

MEMORANDUM
Comfort Lake-Forest Lake Watershed District

To: Board of Managers

Date: 22 July 2016

From: Mike Kinney

Subject: Washington Judicial Ditch 6 - Next Steps

Background/Discussion

At its June 16, 2016 meeting, the Board of Managers, by 4-0 vote, adopted a motion “to direct staff to proceed, in principle, with the process of a boundary change for those areas identified as being hydrologically in the CLFLWD, pending a further report on the process costs and how they would be funded.”

I have a meeting scheduled with the RCWD Administrator on Thursday, July 28th in the morning to discuss how to proceed with WJD 6, the surrounding drainage area and the boundary change. At the meeting, I will be able to report further as to process steps and estimated costs. I believe process costs, beyond the engineering work that already has occurred, will not be substantial.

At present, regarding WJD 6, we know very little about the overall condition of the ditch system but we now have preliminary monitoring data that indicate this area coming from RCWD is a fairly high load into Forest Lake’s east basin. Given this, the CLFLWD has now a higher level of interest in seeing the boundary change move forward so that it can evaluate and manage the land area draining to WJD 6 so as to reduce the nutrient and sediment load coming from this area.

As such, two options exist for the Board of Managers. The first is to cooperate in the boundary change and assume the role of drainage authority for WJD 6.

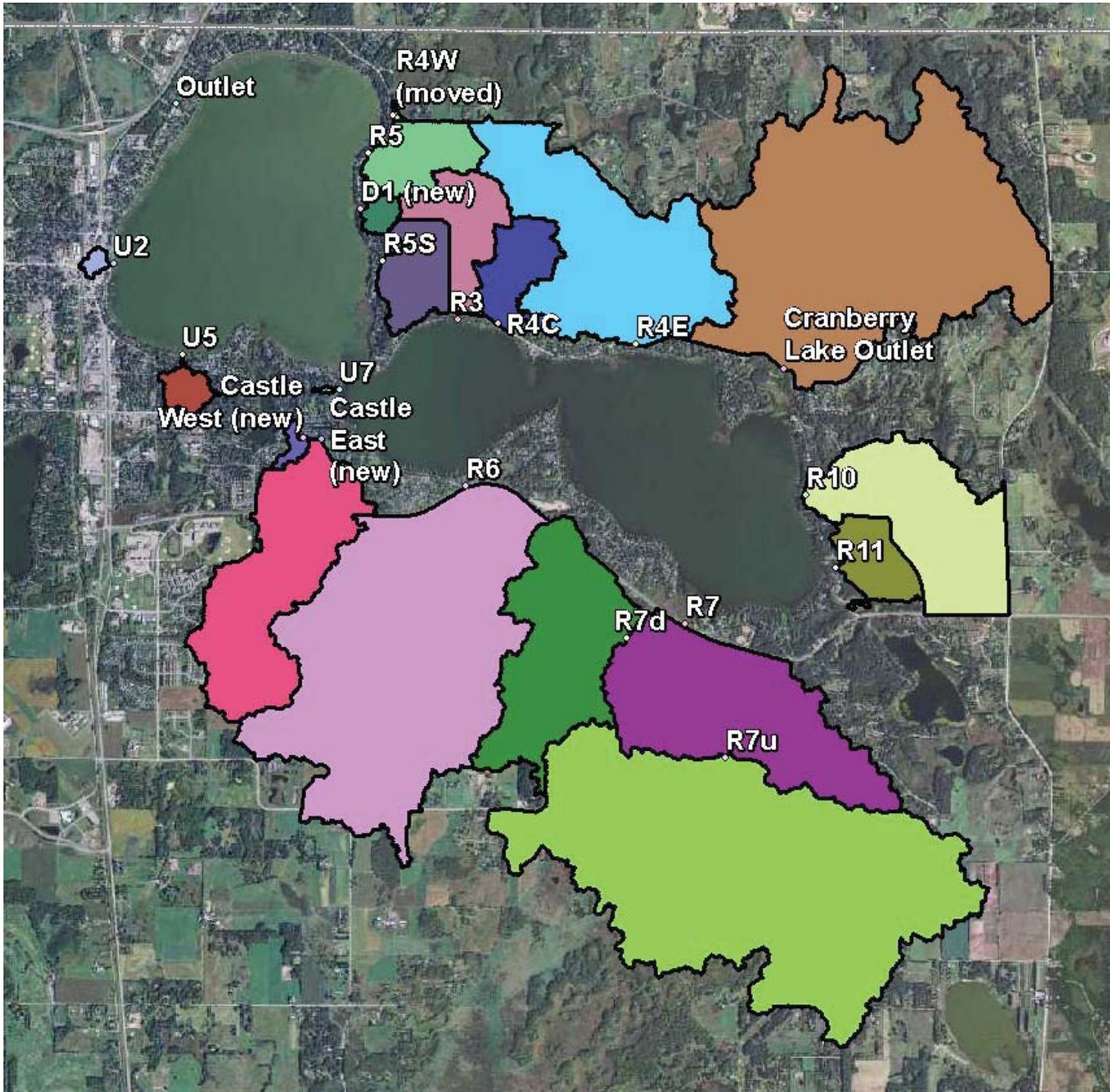
The second is largely the same but would condition concurrence on some measure of funds from the RCWD. The reasoning underlying this request would be: (a) that the RCWD each year has levied ad valorem taxes on the property within the WJD 6 drainage area; that, to our knowledge, the RCWD has not expended funds within the drainage area to address pollutant transport into Forest Lake; and (c) that the CLFLWD would use such funds for water quality work that might be considered “deferred maintenance.”

Counsel has advised that the drainage law does not explicitly provide for a drainage authority transfer directly from one watershed district to another. Counsel and RCWD counsel concur that a simple and legally sound means of doing so would be by action of the Washington County Board of Commissioners, accepting the authority and then immediately transferring it to the CLFLWD. If the CLFLWD and RCWD agree to proceed with the boundary change and drainage authority transfer, then to pursue this route it will be necessary to obtain the cooperation of Washington County.

Recommended Action

Staff recommends that the Board of Managers: (a) affirm its concurrence in proceeding, (b) authorize the District Administrator to incur staff, engineering and legal costs for the boundary change and drainage authority transfer procedures, and (c) provide direction to the Administrator on its position regarding a payment of “deferred maintenance” funds from the RCWD to the CLFLWD.

Attached: Forest Lake Diagnostic Preliminary Data Summary



TP load (lb)

U5	5
R6	662
R7d	12
R7u	148
R11	8
R10	22
CLO	47
R4E	24
R4C	4
R3	35
R5S	12
R5	19