



5.0 ADMINISTRATION

5.1 AUTHORITY

The VLAWMO's surface water management authority derives from M.S. 103B.211 Subdivision 1.

5.2 REGULATORY CONTROLS

Minnesota Department of Natural Resources (MnDNR):

The MnDNR administers the Public Waters Work Permit Program, which includes the Riprap Shore Protection Permit Program, the Water Appropriation Permit Program, and the Dam Safety Permit Program. The MnDNR is involved in enforcement of the WCA and is responsible for identifying, protecting, and managing calcareous fens. The MnDNR also administers the Shoreland and Floodplain Program which provides assistance and oversight for the administrators of the Shoreland and Floodplain Management Program.

The MnDNR Public Waters Work Permit (M.S., 103G.245) requires a MnDNR protected waters permit for any work below the Ordinary High Water elevation (OHW) or any work that will alter or diminish the course, current, or cross-section of any protected water, including lakes, wetlands, and streams. For lakes and wetlands, the MnDNR's jurisdiction extends to designated U.S. Fish and Wildlife Service Circular 39, Types 3, 4, and 5 wetlands, which are 10 acres or more in size in unincorporated areas, or 2.5 acres or more in size in incorporated areas. The program prohibits most filling of protected waters and wetlands for the purpose of creating upland areas. The Public Waters Work Permit program was amended in 2000 to minimize overlapping jurisdiction with the WCA.

Questions concerning the MnDNR's role in water resources management should be directed to:

MnDNR Division of Waters, Metro Region
1200 Warner Road
St. Paul, MN 55106
(651) 772-7900

Minnesota Board of Water and Soil Resources (BWSR)

The BWSR oversees the State's watershed management organizations (joint powers and watershed district organizations), oversees the State's oil and water conservation districts, and administers the rules for the WCA and Metropolitan Area Watershed Management. Questions concerning the BWSR's role in water resources management should be directed to:



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

Minnesota Pollution Control Agency (MPCA)

The MPCA administers the State Discharge System/NPDES Permit program (point source discharges of wastewater), the NPDES General Storm Water Permit for Industrial Activities program, the NPDES MS4 Storm Water Permit program, Section 401 of the CWA Water Quality Certification program, Water Quality (rules 7050) and the individual sewage treatment system regulations (7080 Rules). The MPCA also reports the State's "impaired waters" (303d list) to the U.S. Environmental Protection Agency. Spills should be reported directly to the MPCA. Questions concerning the MPCA's role in water resources management should be directed to:

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155

Minnesota Department of Health (MDH)

The MDH administers the Well Management Program, the Wellhead Protection Program, and the Safe Drinking Water Act rules. See the Background part of the Groundwater section for more information about these programs. Questions concerning the MDH's role in water resources management should be directed to:

Minnesota Department of Health
P.O. Box 64975
St. Paul, MN 55155

Minnesota Environmental Quality Board (EQB)

The EQB administers the State's environmental review program, including Environmental Assessment Worksheets and Environmental Impact Statements. Questions concerning the EQB's role in water resources management should be directed to:

Minnesota Environmental Quality Board
658 Cedar St.
St. Paul, MN 55155



U.S. Army Corps of Engineers (COE)

The COE administers Section 10 of the Rivers and Harbors Act permit program, and the Section 404 permit program. See Section 8.3 for more information about these programs. Questions concerning the COE's role in water resources management should be directed to:

**U.S. Army Corps of Engineers, St. Paul District
Army Corps of Engineers Centre
190 East 5th St.
St. Paul, MN 55101**

The Metropolitan Council

The Metropolitan Council provides regional planning and wastewater services (collection and treatment) for the seven-county Metropolitan Area. The Metropolitan Council will be requiring LWPs as part of the next generation of comprehensive Land Use Plans in 2008. A draft of their requirements for LWPs is included as Appendix D. Questions concerning the Metropolitan Council's role in water resources management should be directed to:

**Metropolitan Council
390 Robert Street North
St. Paul, MN 55101-1805**

The VLAWMO

Currently VLAWMO provides regulatory permitting programs with respect to the WCA and small water appropriations. With implementation of this new plan, additional standards will be required to control runoff rates (Strategy 1.C), to manage landlocked basins (Strategy 1.D), to manage storm water quality (Strategy 2.A), to control soil loss on small construction sites (Strategy 2.G), and to implement the VLAWMO Wetland Management Plan (Strategy 4.B).

VLAWMO will work with the local communities to implement these strategies through the Local Water Planning Process as described in Section 5.6.

