MEMORANDUM
Comfort Lake-Forest Lake Watershed District

To: Board of Managers
From: Mike Kinney
Subject: Rule Revisions Scope of Work

Date: July 18, 2016

Background/Discussion

The purpose of this agenda item is for the Board to review and accept a scope of work from EOR to provide technical assistance in revising the District’s rules. After several discussions about rule revisions at previous board meetings, the Board directed EOR to compile a cost estimate for services associated with the discussed rule revisions.

Recommended Action

Staff recommends that the Board motion to authorize the administrator, on advice of counsel, to enter into an agreement with Emmons and Olivier Resources in accordance with the July 19, 2016 scope of work and in an amount not to exceed $35,611.

Manager __________ motions to authorize the administrator, on advice of counsel, to enter into an agreement with Emmons and Olivier Resources in accordance with the July 19, 2016 scope of work and in an amount not to exceed $35,611. Seconded by Manager ____________.

Attached: EOR Rule Revisions Scope of Work
The purpose of this memorandum is to present a scope-of-work based on guidance given at the June 2016 Board of Managers Workshop. This work plan will define the goals, tasks and associated cost, and schedule for adoption of a revised set of District Rules.

Background

As discussed at the June 2016 Board Workshop, comparison of the MIDS standard to the existing CLFLWD rules indicated that there are potential for changes in Rules: 1 “Procedural Requirements”, 2 “Stormwater Management”, 3 “Erosion Control”, 10 “Financial Assurances”, 12 “Enforcement” & 13 “Site Inspection” (potential new rule). The Board has also indicated that they would like to look at the Shoreline Rule (Rule 5) and the potential for implementation by the District of this rule. There are also some big picture questions that should be considered and discussed, including:

- thresholds for when permits are triggered,
- overall stormwater treatment standards, and
- if there should be added flexibility for certain types of projects (road projects, redevelopment, small sites, etc.).

Permitting programs generally evolve over time with rule revisions to benefit both the community and/or natural resources in that community. Existing District Rules have been in place since 2008. With potential improvements to the rules per MIDS and potential for modifications to the Shoreline rule, it would be appropriate to complete a full review of the rules based on the latest science, regulatory changes, and knowledge gained from the last 8-years of permitting.

Based on the input at the Board Workshop it is recommended that this rule revision effort focus on the modification to the following rules:

- Rule 2 – Stormwater Management
- Rule 3 – Erosion Control
- Rule 5 – Shoreline and Streambank Alteration

In addition, this effort would tighten up the definitions and administrative items per the MIDS review recommendations, and where necessary, make minor adjustments to other rules to be consistent with the overall revisions.

The proposed tasks and estimated costs are outlined on the following page:
**Task 1** – Develop overall list of recommended rule and standards revisions to be considered during the rulemaking process per previously completed assessments and input from District Managers, Staff, Municipalities, Counties, MnDOT and BWSR. Input from Managers is proposed to be via a workshop. Input from LGU representatives is proposed via a workgroup meeting. Task 1 will include developing a preliminary list, coordinating the meetings, review and summarization of comments and responses. This task will also consider the need for a Statement of Need and Reasonableness (SONAR)*. This task includes one Board Workshop, one LGU meeting, and one prep meeting with District staff. Any additional meetings will be billed on an hourly basis.

Schedule: August – September 2016

**Task 2** – Draft rewrite of Rules 2, 3 & 5 and updates to definitions and administrative rules as outlined in the MIDs review. This includes technical evaluation of rule revision options, permit triggers, and review potential impacts to permit applicants and downstream resources. This task includes two additional meeting with District staff to discuss potential revisions.

Schedule: September – October 2016

**Task 3** – By resolution the Board should adopt and authorize distribution of the draft rules for agency and public review by Public Transportation authorities, BWSR and the public. Coordinated review and edits with legal counsel will occur prior to public distribution. A 45-day comment period with be given. Comments will then be summarized and draft responses to comments will be proposed. This task assumes one additional Board Workshop for review & consideration of draft response to comments and final direction on rule edits.

Schedule: October 2016

**Task 4** – Final rule revision edits and coordination with legal counsel and District staff for recording of the updated rules will be completed.

Schedule: January 2017

| TOTAL (Tasks 1-4) | $35,611 |

*This scope of work does not include a SONAR, Citizen Involvement Meetings, or Technical Advisory Committee meetings. Additional time will be needed if it is determined that these items will be needed.