COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: August 14, 2017
AGENDA NUMBER: 23
ITEM: Sunrise River WMO Boundary Change

AGENDA: Discussion

ACTION REQUESTED
Receive report & Provide direction to staff

BACKGROUND
On September 12, 2016 the Board directed staff to prepare a petition for boundary amendment with the Sunrise WMO in the area of Coon Lake.

In January, 2017, after addressing corrections and concerns the District sent the petition to the affected units of government requesting a ‘Statement of Concurrence’ on the changes proposed.

In February, Statements of Concurrence were received from the Sunrise WMO. The City of Ham Lake raised questions about the accuracy of the hydrologic boundary north of 179th Avenue, west of Coon Lake and encourages the District to investigate. The field reconnaissance is completed by the end of February.

The reconnaissance found that there is a 166 acre minor-subwatershed that discharges to Coon Creek (Ditch 58-1) through a 15 inch culvert under 179th Avenue approximately 100 feet east of Dunkirk. The upstream invert is at an elevation of 905.3 (1929 datum). Based on LiDAR and field observation, the land north of 179 Avenue is approximately 906.0 before dropping off into a state protected water (50w).

In March staff met with representative of the Sunrise WMO, City of Ham Lake and City of East Bethel. Of the four units of Government, only Ham Lake favored either adding the entire minor subwatershed, or just the portion within the City of Ham Lake.

In March staff briefed the Board and was directed to seek guidance from the BWSR, as well as contact Sunrise WMO to determine their willingness to take the lead and submit the petition.

The meeting Sunrise WMO Board met in early May and indicated that they thought the Ham Lake City Council would support not changing the boundary in the area of 175th, if there was no real benefit to the property owners or the resource.

On May 8, 2017 the Board of Managers was briefed and presented the three potential scenarios of the a boundary change in the vicinity of 179th Avenue. The Board chose to
leave the boundary the same and submit the petition to amend the boundary with Sunrise WMO in the vicinity of Coon Lake in northern Ham Lake.

On June 29 the petition was submitted to the BWSR. On June 30 the City of Ham Lake submitted comments to the BWSR that the proposed boundary amendment was not to the approval of the City of Ham Lake citing that “The boundary change does not consider a portion of Ham Lake and East Bethel that are within the hydrologic boundary of the Coon Creek Watershed District.”

On July 21 the District received a call from Kevin Bigalke and Dan Fabian, BWSR indicating that they would be rejecting the petition. The BWSR had found that the petition was “insufficient”, due to the lack of a “Letter of Concurrence” from the City of Ham Lake. The official written notice is attached.

BWSR recommended that the District resubmit under M.S. 103D.251 Subdivision 1 where BWSR would then hold a hearing to determine of all, none or part of the lands under question should be included in the Coon Creek Watershed District.
ISSUES/CONCERNS

*Petition Insufficiency:* BWSR found that the petition submitted did not include a written statement of concurrence from the governing body of each statutory or home rule charter city having jurisdiction over the territory proposed to be added or transferred.

*Watershed District Act Methodology (103D.251):* BWSR staff recommended resubmittal of the petition under MS 103D.251. The letter indicates that once the petition is resubmitted, staff would review the petition and “work with the BWSR Board to order a hearing to consider the proposed boundary change.” M.S. 103D.251 Subdivision 1 requires that the boundaries:

1. Define contiguous areas.
2. May include all or part of one or more watersheds

This means that the resulting BWSR order could include the portion of Ham Lake north of 179th leaving management of the outlet of the minor subwatershed to the City of Ham Lake and the Coon Creek Watershed District.

PRIOR DECISIONS

OPTIONS

1. Cease pursuing boundary amendment
2. Submit petition under 103D.251 and prepare for BWSR hearing
3. Resubmit petition under 103B.215 but include East Bethel minor subwatershed

RECOMMENDATION
July 28, 2017

Mr. Tim Kelly
Coon Creek Watershed District
12301 Central Ave NE, Suite 100
Blaine, MN 55434

Re: Coon Creek Watershed District’s petition for a boundary change

Mr. Kelly:

The Board of Water and Soil Resources (BWSR) has received the Coon Creek Watershed District’s (District) petition for a boundary change. Upon review of the petition, BWSR staff has determined that the District’s petition is not a sufficient petition in accordance with the boundary change petition requirements of MN Statute 103B.215. The petition submitted by the District did not include a written statement of concurrence from the governing body of each statutory or home rule charter city having jurisdiction over the territory proposed to be added or transferred.

BWSR staff recommends the District submit a petition for a boundary change under MN Statute 103D.251. Once a petition for a boundary change following the requirements of MN Statute 103D.251 is received, BWSR staff will review the petition and work with the BWSR Board to order a hearing to consider the proposed boundary change.

Please contact me with any questions.

Sincerely,

Daniel A. Fabian
Board Conservationist

c: Kevin Bigalke, BWSR Central Region Manager