

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, April 9, 2020**

1. Call to Order

President Spence called the April 9, 2020 regular board meeting to order at 6:30 p.m. via online teleconference.

Present: President Jon Spence, Vice President Jackie Anderson, Treasurer Steve Schmaltz, Assistant Treasurer Jim Dibble.

Absent: Secretary Jen Oknich

Others: Mike Kinney, Jessica Lindemyer, Abigail Ernst (CLFLWD staff); Meghan Funke, Greg Graske, Cecilio Olivier (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Andy Berg (Abdo, Eick, and Meyers); Steve Curtis, Arik Lokensgard (Permit 20-002).

2. Setting of Meeting Agenda

Items 4c – Yard Waste Dumping and 5d – Lower St. Croix One Watershed One Plan were added to the agenda.

Manager Anderson moved to approve the agenda as amended. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz			
Jen Oknich			X
Jim Dibble	X		

3. Public Open Forum

There were no comments.

4. New Business

- a) **Permit 20-002 Applewood Nursery Relocation**

Engineer Graske explained the nursery, currently located on Highway 8, will be relocated further north on Green Lake Trail north of Little Comfort Lake. The project encompasses several new buildings and nursery areas, creating 9.7 acres of impervious surface. Two pretreatment ponds will collect stormwater runoff from the site and direct flow into a larger holding pond to be used for stormwater reuse irrigation. The volume control requirements are being met through the irrigation reuse system. The site also has a detailed erosion control plan. The proposed project meets the District’s stormwater management and erosion control requirements. The project should result in improved water quality benefits compared to the existing agricultural land use.

In response to a question from Manager Anderson, Mr. Graske clarified all entrances to the site will come from Green Lake Trail; none from Itasca Avenue North. He further explained that about half of the runoff from the site will be reused for irrigation, while the other half will overflow to the wetland to the west, but still at lower rates than existing conditions. He explained that a minor amount of runoff from the site is not being treated through the stormwater ponds, but the maximum extent practicable is being routed through the ponds. Manager Anderson requested the memo be revised to further clarify this point. Managers Dibble and Anderson expressed their support of the stormwater irrigation reuse component of the project. Manager Schmaltz asked if reusing stormwater for irrigation is more or less expensive than traditional irrigation methods and if the District is recommending this as an option to prospective permittees. Mr. Graske explained that sites require enough area to implement this practice, and that the topic comes up fairly often in pre-permit discussions with permit applicants.

Manager Anderson moved to approve permit application #20-002 with conditions stated in the engineer’s memorandum. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 4-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich			X
Jim Dibble	X		

b) Permit 19-010 Lisu Church Site Improvements

Mr. Graske explained the site is off Harrow Avenue, across from the Forest Hills Golf Course. There is a small existing church onsite. The proposed project will construct a building addition and sidewalk. A biofiltration pond and dry pond will provide stormwater treatment and rate control. The facilities meet District stormwater requirements. Mr. Graske recommended approval with several conditions outlined in the Engineer’s memo.

Manager Schmaltz moved to approve permit application #19-010 with conditions stated in the engineer’s memorandum. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 4-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich			X
Jim Dibble	X		

c) Yard Waste Dumping

Manager Schmaltz indicated that the private Forest Lake contractor, Republic Waste Services, has ceased picking up yard waste and that without yard waste pickup services, many residents do not have the ability to dispose of their yard waste appropriately; many will resort to dumping in wetlands. Manager Dibble indicated that Republic has reported COVID-19 as affecting its ability to pick up green waste. Manager Anderson recommended working with staff to frame the issue from a water quality perspective: yard waste such as leaves and grass clippings contributes excess phosphorus, nitrogen and other nutrients to waterbodies, degrading the waterbodies. There was consensus for Managers Schmaltz and Dibble to work with staff as described. Manager Schmaltz noted the Forest Lake street sweeper is currently in operation. Manager Dibble indicated he would attend the next Forest Lake city council meeting to discuss this issue.

