COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: February 26, 2018
AGENDA NUMBER: 6
ITEM: Notice of Intent to Amend Watershed Management Plan

AGENDA: Policy

ACTION REQUESTED
Review and adopt attached Notice of Intent to amend the District’s Watershed Management Plan.

BACKGROUND
In 2015 the Minnesota Board of Water and Soil Resources (BWSR) as required under the Metropolitan Surface Water Management Act (Minn. Stat. 103B.201-.253) (Act) making it easier for local governmental units to amend and update their Watershed Management Plans. BWSR included in its adopted amendments specific guidance and requirements for implementing the Act along with the specific requirements for planning or amending the Watershed Management Plans.

M.R. 8410.0045 (Attached) provides specific guidance for an initial identification and assessment of water and related resource issues. In addition to a requirement to contact all review agencies and stakeholders, the rule requires the District to send a “Notification of Plan Initiation” and a request from the review agencies and stakeholders
1. Their expectations for the plan
2. The agency’s priority issues
3. Summaries of Relevant water management goals and water resource information

ISSUES/CONCERNS
1. Need for Plan Amendment: At present we are half way through the 10-year planning cycle required by the Metropolitan Surface Water Management Act. The current plan is for 2013-2023. A strategic update was completed in conjunction with the 2015 annual report and 2016 budget. The following are the needs driving the amendment of the plan:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Need</th>
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<tbody>
<tr>
<td>Water Quality</td>
<td>The current plan notes the conduct of the WRAPS and the completion of the TMDLs for Coon, Sand, Springbrook and Pleasure Creeks. The plan anticipated that the WRAPS and TMDL would require an amendment to clarify the District’s approach, roles, goals and costs in addressing water quality management needs within the watershed.</td>
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<tr>
<td>Topic</td>
<td>Need</td>
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<tr>
<td>Capital Improvements</td>
<td>In addition, the adoption of the current NPDES permit and the pending update require the District to revisit issues and operations to address both efficiency and effectiveness.</td>
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<td>Capital Improvements</td>
<td>The current CIP is incomplete and out of date relative to future projects and activities that the District will need to address.</td>
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<td>Capital Improvements</td>
<td>The CIP needs to be updated to address projects that need to be done and may qualify for grants (A major criteria for grant funding is that the project is in the WMO’s CIP)</td>
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<tr>
<td>Rules and Regulations</td>
<td>With an adoption of the TMDL and refinements in the District’s assessment of flooding, both the plan’s regulatory chapter and the District Rules need to be updated.</td>
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<td>Plan Approach</td>
<td>The 2013 Plan took a utilitarian approach to service and beneficial uses. If a more strictly statutorily literal approach to meeting the mandates and demands on the District is desired by the public and Board then the entire plan should be revisited.</td>
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<td>Funding Approach</td>
<td>Since the plan’s adoption in 2013 there have been informal discussions of moving toward a runoff fee-based method of funding District opportunities. To make this shift, the approach and the steps to get there need to be in the watershed management plan.</td>
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2. **Time Limit:** The time limit on Review Agency comment and issue identification and local review is 60 days. 60 days from 2/28/2018 to April 29, 2018

3. **Initial planning meeting:** At the end of the 60 days, The Board of Managers is required to hold a meeting “to receive, review, and discuss input” on the water resource issues facing the watershed. The first Board meeting after the April 29 comment period ends would be the May 14 Board meeting.

4. **Assessment of Issues and Identification of Priority Issues:** The final assessment of issues and priorities must consult the input provided by this process in addition to planning studies and trends.

**PRIOR DECISIONS**
OPTIONS
1. Adopt the attached “Notice of Intent to Amend Watershed Management Plan”
2. Table staff report pending clarification &/or additional information
3. Table staff report for consideration at a later date

RECOMMENDATION
Adopt Attached Notice of Intent
Notice of Intent to Amend Watershed Management Plan of the Coon Creek Watershed District

Notice Adopted by the Watershed District Board of Managers 2/26/2018

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Document Details

Printed Version:
PDF (www.cooncreekwd.org)

Publication Date
2/28/2018

Agency:
Coon Creek Watershed District (www.cooncreekwd.org)

Dates:
This Notice initiates the public scoping process for Watershed Management Plan amendments with associated documents. Comments may be submitted in writing until April 29, 2018. The Board of Managers will review a report on the comments submitted at their May 14, 2018 regularly scheduled Board meeting. The dates and locations of any scoping meetings will be announced at least 14 days in advance of the meeting through local news media, newspapers public notice and the District website at www.cooncreekwd.org.

To be included in the analysis, all comments must be received prior to April 29, 2018. The District will provide additional opportunities for public participation as appropriate as part of the Board’s regularly schedules meetings on the second and fourth Monday of each month.

