

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

In the Matter of the review of the Watershed Management Plan for the **Sunrise 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 Sunrise River Watershed Management Organization (Organization) submitted a Watershed Management Plan (Plan) dated February 8, 2010, 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 Organization Establishment.** The Organization was formed in 1985 when the city of East Bethel and townships of Columbus and Linwood entered into a joint powers agreement (JPA) establishing the watershed management organization. The City of Ham Lake was added to the JPA on or before November 1, 2000. The JPA provides for the preparation of a watershed management plan in accordance with Minnesota Statutes Section 103B.231. This is the third Plan of the Organization.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current Organization watershed management plan was approved by Board Order on January 24, 2001. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.

3. **Nature of the Watershed.** The Organization encompasses approximately 45,300 acres in the northeast corner of Anoka County. The area consists of relatively flat topography containing extensive lakes and wetlands. The predominant land uses are agriculture and public recreation. Residential development historically centered on the lakes and more recently has shifted to rural residential development on large parcels. Development is limited by the availability of buildable land.
4. **Plan Development and Review.** The Plan builds upon the studies and monitoring work completed under the previous plan, and shifts the focus towards correcting problems, being protective against new problems, and monitoring for changes.

The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on August 14, 2009. A public hearing was held on November 19, 2009. On November 24, 2009, the draft revised Plan was sent to the review agencies for the 45-day review period. The final draft of the revised Plan was received by the Board on March 25, 2010.

5. **Local Review.** The Organization distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

City of Columbus. The city strongly supported the exemption of paving existing gravel roads from the stormwater performance standards. The city noted an inconsistency in the budget table and requested the timeline for completing stormwater ponds mapping be extended. The Organization addressed these comments.

City of East Bethel. The city noted two errors in the plan and outlined the changes the East Bethel Water Management Plan will require upon approval of the Plan. The Organization addressed the errors and thanked the city for the thorough review.

City of Ham Lake. The city provided corrections to the population growth forecasts. The Organization incorporated these corrections.

6. **Metropolitan Council Review.** The Council determined that the Plan is consistent with the Council's *Water Resources Management Policy Plan*, and will provide a good framework for protecting water resources in the watershed.
7. **Department of Agriculture Review.** The MDA did not comment on the Plan.
8. **Department of Health Review.** The MDH did not comment on the Plan.
9. **Department of Natural Resources Review.** The DNR found the plan to be well-written and well-prepared and noted that it included effective provisions for stormwater and wetlands. The DNR requested inclusion of language and additional information in the Resource Inventory and Assessment section regarding ecologically significant areas. The DNR also provided corrections and updates to references information in the plan. The DNR suggested the Plan include discussion of the re-suspension of sediments due to outboard motors in Typo Lake and that

surface use ordinances be considered to address this issue. The DNR recommended and encouraged local government units to become familiar with the complete array of erosion control best management practices to address water quality and offered assistance with goals for lakeshore restoration, aquatic invasive species, and protection of upland native plant communities and rare species. The DNR noted a lack of receipt of Wetland Conservation Act notices from the local government units in the Organization and provided contact information. The Organization sufficiently and appropriately addressed these comments.

10. **Pollution Control Agency Review.** The PCA stated that overall the plan looked very good and the Anoka Conservation District should be commended for their efforts in the preparation of the plan. The PCA noted that the Plan's phosphorus reduction goal is consistent with the overall goal for the St. Croix basin; however, further reductions may be required for the Sunrise River. The PCA requested inclusion of additional information regarding impaired waters information, wetland functions, septic systems, stormwater standards, and monitoring in the plan. The PCA noted that funding may be available for developing TMDLs and encouraged utilization of the Environmental Data Access System. The Organization addressed all comments.
11. **Department of Transportation Review.** The DOT did not comment on the plan.
12. **Board Review.** Board staff found the implementation plan of the 60-day review draft to be unclear in how the Organization would accomplish many of the goals, policies and actions in the Plan. Additionally, the 60-day review draft did not clearly define the responsibility of the WMO and the responsibilities of the member communities to carry out implementation of the plan. Based on these findings, Board staff requested extensive revisions. The Organization complied with this request. Board staff found many improvements in the 45-day review draft and provided a few minor comments in the goals and policies and the implementation sections of the Plan. The Organization addressed all comments. BWSR staff found the final submittal of the plan to be consistent with statute and rule.
13. **Plan Summary and Highlights.** The critical elements of the Plan are the goals, policies, and actions for the six priority topics of the Organization. These priorities, listed in order, are: water quality, septic system compliance, education, aquatic plants, funding, and lakeshore restorations. The plan includes standards for stormwater including preferred stormwater management techniques, peak flow rate control, volume control, and infiltration design and construction; and standards for wetlands including delineation and classification, appeals of wetland classification, standards for wetland classes, wetland buffers, structure setbacks, excavations, and stormwater discharge to wetlands. The plan is to extend through December 31, 2019.
14. **Metro Water Planning Committee Meeting.** On May 12, 2010, the Board's Metro Water Planning Committee and staff met with a representative from the Organization in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Rebecca

Flood, Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. The representatives from the Organization were board members Mark Walsh and Leon Mager, and Jamie Schurbon from the Anoka Conservation District. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

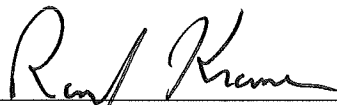
1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Sunrise River Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The Sunrise River Watershed Management Organization Watershed Management Plan 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 attached Plan, dated February 8, 2010, as the Sunrise River Watershed Management Organization Watershed Management Plan.

Dated at St. Paul, Minnesota this 26th day of May 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Randy Kramer, Chair