mississippi Headwaters Board

Mailing Address: 322 Laurel St.

City/State/Zip: Brainerd, MN 56401

Phone: (218) 824-1189

E-mail: timt@mississippiheadwaters.org

Website: <http://mississippiheadwaters.org/>

Funding Source:

Fiscal Year:

Legal Citation: M.L. 2021, First Special Session, Chp. 6, Art. 5, Sec. 2, Subd. 09m

Appropriation Amount: \$500,000

Amount Spent: \$500,000

Amount Remaining: -

Sound bite of Project Outcomes and Results

Thirteen acres were acquired by the city of Baxter to develop a stormwater pond that will capture 400 acres of drainage from Hwy. 371 and surrounding impervious surfaces. ENRTF funds were used for acquisition and Clean Water Funds were used to build the pond.

Overall Project Outcome and Results

The project started out looking to acquire 13.8 acres on a former golf course in the city of Baxter. While working through the process, a phase one environmental study found that the contaminant mercury was located on the property, and the acquisition could not move forward until it was remediated. The city of Baxter, Crow Wing SWCD, and MHB met with various state partners and LCCMR staff to look at options, and a plan and pathway was developed to ensure remediation on the site using a private and public funding portfolio that didn't involve ENRTF funds. Once funding was acquired, the process of remediation began, and the mercury was removed from the site and placed in a hazardous waste landfill. The Mississippi Headwaters Board and the city of Baxter were then able to work together and get the necessary paperwork done, and the acquisition was completed. During the process, 0.8 acres was omitted out of the acquisition due to the difficulties with wetland influence on the stormwater pond construction. Following the

acquisition, construction began on the stormwater pond, and it was completed using Clean Water Funds in the fall of 2023. Seeding will take place in the Spring of 2024.

Project Results Use and Dissemination

The Mississippi Headwaters Board held a biennial conference in the fall of 2023 in which this project was highlighted under the agenda title of a stormwater and recreational benefit project. Over 60 state and local elected officials, committee members, and agency personnel attended this meeting to see a comprehensive overview presentation of how partners worked with the LCCMR to complete the fee-title acquisition and restoration of this site. Project partners along with state fund recognition was given during the presentation, and drone footage was provided to show the audience an overall view of the project.



Environment and Natural Resources Trust Fund

M.L. 2020 Approved Final Report

General Information

Date: November 18, 2024

ID Number: 2020-068

Staff Lead: Mike Campana

Project Title: Whiskey Creek & Mississippi River Water Quality/Habitat/Recreation

Project Budget: \$500,000

Project Manager Information

Name: Tim Terrill

Organization: Mississippi Headwaters Board

Office Telephone: (218) 824-1189

Email: timt@mississippiheadwaters.org

Web Address: <http://mississippiheadwaters.org/>

Project Reporting

Final Report Approved: December 29, 2023

Reporting Status: Project Completed

Date of Last Action: December 29, 2023

Project Completion: November 30, 2023

Legal Information

Legal Citation: M.L. 2021, First Special Session, Chp. 6, Art. 5, Sec. 2, Subd. 09m

Appropriation Language: \$500,000 the second year is from the trust fund to the commissioner of natural resources for an agreement with the Mississippi Headwaters Board to acquire and transfer approximately 13 acres of land to the city of Baxter for future construction of water quality, habitat, and recreational improvements to protect the Mississippi River.

Corrected in M.L. 2023, Chp. 60, Art. 2, Sec. 12:

\$500,000 the second year is from the trust fund to the commissioner of natural resources for an agreement with the

Mississippi Headwaters Board for the city of Baxter to acquire land for future construction of water quality, habitat, and recreational improvements to protect the Mississippi River.

Appropriation End Date: June 30, 2024

Narrative

Project Summary: Project will purchase 13.8 acres and construct water quality, habitat, and recreational improvements to protect the Mississippi River from contaminants in the 400-acre, highly impervious watershed in Baxter Minnesota.

Describe the opportunity or problem your proposal seeks to address. Include any relevant background information.

