

## 8. INTERGOVERNMENTAL COORDINATION AND IMPACT

### 8.1. Local Government Agencies

#### 8.1.1 Roles

The Comfort Lake-Forest Lake Watershed District works to ensure that its activities coordinate with and build on, but do not duplicate, those of the municipalities and counties present within the Watershed. The District works to coordinate with and support efforts of counties and municipalities toward the protection and improvement of water and natural resources. The District will work to coordinate with Counties and SWCDs as outlined in their respective water plans on efforts addressing common goals and implementation. Another area of coordination is in the implementation of District Rules. The Rules focus on water and watershed management issues, but defer to existing municipal and state permitting and review processes where those processes meet the goals of the District. Therefore, municipalities and counties implement floodplain management standards where ordinances have been approved by the state and implement the Wetland Conservation Act. The MN Department of Natural Resources implements shoreline alterations standards and issues permits for activities below the ordinary high water level. Beyond direct stormwater management and water resource protection, municipalities and counties manage land use and a number of other types of infrastructure such as roadways, water treatment systems, and septic systems which can impact surface and groundwater resources as well. The municipality's local water plan and county water plans will address the impact of these factors on local surface and groundwater resources.

#### 8.1.2 Impact of Plan

##### Local Plan Adoption

Each municipality within the District is required to complete a local water management plan (LWMP) that conforms to Minnesota Statutes 103B.235 and Minnesota Rules 8410.0160. The current status of LWMPs in each community within the District is summarized below:

**Table 6.** Current Local Water Management Plan (LWMP) & Ordinance Status

Muni- cipality	LWMP Status	Floodplain Ordinance Status	Shoreland Ordinance Status	Wetland Conservation Act Status
Chisago City	No Plan	State Approved	State Approved	City is LGU
Chisago Lake Twp	Approved County Plan	Through County, State Approved	Through County, State Approved	County is LGU
Forest Lake	Approved	State Approved	State Approved	City is LGU
Franconia Twp	Approved County Plan	Through County, State Approved	Through County, State Approved	County is LGU
Scandia	Approved	State Approved	State Approved	City is LGU
Wyoming	No Plan	State Approved	State Approved	City is LGU

After adoption of this District Watershed Management Plan, municipalities are required to revise or prepare LWMPs in accordance with Minnesota Statutes 103B.235 and Minnesota Rules 8410 that conform to this District Plan. Following BWSR approval and District Board's final adoption, the District will notify each municipality of the requirement to revise or prepare LWMPs that conform to this plan.

In accordance with Minnesota Statutes 103B and Minnesota Rules Chapter 8410.0160, municipalities will adopt LWMPs within two years of the Board of Water and Soil Resources' approval and the District's adoption of this plan. The City of Forest Lake and the City of Scandia are located within more than one watershed district. Therefore, these cities have to consider standards for multiple watershed organizations when developing LWMPs and official controls. The District understands the need to be sensitive to consistency and coordination with the adjacent watershed districts of Rice Creek and Carnelian Marine-St. Croix in implementation of watershed standards and projects while maintaining the integrity of District goals. The District will discuss with each municipality the options that address its circumstances and will collaboratively determine the most practical approach to meeting the requirements of this plan and Minnesota Rules Chapter 8410. Table 7 lists the municipalities within the CLFLWD and identifies the other watershed organizations within each municipality. The table provides the two year deadline for local plans and provides a recommended date for local plan adoption that would satisfy all watershed plans and therefore eliminate duplicative planning efforts.

**Table 7.** Local Plan Adoption Deadlines

Municipality	Watersheds within Municipality	Date of Watershed Plan Update	Required Date for Local Plan Adoption	Recommended Date for Local Plan Adoption*
Chisago City	CLFLWD	Nov. 2011	Nov. 2013	Nov. 2013
Chisago Lake Twp	CLFLWD	Nov. 2011	Nov. 2013	Nov. 2013
Forest Lake	CLFLWD RCWD	Nov. 2011 Jan. 2010	Nov. 2013 Jan. 2012	Nov. 2013
Franconia Twp	CLFLWD	Nov. 2011	Nov. 2013	Nov. 2013
Scandia	CLFLWD CMSCWD RCWD	Nov. 2011 Aug. 2010 Jan. 2010	Nov. 2013 Aug. 2012 Jan. 2012	Nov. 2013
Wyoming	CLFLWD	Nov. 2011	Nov. 2013	Nov. 2013

\*November 2013 represents the 2 year rule requirement for local plan adoption, however local units of government may submit a local plan prior to that date.

