



August 28, 2008

Board of Managers
Comfort Lake-Forest Lake Watershed District
220 North Lake Street
Forest Lake, MN 55025

RE: Order, Revised Watershed Management Plan

Dear President and Managers:

I am very pleased to forward the enclosed Order dated August 28, 2008, of the Board of Water and Soil Resources (Board) that approves the revised Watershed Management Plan (Plan) for the Comfort Lake-Forest Lake Watershed District. On behalf of the Board, I wish to extend our appreciation for the commitment of the Managers, consultants, and all others associated with development of the revised Plan. Please be advised that the District must adopt and implement the Plan within 120 days of the date of the Order, in accordance with Minnesota Statutes Section 103B.231, Subd. 10.

With continued implementation of your Plan, the protection and management of the District's water resources will be greatly enhanced to the benefit of watershed residents and the general public. The Board looks forward to working with you as you implement this Plan and document its outcomes.

Please feel free to contact Melissa Lewis, Board Conservationist at (651) 297-4735, or at the central office address, for further assistance in this matter.

Sincerely,

Randy Kramer
Chair

Enclosure

cc's on next page

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>New Ulm</i>	<i>Rochester</i>	<i>Saint Paul</i>
701 Minnesota Avenue Suite 234 Bemidji, MN 56601 phone (218) 755-4235 fax (218) 755-4201	1601 Minnesota Drive Brainerd, MN 56401 phone (218) 828-2383 fax (218) 828-6036	394 S. Lake Avenue Room 403 Duluth, MN 55802 phone (218) 723-4752 fax (218) 723-4794	1004 Frontier Trail Fergus Falls, MN 56537 phone (218) 736-5445 fax (218) 736-7215	1400 E. Lyon Street Box 267 Marshall, MN 56258 phone (507) 537-6060 fax (507) 537-6368	261 Highway 15 S. New Ulm, MN 56073 phone (507) 359-6074 fax (507) 359-6018	2300 Silver Creek Road N.E. Rochester, MN 55906 phone (507) 281-7797 fax (507) 285-7144	520 Lafayette Road N Saint Paul, MN 55155 phone (651) 296-3767 fax (651) 297-5615

Comfort Lake-Forest Lake Watershed District

August 28, 2008

Page 2

cc: Chisago County Board of Commissioners
Washington County Board of Commissioners
Charlotte Cohn, DNR (via email)
Dale Homuth, DNR (via email)
Becky Balk, MDA (via email)
Art Persons, MDH (via email)
Terry Bovee, MDH (via email)
William Moore, Metropolitan Council (via email)
Jack Frost Sventek, Metropolitan Council (via email)
Nick Tiedeken, MNDOT (via email)
David L. Johnson, MPCA (via email)
Tim Larson, MPCA (via email)
Chisago SWCD
Washington SWCD
Melissa Lewis, BWSR (via email)
Mary Jo Anderson, BWSR (file copy)

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>New Ulm</i>	<i>Rochester</i>	<i>Saint Paul</i>
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Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the Watershed Management Plan for the **Comfort Lake – Forest Lake Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

**ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Comfort Lake – Forest Lake Watershed District (District) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

Whereas, the Board has completed its review of the Plan;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **Watershed District Establishment.** The Comfort Lake-Forest Lake Watershed District (District) was established in 1999 under Minnesota Statutes Chapter 103D. The District achieved statutory designation under Minnesota Statutes Chapter 103B during the 2008 legislative session. The District is located in the northeast portion of the Metropolitan Area, approximately forty percent in Chisago County and sixty percent in Washington County. Portions of the Cities of Forest Lake, Scandia, and Wyoming, and the Towns of Chisago Lakes and Wyoming, are included in the District. The mission of the District is to protect and conserve its water resources using sound scientific water management approaches, technologies, and methods to develop a uniform, integrated approach to water management within a rapidly changing and urbanizing area.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current District watershed management plan was approved by Board order dated October 25, 2001. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.
3. **Nature of the Watershed.** The District encompasses approximately 47 square miles in northern Washington County and southern Chisago County, bound by the Sunrise River Watershed Management Organization to the west, the Rice Creek Watershed District to the south and west, the Carnelian-Marine-St. Croix Watershed District to the south and east, and no watershed management organizations to the north in Chisago County. The

watershed outlets to the northwest to the Sunrise River, which flows northeast through Chisago County before discharging to the St. Croix River.