This project will purchase 13.8 acres in the 400-acre, highly impervious, Trunk Highway 371 watershed in Baxter Minnesota. This overall goal is for the city of Baxter to purchase these acres, by utilizing funding administered by the Mississippi Headwaters Board to accomplish this goal. This project needs to be completed so future goals through other grants can be obtained.

In 2021, the Crow Wing Soil and Water Conservation District was awarded \$890,000 of the Board of Water and Soil Resources Clean Water fund to construct an estimated nine-acre wetland stormwater pond and restore an estimated five acres of native prairie upland habitat adjacent to the pond and aquatic plant communities within the pond. This LCCMR proposal will allow for the implementation to begin. A feasibility study was already completed for this site, and the stormwater basin and green space will remove 145.7 lbs. of phosphorus, and 84,560 lbs of total suspended solids annually.

What is your proposed solution to the problem or opportunity discussed above? Introduce us to the work you are seeking funding to do. You will be asked to expand on this proposed solution in Activities & Milestones.

MHB will work with the City to execute the City's purchase agreement for the 13.8 acres, which, in combination with land currently owned by the City, comprises the 20.6 acres. The cost of this purchase includes attorney, survey, county filing, and apportioned taxes.

What are the specific project outcomes as they relate to the public purpose of protection, conservation, preservation, and enhancement of the state's natural resources?

The project outcome of this LCCMR project will be to acquire 13.8 for the city of Baxter to maintain and restore with current grants awarded to the partnership.

Project Location

What is the best scale for describing where your work will take place?

Region(s): Central

What is the best scale to describe the area impacted by your work?

Region(s): Central, Metro, SE,

When will the work impact occur?

During the Project

Activities and Milestones

Activity 1: Land Acquisition

Activity Budget: \$500,000

Activity Description:

The Mississippi Headwaters Board submits this application to the LCCMR for funding for Fee Title Land Acquisition, Personnel Wages, and Professional Services for Acquisition required for the design and construction of a major water quality and habitat improvement project protecting the Mississippi River. MHB will work with the City to execute the City's purchase agreement for the 13.8 acres, which, in combination with land currently owned by the City, comprises the 20.6 acres. The cost of this purchase includes attorney, survey, county filing, and apportioned taxes.

Activity Milestones:

Description	Approximate Completion Date
Survey project area	February 28, 2022
Complete legal work related to acquisition	April 30, 2022
complete acquisition	June 30, 2023

Project Partners and Collaborators

Name	Organization	Role	Receiving Funds
Brad Chapulis	City of Baxter	accept acquisition, survey, legal, filing with county, title holder	Yes

Dissemination

Describe your plans for dissemination, presentation, documentation, or sharing of data, results, samples, physical collections, and other products and how they will follow ENRTF Acknowledgement Requirements and Guidelines.

The Mississippi Headwaters Board will hold a biennial conference in the fall of 2023 in which this project will be highlighted under the agenda title of stormwater and recreational benefit project. About 85-100 state and local elected officials, committee members, and agency personnel will attend this meeting to see a comprehensive overview presentation of how partners worked with the LCCMR to complete the fee-title acquisition and restoration of this site.

Long-Term Implementation and Funding

Describe how the results will be implemented and how any ongoing effort will be funded. If not already addressed as part of the project, how will findings, results, and products developed be implemented after project completion? If additional work is needed, how will this work be funded?

This phase of the project only includes acquisition. The Crow Wing SWCD current grant will implement the engineering and construction services. Local agencies have partnered with MHB and the City of Baxter to form a Technical Advisory Panel (TAP) that will guide the goals for the project, review technical documents, and advise the City during design and construction phases to ensure the project is adhering to permit standards and regulations. This includes the final design plan, environmental permitting, bid specifications, and construction management.

