

Appendix H BSWR Approval and RPBCWD Adoption

June 27, 2018

Riley Purgatory Bluff Creek Watershed District
C/o Claire Bleser, Administrator
18681 Lake Drive East
Chanhassen, MN 55317

Dear Chair and Managers:

I am pleased to inform you that the Minnesota Board of Water and Soil Resources (Board) has approved the Riley Purgatory Bluff Creek Watershed District (RPBCCWD) revised Watershed Management Plan (Plan) at its regular meeting held on June 27, 2018. For your records I have enclosed a copy of the signed Board Order that documents approval of the Plan. Please be advised that the RPBCCWD must adopt and implement the Plan within 120 days of the date of the Order, in accordance with MN Statutes 103B.231, Subd. 10.

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 Steve Christopher of our staff at 651-249-7519, or at the central office address for further assistance in this matter.

Sincerely,



Gerald Van Amburg
Chair

Enclosure

cc's on next page

Cc: Karen Galles, Hennepin County (via email)
Jeanne Daniels, DNR (via email)
Kate Drewry, DNR (via email)
John Freitag, MDH (via email)
Karen Voz, MDH (via email)
Jeff Berg, MDA (via email)
Judy Sventek, Met Council (via email)
Beth Neuendorf, MN DOT (via email)
Kevin Bigalke, BWSR (via email)
Steve Christopher, BWSR (via email)
File Copy

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

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

**ORDER
APPROVING
A WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Riley Purgatory Bluff Creek Watershed District (RPBCWD) submitted a Watershed Management Plan (Plan) dated April 2018 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. **RPBCWD Establishment.** The Riley Purgatory Creek Watershed District was established on July 31, 1969 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). The first water resources management plan for the District was prepared and adopted in 1973. The second plan was adopted in 1982. Bluff Creek was added to the District in June 1984. The plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982 (M.S. 103B), and approved by the Board of Water and Soil Resources (Board) in August 1996. The Board approved the current “third generation” Water Resources Management Plan in January 2011.
2. **Authority of 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.
3. **Nature of the Watershed.** The District is approximately 47 square miles in size and located in both Hennepin County (32.8 sq. miles) and Carver County (14.5 sq. miles), within the Minnesota River basin. The land use in the watershed consists predominantly of single family low density residential land use, with a mix of recreational/golf courses/preserved areas, commercial, industrial, institutional land uses, as well as undeveloped areas. Development pressure within the watershed is projected to slightly increase through the life of this Plan, particularly from medium density residential development. There are a total of 13 major lakes and three major creeks in the District. The following municipalities lie partially within the District: Bloomington, Chanhassen, Chaska, Deephaven, Eden Prairie, Minnetonka, and Shorewood. The District is bound by the Lower Minnesota River Watershed District to the south, the Carver County WMO to the southwest, the Minnehaha Creek Watershed District to the west and north, and the Nine Mile Creek Watershed District to the east.

4. **Plan Development and Review.** The RPBCWD initiated the planning process for the 2018-2027 Plan in January of 2016. As required by MR 8410, a specific process was followed to identify and assess priority issues. Stakeholders were identified, notices were sent to municipal, regional, and state agencies to solicit input for the upcoming Plan.

RPBCWD initiated a survey and began promotion of the public input meetings in February of 2016. RPBCWD conducted numerous technical advisory committee meetings, citizen's advisory committee meetings and staff workshops along with public input meetings. The RPBCWD also provided a preview of the plan at their annual watershed tour on July 31st which allowed stakeholders to better understand the goals.

The Plan was submitted for formal 60-day review in November 2017. The District received comments on the draft Plan and responded to Plan reviewers' comments in writing. After formal review of the RPBCWD Plan, the District held a public hearing on the draft Plan on March 15, 2018. All additional comments received during the 90-day review period have been addressed. The final draft Plan and all required materials were submitted and officially received by the Board on April 13, 2018.

