

**MINUTES OF THE SPECIAL MEETING OF THE  
COMFORT LAKE–FOREST LAKE WATERSHED  
DISTRICT  
Tuesday, February 1, 2022**

**1. Call to Order**

President Schmaltz called the February 1, 2022, special board meeting to order via online video conference.

Present: President Steve Schmaltz, Vice President Christopher Loth, Secretary Dave Bakke, Treasurer Jackie Anderson, Assistant Treasurer Douglas Toavs.

Absent: None

Others: Mike Kinney, Emily Heinz (CLFLWD staff); Kevin Biehn, Cecilio Olivier (Emmons & Olivier Resources); Al Singer (Dakota County); Hanna Valento (City of Forest Lake); Denise Martin (Chisago County Press).

**2. Greenway Visioning**

Presentation slides available at: [https://www.clflwd.org/02-01-22\\_special\\_board\\_meeting.php](https://www.clflwd.org/02-01-22_special_board_meeting.php).

**a) Introductions**

The Board of Managers and attendees introduced themselves. Al Singer has been the Land Conservation Manager for Dakota County since 2003 and is one of the top regional land conservation experts in Minnesota. Prior to his work at the County, he was the Metro Greenways Program Coordinator for the Minnesota Department of Natural Resources, an Environmental Planner and Program Manager for the Minneapolis Park and Recreation Board, and an Interpretive Naturalist and Program Manager at the Dodge Nature Center in West Paul. Mr. Singer's experience with greenway corridor planning and implementation is largely relatable and could be helpful to CLFLWD's initiative.

**b) Workshop Objective**

Emily Heinz described recommended outcomes for the workshop including establishing some priorities for the District to bring to its partners. Comfort Lake – Forest Lake Watershed District (CLFLWD) will be a leader in this effort and will need to work closely with local partners such as cities, counties, etc. to implement this initiative.

**c) What is a Greenway**

Kevin Biehn presented background information on greenway corridors including examples and local precedents.

**d) Perspective from Local Owner and Operator, Alan Singer, Dakota County Land Conservation Manager**

Al Singer spoke about his experience implementing greenway corridors in Dakota County. Topics included trends, foundational policies, partnerships, funding, goals, objectives, and strategies. Mr. Singer described how conservation easements, stewardship plans, and natural resource management plans can be useful tools for preserving land for greenway corridors. Dakota County has a template that they use to create natural resource management plans. He explained that Dakota County also has experience acquiring land and, in some cases, conveying it to the MN Department of Natural Resources. Land may be designated as a scientific and natural area or a wildlife management area (WMA). Dakota County partners with other local entities such as townships to manage greenway corridor land.

[1:47 pm] Manager Bakke left the meeting.

Mr. Singer explained how his work dovetailed with the local park system plan. Protection strategies can become complex when multiple parties and restrictions are involved; some cases involve a combination of fee title acquisition and easements. Another method is to incorporate a greenway corridor into residential development plans. Houses located adjacent to the corridor may be more desirable for buyers, and stormwater treatment facilities can be sited within the greenway corridor zone. Oftentimes there are a lot of moving pieces involved in developing a greenway corridor system.

Mr. Singer presented lessons learned:

- Projects are becoming more complex
- Patience and persistence are critical
- Generational changes in land ownership are accelerating
- It's a "small" world
- Suburban development is rebounding with much more pressure on rural development
- Landowners interested in land protection have an even wider range of motives
- Surface and groundwater protection is consistently important to residents
- Restoring hydrology is very complicated
- Impacts of the changing climate
- Short- and long-term natural resource management on public and private land is challenging to initiate and sustain
- Property tax differentiation/credits could be a key strategy to increasing conservation

Mr. Singer described Dakota County's land conservation plan, including preliminary conservation focus areas and outreach strategies. Rather than trying to sell the idea to landowners, Dakota County approaches landowners from a long-term relationship building perspective and asks, "how can the County solve problems the landowners are experiencing". Mr. Singer presented a summary sheet used for outreach communications.