4. **Plan Development and Review.** Due to the unique status of the District transecting both a metropolitan and a non-metropolitan county, the District sought and gained statutory designation under Minnesota Statutes Chapter 103B in the 2008 legislative session. This change in designation allowed the District to access a wider variety of funding sources in the implementation of their watershed management plan; however, it also necessitated a revision to the current plan to meet the additional requirements of 103B. The District's current plan, approved by the Board in 2001, was scheduled to be revised in 2011. The proposed revised Plan would remain on the same schedule to be revised in 2011. The reason for this is that the proposed revised Plan did not have a lengthy public input process in its development. Board staff worked closely with District staff throughout the Plan development process.

Although the emphasis of the Plan revision was to add information for the required elements under Minnesota Statutes Chapter 103B, other significant revisions have been made including an updated Executive Summary, the addition of a section on impaired waterbodies within the District, slight revisions to Chapter 10: Local Governing Units, revised Chapter 11: Implementation Plans, revised Chapter 12: Capitol Improvement Plan (CIP), the addition of Appendix G: CIP Project Screening, the addition of Appendix H: CIP Preliminary Design Drawings, the addition of Appendix I: CIP Cost Estimates and Schedule for Proposed Projects, and the addition of Appendix J: Lake Response Curves Post CIP Implementation.

The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on February 15, 2008. A public hearing was held on May 22, 2008. On June 2, 2008, the draft revised Plan was sent to the review agencies for the 45-day review period. The final draft of the revised Plan was received by the Board on July 22, 2008.

5. **Local Review.** The District distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

Washington County. The County suggested Section 12 be amended to provide more specific details regarding the Washington County policy on financing watershed management organization capital projects and the District responded by amending Section 12.6 with more details. The County recommended amending Section 10.4 to specify that local plans for communities within Washington County must also be sent to Washington County for review because the County has an approved groundwater plan and the District responded by including the requirement. The County commented that the Plan should incorporate goals, objectives and information from the Washington County 2003-2013 Groundwater Plan and the District responded that the suggested changes will be incorporated in the 2011 revised plan. The County recommended Section 10 be amended to add language to encourage local government units to include groundwater protection efforts in their local plans and the District responded by expanding Section 10.2 accordingly. The County commented that the Plan needs to provide additional detail on the funding for each individual capital improvement project and the District responded

by including specific funding sources for each project. The County commented that the Bixby Park project be modified in a certain manner and the District responded by including language that the feasibility and benefit of the proposed modification will be researched.

Wyoming Township. The Township commented that the wrong acreage was given for School Lake and the District responded by correcting the acreage. The Township commented about the incorrect spelling of Heims Lake and the District responded by correcting the spelling. The Township could not locate Section 11.2.2.1 that was referenced in Section 12.3.12.3 and the District responded by clarifying the reference. The Township commented that Table 3 was out of date and the District responded by updating the table.

6. **Metropolitan Council Review.** The Council cautioned about the District most likely enforcing its rules and standards through existing permit programs of member communities and the District responded by revising the language to specify that the District will establish a permit program to enforce its rules and standards. The Council provided details on what should be included in local water plans and the District incorporated the information into the Plan. The Council commented about certain wetland inventory procedures that must be included and the District responded by adding language to define the procedures. The Council recommended that certain maps be included and the District responded by including the requested maps. The Council commented on certain references that should be amended in the 2011 revised plan the District acknowledged it will incorporate the suggested changes in its 2011 plan revision.

During the 45-day review, the Council made some comments about the 2011 plan revision and the District responded favorably. The Council commented that the list of local water plan contents is contained in a certain Council document and the District responded by referencing the document. The Council commented that most of the local water plan contents listed are required by Minnesota Rules Chapter 8410, however the District merely encourages the inclusion of the items and the District responded by modifying the language accordingly.

