

# Watershed Management Plan Update

## Regulatory & Interagency Coordination/Impact Question Responses

[Link to full manager responses as submitted](#)

**1. Is the District's regulatory program as it now exists allowing the District to have adequate oversight of activities with water resource impacts? If not, what impacts do the managers observe that the District is not adequately addressing in its regulatory program, but ought to be?**

- **Anderson:** NO.
- **Dibble:** I feel the regulatory program is adequate the way it is written. Would we need a sentence defining (ordinary high water levels)? We did talk about the 100 year mark and changing those numbers. The more City projects and weather warming conditions in the next 10 years could affect the (ordinary) high water mark which makes the setback crawl of the property.
- **Schmaltz:** As discussed on the top of p2, the Districts Rules on erosion, stormwater Mgt and Wetland buffer for streams/lakes seems to provide coverage (i.e. control) of 90%(?)of the P and sediment threats for most of the issues that arise in the shoreland area. In addition, the City has ordinances/rules (via DNR model) to manage shoreland zoning, structure and sanitary setbacks, which I believe they are handling satisfactorily.

They are not doing well on enforcing limiting intensive removal of trees/vegetation. Staff comments imply that removal of tree and vegetation has far less negative water quality impact than creating land disturbance or creating impervious surface area. We need some relative impact estimates to clarify the situation. Assuming the impact is low and we know enforcement by the WD would take a lot of staff time and be contentious with our constituents, I would prefer to address this issue through an educational effort with heavy involvement by our Lake Assoc partners. The Burnette County voluntary tax rebate program should also be evaluated.

The City also regulates shoreland lot impervious percent. Do we know what % of the permits annually receive some type of variance? How good a job are they doing? This would have greater impact (especially with the accelerating trend to mega lake homes) than tree removal?? Also, the City does not enforce wetland dumping ordinances. This issue should also be addressed by the education program/lake associations.

- **Spence:** As far as all the points, I think the biggest issue we face regarding all of them, is not that there are no tools for regulation and enforcement of any shoreline or shoreland alterations, but rather there is no way to ensure compliance from the landowners with the basic premise of obtaining necessary permits before doing these sorts of alterations. If the landowners do comply with obtaining or at least inquiring about the necessary permits, then inspection and enforcement doesn't generally seem to be problematic. Where the problems seem to be arising is in the area of action taken in ignorance or avoidance of the regulations

and permit requirements. Unless our LGU partners or ourselves are informed of the violations, we are generally none the wiser to activities that are contrary to our rules. And, unless we are willing to perform constant patrols of our shorelines and shoreland areas, we are unlikely to ever know about all of the potentially damaging activities going on within our district. Whether the issues have been shoreland clearing here on Comfort Lake or encroachment into the wetland buffers in Chestnut Creek, it is only because we stumbled onto the violations that we found out about them. None of these issues were discovered because the landowners were operating under proper permits and just unintentionally violated one or more of our rules – these were either intentional or willful avoidance or ignorance of the rules, regulations, and permit requirements. Adding more redundancy to rules and regulations and enforcement between the LGUs, the DNR, and the Watershed District won't do anything to resolve this issue in my opinion. Education of our citizens and our LGUs is probably our best weapon for this problem.

**2. Do the managers wish to encourage the District's municipalities to enhance their own programs and take on a sole permitting role, or do they prefer that the District continue to apply its rules throughout its territory?**

- **Anderson:** It's really a decision for the LGUs to make. The District was founded because inconsistent interpretation and application of the state guidance and local ordinances were causing downstream damage. Forest Lake City, in particular at that time, was also allowing small older cabin lots to transform into larger year round homes. An understanding of the runoff problems larger impervious surfaces that close to a waterbody can cause, was lacking at that time. Watershed Districts have an enormous opportunity to educate and inform LGUs on clean water friendly and sustainable development practices. Districts don't have to do all the enforcement, but can educate, instruct and oversee that well designed and consistent policies are applied throughout the District.
- **Dibble:** I feel the District needs to apply the rules. If there was more than one governing body, it would be confusing and may cause loopholes.
- **Schmaltz:** I prefer to apply our own Rules throughout the WD. However, the City has responsibility for LWMP content (eight points listed on p97/98 of our current 10 year plan). They need to improve in certain areas:
  1. Sewer maps/inverts and long term cap plans...these are deficient and need improvement
  2. Land use...ok?
  3. Describe how land use impacts water quality/natural resources.... How do they do?
  4. They probably reference our plan... they certainly aren't spending any \$\$
  5. Again, they probably reference our plan.... which is OK?
  6. Inform district on variances, especially on impervious variances. Residences on FL are being upgraded to "mega structures" at an alarming rate and if variances are given out left and right, it will have a negative impact on the lake. This is occurring fast so we must make sure during this "switch over" time that the lake is protected. The City should provide a report to the WD on this situation.
  7. Inspection of Stormwater systems (MS4) ...this is improving, and progress is being made.
  8. OK...covered in MS4 plan.