5. **Local Review.** The RPBCWD distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B132, Subd. 7. Local written comments and edits were received from City of Eden Prairie, Bloomington Sustainability Commission, Lotus Lake Conservation Alliance, Mitchell Lake Association, along with several citizens. The RPBCWD responded to all comments.
6. **Metropolitan Council Review.** During the 60-day review, the Council noted the thorough and well organized plan. RPBCWD thanked the Council for its comments.
7. **Department of Agriculture (MDA) Review.** No comments were received during the 60-day or 90-day final review period.
8. **Department of Health (MDH) Review.** No comments were received during the 60-day or 90-day final review period.
9. **Department of Natural Resources (DNR) Review.** The DNR noted that the plan is well thought out and aligns with the Agency's goals. The DNR also noted the efforts of the District in its regulatory capacity and goals for sustainable groundwater management. RPBCWD thanked the DNR for its comments.
10. **Pollution Control Agency (PCA) Review.** PCA participated in TAC meetings and provided feedback throughout the plan development process. During the 60-day review, PCA stated it had no additional comments.
11. **Department of Transportation (DOT) Review.** No comments were received from the DOT during the 60-day or 90-day comment periods.
12. **Board Review.** Board staff commended the RPBCWD on a Plan that demonstrates sound justification for its programs and projects. Board staff also noted the high number of goals and stressed the importance of measurability to gauge its success. RPBCWD responded to this comment noting that it will be continuing to develop a process for measurement, tracking and reporting on the aforementioned goals.
13. **Plan Summary.** The Plan focuses on a watershed approach recognizing the needs of its three major subwatersheds: Riley Creek, Purgatory Creek and Bluff Creek. Each subwatershed has its own resource needs and well developed strategies are identified to address each.

The process identified the following thirteen goals:

- Operate in a manner that uses District resources and capacity efficiently and effectively while advancing the District's vision and goals.
- Collect data and use the best available science to recommend and support management decisions.
- Design, maintain, and implement Education and Outreach programs to educate the community and engage them in the work of protecting, managing, and restoring water resources.
- Plan and conduct the District's implementation program to most effectively accomplish its vision with consideration for all stakeholders and resources.
- Include sustainability and the impacts of climate change in District projects, programs, and planning.
- Implement the District's regulatory program to protect water resources from further degradation, enhancing resources when possible.
- Support Carver and Hennepin County to operate effectively as Ditch Authorities.
- Protect, manage, and restore water quality of District lakes and creeks to maintain designated uses.
- Preserve and enhance the quantity, as well as the function and value of District wetlands.
- Preserve and enhance habitat important to fish, waterfowl, and other wildlife.
- Promote the sustainable management of groundwater resources.
- Protect and enhance the ecological function of District floodplains to minimize adverse impacts.
- Limit the impact of stormwater runoff on receiving waterbodies.

The District has also set a goal of the following overarching outcomes for the duration of the plan:

- 41,000 linear feet of streambank, shoreline, ravine and slope stabilization
- 3,200 pounds of phosphorus reduction per year
- 11 acres of habitat restored
- 4.1 million gallons of groundwater conserved per year

14. **Central Region Committee Meeting.** On June 7, 2018, 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, Jack Ditmore, Terry McDill, Duane Willenbring (via phone), Paige Winebarger (via phone), and Joe Collins, chair. Board staff in attendance were Central Region Manager Kevin Bigalke and Board Conservationist Steve Christopher. RPBCWD Administrator Claire Bleser 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, with the exception of a committee member who abstained due to a conflict of interest.

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 the Watershed Management Plan for the Riley Purgatory Bluff Creek Watershed District (RPBCWD) pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The RPBCWD Watershed Management Plan, attached to this Order, defines the water and water-related problems within the RPBCWD's boundaries, possible solutions thereto, and an implementation program through 2027.
4. The RPBCWD Watershed Management Plan will be effective July, 2018 through June, 2027.
5. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Riley Purgatory Bluff Creek Watershed District Watershed Management Plan dated April 2018.