After the District approves a LWMP, the municipality shall adopt and implement the LWMP within 120 days and shall amend its official controls (ordinances, etc.) accordingly within 180 days. If a municipality later wishes to amend its plan, it must submit the proposed amendment to the District for review of consistency with the District's management plan.

The District's requirements for LWMP content coincide with or add on to the requirements of Minnesota laws and rules. The District is especially interested in seeing that the LWMP include the identification of local problems and corrective actions that affect District concerns stated in this plan or require District collaboration. LWMPs may adopt by reference all or portions of the District Plan. In addition, the District has established two sets of requirements for LWMPs:

- **Level 1** – a list of LWMP requirements for all local units of government and are required whether or not all or parts of the District Plan are adopted by reference
- **Level 2** – a list of LWMP requirements and ordinance and official control requirements for local units of government that wish to assume sole permitting authority. If a local unit of government wishes to be the sole permitting authority (issue permits for activities regulated by the District's Rules in lieu of the District issuing these permits), the local unit of government must first prepare a LWMP, obtain District approval of the plan, and then adopt and enforce the appropriate ordinances consistent with or more stringent than District standards and rules. In this situation, the LWMP needs to meet additional requirements. The detailed requirements are described below.

**Level 1 Requirements for LWMP Content:** All LWMPs must meet the requirements of Minnesota Statute 103B.235 and Minnesota Rule 8410.0160 except as addressed by adoption of the District's Plan by reference. All LWMPs, even those that adopt portions, or all, of the District's Plan by reference the LWMP must:

1. Include a map of stormsewer system.
2. Describe the existing and proposed land use.
3. Discuss how existing and proposed land uses support or impact water and natural resources. Municipalities are unique in their responsibility to regulate and manage land use. The LWMP provides an opportunity to consider any historical, current, or future connections between land use and water and natural resources.
4. Include a listing of any impaired waters (as shown on the MPCA's 303(d) list) and approved TMDLs that are likely to result in wasteload or load allocations within the local unit of government's jurisdiction. The LWMP must describe the local unit of government's plan for implementing measures to address approved TMDLs and the municipality's allocated load.
5. Outline the implementation actions planned to address lake water quality and phosphorus reduction goals outlined in Table 8. NPDES MS4 permit communities must also integrate their Stormwater Pollution Prevention Program (SWPPP) policies, goals and actions into their LWMPs, in accordance with MPCA requirements and schedules. Anti-degradation requirements, policies, goals, and actions, must also be included, if applicable.
6. Describe the local unit of government's process which will be used to inform the District of requests for variances from municipal ordinances. The District will provide comment to the municipality on variance requests that appear likely to impact the water and natural resources of the District.

**Table 8.** Goals for In-lake Water Quality and Phosphorus Load Reductions

Lake	Municipal Portion of Drainage Area	10-year In-Lake Total Phosphorus Goal	20-year In-Lake Total Phosphorus Goal		
		In-Lake Concentration	In-Lake Concentration	Maximum Load to Lake <sup>9</sup>	Total Load Reduction Needed <sup>9</sup>
Moody	Chisago Lake Twp 98% Scandia 2%	60 µg/l TP	40 µg/l TP	144 lb/yr	879 lb/yr
Bone	Scandia 96% Chisago Lake Twp 4%	40 µg/l TP	40 µg/l TP	669 lb/yr	560 lb/yr
Birch	Scandia 53% Chisago Lake Twp 29% Chisago City 11% Forest Lake 7%	60 µg/l TP	60 µg/l TP	471 lb/yr	451 lb/yr
School	Chisago City 82% Forest Lake 10% Chisago Lake Twp 8%	50 µg/l TP	40 µg/l TP	452 lb/yr	476 lb/yr
Little Comfort	Wyoming 46% Chisago City 41% Forest Lake 13%	40 µg/l TP	40 µg/l TP	577 lb/yr	678 lb/yr
Shields	Forest Lake 100%	100 µg/l TP	60 µg/l TP	195 lb/yr	911 lb/yr
Sylvan	Scandia 62% Forest Lake 38%	20 µg/l TP	20 µg/l TP	69 lb/yr	0 lb/yr
Forest	Forest Lake 93% Scandia 6% Chisago City 1%	<40 µg/l TP	<40 µg/l TP	3,312 lb/yr	153 lb/yr
Heims	Wyoming 100%	<40 µg/l TP	<40 µg/l TP	NA	NA
Comfort	Wyoming 63% Forest Lake 36% Chisago City 1%	40 µg/l TP	40 µg/l TP	2,339 lb/yr	127 lb/yr



<sup>9</sup> For impaired lakes: Lake Total Phosphorus Assimilative Capacity and reduction from Comfort Lake-Forest Lake Watershed District Six Lakes Total Maximum Daily Load Study (MPCA, 2010) or, for un-impaired lakes: Comfort Lake-Forest Lake Watershed District (CLFLWD). 2007a. Watershed and Lake Water Quality Modeling Investigation for the Development of a Watershed Capital Improvement Plan. Prepared by Wenck Associates, Inc.

