ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN

In the Matter of the review of the Watershed Management Plan for the Rice Creek Watershed District, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

Whereas, the Board of Managers of the Rice Creek Watershed District (RCWD) 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 District Establishment. The RCWD is a special-purpose unit of government that was established by the Minnesota Board of Water and Soil Resources (BWSR) on January 18, 1972 based on a nominating petition initiated by the County Boards of Anoka, Ramsey and Washington Counties. The District was established with the purpose of conserving and restoring water resources for the beneficial use of current and future generations.

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 Rice Creek Watershed District (RCWD) encompasses approximately 186 square miles of urban and rural land primarily in Anoka, Ramsey and Washington counties with a small portion in Hennepin county. Land in the District is relatively flat, particularly in the north-central portion where the Rice Creek Chain of Lakes is the dominant feature. Generally, the land use ranges from heavily developed with a mix of industrial, commercial, retail, multi-family and single-family residential land uses in the southwest part of the RCWD to more rural, with agricultural and undeveloped land use in the north and east. The more urbanized southwest part of the RCWD reflects its proximity to Minneapolis and St. Paul. Retail and industrial complexes are evident along the I-35W corridor to the north. Rice Creek is the principal stream of the watershed; the creek and its tributaries serve multiple purposes including draining agricultural and urban areas, providing a backup water supply for the City of St. Paul, and serving as a recreational resource.

4. Plan Development and Review. On February 15, 2018 RCWD formally initiated the planning process for completing the required 10-yr update to their Watershed Management Plan (WMP) with the required “Notice of Decision to Update” their WMP and a request for Agency and local stakeholder input per 8410.0045 Subp. 2. and Subp. 3. The initial kick-off event and planning meeting was held on August 2, 2018 for the Technical Advisory Committee (TAC), City & County partners. Prior to the kick-off event solicitation of input from the RCWD’s standing Citizen Advisory Committee (CAC) started on February 7, 2018, to help the Board of Managers further develop their strategic direction of the next 10-yr WMP. A similar meeting was held on February 28, 2018 with the RCWD’s standing TAC. TAC and
CAC input was sought throughout the entire plan development process. The general public outreach campaign started on November 15, 2018 with an open house held at the Ramsey County Library and was also continued throughout the plan development.

The draft Plan was submitted to the Board, other state agencies, and local governments for the formal 60-day review on August 8, 2019 pursuant to Minnesota Statutes Section 103B.231, Subd. 7. The RCWD prepared a written response to the 60-day comments and then held a public hearing on November 4, 2019. Once the WMP revisions to address comments received were completed, the RCWD Managers passed a resolution to send the revised draft Plan to the Board of Water and Soil Resources (and State Review Agencies) for the final 90-day review and approval. This was received by the Board on December 30, 2019. Comments received during the 90-day review period indicated that the commenters had no further comments and they commended the RCWD on their planning process and completion of the RCWD 2020-2030 Watershed Management Plan. The Items below contain a summary of the comments received during the formal plan review process.

- **Local Review.** The RCWD distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. The RCWD received comments from the Anoka County, Washington County, Anoka Conservation District, Washington Conservation District, the cities of Lino Lake, Hugo, Centerville, Circle Pines, Fridley, Mahtomedi, Mounds View, and White Bear Lake. The RCWD responded in writing to all stakeholders who commented during the 60-day review period, addressing each concern.

- **Metropolitan Council Review.** During the 60-day review the Council commended the RCWD for preparation of an excellent plan that is consistent with Council policies and the Council’s Water Resources Policy Plan. The Council further noted that the RCWD continued its innovative and comprehensive management of the watershed’s water resources. For the 60-day review the Council raised a question on excess nutrient reduction needs for some of the lakes identified in Table 3-3 as being high in comparison to other lakes in the table. The council suggested that the plan explain the differences and discuss possible strategies for achieving the reductions. The RCWD responded in writing to all Council comments received during the 60-day review period, addressing each concern. No additional comments were received from the Council during the 90-day review.

- **Department of Agriculture Review.** During the 60-day review MDA indicated that they had no comments. The MDA responded that they had no additional comments resulting from the final 90-day review.

- **Department of Health Review.** During the 60-day review MDH indicated that they had no comments and no comments were received following the 90-day review.

- **Department of Natural Resources Review.** During the 60-day review, the DNR thanked the RCWD for making efforts to include recommended actions they provided at the beginning of the Plan update process. The DNR also suggested the RCWD consider an inventory of springs and noted the need for a DNR Water Appropriations Permit for an appropriation of more than 10,000 gallons. Following the 90-day review the DNR commented on the thorough job done in gathering input during the Plan update process and noted that the Plan is well organized and provides a detailed implementation plan.

- **Pollution Control Agency Review.** During the 60-day review the MPCA comments noted support for the RCWD’s stated intention to add chloride monitoring to its monitoring program. A comment also noted a concern about the measures being used for the listed goal of protecting and improving water quality by managing nutrient loading. The final MPCA commented that they would like to see pollutant reductions quantified for CIPs that affect impaired waters. During the 90-day comments this item was a suggestion for consideration during future planning efforts but otherwise considered the plan adequate and had not further comments.

