

m BOARD OF WATER
AND SOIL RESOURCES

May 22, 2019

Resolved by ACD
MAY 29 2019

Upper Rum River Watershed Management Organization
c/o Jamie Schurbon, Watershed Coordinator
Anoka Conservation District
1318 McKay Dr. NE, Suite 300
Ham Lake, Minnesota 55304

RE: Approval of the Upper Rum River WMO revised Watershed Management Plan

Dear Chair and Managers:

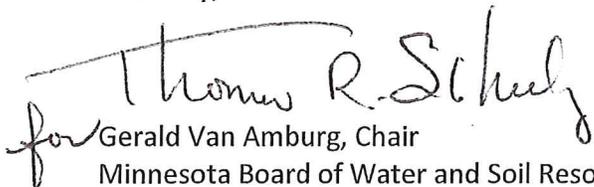
I am pleased to inform you that the Minnesota Board of Water and Soil Resources (Board) has approved the Upper Rum River Watershed Management Organization (URRWMO) revised Watershed Management Plan (Plan) at its regular meeting held on May 22, 2019. Attached is the signed Board Order that documents approval of the Plan and indicates the Plan meets all relevant requirements of law and rule.

This update of the Plan is effective for a ten-year period until May 22, 2028, with a required 5-year amendment completed by May 22, 2023. Please be advised that the URRWMO must adopt and implement the Plan within 120 days of the date of the Order, in accordance with MN Statutes 103B.231, Subd. 10 and distribute copies of the Plan within 30-days of adoption in accordance with MN Rule part 8410.0140, Subp. 5.

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 Board Conservationist Dan Fabian of our staff at 651-332-0786, or dan.fabian@state.mn.us for further assistance in this matter.

Sincerely,


for Gerald Van Amburg, Chair
Minnesota Board of Water and Soil Resources

Enclosure

Bemidji Brainerd Detroit Lakes Duluth Mankato Marshall Rochester St. Cloud St. Paul

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Cc: Jeanne Daniels, DNR (via email)
John Freitag, MDH (via email)
Jeff Berg, MDA (via email)
Judy Sventek, Met Council (via email)
Juline Holleran, MPCA (via email)
Beth Neuendorf, MN DOT (via email)
Kevin Bigalke, BWSR (via email)
Dan Fabian, BWSR (via email)
File Copy

19-23

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

Received by AGD

MAY 29 2019

In the Matter of the review of the Watershed Management Plan for the Upper Rum River Watershed Management Organization, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN

Whereas, the Board of Managers of the Upper Rum River Watershed Management Organization (Watershed) 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 Management Organization Establishment.** The Upper Rum River Watershed Management Organization (URRWMO) was originally established on June 18, 1991 through a Joint Powers Agreement (JPA) between the Cities of Bethel, East Bethel, Ham Lake, Nowthen (formally Town of Burns), Oak Grove and St. Francis. The JPA was amended in 1997 and again in 2011. The URRWMO's purpose is to coordinate watershed-wide efforts to efficiently manage surface and groundwater resources. The current plan was approved by the Board on April 25, 2007 and expired April 25, 2017. The third generation plan was amended one time in 2009 to incorporate standards for water quality, stormwater infiltration, and wetlands and also to include a water quality monitoring plan.
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 URRWMO encompasses approximately 127.2 sq. miles within the northwestern corner of Anoka County, Minnesota. It is bordered by Isanti County to the north, Sherburne County to the west, the Lower Rum Watershed Management Organization to the south, the Coon Creek Watershed District to the southeast, and the Sunrise River Watershed Management Organization to the east. The Organization is bisected by the Rum River, a state-designated Scenic and Recreational

Riverway. Development within the URRWMO's boundaries generally has consisted of land use conversion from agriculture to rural residential with individual wells and septic systems. Approximately 15% of the land use is residential development, 8% is parkland and public land, and the remaining land is primarily agriculture, wetlands, and undeveloped land.

4. **Plan Development and Review.** The URRWMO initiated the planning process for the required 10-yr update to their current 2007-2017 Watershed Management Plan with the required "Notice of Decision to Update" their Plan and a request for Agency and other local stakeholder input per Minnesota Rule 8410.0045 Subp. 2. and Subp. 3. The initial planning meeting and open house was held on June 29, 2016 and was attended by interested stakeholders. The efforts resulted in a comprehensive list of issues for the URRWMO to consider as part of the Plan update. In addition to the Initial Planning Meeting, the planning effort included one CAC and one TAC meeting both on July 20, 2016. In an effort to solicit additional information from member communities the planning consultant met individually with member community staff. The planning consultant worked primarily with the URRWMO Board of Managers in deciding which issues to address and in updating watershed management plan.