Dated at Saint Paul, Minnesota this 27th day of June 2018.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


BY: Gerald Van Amburg, Chair

RESOLUTION 2018-004
RILEY-PURGATORY-BLUFF CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

Resolution adopting watershed management plan

Manager **Ward** offered the following resolution and moved its adoption, seconded by Manager **Crafton**:

WHEREAS Riley-Purgatory-Bluff Creek Watershed District is responsible for the preparation of a watershed management plan for the Riley-Purgatory-Bluff Creek watershed pursuant to Minnesota Statutes section 103B.231, subdivision 3;

WHEREAS in accordance with Minnesota Statutes section 103B.231 and Minnesota Rules chapter 8410, beginning in early 2015 RPBCWD solicited input for a 10-year update of its watershed plan from watershed residents and other stakeholders, state agencies with jurisdiction over water resources and counties and municipalities with jurisdiction in the Riley-Purgatory-Bluff Creek watershed to ensure that current issues in watershed management were identified prior to preparing the update;

WHEREAS RPBCWD, relying on and informed by the input received, prepared a draft watershed management plan, entitled "Riley-Purgatory-Bluff Creek Watershed District: Planning for the Next Ten Years 2018-2027" (the Plan) in accordance with Minnesota Statutes sections 103B.201 through 103B.255, chapter 103D and Minnesota Rules 8410.0050 through 8410.0150 to set forth the goals, policies, programs and projects RPBCWD would adopt and implement to fulfill its statutory role;

WHEREAS RPBCWD submitted a draft of the Plan to local, regional and state governmental organizations for review and comment in accordance with Minnesota Statutes section 103B.231, subdivision 7, and RPBCWD analyzed the comments and revised the plan in consideration thereof;

WHEREAS RPBCWD held a duly noticed public hearing on the Plan, in accordance with Minnesota Statutes section 103B.231, subdivision 7(c), on March 15, 2018, and duly considered the comments made at the public hearing;

WHEREAS the District submitted the draft Plan to the state Board of Water and Soil Resources for final review and approval in accordance with Minnesota Statutes section 103B.231, subdivision 9, and the Board of Water and Soil Resources approved the Plan on June 27, 2018;

WHEREAS the RPBCWD Board of Managers finds that RPBCWD has completed the required process to update its watershed plan, and that the Plan fairly reflects a robust engagement in the planning process with watershed residents, communities and agencies and will serve as a sound document to guide the management of the Riley-Purgatory-Bluff Creek Watershed in the next 10 years; and

WHEREAS the RPBCWD Board of Managers finds that the adoption of the Plan is in accordance with the law and the best interests of the public.

NOW THEREFORE BE IT RESOLVED that the Riley-Purgatory-Bluff Creek Watershed District Board of Managers hereby adopts the Riley-Purgatory-Bluff Creek Watershed District: Planning for the Next Ten Years 2018-2027 in accordance with Minnesota Statutes section 103B.231, subdivision 10; and

BE IT FURTHER RESOLVED that the board of managers directs the administrator to publish the adopted Plan on the RPBCWD website, along with an expression of the managers' appreciation for the involvement of the members of watershed residents, communities and agencies in the development of the Plan, and to transmit a copy of the Plan to the clerks of each of the local governmental units within the watershed, and to Hennepin County and Carver County, together with a letter expressing the managers' appreciation for their involvement in the preparation of and contributions to the Plan.

The question was on the adoption of the resolution and there were 4 yeas, 0 nays and 1 absent as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>
CHADWICK	■	□	□
CRAFTON	■	□	□
PEDERSON	■	□	□
WARD	■	□	□
YETKA	□	□	■

Upon vote, the chair declared the resolution **adopted**.


 Richard Chadwick, Secretary

Dated: July 11, 2018

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I, Richard J. Chadwick secretary of the Riley-Purgatory-Bluff Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with RPBCWD and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 11 day of July, 2018.

Richard J. Chadwick Secretary