7. **Department of Agriculture Review.** The MDA did not comment on the Plan.
8. **Department of Health Review.** The MDH did not comment on the Plan.
9. **Department of Natural Resources Review.** The DNR commented that several initiation dates associated with the core goals in the Executive Summary are old and the District responded by eliminating the old initiation dates. The DNR had extensive comments on Section 3.6, Biological and Ecological Resources, and the District made revisions to address many of the items and responded that the other items would be incorporated in the 2011 plan revision. The DNR recommended the inclusion of waterbodies infested with invasive species in Section 3.8 and the District made revisions accordingly. The DNR recommended the use of updated data and guidelines in Sections 3.8 and 3.9 and the District made the recommended changes. The DNR recommended various information sources be used to update Figure 5 and the District responded that the figure would be updated in the 2011 plan revision. The DNR recommended Section 5.3.2

be updated and the District responded by making the recommended changes. The DNR recommended Goal WM-4 in Section 7.3.2 be revised to include protection of an aquifer and to work with the City of Forest Lake to find alternative water supply wells and the District responded that the 2011 plan revision process will consider the recommendations. The DNR recommended the Recreational Lake Goals in Section 7.3.2 be revised to address rough fish control on Bone Lake and access on Sylvan Lake and the District responded that the 2011 plan revision process will consider the recommendations. The DNR suggested Section 7.3.3 include reference to draft floodplain maps that are currently out for public review and the District responded that the 2011 plan revision process will consider the recommendation. The DNR recommended various changes to Section 7.3.5 and the District responded that the 2011 plan revision process will consider the recommendations. The DNR commented that the maps tend to be a little busy and that Figure 10 will need to be updated once the new floodplain maps are approved and the District responded that the 2011 plan revision process will consider the recommendations. The DNR recommended numerous revisions to the Capital Improvement Plan in Section 12 and the District responded by making revisions corresponding with most of the recommendations and that the 2011 plan revision process will consider the remaining recommendations.

10. **Pollution Control Agency Review.** The PCA was pleased that the Plan addresses in detail impaired waters and that the Plan is responsive to the basin-wide priority objective for phosphorus reduction in Lake St. Croix. The PCA encouraged the District to submit water quality data for inclusion in STORET and the District responded that it currently submits the data as requested.
11. **Department of Transportation Review.** The DOT clarified that the improvements planned for TH 8 are based on safety reasons and to handle the expected daily traffic volumes and the District responded by clarifying the language. The DOT requested they be listed as the Wetland Conservation Act Local Government Unit for its projects and the District responded by making the requested revision. The DOT questioned how phosphorous load is related to transportation improvements and requested the language be deleted and the District responded that studies show increases in impervious surfaces increase the rate and volume of runoff which results in increased erosion and sediments and associated nutrients thus the requested change was not made. The DOT commented that more discussion is needed in the Plan if the District intends to include volume control in its Rules and the District responded that the 2011 plan revision process will incorporate the recommendation. The DOT requested the word "permitting" be added in Section 5.3.7 and the District responded by adding the requested word.
12. **Board Review.** Board staff commented that certain wetland inventory procedures should be included and the District responded by adding language to define the procedures. Board staff commented that maps of stormwater systems should be included or it should be required in local water plans and the District responded by making revisions to include the maps in the local water plans. Board staff recommended maps of existing and future land uses and the Municipal Urban Service Area be included and the District responded by including the recommended maps. Board staff commented that local governments that have not adopted shoreland and floodplain ordinances should be identified and the

District responded by including the information. Board staff commented that the Plan should specify that it may be adopted by reference for local water plans and the District responded by adding the recommended language. Board staff recommended the procedures to enforce violations and controls of the District and of local governments should be specified and the District responded by making the recommended revisions.

13. **Plan Summary and Highlights.** The critical elements included in the Plan are:
- Inclusion of funding authorities under Minnesota Statutes Chapter 103B.
 - Extensive Capitol Improvement Program containing specific details for each project including preliminary design drawings for projects.
 - Strengthened Implementation section that sets forth goals that clearly indicate the steps for improving water quality within the District by implementing a variety of stormwater projects.
 - Development process for Rules, Standards and a Permit program.
 - Addresses in detail the impaired lakes in the District.
 - Exemplary approach in developing a workplan to address impaired waters problems.
14. **Metro Water Planning Committee Meeting.** On August 4, 2008, the Board's Metro Water Planning Committee and staff met with a representative from the District in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. The representative from the District was District Administrator Randy Anhorn. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

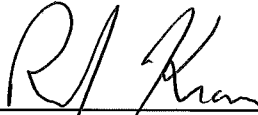
1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Comfort Lake - Forest Lake Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The Comfort Lake - Forest Lake Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program.
4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Watershed Management Plan dated July 2008 as the Watershed Management Plan for the Comfort Lake - Forest Lake Watershed District.

Dated at Olivia, Minnesota this 28th day of August, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


BY: Randy Kramer, Chair