Budget Summary

Category / Name	Subcategory or Type	Description	Purpose	Gen. Ineligible	% Benefits	# FTE	Classified Staff?	\$ Amount	\$ Amount Spent	\$ Amount Remaining
Personnel										
Tim Terrill		Project Coordinator			20%	0.04		\$3,500	-	-
							Sub Total	\$3,500	\$3,500	-
Contracts and Services										
city attorney and surveyor	Acquisition costs	acquisition costs, surveying project area, appraisal, complete legal work and due diligence according to DNR acquisition rules for the LCCMR.				0.02		\$63,300	\$63,300	-
							Sub Total	\$63,300	\$63,300	-
Equipment, Tools, and Supplies										
							Sub Total	-	-	-
Capital Expenditures										
							Sub Total	-	-	-
Acquisitions and Stewardship										
	Fee Title Acquisition	Acres: 13 Parcels: 1						\$433,200	\$433,200	-
							Sub Total	\$433,200	\$433,200	-
Travel In Minnesota										
							Sub Total	-	-	-
Travel Outside Minnesota										
							Sub Total	-	-	-

Printing and Publication										
							Sub Total	-	-	-
Other Expenses										
							Sub Total	-	-	-
							Grand Total	\$500,000	\$500,000	-

Classified Staff or Generally Ineligible Expenses

Category/Name	Subcategory or Type	Description	Justification Ineligible Expense or Classified Staff Request
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Non ENRTF Funds

Category	Specific Source	Use	Status	\$ Amount	\$ Amount Spent	\$ Amount Remaining
State						
Cash	Clean Water Funds	implementation of water quality and habitat project.	Secured	\$890,000	\$890,000	-
			State Sub Total	\$890,000	\$890,000	-
Non-State						
Cash	City of Baxter funds	For use of fee title acquisition expenses and/or possible match to Clean Water Funds. The purchase price was \$490,000 and the ENRTF funds provided was \$433,200. A difference of \$56,800 from this line item was used to purchase the land, and the rest used for acquisition expenses.	Secured	\$75,000	\$75,000	-
			Non State Sub Total	\$75,000	\$75,000	-
			Funds Total	\$965,000	\$965,000	-

Acquisition and Restoration

Parcel List

Name	County	Site Significance	Activity	Acres	Miles	Estimated Cost	Type of Landowner	Easement or Title Holder	Status of Work
0336100090F0009 0336100090E0009	Crow Wing	Wetland and pond; this area is a natural habitat for aquatic species and wildlife. This parcel includes the project area and will be converted into a public green space.	Fee Title	13	-	\$490,000	Private	City of Baxter	Purchased
Totals				13	0	\$490,000			

Fee Acquisition

1. Describe the selection process for identifying and including proposed parcels on the parcel list, including an explanation of the criteria and decision-making process used to rank and prioritize parcels.

In 2013, the Crow Wing Soil and Water Conservation District (the Conservation District) conducted an analysis of the Whiskey Creek subwatershed to determine potential locations for effective stormwater quality best management practices and address nutrient and sediment discharges to Whiskey Creek. The proposed site is located within a region with the highest risk factors for impacts on water quality in the county¹. A subsequent feasibility study, conducted in 2014, identified the proposed site as a high value area for water quality treatment efficiency. In the 2015 MHB regional study, this project was ranked second out of 59 projects for the removal of Total Phosphorus.

The parcels are located at the intersection of Golf Course Drive N. and Excelsior Road N., where Whiskey Creek makes its way across the Northland Arboretum before emptying into the Mississippi River. An abandoned golf course currently sits on the parcels. The Evangelical Lutheran Good Samaritan Society purchased the land for development and signed a purchase agreement to sell 13.8 acres to the City of Baxter for development of a stormwater BMP. The City of Baxter has acquired a purchase agreement for both parcels with the land owner and they have worked together for several years to develop this project.

2. List all adopted state, regional, or local natural resource plans in which the lands included in the parcel list are identified for the acquisition purposes you propose. Include the URL to the plan if one is available.