Comments Close:
April 29, 2018

Document Citation:
Minnesota Rule 8410.0045 Subp 4
Notice of Intent to Amend Watershed Management Plan of the Coon Creek Watershed District

AGENCY
Coon Creek Watershed District

ACTION
Notice of Intent to Amend Watershed Management Plan

SUMMARY
The 2013-2023 Watershed Management Plan cites that the plan will be amended upon completion of the “Watershed Restoration and Protection Strategy” and approval of the Total Maximum Daily Load (TMDL).

In addition, the current Watershed Management Plan recognizes that it will be necessary to amend the plan from time to time, in light of changing conditions and as new information becomes available.

The CCWD Board of Managers each year during its annual budget process will discuss and consider the need for any potential amendments to this plan. The need for plan amendments will be evaluated based on:

- annual and Watershed Management evaluations
- changed conditions
- changes in statute
- monitoring and inspection program information
- new information.

Issues or opportunities may arise when the public comments on the need for change and proposed plan amendment or revision are received.

Minnesota Statutes 103B and Minnesota Rule 8410 notes that the “Issue Identification and Assessment” process is intended to identify priority issues in consideration of:

1. Water management problems, including prevention of future water management problems
2. Funding levels
3. Regional, County, City, State and Federal water and related resource management priorities

Review Agencies
Review agencies are requested to note the following:

- Their management expectations for the Watershed Management Plan
- Their priority water management issues
• A summary of their relevant water management goals and water resource information
• Official Controls
• Water Management Programs

DATES:
This Notice initiates the public scoping process for Watershed Management Plan amendments with associated documents. Comments may be submitted in writing until April 29, 2018. The Board of Managers will review a report on the comments submitted at their May 14, 2018 regularly scheduled Board meeting.

The dates and locations of any scoping meetings with be announced at least 14 days in advance of the meeting through local news media, newspapers public notice and the District web site at www.cooncreekwd.org. The District will provide additional opportunities for public participation as appropriate.

ADDRESSES
You may submit comments on issues and concerns related to amending the Watershed Management plan to using the following:
E-mail: info@cooncreekwd.org
Written: Watershed Management Plan
Coon Creek Watershed District
12301 Central Avenue NE, Suite100
Blaine, MN 55434

The following is a list of District contacts and locations where supporting documents may be examined.

Web: www.cooncreekwd.org/Programs/water quality

Plan and Process: Tim Kelly: telephone: 763-755-0975; email: info@cooncreekwd.org

Water Quality: Justine Dauphinais; telephone: 763-755-0975; email: info@cooncreekwd.org

If your comments, issues or concerns are specific to an individual area, water resource type or ditch system, please specify that in your comments.

Documents pertinent to this proposal may be examined at the addresses listed below in SUPPLEMENTARY INFORMATION.
FOR FURTHER INFORMATION CONTACT:
Tim Kelly, District Administrator at (763) 755-0975, email info@cooncreekwd.org

For a list of District contacts please see the SUPPLEMENTARY INFORMATION section below or go to the District’s web site (www.cooncreekwd.org)

SUPPLEMENTARY INFORMATION
On April 14, 2016 the Minnesota Pollution Control Agency approved a Watershed Restoration and Protection Strategy for Coon Creek, Sand Creek, Pleasure Creek and Springbrook Creek. That three year grant funded Watershed Management water quality assessment reviewed the entire watershed identified the sources of the water quality elements leading to the Federal Water Quality 303d Impairments for the Aquatic Life and Aquatic Recreation. The Total Maximum Daily Loads for those impairments were approved by the U.S. Environmental Protection Agency on September 26, 2016. The TMDL is categorical meaning that Waste Load Allocations (WLAs) have been established for each impaired waterbody allowing for continued collaboration between cities and the District within a watershed. This approach is consistent with a key strategy outlined in the District’s current watershed management plan. It also means that the watershed management plan needs to be updated.

The 2013-2023 Watershed Management Plan cites that the plan will be amended upon completion of the “Watershed Restoration and Protection Strategy” (WRAPS) and approval of the Total Maximum Daily Load (TMDL).

The CCWD coordinated the WRAPS work group and Technical Advisory Committee to develop the WRAPS and continues to monitor and identify water management issues that warrant clarification and reconsideration. This coordination effort is continuing and will help to inform the CCWD and cities implementation of the TMDLs. The Notice and potential planning effort does not preclude the District or the cities from addressing issues and inconsistencies through other means, including policy, training, or maintenance of the conveyance system. Nor does it commit the District to amending, all, or none of the remainder of the Watershed Management plan.

You may submit comments in writing to the District at any of the regularly scheduled Board meetings, or you may submit them using the methods listed in the ADDRESSES section above. You should submit comments by the end of the 60-day scoping and review period (April 29, 2018) or within 14 days after the last public scoping meeting, whichever is later.

The District will utilize and coordinate the Issue and Concern scoping process to help fulfill the public participation process under MR 8410.0045.
The public is encouraged to help identify any issues, management questions, or concerns that should be addressed in the plan amendment(s). The District will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, state or national concerns.