- **Department of Transportation Review.** During the 60-day review MNDOT indicated that they had no comments and no comments were received following the 90-day review.
• **BWSR Review.** During the 60-day review BWSR staff thanked the RCWD for inviting them to participate in the various, meetings, workshops, and advisory committee meetings that were part of the plan development process. BWSR staff provided a comprehensive review of the plan by section. The majority of BWSR comments were related to identifying any missing content; clarifying administration and self-evaluation of plan implementation as well as some suggestions to make the plan stronger and more competitive. This included a request to state the goals, so they were more clearly measurable. A comment related to the Implementation Table was to have the *Implementation Actions* linked back to the measurable goals. During the 90-day review BWSR indicated that they had no further comments except to thank RCWD staff for their efforts in proactively seeking additional input when needed to better understand BWSR 60-day review comments.

5. **Plan Summary and Highlights.** The RCWD’s mission is to manage, protect, and improve the water resources of the District through flood control and water quality projects and programs. The Executive Summary briefly describes the plan as that “The Plan provides resource management guidance to District staff, establishes funding goals and limits for projects and programs, and displays transparency to constituents of the District. The Plan incorporates and builds upon the successes of previous plans and leverages the work conducted by the RCWD to ensure proper guidance for future District activities. This Plan is focused on District resources and implementation efforts that aim to address priorities and improve water resources. A focus on implementation requires the RCWD to successfully balance water management law, address funding issues, and effectively coordinate with constituents to fulfill its mission”. In addition to the Executive Summary the Plan includes the following sections along with supporting appendices:

- **Section 1:** Introduction, lays out the plans nine management categories that are used to describe the diversity of resources and issues across the RCWD. These categories encompass specific resource concerns and associated issues that are the foundation by which the RCWD organized its efforts to meet the established measurable goals for addressing priority issues of the District.

- **Section 2:** District Land and Water Resources, provides a comprehensive inventory of the RCWD’s physical and cultural features of the District.

- **Section 3:** District Priority Issues, Goals, and Policies. The section discusses the issues, goals and policies important to the RCWD. Included is the extensive process the RCWD went through to identify and prioritize issues to guide implementation efforts and funding for the 10-yr lifespan of the Plan. Measurable goals are established to address each watershed issue along with the measures that will be used to evaluate the District’s success toward accomplishing those goals. A unique feature to the Plan is an easy to understand fact sheet provided for each identified District issue that describes the goals, measures, and policies the RCWD will use to address watershed priorities.

- **Section 4:** Implementation Plan. The implementation plan is composed of three main elements: 1) administration, 2) implementation programs, and 3) capital improvement projects. All of which are designed to make progress towards their established measurable goals.

- **Section 5:** Watershed Financing. It is clear in the Plan that it is important to the RCWD and its partners that costs for administration, programs and projects are distributed as equitably as possible. The RCWD plans to use ad valorem levies (or its District-wide taxes) to cover the costs of administration, Districtwide implementation programs, projects of common benefit, and operation and maintenance of District facilities. Fees are utilized to mitigate the cost to the District for reviewing permit applications. Somewhat unique to the RCWD is the establishment of Water Management Districts covering the entire watershed. Water Management District charges to landowners within the boundaries of an individual Water Management District are used to fund projects that have defined local benefits. The District will also continue seek state grants to fund water quality and flood damage reduction projects.
• Section 6: Watershed Plan Administration, provides direction for RCWD administration of the Plan components including plan amendment procedures and administration of the legal boundary. The section also describes how the RCWD interacts with local government units (LGUs) in terms of local water management plans, regulatory controls and enforcement as well as financial relations between LGUs and the RCWD.

6. **Metro Region Committee Meeting.** On March 5, 2019, the Board’s Central Region Committee and staff met with representatives from the district in St. Paul to review and discuss the final Plan. Those in attendance from the Board’s committee were Page Winebarger (by telephone), Jill Crafton (by telephone), Joel Larson (by telephone), Jack Ditmore, Andrea Date (by telephone), Kathryn Kelly (by telephone), Nicole Blasing (by telephone), Chris Elvrum, Grant Wilson and Joe Collins- chair. Board staff in attendance were Assistant Director for Regional Operations Kevin Bigalke and Board Conservationist Dan Fabian. RCWD representatives’ Kyle Axtell (RCWD Project Manager), provided highlights of the Plan and process. Board staff recommended approval of the Plan.

After presentation and discussion, the Committee unanimously voted to recommend the 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 Rice Creek Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 9.

3. The Watershed Management Plan for the Rice Creek Watershed District 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 Rice Creek Watershed District’s Watershed Management Plan dated December 10, 2019

Dated at St. Paul, Minnesota, this 25th day of March 2020.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

[Signature]

BY: Gerald Van Amburg, Chair