The parcels are included in the City of Baxter 2015 Comprehensive Plan, Section 4: Parks, Trails, and Open Spaces. A future trail is identified in the project area on page 4-9 as a Future Bike/Pedestrian Trail.

http://www.baxtermn.gov/download/comprehensive_plan/2015%20Comprehensive%20Plan.pdf

This area is also included in the Whiskey Creek Subwatershed Water Quality Retrofit Analysis published in December 2013 by MHB. <http://www.mississippiheadwaters.org/grants/stormreports/Whiskey%20Creek%20Report.pdf>

The Whiskey Creek area is included in the Crow Wing County Water Plan published in April 2013 by Crow Wing County. <https://crowwing.us/DocumentCenter/View/4696/Part7---Mississippi-River-?bidId=>

3. For any parcels acquired in fee title, a restoration and management plan must be prepared. Summarize the components and expected outcomes of restoration and management plans for parcels acquired by your organization, how these plans are kept on file by your organization, and overall strategies for long-term plan implementation, including how long-term maintenance and management needs of the parcel will be financed into the future.

The project area will be converted from an abandoned golf course to a publicly accessible green space. The project will also restore natural habitat within the 20.6-acre area for aquatic species, pollinators, and native wildlife. MHB and the City of Baxter will work together to restore the area along Whiskey Creek, and to protect the water quality of the Mississippi River from harmful contaminants. The project will convert the parcels into a restored natural habitat, recreational area, and stormwater BMP.

Native seed mix, tree and shrub seedlings, and pollinator mixes will be planted around the stormwater BMP to provide a native buffer and natural habitat in the project area for local wildlife. The City of Baxter will be responsible for overseeing and ensuring the growth and health of the plantings for this project. This includes, but is not limited to, watering during the growing season as required, spot spraying noxious weeds with an approved herbicide, determining and adhering to a mowing schedule following the initial planting of native buffer areas, and repairing any portions that may become damaged.

MHB, Crow Wing SWCD, and the City of Baxter will initiate a relationship with the Minnesota Conservation Corp to plant appropriate pollinator-friendly flower species and native seeds or plugs as they are applicable to the project site. A pollinator planting restoration management plan will follow the Board of Water & Soil Resources native vegetation

establishment guidelines and native species diversity required under Minnesota Statute § 84.973 – Pollinator Habitat Program.

4. For each parcel to be conveyed to a State of Minnesota entity (e.g., DNR) after purchase, provide a statement confirming that county board approval will be obtained.

N/A – These parcels will be owned and maintained by the City of Baxter.

5. If applicable (see M.S. 116P.17), provide a statement confirming that written approval from the DNR Commissioner will be obtained 10 business days prior to any final acquisition transaction.

N/A – These parcels will be owned and maintained by the City of Baxter.

Attachments

Required Attachments

Map

File: [81bbebcbf-e10.pdf](#)

Alternate Text for Map

The map shows the 13.007 acres (Lot 1) that was acquired....

Board Resolution or Letter

Title	File
MHB letter of support	1a811b5c-e00.doc

Supplemental Attachments

Capital Project Questionnaire, Budget Supplements, Support Letter, Photos, Media, Other

Title	File
Northland Arboretum LOS	42bb55ca-bb5.pdf
Brainerd LOS	7af7debf-c77.pdf
Crow Wing Soil & Water Conservation Dist. LOS	c56d8c59-aad.pdf
MN Pollution Control Agency LOS	e19fa23b-228.docx
City of Baxter LOS	ae53faa0-bb2.pdf
background check form	79c3fc95-046.pdf
Public meeting handout	94ca6833-1b7.pdf
Public Meeting Poster	335e3b8d-19f.pdf
MHB Biennial Conference agenda	95ea56dc-553.pdf
Whiskey Creek Ground Breaking event	52f483de-1dc.pdf
ENRTF Land Acquisition Transaction Costs Report	a0ec0caf-455.docx
Notice of Funding Restriction	c828f0cd-4f0.pdf
Special Warranty Deed	50067bfa-930.pdf
MHB biennial conf. Whiskey Creek ppt.	091ca23f-f0a.pdf
Original Project Map	0f8abed5-d6a.pdf

Difference between Proposal and Work Plan

Describe changes from Proposal to Work Plan Stage

Narrative- Changed paragraph to show that funding was obtained for restoration by the Crow Wing SWCD.

Specific project outcomes questions- changed narrative to show current grant is awarded to the partnership for restoration.

