



## MEMORANDUM

### Comfort Lake-Forest Lake Watershed District

**Date:** January 5, 2023  
**To:** CLFLWD Board of Managers  
**From:** Mike Kinney, District Administrator  
**Subject:** Potential Watershed Management Plan Amendment



**District Wide**

#### **Background/Discussion:**

The purpose of this discussion item is to make the CLFLWD Board aware that the Board of Water and Soil Resources (BWSR) may require a Watershed Management Plan (WMP) amendment to account for the new Lake Association Grant Program. Given past conversations with BWSR in the final months of the current plan development regarding criteria, this matter has been discussed with BWSR staff. BWSR staff will provide a written summary of their opinion via email by Tuesday, January 10, which will be added to the board packet materials at that time.

The key question is whether this is a new program, or a program already outlined in the District's implementation plan. Staff gave a presentation on the cost-share programs that are currently in the implementation plan at the [July 28, 2022 regular board meeting](#).

There is no lake association-exclusive program described under implementation category 3004 Non-Point Source Pollution Abatement Program. The following note was added to [Appendix F](#) to the Watershed Management Plan near the end of the plan update process:

*Note that the District's lake association grant program is included in the existing Community Grant Program, as all District lake associations are non-profit organizations.*

However, at the December 15, 2022 regular board meeting, the Board, by majority vote, approved a proposed Lake Association Grant program that does not align with the WMP description of the Commercial/Community Grant Program (i.e., was not open to any non-profit applicants and was not exclusive to projects that address non-point source pollution). The intention to create a separate program, and a separate pot of dedicated lake association-only money was made clear during that meeting.

Chapter 9 of the WMP describes the process to amend the WMP. It makes note of several revisions which would not constitute an official plan amendment, such as "Adjusting how the CLFLWD will carry out program activities within its discretion." BWSR staff has indicated that the creation of a new program, rather than adjusting the framework of an existing program, does not fall into this category, and as such, would require a formal plan amendment.

Watershed district plan amendments are subject to Minnesota Rules 8410.0140 and Minnesota Statutes §103B.231, subdivision 11.

**From:** [Jordan, Michelle \(BWSR\)](#)  
**To:** [Emily Heinz](#)  
**Subject:** Proposed new CLFLWD cost-share program  
**Date:** Tuesday, January 10, 2023 5:30:57 PM

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Good evening Emily,

And thank you for reaching out about whether the new grant program in development at CLFLWD would require a Plan Amendment (either regular or minor).

Based on the description of the program, it would appear to be the creation of a new program, with associated changes to the Plan needed, rather than clarification of the existing program, 3004D. Commercial/Community Grant. As such I would recommend the regular plan amendment process be followed, rather than the minor plan amendment, or non-amendment. This allows for greater participation by stakeholders in the public planning process. A grounding question to ask is what priority issues and goals in the Plan the program is addressing, and how does it fit into existing implementation actions to address those issues and goals. Some of the points that support the idea that it is a new program, warranting a plan amendment:

- The existing cost-share program (3004D) is a part of the Non-point Source Pollution Abatement Program, with highest priority given to projects resulting in measurable reductions in stormwater and nutrient loadings to receiving water resources. The proposed grant program addresses the priority issue of invasive species.
- The proposed cost-share program is open to a different audience than the existing (lake associations only, vs commercial, multi-family residential, and non-profit).
- In-lake vegetation management is not one of the potential projects listed in the existing grant program (shoreline and streambank restoration/stabilization, pervious parking lots, raingardens, infiltration facilities, biofiltration facilities, and other stormwater management practices.)
- As I understand it the proposed cost-share program would result in a new budget item/shifting of how funds are being utilized.

Additionally it was asked whether management of Eurasian Watermillfoil (EWM) by the watershed district directly (rather than creation of a grant program) would require a plan amendment. Again it is important to look at whether that action is consistent with the goals and priorities of the Plan.

Reading through the Plan goals for Aquatic Invasive Species Prevention and Management (3011), management of EWM could potentially be consistent with Goal 3, provided the management “improves native plant diversity” (*Goal 3: Manage existing populations of AIS to improve native plant diversity by managing AIS populations that pose a risk to native plant health.*) Similarly, in the implementation section of the plan, district management of EWM could potentially fit into 3011G. Aquatic Invasive Species Management provided it was supported by the Comprehensive AIS Prevention & Management Plan. However, to make a full determination of whether a plan amendment would not be needed I would want to review a draft text of what is being proposed.

Please let me know any follow-up questions from CLFLWD on this matter, and don't hesitate to

reach out to discuss further.

**Michelle Jordan | Board Conservationist**

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(she/her)