Issues may also address potentially serious resource conditions that may require immediate attention because the condition presents a serious problem on the current or future provision of a beneficial use or because there is no known management strategy or technology for dealing with the condition or situation. Issues also describe areas in which we anticipate the need for expanded involvement in the future. The District will use an interdisciplinary approach to develop the plan amendment(s) in order to consider the variety of water and related resource issues and concerns identified.

The Districts hopes that the public will assist by adopting the following format for identifying their concerns.

- **Issue Statement**: Describes the nature and impacts of the issue being discussed. The purpose of the Issue Statement is to zero in on the impact and importance to the people and water resources within Coon Creek Watershed.

- **Goals and Objectives**: Suggests the direction or specific outcomes to address the issue as described.

- **Background**: Provides additional background on the issue that pertains to successfully addressing the issue.

- **Current Situation**: Provides a description of current physical, social financial or policy that directly or indirectly pertains to the issue.

- **Suggested Strategies and Actions**: List more specific actions that might be taken to address the issue and who should take those actions.

**Evaluation and Requested Form of Comments, Issues and Concerns**

The District will evaluate identified issues to be addressed in the plan and will place them into one of three categories:

1. Issues to be resolved in the plan amendment(s)
2. Issues to be resolved through policy or administrative action
3. Issues beyond the scope of the plan amendment or the authorization of the District.

The District will pay particular attention to water resource issues that are growing in importance by presenting risks to the public health, safety and welfare as a result of current economic and demographic trends and in response to more recent legislative actions and mandates.
AUTHORITY
Minnesota Statute 103B.201-.253
Minnesota Rule 8410.0045

Tim Kelly
District Administrator
8410.0045 ISSUE IDENTIFICATION AND ASSESSMENT.

Subpart 1. Priority issues.

A. Each plan shall identify priority issues in consideration of:
(1) water management problems, including prevention of future water management problems;
(2) funding levels; and
(3) regional, county, city, state, and federal water management priorities that are identified under this part.

B. Priority issues must be evaluated, addressed, and prioritized in the goals and implementation sections of the plan according to parts 8410.0080 and 8410.0105.

Subp. 2. Advisory committee.
Watershed districts must comply with Minnesota Statutes, sections 103D.331 and 103D.337. All other organizations must establish an advisory committee, committees, or other means of public and technical participation acceptable to the board, for the purpose of making recommendations on a plan or ten-year plan amendment. The recommendations must address the issues identified under subpart 7. The process must be summarized in the plan or ten-year plan amendment.

Subp. 3. Plan review agency notification and involvement in plan development.
Before development of a plan or ten-year plan amendment, an organization must send notification to each plan review agency of plan initiation and correspondence requesting the management expectation for the plan review agency's priority issues, summaries of relevant water management goals, and water resource information. The organization must allow at least 60 days for the information to be submitted. For information received within the prescribed time period, the organization must take into consideration the goals of the plan review agencies and identify in the plan or plan amendment any inconsistencies with the organization's goals.

Subp. 4. Review of local issues and controls.
Before development of a plan or ten-year plan amendment, an organization must send notification to each county, city, township, and soil and water conservation district wholly or partially within the organization, and to known stakeholders including the Minnesota Department of Transportation, of plan initiation and correspondence requesting input that includes local water-related issues, water management goals, official controls, and programs. The organization must allow at least 60 days for the information to be submitted. Known stakeholders include, but are not limited to, any entity that requests to be placed on the organization's
mailing list. For information received within the prescribed time period, the organization must take into consideration the local water management goals and identify in the plan or plan amendment any inconsistencies with the organization's goals.

Subp. 5. Initial planning meeting.
In the development of a plan or ten-year plan amendment and after completion of the time requirements under subparts 3 and 4, an organization must hold an initial planning meeting presided over by the organization's governing body to receive, review, and discuss input. Written notification must be made to the plan review authorities and known stakeholders including affected counties, cities, and towns and the Minnesota Department of Transportation. Legal notice must be posted on the organization's Web site and comply with open meeting law requirements. All notifications must occur at least two weeks before the meeting. The plan must document the public input.

Subp. 6. Relationship with other programs.
In consideration of subpart 1, item A, subitem (3), a plan or ten-year plan amendment shall identify and consider all relevant plans and programs in setting priority issues. An organization must coordinate its planning activities with contiguous organizations and with counties and cities conducting water planning within the boundaries of the organization.

Subp. 7. Assessment of issues and identification of priority issues.
In developing a plan or ten-year plan amendment, an organization must identify priority issues after assessing available information including the input received under this part and data and trend analyses under part 8410.0060. The input received must be summarized and the assessment process for evaluating issues received, and goals received from the plan review authorities, must be included in the plan or ten-year plan amendment. The success of implementing the previous plan, if any, must be summarized and considered in identifying priority issues.