7. Outline the local unit of government's schedule for inspection, maintenance and repair of stormwater management systems including schedules for:
  - sweeping of public and private streets and parking lots,
  - inspecting stormwater outfalls, skimmers, sumps, and ponds, and
  - maintenance and repair programs for stormwater facilities and water control structures (e.g., cleaning catch basins, trash racks, pond excavation, facility repairs, etc.).
8. Summarize the municipality's spill containment and clean-up plans. Identify the status of septic systems (if any) and describe the regulatory tools in place, including local enforcement of existing local septic system ordinances, and whether ordinances are in conformance with the MPCA 7080 Rules and Metropolitan Council requirements.

For those communities that choose to adopt the District Plan by reference, the items listed above can be provided to the District in memo form along with a letter that documents that the City:

- is adopting the District Plan by reference, and
- indicates that it will not be seeking delegation of District permitting authority.

**Level 2 District Requirements for sole permitting authority:** In addition to the requirements listed for Level 1, Municipalities desiring sole permitting authority must also address the following additional requirements:

1. The LWMP must describe the local unit of government's ordinances and specific regulatory provisions which are already in place and satisfy the District Rules .
2. The LWMP must describe any additional ordinances and regulatory provisions that need to be developed or revised to satisfy and incorporate the District standards and District Rules and regulations.
3. The LWMP must acknowledge and describe the respective roles of the District and the local unit of government in managing the water quality of the District-managed water bodies.
4. The LWMP must describe the local unit of government's permitting, inspection, and enforcement process (or proposed process) for land and water alteration work as related to activities regulated by the District Rules. This description should include outlining the process for:
  - Reviewing development and redevelopment proposals and permit applications
  - Review of preconstruction plans
  - Coordinating permit requests with other simultaneous reviewers
  - Coordinating timelines with other permitting agencies
  - Site inspections prior to project initiation, during construction, and after site stabilization.
  - Enforcement in cases on non-compliance.
5. The applicable Municipal ordinances and local controls, including inspection and enforcement programs, must be reviewed and approved by the District prior to initiating sole permitting authority.

In approving a Level 2 LWMP, the District may include reasonable conditions to ensure that regulatory oversight of potential water resource impacts is preserved at the same level as if the District were continuing to apply its rules in parallel with the local unit of government. For example, the District may reserve its authority to apply its permitting requirements to actions by state agencies, actions of the local unit itself, and in other respects where the local unit does not have the same authority as the District to provide regulatory oversight. The District also may prescribe reasonable reporting or review arrangements so that the District and the local unit can periodically review their mutual permitting activities with respect to water resources.

Delegation of District permitting will be done through a formal agreement between the local governmental unit and the District, including a formal mechanism for the auditing of the local program, annual reporting, and enforcement of non-compliance after delegation takes place.

#### **Financial Impact**

The financial impact of this plan on local governments includes the development of or updates to a local water management plan as well as costs associated with assisting in the implementation of projects and programs outlined in this plan. Each of the municipalities within the District are required to update their local water plan within two years of adoption of this Plan. The cost for developing the local water plan can range from \$15,000 to \$100,000 depending on the level of detail.

As identified in the implementation plan, the District intends to seek financial participation from its partners on projects of mutual benefit. The implementation plan identifies specific projects the District would consider implementing and the likely sources of funding. In some cases the District will fund the entire project and for others supplemental funding will be needed. The potential partners are also listed. The Plan identifies sources of outside funding which could come from the partner entities listed or from other funding sources such as grants. The District intends to seek funding for these projects from the municipalities and other local government units which will benefit from the project and will pursue outside funding sources such as grants to offset the expense. Numerous Federal and State funding opportunities exist to implement water quality improvement projects.

#### **Local Water Management Plan Approval and Amendments**

The Local Water Management Plan (LWMP) must be submitted for review and approval through the following process (103B.235). Amendments made to the LWMP after its approval by CLFLWD are reviewed and approved following this same process.

- Each municipality will submit its LWMP to CLFLWD for review and approval. Municipalities within Washington County will also submit their LWMP to the County and to the Metropolitan Council. LWMPs required to be submitted to Washington County should address groundwater protection consistent with the Washington County Groundwater Plan and require a discussion of conflicts between infiltration and wellhead protection areas. Municipalities within Chisago County will submit their LWMP to the County if the County has completed a state-approved Groundwater Plan.

