

**MINUTES OF THE RULES WORKSHOP
OF THE
COMFORT LAKE -FOREST LAKE
WATERSHED DISTRICT**

TUESDAY, JUNE 5, 2007

1) **Call to Order**

The President called the rules workshop meeting to order at 6:00 p.m. at the Forest Lake City Offices, 220 North Lake Street, Forest Lake, Minnesota

Present: President Jackie Anderson, Vice President Richard Damchik, Secretary John Lynch, Treasurer Jon Spence, Manager Wayne Moe

Staff: Randy Anhorn, Brett Emmons (EOR), Dan Fabian (EOR), Lisa Tilman (EOR)

Others: Deb Anderson

2) **Discussion of Comfort Lake – Forest Lake Draft Rules**

The President called for the discussion on the Comfort Lake – Forest Lake draft rules.

Lisa Tilman (EOR) reviewed the District's proposed rule development timeline and workshop goals. The timeline, annexed and incorporated by reference, included the completion of a final draft of the District Rules by the July 26, 2007 Board meeting, followed by five planned CAC/TAC meeting at which specific proposed rule(s) would be presented. Throughout the meeting process, District staff will be seeking comments on each specific rule from the CAC/TAC. The resulting comments will be brought back to the Board to potentially help revise the presented rules. The presented timeline would result in District rules going through the formal review process in March of 2008.

Administrator Anhorn detailed areas where new language has been added to the draft rules in order to address specific areas as directed by the Board at the April 24, 2007, Board of Managers meeting. Administrator Anhorn further provided information on goals, policies, and rule recommendations from his review of the Chisago and Washington County Groundwater Plans. Anhorn detailed specific language recommended and highlighted its inclusion in the District's draft rules. A copy of each report is annexed and incorporated by reference.

Discussion centered on:

a) Water quality

It was determined that the draft rules would focus on nutrient loads or loading reductions as defined by the current water quality (load allocation) modeling effort as opposed to inflow concentrations. The Board determined that the rule should be somewhat general, stating the use

of loads as our standard with reference to current loading standards (from the yet to be determined results of the Wenck study). The Board further discussed clarifying the use of one preferred loading model, P8, to determine pre- and post- loads from sites.

b) Fish and wildlife passage

The Board discussed the addition of policy language within the “Water Course and Basin Crossing” section of the draft Rules stating the District’s objective to preserve fish and wildlife passage within the watershed.

c) Landlocked basins

The Board discussed the need to address additional stormwater control needs within landlocked basin areas. The Board requested additional language to clarify what constituted landlocked basin areas and what properties would be affected.

d) Volume and rate control

The Board discussed the proposed use of pre-European settlement vegetation cover as the standard for both stormwater volume *and* rate control. Question arose as to the District’s current proposed volume control of a 2-year event (2.8 inches).

Lisa Tilman (EOR) provided the Manager with a memo documenting volume control standards of other local watershed district, watershed management organizations, and cities. A copy of the memo is annexed and incorporated by reference.

Because of the impaired condition of the District’s lakes and their future goals to address those impairments through the construction of publicly and privately funded projects, the Board felt it necessary to reduce runoff volume and its associated nutrients in order to assure the improvement in lake water quality. For this reason, the Board decided to have the draft plans require volume control at a more restrictive 5-year event (3.6 inches). Because of proposed change to requiring volume control for a 5-year event, the Board decided that District should require rate calculations for a 24-hour precipitation event with a return frequency of 2, 5, 10, and 100 years as opposed to just 2, 10, and 100 years.

The Board further discussed needed changes to section 2.2 “applicability” of the “Stormwater Management” rule detailing what residential and non-residential development and re-development projects are required to meet the District’s stormwater management standards.

e) Wetland management

The Board discussed the proposed “Wetland Management” section of the rules. The Board requested an additional policy statement stating the connection and importance of the District’s wetlands to the overall health of the District’s lakes.

f) Comment program

The Board discussed the proposed language initiating District rules as a review and comment program as opposed to a permit program. Issue was raised as to the proposed language actually resulting in the District permitting as opposed to the having the local communities continue to permit. The Board decided that the whole introduction section should be condensed and clarified.

It was further discussed that staff should prepare two options which could be presented at the CAC/TAC meetings. One option would require communities to adopt the District's rules and regulations and then they could decide to give permitting authority over to the District, while the second option would be for the communities to adopt the District's rules and regulations and administer their own permit program ensuring that the adopted rules and regulations, such as stormwater rate and volume control standards, are implemented and enforced.

g) Groundwater

The Board discussed the proposed rules which address groundwater topic areas presented in an EOR report entitled "Incorporating Groundwater Protection into Watershed District Rules" prepared for the Washington County Water Consortium. The resulting report provided potential rule language pertaining to groundwater appropriations, volume control, groundwater quality, and groundwater dependent natural resources. The District's proposed groundwater rules come directly from the EOR report.

Because the District rules do not have a section specifically addressing groundwater, language addressing the referenced groundwater issues are scattered throughout the rules discussing other topics (i.e. stormwater management). For this reason the Board requested staff to add an addendum to the rules compiling rule language addressing said groundwater issues.

h) Other

Manager Moe inquired about the need for rules or policy statements within the rules addressing feedlots. The Board requested that staff research feedlot rules of other watershed districts and either provide potential language addressing the issue, and/or provide a synopsis of how other watershed districts address the issue.

Lake, stream and wetland buffer

Lisa Tilman (EOR) provided the Managers with background information on current shoreland and shoreline regulations and a list of "who is in charge of what." Ms. Tilman went on to discuss existing buffer regulations. Ms. Tilman further went through portions of the District's current proposed buffer rule.

Because of the time and the remaining items on the rules workshop agenda, the Board decided to schedule another rules workshop for 6:00 p.m., June 19, 2007 at the Forest Lake Council Chambers.

The June 19, 2007, workshop will continue the discussion on lake, stream and wetland buffers, as well as shoreline and streambank standards, aquatic vegetation standards, and review next steps

3) **Adjournment**

Motion to adjourn CLFLWD Rules Workshop was made by Manager Damchik and seconded by Manager Anderson. Motion carried unanimously.

John T. Lynch, Secretary