5. Old Business

a) 2019 Water Monitoring Report Presentation

Dr. Funke presented the 2019 water monitoring report findings. She explained this is the first year the District itself, Emmons & Olivier Resources (EOR) on its behalf, has drafted the report instead of Washington Conservation District. 2019 was an above average year for precipitation. Dr. Funke explained the purpose of collecting lake data – to demonstrate water quality in the context of variables such as phosphorus concentration, Secchi depth, and chlorophyll-a. Additional data such as bottom water phosphorus inform whether internal loading is occurring, and whether an alum treatment would ultimately be appropriate for a lake. Dr. Funke described new additions to the report including adding all lakes with data and adding public water classification of each lake. She presented water quality grades for all lakes, which are based on total phosphorus concentration, chlorophyll-a concentration, and Secchi depth (clarity) measurements. In response to a question from Manager Dibble, Dr. Funke advised that a “C” water quality grade is still very good; grades of “A” and “B” are exceptional. Lakes in the “C” grade range are meeting state standards and may even be meeting District goals. Lakes with a better overall 2019 grade than their 5-year average include Forest, Moody and Shields. Most lakes’ 5-year average and 2019 grades are similar.

Dr. Funke presented each lake's progress toward District phosphorus and Secchi depth goals. All lakes are meeting their 2020 *phosphorus* goals except for School, Little Comfort, Birch, Moody and Shields. All lakes are meeting their 2020 *Secchi* goals except School, Little Comfort, Moody and Shields. Keewahtin, Birch, Forest East Basin and Forest Middle Basin are all meeting their 2040 Secchi goals. Lakes currently not meeting *state standards* for phosphorus, chlorophyll-a, and Secchi depth include Little Comfort, Moody, Fourth and Shields. Lakes requiring more data include Fourth, Heims, Lendt and Second.

Dr. Funke presented lake trends and how they are analyzed. Trends are determined by how consistently a parameter increases or decreases over time. Seasonal and annual variability is expected. There are statistical tests that we can run to determine statistical significance of changes. At least ten years of data is needed to properly complete a trend analysis. Most lakes show an improving, or *significantly* improving trend for phosphorus, chlorophyll-a, and Secchi depth. Forest Middle Basin, Forest East Basin, Little Comfort, and Shields show declining or *significantly* declining trends for one or more parameters. Manager Anderson explained that it is interesting to look at the most recent few years of data on some lakes because it can show drastic improvements as a result of District projects. For example, the Moody Lake alum treatment caused a drastic reduction in phosphorus concentration in Moody Lake in recent years. While this may not be a statistical trend analysis, it is an illustration of the work the District is doing on these lakes. Manager Spence recommended adding markers onto the year by year data summaries showing significant events in certain years, such as projects. This might help tell the District's story. Dr. Funke noted that scientific reports such as this tend to focus on statistically-supported data, but it is important to tell the District's story, as managers are suggesting.

The lake summary sheets now contain fast facts (e.g. lake surface area, littoral area etc.); bathymetric map including public boat launch location; charts for 2019 phosphorus, chlorophyll-a, and Secchi depth readings; District goals and state standards; historical water quality summary; 2019 lake levels; temperature profiles; and dissolved oxygen profiles.

Dr. Funke presented stream data, which now include added examples of more runoff generation due to greater imperviousness (such as developed landscapes) or drainage (such as ditched landscapes) in a watershed. Stream monitoring parameters include flow, total phosphorus and total suspended solids. The report now contains a reference to the Central Region benchmarks for comparison purposes. In response to a question from Manager Dibble, Mr. Kinney described stream monitoring that occurred at the outlet of Cranberry Lake near Forest Lake. The monitoring report will also now contain a new map showing the growing season average phosphorus concentration on each monitored lake plus the stream site data. Dr. Funke explained the connection between zebra mussels and water quality. She showed some research from Minnehaha Creek Watershed District and recommended the District continue to monitor zebra mussels in its lakes. There was discussion about different sampling methods including automated

composite sampling and grab sampling. While the two methods do not yield comparable data, there may be a conversion factor which will help compare the different datasets.

Managers agreed that the additions to the report are very useful. Dr. Funke indicated that a revised report will be brought to the April 23rd meeting for board consideration to accept.