Mr. Singer described nuts and bolts activities involved in a greenway corridor effort. CLFLWD will need staff and consultants to take care of tasks including:

- Landowner Outreach
- Project Review and Selection
- GIS and Survey
- Appraisal Assignment and request for proposals (RFP)
- Negotiations
- Preliminary Natural Resource Management Plan (NRMP) and Cost Estimates
- County Board and Other Approvals
- Documents (Purchase Agreement, Deed, Property Report, NRMP)
- Closing
- Begin Implementing NRMP
- Annual Monitoring

Mr. Singer presented funding sources such as federal, state, regional, watershed district levy authority, county, city/township, and private. Priorities of each funding mechanism are going to determine what the District does and how it does it. It's possible the District may have to change its approach in order to leverage certain funding sources. He described the water fund, which is a concept created by The Nature Conservancy.

Mr. Singer presented questions for the District to consider such as

- What should the greenway vision be?
- What is necessary to achieve the vision?
- What should the District's role(s) be?

Manager Anderson asked about funding breakdown (50% federal, 25% county, 25% owner). Mr. Singer explained in the past, Dakota County received federal funding from the agricultural conservation easement program administered through the Natural Resources Conservation Service (NRCS). However, in recent years NRCS changed the funding formula, and Dakota County hasn't utilized that program since. As of now, funding comes largely through the state Outdoor Heritage Fund.

Manager Schmaltz asked if Mr. Singer had suggestions for how the District can get started on greenway corridors on a small scale. Mr. Singer recommended that the District could start by utilizing modern tools and technology such as the MN Land Cover Classification System (MLCCS). He offered to share documents, procedures, templates, etc. for the District to use as well; no need to reinvent the wheel. He asked if the District has all the potential parties lined up that could have a role in this effort. Mr. Singer recommended the District then have a conversation about who has what roles.

Mr. Singer recommended the District keep in mind the necessary staffing level to accomplish the greenway vision. Dakota County has four full time equivalents dedicated to this effort, plus general county planners, transportation staff, attorneys, etc. to assist with various aspects of work. He recommended the District focus on where it can be successful and build on that; don't take on too much all at once.

Manager Anderson indicated Chisago County has a much smaller population compared to Dakota County. She noted that the District's jurisdiction is 49 square miles, which is much smaller than an entire county, and the focus really should be on the Sunrise River as a starting point. She indicated that the District needs to maintain its focus within its boundaries and that sharing tools/templates will save the District a lot of time.

#### **e) Benefits and Potential Applicability to CLFLWD**

Mr. Biehn began his presentation on the applicability of the greenway corridor to the unique characteristics of the CLFLWD. Manager Anderson asked if "connectivity" in this context means trails. Mr. Bien indicated connectivity mainly refers to a connected protected habitat, but the question of recreation is something the Board should discuss. Manager Anderson indicated recreation isn't within the District's scope of focus and that the District must be focusing on the water resources and natural habitat components. She indicated recreation shouldn't be part of the initial design but may come in later if taken on by cities/counties. Manager Anderson indicated the District's focus is on clean water, ecosystem services, and environmental sustainability. Mr. Bien indicated that if recreation isn't included in the initial planning, it'll be harder to bring into the fold after the fact. For example, easement stipulations would need to permit public use; if they don't then it will be harder to incorporate recreation elements later. Manager Schmaltz indicated that easements should allow for public access/recreation, so the recreation element isn't entirely precluded in the future. Manager Anderson indicated the District shouldn't even be discussing recreation because it isn't within the watershed district statutory responsibilities. Manager Loth asked what kind of engagement the District is expecting from the other local government units. He indicated that responsibilities outside of the District's jurisdiction can still be applicable to this effort.

