

August 26, 2021

Comfort Lake-Forest Lake Watershed District
C/o Mike Kinney, Administrator
44 Lake Street South, Suite A
Forest Lake, MN 55025

Dear Chair and Managers:

I am pleased to inform you that the Minnesota Board of Water and Soil Resources (Board) has approved the Comfort Lake-Forest Lake Watershed District (CLFLWD) revised Watershed Management Plan (Plan) at its regular meeting held on August 26, 2021. For your records I have enclosed a copy of the signed Board Order that documents approval of the Plan. Please be advised that the CLFLWD must adopt and implement the Plan within 120 days of the date of the Order, in accordance with MN Statutes 103B.231, Subd. 10.

The managers, staff, consultants, advisory committee members, and all others involved in the planning process are to be commended for developing a plan that clearly presents water management goals, actions, and priorities of the watershed. With continued implementation of your Plan, the protection and management of the water resources within the watershed will be greatly enhanced to the benefit of the residents. The Board looks forward to working with you as you implement this Plan and document its outcomes.

Please contact Melissa King of our staff at 651-350-8845, or at the central office address for further assistance in this matter.

Sincerely,



Gerald Van Amburg
Chair

Enclosure

CC: Jeff Berg, MDA (via email)
John Freitag, MDH (via email)
Dan Lais, DNR (via email)
Beth Neuendorf, MN DOT (via email)
Jeff Risberg, MPCA (via email)
Judy Sventek, Met Council (via email)
Melissa King, BWSR (via email)
Marcey Westrick, BWSR (via email)
File Copy

Minnesota Board of Water and Soil Resources 520
Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the Watershed Management Plan for the **Comfort Lake – Forest Lake Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

**ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Comfort Lake-Forest Lake Watershed District (CLFLWD) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes, section 103B.231, Subd. 9, and;

Whereas, the Board has completed its review of the Plan;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **Watershed District Establishment.** The CLFLWD is a special-purpose unit of government established by the Board on September 23, 1999. Establishment was based on a petition dated November 18, 1998 and filed with the Board on November 20, 1998. The Petition was signed by more than 50 resident owners in the proposed watershed district pursuant to Minnesota Statutes, section 103D.205, Subd. 3(4). Minnesota Laws 2008, chapter 366, article 6, section 51 designated the CLFLWD a watershed management organization under Minnesota Statutes, section 103B.205, Subd. 13. The CLFLWD was established to promote the public welfare and public interest, and to advance the purpose of Minnesota Statutes, Chapters 103B and 103D.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed areas which meets the requirements of Minnesota Statutes, sections 103B.201 to 103B.251.
3. **Nature of the Watershed.** The CLFLWD encompasses approximately 49 square miles in the northeast portion of the Twin Cities Metropolitan Area, approximately 40 percent in Chisago County and 60 percent in Washington County. Surface water resources within the watershed include three major recreational lakes (Bone Lake, Forest Lake and Comfort Lake), the exceptionally high-quality Keewahtin Lake, as well as other smaller lakes and streams. The CLFLWD is part of the headwaters area of the Sunrise River and ultimately drains to the St. Croix River.

The predominant land uses in the watershed vary but the two dominant land uses watershed-wide are pasture/grasslands (25%) and forests (19%), followed by wetlands (17%), developed (14%), open water (13%) and cultivated cropland (12%). To the west of Forest Lake, a large portion of the land is developed at low to high density around I-35, Highway 61, and Highway 8. Much of this region is also composed of woody wetlands, which provide habitat for key flora and fauna of this area. Near Scandia, the land is dominated with cultivated crops and hay/pasture intermixed with wetlands to the north and south of Bone Lake. Centrally, the landscape is composed of a mixture of hay/pastureland, forest, and wetlands.