The first Draft 60-Day Review Plan was completed and submitted for formal review on December 7, 2016. Significant comments were received. The planning consultant worked with the URRWMO managers to address the comments, make revisions to the Plan and submitted the Plan for the 90-Day final draft review and approval process. BWSR received comments on the 90-Day final draft from review agencies (MNDNR, Metropolitan Council and concurrence from BWSR Staff), which while acknowledging some improvement in the Plan over the 60-day review version, identified serious inadequacies in the Plan, expressing significant concern about the WMO's ability to effectively administer the WMO and implement the Plan to meet requirements in accordance with Minnesota Rule 8410 and Minnesota Statute 103B. The Metropolitan Council included in their review comments a rare recommendation that BWSR withhold approval of the Plan until the concerns were adequately addressed. BWSR concurred with the concerns raised in the Agency reviews and with the recommendations that BWSR withhold approval of the Plan until the concerns were adequately addressed. BWSR staff contacted the URRWMO representatives on November 8, 2017 prior to the end of the 90-day review and approval period, discussed the comments. The URRWMO then withdrew the Plan from the 90-day review and approval process so that they could have an opportunity to further address remaining issues identified in the comments received from the review agencies and BWSR.

During 2018, the URRWMO worked to further revise the Plan to address the issues raised by the review agencies during the initial formal review period, developing a Plan focusing on implementation of projects to address prioritized water quality issues. The new Plan also identifies and funds an administrative structure needed for plan implementation. This includes the establishment of a part-time Watershed Coordinator position to help in the administration of the day-to-day activities of the WMO and implementation of the Plan. The URRWMO has already contracted with the Anoka Conservation District to fill the Watershed Coordinator Position. As part of the Plan revision process, the URRWMO met

and worked with its member communities to get some commitment to provide a reasonable but still modest amount of funding needed to implement the new Plan. Additionally, a workshop was held with the TAC to get input on how best to address the remaining comments. This workshop was well attended by review agencies and was attended by the URRWMO Chair.

The revised draft Plan was re-submitted to the Board, other state agencies, and local governments for a second formal 60-day review on December 14, 2018 pursuant to Minnesota Statutes Section 103B.231, Subd. 7. A public hearing was held on March 12, 2019, no members from the public were in attendance. At that hearing, the URRWMO Managers approved a motion to send the final draft Plan to the Board of Water and Soil Resources for final review and approval. The final draft of the revised Plan was received by the Board on March 21, 2019. Items 5 thru 12 below contain a summary of the comments received during the second formal plan review process.

5. **Local Review.** The URRWMO distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. The URRWMO received comments from the Anoka Conservation District, Anoka County, and The Lower Rum River WMO. The URRWMO responded in writing to all stakeholders who commented during the 60-day review period, addressing each concern.
6. **Metropolitan Council Review.** During the 60-day review the Council reiterated its appreciation for the thorough land and water resources inventory, the inclusion of local and regional partners in the discussion of priority issues. The Council suggested establishment of a land use goal that tied water quantity and quality to land use as well as the adoption of Minimal Impact Design Standards (MIDS). Updates to Plan data references and suggestions for the water quality monitoring program were also made by the Council. The URRWMO responded in writing to all Council comments during the 60-day review period. During the final 90-day review the Council commented that they had reviewed the final draft Plan and had no further comments.
7. **Department of Agriculture Review.** The MDA responded that they had no comments resulting from the final 90-day review.
8. **Department of Health Review.** The MDH did not comment on the Plan.
9. **Department of Natural Resources Review.** During the 60-day review, the DNR provided a very comprehensive coordinated review including review comments from the Area Hydrologist, Forestry, Environmental Review, and groundwater appropriations. Comments included noting that the Plan provided a thorough and well organized inventory and assessment of the resources as well as a good assessment of issues; comments identified opportunities for Plan improvement; made suggestions for additional information to be included in the Plan; and also raised a concern that the funding levels and proposed implementation projects were still insufficient to achieve any meaningful protections and improvements to water resources. They mentioned an analysis made during the initial Plan

development process that indicated that the City membership contributions per \$100,000 of taxable market value, were significantly lower than other metro area water management organizations. The DNR also acknowledged the improvement in funding and implementation activities over the previous iteration of the Plan. The URRWMO responded in writing to all DNR comments during the 60-day review period. During the final 90-day review, the DNR commented that they had reviewed the final draft Plan and were appreciative of the addition of the Watershed Coordinator Position and was encouraged that the URRWMO is now budgeting for matching funds and will be seeking to find and implement projects within the watershed. The DNR looks forward to working with the URRWMO during this plan cycle, and encourage the URRWMO to continue developing its capacity and budget, and continuing to expand its role in the management and protection of water resources within its boundaries.