Long term imp. and funding- changed paragraph text to show current implementation grant is acquired by Crow Wing SWCD.

Activities & Milestones- deleted sentence in activity description that describes previous application efforts. Also removed milestone of approval by legislature and funding awarded to MHB which was recommended by LCCMR staff, and added 2 new milestones

Budget- updated annual FTE for the City of Baxter attorney's.

Non-ENRTF funds- Changed Clean Water Fund to \$890,000 and from potential to secured.

Disemination- added wording about biennial conference and presentation.

Per LCCMR comment moved city attorney and surveyor from personnel to professional contracts

Additional Acknowledgements and Conditions:

The following are acknowledgements and conditions beyond those already included in the above workplan:

Do you understand and acknowledge the ENRTF repayment requirements if the use of capital equipment changes?

N/A

Do you agree travel expenses must follow the "Commissioner's Plan" promulgated by the Commissioner of Management of Budget or, for University of Minnesota projects, the University of Minnesota plan?

N/A

Does your project have potential for royalties, copyrights, patents, sale of products and assets, or revenue generation?

No

Do you understand and acknowledge IP and revenue-return and sharing requirements in 116P.10?

N/A

Do you wish to request reinvestment of any revenues into your project instead of returning revenue to the ENRTF?

N/A

Does your project include original, hypothesis-driven research?

No

Does the organization have a fiscal agent for this project?

Yes, Crow Wing County

Work Plan Amendments

Amendment ID	Request Type	Changes made on the following pages	Explanation & justification for Amendment Request (word limit 75)	Date Submitted	Approved	Date of LCCMR Action
1	Amendment Request	<ul style="list-style-type: none"> Budget - Acquisition Budget - Non-ENRTF Funds Contributed Acquisition and Restoration - Parcel List 	0.8 acres was omitted out of the acquisition due to the difficulties with wetland influence on construction. The acquisition made it possible for a secured Clean Water grant to construct a stormwater pond to intercept 400 acres of drainage which will benefit recreation, water quality, and habitat in the area and Mississippi river.	September 27, 2023	Yes	September 28, 2023
2	Completion Date	Previous Completion Date: 06/30/2024 New Completion Date: 11/30/2023	acquisition completed.	November 3, 2023	Yes	December 1, 2023

Status Update Reporting

Final Status Update January 14, 2024

Date Submitted: December 20, 2023

Date Approved: December 21, 2023

Overall Update

The outcomes in this plan are completed. Thirteen acres was acquired using ENRTF funding and a stormwater pond was built to capture 400 acres of impervious surface using Clean Water Funds. Seeding of the pond will take place in the Spring of 2024.

Activity 1

This activity was previously marked complete. A powerpoint is uploaded in tab 7 to provide you with a breakdown of the timeline and process.

(This activity marked as complete as of this status update)

Dissemination

The Mississippi Headwaters Board held their biennial conference on October 27, 2023 and over 60 elected officials, staff, and agency people attended. A power point presentation was given along with drone footage showing the project being constructed at different phases and a robust question and answer session was held afterwards. Proper acknowledgement of ENRTF fund and partners involved was displayed for everyone to see.

Status Update Reporting

Status Update October 1, 2023

Date Submitted: September 27, 2023

Date Approved: September 28, 2023

Overall Update

The 13.0 acres was remediated of mercury contamination in July 2023. The Department of Agriculture confirmed that the site was remediated according to their standards on 8/8/23. I transmitted the \$150,000 that was given to the Miss. Headwaters Board by Enbridge for remediation to Good Samaritan on 8/14/23.

Activity 1

On 8/31/2023, Funding from the ENRTF was transferred to the MHB. On 9/1/23, that funding was transferred to the city of Baxter for the acquisition of 13.0 acres. The acquisition was completed on 9/1/23. There is still an outstanding balance of around \$1,000 that needs to go to the MHB, and that will be invoiced after the final report is completed. An amendment request will be submitted with this status update so to reflect the change in acres from 13.8 to 13.0. A final purchase price of \$490,000 was agreed upon to purchase 13.0 acres, and 0.8 acres was omitted out of the acquisition due to the difficulties with wetland influence on construction. Construction of the stormwater pond using Clean Water Funds began in early September, and excavation and concrete work is expected to be completed by the end of October 2023. Seeding of site with native grasses will occur in the spring of 2024.