4. **Plan Development and Review.** The draft Plan was submitted to the Board, other state agencies, and local governments for the formal 60-day review on February 26, 2021 pursuant to Minnesota Statutes, section 103B.231, Subd. 7. The CLFLWD prepared a written response to the 60-day comments and then held a public hearing on June 10, 2021. Once the Plan revisions to address comments received were completed, the CLFLWD Managers passed a resolution to send the revised draft Plan to the Board (and State Review Agencies) for the final 90-day review and approval, which was received by the Board on June 15, 2021. Comments received during the 90-day review period indicated commenters had no further comments and commended the CLFLWD on their planning process and completion of the CLFLWD 2022-2031 Watershed Management Plan. The items below contain a summary of the comments received during the formal plan review process.
- **Local Review.** The CLFLWD distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes, section 103B.231, Subd. 7. The CLFLWD received comments from local citizens, Washington County, Washington Conservation District, and the cities of Forest Lake, Scandia, and Wyoming. The CLFLWD responded in writing to all stakeholders who commented during the 60- day review period, addressing each concern.
 - **Metropolitan Council (Council) Review.** During the 60-day review the Council noted that the Plan puts forth a detailed roadmap to protect water resources within the watershed and is consistent with policies outlined in the Council’s 2040 Water Resources Policy Plan. The Council further commended the CLFLWD for preparation of a Plan that includes a clear inventory of land and water resources, included local and regional partners in the discussion of priority issues and opportunities, and contains clear statements of goals and policies. Council staff also applauded the ambitious phosphorus reduction goals and were encouraged to see the breadth of the programs and projects proposed within the Plan. The adaptive management and targeted approaches were noted for the CLFLWD’s use of data to drive their water resources goals. The Council identified the following items for potential improvements: A) inconsistent rainfall depths stated in Figures 1-11 from those in Table 1-2; B) encouraged coordination with neighboring watersheds in their groundwater monitoring program; C) offered Council staff as a resource for CLFLWD climate resiliency efforts; D) suggested monitoring chloride with samples from lake bottoms; and E) requested some context for the goal to “Confirm the headwaters of the Sunrise River”. The CLFLWD responded in writing to all Council comments received during the 60-day review period, addressing each concern. During the 90-day review, the Council thanked CLFLWD for the invitation to participate in the process, as well as CLFLWD staff for leading a well-designed and thoughtful Plan update process. The Council had no additional comments during the 90-day review.
 - **Department of Agriculture (MDA) Review.** During the 60-day review, MDA noted that the Plan was well organized with goals and associated activities being well thought out and actionable. MDA had some comments requesting clarification and provided additional information related to the CLFLWD’s inclusion of the Minnesota Agricultural Water Quality Certification Program, including potential funding sources. MDA noted appreciation for the CLFLWD’s groundwater protection rules/education and outreach activity and suggested broad inclusion of the MDA’s Nitrogen Fertilizer Management Plan. The MDA noted that the 60-day review comments had been satisfactorily addressed and had no additional comments resulting from the 90-day review.
 - **Minnesota Department of Health Review.** During both the 60-day and 90-day reviews, the Minnesota Department of Health indicated that the agency had no comments.
 - **Department of Natural Resources (DNR) Review.** No comments were received from the DNR during the 60-day review. DNR staff met with Board staff during the 90-day review and indicated that the DNR would not have any further comments from the 90-day review.

- **Minnesota Pollution Control Agency (MPCA) Review.** During the 60-day review, the MPCA noted appreciation of the opportunity to provide input and be involved throughout the Plan development process. MPCA commended the CLFLWD on addressing all state agency priority concerns and issues provided by the MPCA at the start of Plan development. MPCA also noted support for the addition of chloride monitoring to CLFLWD’s monitoring program, establishment of baselines and trends throughout the watershed, and commitment to working with local partners for chloride reduction through Smart Salting strategies. During the 90-day review, the MPCA noted that 60-day comments had been addressed and that the agency had no further comments.
- **Department of Transportation Review.** During the 60-day and 90-day reviews, no comments were received from the Department of Transportation.
- **Board of Water and Soil Resources Review.** During the 60-day review, Board staff thanked the CLFLWD for inviting the Board to participate in the various meetings, workshops, and advisory committee meetings that were part of the development of the Plan. Board staff provided a comprehensive review of the Plan by section. The majority of comments were complementary or related to requests and suggestions for language clarifications, requests to identify missing content, and suggestions for stronger Plan language which included more clear measurability for the non-resource specific Plan goals. Comments related to the Plan Amendment section and the Annual Reporting section were made to ensure that the Plan language was consistent with the requirements in Minnesota Rules, part 8410. During the 90-day review, Board staff thanked the CLFLWD staff for their efforts in proactivity seeking additional input to better understand the Board’s 60-day review comments. Board staff also noted that the 60-day review comments had been addressed and that Board staff had no further comments.

5. **Plan Summary and Highlights.** The Plan provides for the protection and improvement of the water resources of the CLFLWD, recognizing and building on the roles and actions of other stakeholders. The CLFLWD’s water resource management approach is based on a core framework of adaptive management, diagnostic monitoring, and cost-benefit analysis. Adaptive management is defined in the Plan as an iterative approach of resource assessment, problem identification, project implementation, progress evaluation, and course correction that reflects the dynamic nature of water resources, climate, and the surrounding landscape. All CLFLWD activities are guided by scientific methods and economic principles.