- The County and Metropolitan Council will complete its review within 45 days and provide comments to CLFLWD on the consistency of the LWMP with the applicable County or Metropolitan Council plans.
- The CLFLWD will complete its review and take action on the LWMP within 60 days unless an extension of the review period is agreed to by both parties.

## 8.2. State and Regional Government Agencies

### 8.2.1 Roles

The state agencies that primarily interact with the CLFLWD on issues of water and natural resource management are the Minnesota Board of Water and Soil Resources, the Minnesota Department of Natural Resources, and the Minnesota Pollution Control Agency. The regional agency that interacts with CLFLWD and the municipalities within CLFLWD is the Metropolitan Council.

The Board of Water and Soil Resources (BWSR) is the agency that oversees Watershed Districts and their activities. BWSR also oversees Soil and Water Conservation Districts, Watershed Management Organizations, and County Water Managers. Directly relevant to Watershed District activities, BWSR reviews and approves Watershed Management Plans, assists in administration of the Wetland Conservation Act, and administers a number of grant and easement programs.

The Department of Natural Resources (DNR) manages a variety of natural resource and water-related concerns in Minnesota. Those DNR activities that relate most closely with the goals of the CLFLWD are:

- collection of water resource-related data (e.g. fisheries, aquatic vegetation, surface and groundwater levels, stream flow)
- oversight and issuance of permits for shoreline standards and shoreline alterations, alterations in public waters and public wetlands, management of aquatic vegetation, and management of streams
- establishment and review of floodplain standards
- permits for surface- and ground-water use appropriations
- native plant community and rare plant and animal data
- fish stocking and fisheries management
- providing lake accesses
- wetland management and enforcement

The CLFLWD often utilizes data collected by the DNR in its analysis of lakes and streams in the District. The District depends on the DNR for its review and permitting of aquatic vegetation management activities, water appropriations, and shoreline, in-lake, and streambank alterations and works with the DNR toward common goals such as the management of rough fish populations.

The Minnesota Pollution Control Agency (MPCA) manages and tracks water resources and other natural resources such as air and soil from a pollution prevention perspective. The MPCA implements the Federal Clean Water Act within Minnesota and through that program, evaluates lakes and streams for compliance with state water quality standards. Water bodies that do not meet state standards are listed as “impaired” and measures to improve water quality are enacted through total maximum daily load (TMDL) standards implemented through MPCA permits to dischargers including Municipal Separate Stormwater

Systems (MS4), construction and industrial stormwater, feedlots, and wastewater. The MPCA also oversees volunteer programs to monitor lakes and streams and acts as a repository for collected water quality data throughout the state. The CLFLWD works with the MPCA to address impaired waters within the District and engages local volunteers to assist in water resource monitoring through the MPCA's programs.

The Metropolitan Council is a regional planning agency providing guidance and oversight of municipal plans for growth within the 7 county metropolitan area. The Metropolitan Council provides guidance addressing a number of topics for Municipal Comprehensive Plans including land use and surface water management. Municipal Comprehensive Plans, Local Water Management Plans and Watershed District Watershed Management Plans for communities are reviewed by the Metropolitan Council. The Metropolitan Council also provides a number of services and programs within the metropolitan area. The program most relevant to the work of the CLFLWD is the Citizen Assisted Monitoring Program (CAMP) which engages and trains volunteers to collect water quality data on area lakes.

The Minnesota Department of Transportation is responsible for the state's transportation system including freeways and trunk highways. The Minnesota Department of Transportation is the designated government unit responsible for implementing the Wetland Conservation Act within the state road right-of-way.

### **8.3. Federal Government Agencies**

#### **8.3.1 Roles**

The United States Army Corps of Engineers (ACOE) is the main federal agency with whom the CLFLWD regularly interacts. The ACOE regulates activities such as dredging and filling in waters of the United States through Section 404 of the Federal Clean Water Act. In 2009 through 2011, the ACOE conducted a pilot study on watershed-based mitigation for the Sunrise River watershed. The Comfort Lake-Forest Lake watershed is part of the Sunrise River watershed and is incorporated into the study area of this project. The CLFLWD will build on the findings of this study in its wetland banking and management programs.

The CLFLWD also interacts with the Federal Emergency Management Agency (FEMA) through floodplain determinations and regulation. Standards for building and filling activities near or within the floodplain are implemented locally by municipalities enrolled in the FEMA National Flood Insurance Program. In support of the National Flood Insurance Program, 100-year flood elevations for local lakes are determined by FEMA through modeling efforts. The CLFLWD has provided its hydrologic/hydraulic model to FEMA for use in floodplain determination efforts.