(This activity marked as complete as of this status update)

Dissemination

Biennial conference is planned for October 27, 2023. emails have been sent out to over 200 potential attendees.

Status Update Reporting

Status Update April 1, 2023

Date Submitted: March 27, 2023

Date Approved: April 10, 2023

Overall Update

Currently, \$150,000 was received by Enbridge to help pay for mercury clean up of the 13.8 acres, and the total clean up of those acres will be around \$230,000. A variance was granted by the MPCA to accept the contaminated soil, so the things are moving along. A new appraisal was completed on March 6, 2023 which reflects the change in acquisition cost for the clean up. Sanford Health, which is a part of Good Samaritan, will sample the entire 80 acres of the parcel (13.8 ac. are already sampled) and look at cost for environmental clean up of the whole site, not just the 13.8 acres. This is not part of the original grant request, but is a very good option being pursued on this site.

Activity 1

More than likely the acquisition will not be completed by June 30, 2023 due to the fact that Sanford Health wants to soil sample the entire 80 acres and look at paying for the cost of removal with their own private funds. We will need to wait until Sanford Health makes or doesn't make the decision to clean up the entire parcel, and then wait until the acres are cleaned up before we can begin the acquisition process.

Dissemination

Miss. Headwaters Board biennial conference is scheduled for October 27th, 2023 at Breezy Point Resort

Status Update Reporting

Status Update October 1, 2022

Date Submitted: October 27, 2022

Date Approved: October 28, 2022

Overall Update

Progress on obtaining acquisition has stalled due to environmental issues of mercury contamination on site. A risk assessment for contamination has been completed and strategies to mitigate or remove contaminate have been outlined.

Activity 1

As mentioned in a previous status review, the survey and appraisal has been completed by the stakeholder and some administration of the grant has been completed by the project coordinator which has amounted to \$1,720. The issue we ran into moving forward with the acquisition is mercury contamination on site. A variance was written and submitted to the MPCA to take contaminated soil to the Becker landfill. The MPCA has not responded to the request yet, so no movement on the project can begin until the variance is responded too. A meeting with LCCMR staff was held on 8/11/22 to explain the situation so that staff have a verbal history of the issue at hand.

An appraisal was completed on the parcel on 12/4/21. If the variance from MPCA; Good Samaritan funding for remediation and clean up project takes longer than December to complete; than I need to have a conversation with DNR in January 2023 and get a new appraisal done since the December 2021 appraisal will no longer be valid.

Dissemination

A room has been reserved for 10/27/23 for the MHB biennial conference to be held at Breezy Point resort.

Status Update Reporting

Status Update April 1, 2022

Date Submitted: April 6, 2022

Date Approved: April 22, 2022

Overall Update

The survey and appraisal was completed on 12/4/2021. The ESA Phase 1 was initiated in November 2021 which investigated the potential for on-site and off-site contamination that could affect the planned project. Several soil borings and surface sampling locations were completed within the project parcel and a review of 10 off-site parcels with records of historic contamination was performed in February 2022. Results of the soil borings and surface samples identified local contamination and led to the addition of additional surface sampling performed during the week of March 28th, 2022. Given the inconclusive off-site historical contamination review, the team added six new ground water well sampling stations to help determine if contamination is being conveyed sub-surface. These wells were installed and sampled during the week of March 28th, 2022. All surface and ground water samples were submitted to a lab for analysis and we are awaiting results. Though the additional surface and groundwater samples analysis exceeds the requirements of the ESA Phase 1, it is a necessary step towards understanding project and downstream risks. Results of the additional sampling will be incorporated into the ESA Phase 1 report with an expected completion date of April 18th, 2022.

Activity 1

The survey and appraisal has been completed William Ludenia Appraisals INC. The cost for the land appraisal came in at \$420,500 which is less than the amount projected.

Dissemination

The project is not completed, so now education or outreach has been performed yet.