Mr. Singer recommended the Board consider this fundamental question: can the District achieve its water quality and conservation-focused greenway vision by itself, or can the District focus on its water resource mandates while local partners bring in other resources into the project that wouldn't have been affordable/possible to do by the District alone? He indicated that Dakota County had cast a broad net which included both conservation/water quality and the recreation element. When DNR's Metro Greenways got started, it was more ecologically based, but once DNR started involving communities, it was clear that the effort wouldn't get far without the recreation component. Mr. Singer indicated recreation is key to getting buy-in from community members.

Manager Schmaltz indicated it seems clear that the District won't get far in this greenway corridor effort without considering recreation and involving other local government entities and partners.

Mr. Biehn continued his presentation. He cited Brown's Creek Watershed District's trail conversion project as an example of connecting community members to the creek itself. Mr. Biehn described water quality improvement projects within the Forest Lake-Sunrise River-Comfort Lake corridor. He described the Sunrise River stream channel condition and presence of artificial ditching throughout the watershed. He highlighted an example of the high level of landowner coordination required for implementation along the Sunrise River near Comfort Lake. Mr. Biehn explained how the District must consider high water impacts on properties within the 100-year floodplain. He indicated this effort is related to climate resiliency as well.

Administrator Kinney described past conversations with local municipalities on this topic. In general, the City of Scandia has plans to remain largely rural and low density, while the City of Forest Lake is expecting more development in the coming years. While each local government unit may have different priorities, they are, as a whole, looking to the District to provide more detail as to what a greenway corridor would entail exactly.

Manager Anderson referred to Minnesota state statute 103D and recommended the Board focus on those responsibilities first. She indicated the District has power to regulate ditches and determine if ditches should be abandoned. She recommended the District also focus on protecting the habitat within the shoreland zone extending 100 feet from lakes. She indicated the District should start off the greenway concept by protecting waterbodies and preventing encroachment in the shoreland zone. She indicated the stream channel upstream of Little Comfort Lake should be considered a high priority for this effort and included in future map displays.

Mr. Singer explained the educational and regulatory measures taken in Dakota County to comply with the buffer law. He pointed out that ecology and water quality are just as much of a priority as recreation in Dakota County greenways. He indicated that since development in CLFLWD hasn't caught up with the parts of the metro further south, the District has a unique opportunity to get out in front of development and plan more proactively.

#### **f) Work Completed to Date**

Mr. Biehn summarized the work completed to date. He presented the conservation prioritization framework that has been developed for the Sunrise River and Washington Judicial Ditch 6 corridors. Additional work completed includes: identified and vetted 5 projects, developed and modeled concepts, estimated parcels needed (flood stage + constructability) to completed, layered in other benefits and greenway assemblage, began stakeholder engagement with cities/counties. Partners have generally been supportive of the idea of a greenway corridor, but they want the District to provide more

detail on what is being proposed before moving forward; tangible details are necessary to get partner buy-in.

**g) Recap and Board Q&A**

Mr. Biehn posed questions for the Board to consider

1. Question: Are literal greenway corridor(s) that connect A to B desired or just the means to tackle larger capital improvement projects that require a regional approach (e.g., Tranquility Pond)?

Consensus: There was consensus that this initiative doesn't necessarily need to prioritize an A to B connection, rather, focus on priority areas that have the greatest impact on water resources (lakes, streams, wetlands, groundwater, floodplain). Preservation of priority conservation areas can occur out of sequence.

2. Question: Knowing that public use considerations of a greenway would likely be the responsibility of Cities and/or Counties and that such considerations could be dropped at a future development stage... should public use of the greenway(s) be considered at this early planning stage?

Consensus: The ecological and water quality connections are the most important. It is less important to have continuous recreational opportunities in these areas. Recreation is not within the scope of the District's statutory responsibility. Recreation planning should be the responsibility of other local government units such as cities/counties. The District should endeavor to write its easements/restrictions so as not to entirely preclude public access/recreation, but with an understanding that these will be natural spaces (not baseball fields/jungle gyms etc.). All recreational uses should be low impact.