b) Fourth Lake Land Acquisition Review

Administrator Kinney provided an update on landowner communications to date. He noted that many Chisago County staff members are currently not working due to the governor's stay-at-home order, which may slow things down. The landowner did seem interested in the concept of an easement overlaid on 20-acre lots that would allow for creation of a public park. Mr. Kinney explained that, while the District's main concern with the site is the wetland, a public park component may be possible in the future. He indicated that there are still several outstanding questions with regard to the parcels, but it is a good sign that the landowners are interested in working with the District. In response to a question from Manager Schmaltz, Mr. Kinney explained this area around Fourth Lake does not have a large nutrient contribution to Moody Lake. While there might not be much water quality benefit from an acquisition of these parcels, there is potential for creation of wetland bank credits. There are currently no credits in the District's area available for purchase. Mr. Graske added that 2/3 of the water *flow* entering Moody Lake comes from the Fourth Lake tributary, so protection of this area would be a good idea so that the nutrient *load* stays low. Manager Anderson requested that the next report on this topic include an estimate of the revenue potential associated with a wetland bank. Manager Schmaltz indicated that the Lower St. Croix One Watershed One Plan ranks wetland projects in CLFLWD as low, so it may be difficult to obtain grant funding for such a project. Mr. Kinney indicated that an alternative to the District restoring the wetland itself would be to hand it over to the Board of Water and Soil Resources, which would do the work and receive the revenue. He noted that Clean Water Fund grants cannot be used for creation of a wetland bank. Manager Anderson suggested a workshop might be helpful for the Board to discuss this topic in greater detail. Mr. Kinney indicated that staff will inform the Board when they are ready to hold a workshop, but it will not occur in the next few weeks.

c) Bone Lake Legacy Load Wetland Update

Mr. Kinney noted that there appears to be great potential to construct a project in this area just northeast of Bone Lake. He explained that he and EOR are looking at preparing information in order to be able to submit a Clean Water Fund grant application for a project. Dr. Funke showed the monitoring locations at the inlet and outlet of the wetland and soil core data. A potential project is currently being estimated to be about 2-3 acres in size, removing 3,200-4,800 cubic yards of wetland sediment. This would be much less volume than the Moody Lake Wetland Rehabilitation Project, but the soil phosphorus concentrations in some cases are much higher compared to the Moody Lake

wetland. Dr. Funke noted that more information will be brought to the Board as more data are collected.

d) Lower St. Croix One Watershed One Plan

Mr. Kinney noted the draft plan is out for public comment, and the deadline to submit comments is June 3rd. He indicated that there are still several issues and gaps with the plan, including the fact that it would take 100 years to reach lake goals according to the proposed implementation section of the plan. He recommended providing comments on the plan, so they are part of the public record. In response to a question from President Spence, Mr. Kinney explained that Chisago County environmental staff are out of the office and not working during the Governor's stay at home order. He estimated that the order has already been extended once, and could possibly be extended through June 3rd, effectively making it so Chisago County could not review the draft plan in time. Manager Schmaltz indicated that he would coordinate with Manager Anderson and Mr. Kinney to draft some comments. He expressed concern that the funding priority structure may not allow CLFLWD to obtain as many grant funds as it historically has. Manager Anderson indicated that her comments will revolve around flaws in the process resulting in a plan that is not targeted or watershed-based. She added that some comments will be detailed revisions within the plan itself, but others will concern the broader question of the process. In response to questions about the plan review period, Legal Counsel Holtman cited the joint powers agreement that was approved in 2018 which summarizes the review process. The first review is a local review with public hearings, and when that is completed each of the partners would vote on approving the plan for submittal to BWSR. Then the plan would go to BWSR for the final review. If BWSR approved the plan, it would then come back to each partner for consideration of adoption. Mr. Holtman is not certain of the length of the final BWSR review period, but noted that the watershed district plan review period by BWSR is required to be 90 days. He recommended that BWSR be asked to lay out the process it intended to follow, as it presently is being improvised from statutory procedures that don't specifically apply. Dr. Funke noted that 1W1P guidance indicates the initial 60-day review is for various agencies. Mr. Kinney cited statute confirming the two-step review process and lengths of each review period. There was agreement that Mr. Kinney would meet with Managers Anderson and Schmaltz to discuss comments to provide during this period, so that they may be part of the public record of comments received.

6. Summary and Approval of Board Direction

Directives from the meeting were summarized:

- Mr. Graske will add a clarification on his final memo for permit 20-002.
- There were a few revisions on the monitoring report.
- With regard to the Fourth Lake parcel acquisitions, there were a few questions on the financial outcome of the wetland bank credit creation process.

7. Adjourn

- a) **Plan Update Workshop #1 – April 14, 2020**
- b) **Plan Update Workshop #2 – April 16, 2020**
- c) **Next regular board meeting – April 23, 2020**

Manager Schmaltz moved to adjourn the meeting. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 4-0, and the meeting was adjourned at 8:53 p.m.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich			X
Jim Dibble	X		

Jen Oknich, Secretary _____