**3. Do the managers have a preference for voluntary shoreline protection programs versus mandatory/regulatory programs?**

- **Anderson:** The MN DNR has a voluntary ‘Rate your Shore’ program to encourage and educate shoreland owners on good practices. I’ve been promoting this program for three years with little success. There will always be a handful of people who will incorporate sustainable practices, but most will not. For the benefit of our water resources, we will need sound scientific based and quantifiable based rules and ordinances written in -clear, non-subjective and open to interpretation – language.
- **Dibble:** I feel a mandatory program on new projects would ensure the work is done properly with erosion in mind. If we left it up to the contractor / owner to do it voluntary they would attempt to cut corners.
- **Schmaltz:** Shoreline protection. The DNR has authority and is active (not proactive). I don't think the WD should undertake this area to be more proactive. Again, make this part of an educational effort by us and the Lake Assocs. The program should encourage violations to be reported to the WD and then referred to the DNR for enforcement. The few times we have tried this the DNR has responded. Hopefully, when lakeshore owners are educated they will follow the rules..... and if not, they take the risk of being reported.

**4. What is the managers' vision as to coordination with municipalities, whether that be in an informal or more formalized fashion?**

- **Anderson:** The same as previously mentioned: Open, consistent dialogue with local LGU staff on how we can work together to improve the outcome and sustainability of our shared and citizen-owned water resources.
- **Dibble:** How about a formal quarterly meeting with the District, DNR and the City. We could go over projects, MS-4, Permits, Grants/funding, violations.
- **Schmaltz:** The City seems to want to move a more formal MOU approach. Staff knows better than the Board where such a change would provide the most value for each partner. It also puts us in a better position to ask the City for better support in certain areas of the 8 points in their LWMP as described earlier.
- **Spence:** As far as our coordination with our LGUs, I don't particularly care if the coordination agreement is informal or formal, as long as it is effective. The important outcome is that we are all on the same page with regard to water protection and stewardship. I am less concerned with having a party to point at when things go wrong, than I am with making sure things don't go wrong in the first place!

5. **How sensitive are the managers to the funding/staff resource implications of the preceding questions?**

- **Anderson:** We are in the service business, so the question should be: How susceptible are our water resources to inconsistent application of best management practices and ordinance/rule interpretation and enforcement? As this topic has come up numerous times, it is safe to conclude that we do have a problem. Our next step is to analyze what is needed to bring consistency throughout the District and begin a consistent program of interacting with LGU to define the problem and devise a work plan to achieve our common goals. CLFLWD staff has not been adequate to do this type of coalition building in the past. However, as we transition from CIP work, to sustainable program work, we will need staff to keep these unique programs operating efficiently and successfully. That has always been my understanding of the process over time. We will need to deliver consistent, meaningful and measurable outcomes, so hiring dedicated, talented, and experienced staff will be a critical element of success.
- **Dibble:** It is important that if we choose to take on a larger role in the next 10 years that we add the staff and dollars to support that decision during this time of the 10 year planning.
- **Schmaltz:** It is so easy to spend \$\$ now that we have no interest loan funding. We should treat the above decisions based on a cost value analysis. I know we have been talking a lot about shoreland vegetation/tree protection and wetland dumping, but it seems to me that taking an educational approach( with our Lake Assoc partners) may be more cost effective strategy than assigning staff to "search and enforce". By educating you get ahead of the problem. Without education, you are constantly chasing people down. We can consider the need for more aggressive enforcement as a possible follow up strategy.