3. Question: Should the immediate focus of resources be allocated to: Advancing Master Plan(s) for the Sunrise River and Washington Judicial Ditch 6 (WJD-6) corridors and/or District-wide identification and prioritization of regional land conservation measures?

Consensus: Focus on Sunrise River to begin with, then expand into other priority areas after the District finishes with the Natural Resources Inventory & Assessment later this year.

Manager Anderson again referred to state statute's founding principles for watershed districts which focus on protecting water resources. Manager Anderson recommended aiming focus on "conservation focus areas" rather than linear corridors necessarily. She reiterated her recommendation to prioritize shoreland and streambank areas for native vegetated buffer implementation.

Manager Schmaltz agreed that shoreland areas are important to protect, but he recalled flood protection and climate resiliency being a bigger priority for the greenway effort. Mr. Kinney indicated preventative measures such as low floor elevation ordinances will be effective in some areas, but retrofits may be necessary in other areas. He noted the I-35 corridor is developing rapidly and projected to continue growing in population. Manager Anderson recommended the District focus on areas where regulations are in place but are not being enforced (e.g., shoreland ordinances).

Manager Toavs recommended the District not focus on recreation as a main priority, but also not go about this effort in a way that inhibits future recreational opportunities such as hiking/fishing.

Manager Loth asked if shoreline protection/restoration would be in the scope of what the District does anyway, regardless of a greenway corridor/conservation focus area effort. Manager Schmaltz indicated the conservation/habitat element is not a major factor in the projects the District has been implementing to date. Manager Anderson recommended prioritizing areas for desired behavior changes that will result in increased sustainability. She cited the removal of native vegetative buffers on Comfort Lake as an example of a priority behavior change – promote planting of native buffers as opposed to rocks/turf grass. She indicated this is an area the District can work on immediately.

Manager Loth asked what makes today's discussion topic different than the regularly planned work of the District. Mr. Olivier indicated this topic has very close relations with the rest of the District's regular ongoing work, and this initiative would create distinct connections on the landscape. Manager Anderson indicated the District has fought hard to clean up its lakes, and now must do what it can to keep them clean in the long-term. Manager Loth asked why the District hasn't done more in the past to oversee enforcement of other local government units' regulations. Manager Schmaltz indicated the District mainly focused on implement water quality improvement projects that have a high return on investment. Manager Anderson pointed out that staff used to be much smaller, and now that staff is expanded, enforcement oversight is more feasible.

Mr. Singer indicated the District will need to work with willing landowners to do projects, and that public outreach will be a major piece of the puzzle. Manager Loth indicated it appears there is current public opinion that the District is hiring a public relations (PR) firm as a knee jerk response to the Willow Point/office space topic. He indicated that it seems like the greenway/land conservation effort will be an endeavor which requires more PR than the District has previously needed, so wouldn't the District be hiring a PR firm anyway? Managers agreed that the District would in fact be looking into a PR firm at this point in time, regardless of the recent public discord about the District office space.

President Schmaltz explained that the District had identified several large capital improvement projects along the Sunrise River corridor. He explained that having the Natural Resource Inventory completed would allow staff to identify further efforts to improve that high priority corridor. He suggested the District wait until the Natural Resources Inventory is completed before doing further greenway planning. Manager

Anderson agreed that the District should first focus on the projects it has already identified and opportunistically look at implementing further greenway improvements around those projects. She further recommended that the District complete the Natural Resource Inventory first before continuing development of the greenway plan. Managers Schmaltz, Toavs, and Loth agreed with this approach.

**3. Adjourn**

**a) Next regular board meeting – February 10, 2022**

Manager Anderson moved to adjourn the meeting. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 4-0, and the meeting was adjourned at 5:22 p.m.

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>	<b>Abstain</b>
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke			X	
Jackie Anderson	X			
Doug Toavs	X			

Dave Bakke, Secretary \_\_\_\_\_