10. **Pollution Control Agency Review.** During the 60-day review the four MPCA comments identified revisions needed to correct or update some of the information provided in the plan. The URRWMO responded that they would make all of the suggested text revisions. The MPCA 90-day review of the final draft noted that all of the agencies previous comments had been incorporated into the Plan and that they felt that the Plan was consistent with the agency's goals for meeting water quality standards. The MPCA also noted that the Plan does a great job at incorporating the short and long-term goals identified in the WRAPS documents for the Rum River Watershed.
11. **Department of Transportation Review.** During the 60-day review MNDOT comments requested clarification to the Plan to note that MNDOT was the WCA authority in the MNDOT right-of-way. The URRWMO addressed the comment received. No additional comments were received from MNDOT during the 90-day review of the final draft.
12. **BWSR Review.** During the second 60-day review BWSR staff commended the URRRWMO Managers on their commitment and additional efforts that the Managers made in revising their Plan to better address the comments received during the first 60-day and 90-day review periods, noting that the efforts resulted in a stronger Plan and set the URRWMO up for success by establishing a staffed administrative process to better implement the Plan. BWSR comments were based primarily on remaining issues from the first 90-day agency review period. The URRWMO responded in writing to all BWSR comments provided during the 60-day review period. During the 90-day review of the final draft BWSR indicated that they had no further comments on the Plan, but did note a concern about the member communities continued support of the URRWMO with a sufficient budget necessary to implement the URRWMO plan throughout its expected 10-yr life.
13. **Plan Summary and Highlights.** The Plan establishes a series of goals based on the priorities identified by the URRWMO planning process. Goals were grouped into eight (8) different goal areas: A) Water Quantity and Floodplain Management; B) Water Quality; C) Wetlands; D) Groundwater; E) Drainage Systems; Reduced Erosion; F) Protect and Enhance Fish and Wildlife Habitat and H) URRWMO Operations and Programing. The individual goals

established for each goal area identify the metric that the URRWMO will use to measure their progress towards meeting those goals. Paired with the eight goal areas are implementation strategies that the URRWMO will pursue to meet the goals.

The Implementation Plan found in **Chapter 5** is the most significant improvement to the URRWMO Plan. In comparison to previous URRWMO plans it is a transition from only studying and monitoring, towards project implementation to address identified priority issues. A schedule is provided in **Table 5-3 – Strategies and Implementation Schedule** for implementation of the various goal strategies previously mentioned. **Table 5-4 – Implementation Program and Budget** lays out the estimated annual budgets needed through 2028 to implement the identified strategies and a description of the actions (including WMO operations and project implementation) that will be taken. Matching funds for future grant applications to implement priority capital improvement projects are included as items in the budget. The Plan identifies three priority areas for implementation of capital improvement projects:

- Lake George, which is a regional high quality lake with a declining trend in water quality.
- The Rum River shorelands. Specifically areas of the Rum River that have been identified as experiencing significant bank erosion, which can reduce water quality.
- Rum River urban stormwater runoff. Initially stormwater BMP retrofits in the City of St. Francis will be pursued based on the Cities existing stormwater retrofit analysis.

To help target the most cost effective projects in each of these priority areas, the URRWMO Board adopted, as part of the URRWMO Plan, an existing Subwatershed Assessment Study (SWAS) for each area. The Lake George and Rum River assessment studies were prepared by the Anoka Conservation District (ACD). The City of St. Francis assessment study was prepared as a joint effort by the City and the ACD. The adopted SWAS's are listed in Appendix F along with a brief discussion and a link to the adopted document, which is located on the URRWMO website. The implementation plan also identifies five priority subwatersheds to pursue for development of future SWAS. The implementation program is budgeted for completion of four future SWAS. Once a SWAS is completed to the satisfaction of the URRWMO Board, they will adopt the SWAS and include it in Appendix F of the Plan and the CIP by pursuing a minor plan amendment.

14. Metro Region Committee Meeting. On May 2, 2019, the Board's Central Region Committee and staff met in St. Paul to review and discuss the final Plan. Those in attendance from the Board's committee were Jill Crafton (by telephone), Joel Larson (by telephone), Glenn Skuta, Duane Willenbring, Paige Winebarger (by telephone), and Joe Collins, chair. Board staff in attendance were Central Region Manager Kevin Bigalke and Board Conservationist Dan Fabian. URRWMO representatives' John West (URRWMO Chair), Jamie Schurbon (Anoka CD/Water Plan Coordinator) and Charles Schwartz (MSA Engineering) provided highlights of the Plan and process. Board staff recommended approval of the Plan with a required 5-year plan amendment.

After presentation and discussion, the committee unanimously voted to recommend the approval of the Plan, with a required 5-year plan amendment, to the full Board.

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 Upper Rum River Watershed Management Commission pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The Watershed Management Plan for Upper Rum River Watershed Management Organization attached to this Order defines water and water-related problems within the URRWMO's boundaries, possible solutions thereto, and an implementation program.
4. The Watershed Management Plan and Capital Improvement Program extends to April, 2028, with a required 5-year plan amendment.
5. 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 Upper Rum River Watershed Management Organization Watershed Management Plan dated April, 2019. The Upper Rum River Watershed Management Plan is approved, effective May 22, 2019 thru May 22, 2028, with a required 5-year plan amendment.

Dated at Saint Paul, Minnesota this 22st day of May, 2019.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


BY: Gerald Van Amburg, Chair