An **Executive Summary** is included which provides a synopsis of the entire Plan and will prove useful as a meeting handout or starting point for people looking for a brief introduction to the CLFLWD, what they do, and the Plan. In addition to the Executive Summary, the Plan includes the following sections along with supporting appendices:

- **Table of Contents** provides a detailed outline of the Plan. In the electronic version of the Plan the user can quickly get to the desired section by clicking on the appropriate heading.
- **Section 1: Introduction** includes some basic background on the organization and operation, its history, watershed characteristics, accomplishments from the last Plan and a section on navigating the Plan.
- **Section 2: Issues Identification and Prioritization** describes the planning process used to develop the CLFLWD 2022-2031 Watershed Management Plan. This section also introduces measuring progress towards achieving Plan goals.

- **Section 3: Goals and Section 4 Implementation Plan** together describe the CLFLWD’s priority issues and goals for 2022-2031 and lists the CLFLWD’s initiatives and activities needed to achieve the Plan goals. Issues and goals are organized by program, project issues area or lake management district. For each program or project issue area, this section describes the desired future condition, 10-year measurable goals, progress evaluation metrics, targeted areas of implementation, and implementation activities. The planned programs and projects that will be implemented to address the identified issues and goals are included in these sections, including project and program summaries, progress metrics, and funding guidance.
 - 4.5 Programs describes the issues, goals and implementation activities related to the CLFLWD’s 13 programs.
 - 4.6 Projects describes the issues, goals and implementation activities related to the six project issue areas (floodplains, lakes, streams, wetlands, uplands and groundwater). These are organized by the four lake management districts: Bone, Little Comfort, Forest and Comfort.
 - **Section 5: Implementation Costs, Schedule & Capital Improvement Plan** includes a 10-year cost table for each implementation initiative with yearly cost estimates, scheduling, potential partners, potential additional revenues, and measurable outcomes and outputs that each implementation initiative addresses.
 - **Section 6: Measuring Implementation Progress** describes the tools and metrics used to measure the successful implementation of the Plan and goal progress.
 - **Section 7: Funding and Financing Approach** describes how programs and projects included in the Plan will be funded over the 10-year period.
 - **Section 8: Intergovernmental Coordination and Impacts** describes CLFLWD’s plans to work with local, state, and federal agencies and provides an analysis of the impact of this Plan on local governments, including the requirements for local water management plans.
 - **Section 9: Amendments to this Plan** describes the process to update or complete revisions to the Plan during the 10-year timeframe.
 - **Section 10: Annual Reporting** describes the CLFLWD annual report which will include the financial conditions of the organization, the status of all projects, the business transacted by the CLFLWD, and other matters affecting the interests of the watershed as guided by Minnesota Statutes, section 103D.351 and Minnesota Rules, part 8410.0150.
6. **Central Region Committee Meeting.** On August 4, 2021, the Board’s Central Region Committee and staff met in St. Paul and via teleconference with representatives from the CLFLWD to review and discuss the final draft Plan. Those in attendance from the Board’s committee included Jill Crafton (acting committee chair), Jayne Hager Dee, Mark Zabel, Andrea Date, Melissa Lewis, and Grant Wilson. Board staff in attendance included Assistant Director for Regional Operations Kevin Bigalke, Central Region Manger Marcey Westrick and Board Conservationist Melissa King. CLFLWD representatives in attendance included Jackie Anderson (CLFLWD Vice-President), Steve Schmaltz (CLFLWD Treasurer), Mike Kinney (CLFLWD Administrator), and Emily Heinz (CLFLWD Planning Coordinator), which provided highlights of the Plan and process. Board staff recommended approval of the Plan.

After presentation and discussion, the Central Region Committee voted to recommend approval of the Plan to the full Board. It was noted that committee member Mark Zabel was not present to vote.

CONCLUSIONS

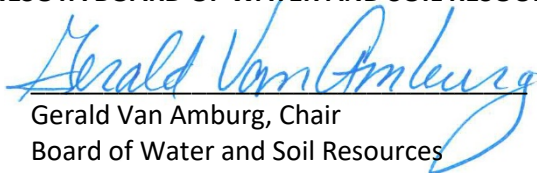
1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Comfort Lake-Forest Lake Watershed District pursuant to Minnesota Statutes, section 103B.231, Subd. 9.
3. The Watershed Management Plan for the Comfort Lake-Forest Lake Watershed District attached to this Order defines water and water-related problems within the Organization's boundaries, possible solutions thereto, and an implementation program.
4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes, sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the Comfort Lake-Forest Lake Watershed District's 2022-2031 Watershed Management Plan.

Dated at Austin, Minnesota, this August 26, 2021.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: August 26, 2021