5.3 FINANCIAL MECHANISMS

There are several authorities the VLAWMO can utilize to finance water plans, projects, and activities. These include a variety of taxes, assessments, charges, grants, and loans. Current functions of the VLAWMO are funded by contributions from the member organizations, according to formulas in the JPA and by grants. As stated in Section 4.0, Strategy 8.1, it is the VLAWMO's intent to analyze and implement additional funding mechanisms. In particular, the VLAWMO will seek designation as a Special Taxing District and levy authority under M.S. 275.066 through legislative action and may consider a storm water utility. Capital improvements with localized



benefit may be funded by establishing special tax districts and special assessments as allowed by M.S. 103B. VLAWMO has identified areas along its boundary where watershed designation will require further analysis and discussion. Once consensus with our neighboring watersheds is reached on the appropriate watershed border, a formal watershed boundary change will be requested through the statutory process.

5.4 JOINT POWERS AGREEMENT

The 2007 JPA is included as Appendix F. The VLAWMO membership has revised the JPA concurrently with the plan review process.

5.5 PLAN REVISIONS/AMENDMENTS

This section establishes the process by which interim amendments to the Plan may be made and who may initiate the amendments. This VLAWMO Water Management Plan is effective through the year 2016.

The Board of Commissioners of the VLAWMO recognizes that the Water Management Plan must periodically be amended to remain a useful long-term planning tool. Some comprehensive studies or capital improvements programs undertaken, will likely warrant annual review or amendment, and the information in the technical appendices may require updating from time to time. Occasionally, the VLAWMO's goals, policies, criteria, and management strategies may need revisions.

The Board of Commissioners of VLAWMO recognizes that the Plan must periodically be amended to remain useful as a long term planning tool. The administrative section and capital improvement programs, goals, policies, regulations, and implementation requirements may also require occasional revision. The VLAWMO will keep a record of supplemental data until reproduction of a new appendix is warranted. In the interim, the supplemental data will be available upon request at the VLAWMO office.

Recommendations for program changes or Plan amendments may be initiated by individuals, special-interest groups, local and county governments, Federal, State, and regional agencies, and VLAWMO itself. All recommendations must be submitted to the Board in writing along with a statement of problem and need, a rationale for VLAWMO involvement, and an estimate of the cost. The Board will keep a record of all recommendations and will meet at least annually to review the recommendations and to hear testimony from sponsors.



Any proposed amendments to the Water Management Plan involving the goals, policies, criteria, management strategies, or technical appendix, shall be considered and/or adopted according to the General Amendment Procedures.

5.5.1 GENERAL AMENDMENT PROCEDURES

According to MN Rules 8410.1040, Subp.2, the following amendment procedures are to be followed:

- All amendments to a plan must adhere to the review process provided in M.S. 103B.231, Subp.11, except when the proposed amendments constitute minor amendments.
- The water management organization has held a public meeting to explain the amendments and publishes a legal notice of the meeting twice, at least seven days as well as fourteen days, before the date of the meeting.
- The organization has sent copies of the amendments to the affected local units of government, the MCES, and the State review agencies for review and comment.
- BWSR has either agreed that the amendments are minor or failed to act within 45 days of receipt of the amendments.

Significant changes or changes that affect other jurisdictions within the VLAWMO shall be submitted to these jurisdictions for review and comment as required by M.S. 103B.231 subp. 11. Changes requiring LWPA and agency review will indicate the impact on LWPs and will identify those local plans that will require revision upon approval of the change. The review period shall be limited to 60 days. The proposed changes shall be submitted to the Metropolitan Council, MnDNR, MPCA, and BWSR for a 60-day review.

Following the prescribed review period or upon receipt of all comments, the VLAWMO shall publish a notice of public hearing on the proposed plan amendments in at least one legal newspaper. Notice shall be mailed at least 30 days before the hearing to the Anoka SWCD, Ramsey SWCD, Anoka County, Ramsey County, the MCES, MnDNR, MPCA, MnDOT, and BWSR. Any person may submit a request to BWSR not later than 10 days following the hearing, asking that the proposed amendments be fully reviewed in accordance with M.S. If BWSR determines that no full review is necessary, the VLAWMO shall adopt the proposed changes within 60 days. If BWSR determines a full review is necessary under M.S., the VLAWMO shall delay any action on approval of the amendments until final receipt of the BWSR board review. Within 120 days of approval by the BWSR, the VLAWMO shall adopt the proposed changes. These changes shall be provided to all known holders of the water plan by addendum within 60 days of adoption.



5.5.2 MINOR AMENDMENTS

Amendments to an approved Plan's capital improvement program may be considered to be minor Plan amendments if the following conditions are met:

- The original Plan set forth the capital improvement program but not to the degree needed to meet the definition of “capital improvement program” as provided in M.S., Section 103B.205, subdivision 3; and
- The affected county or counties have approved the capital improvement program in its revised, more detailed form.

5.5.3 FORM AND DISTRIBUTION OF PLAN AMENDMENTS

Unless the entire document is reprinted, all amendments adopted by the organization will be printed in the form of replacement pages for the Plan, each page of which will be:

- On draft amendments being considered, show deleted text as stricken, and new text as underlined,
- Renumbered as appropriate, and
- Include the effective date of the amendment.

VLAWMO will maintain a distribution list of agencies and individuals who have received a copy of the Plan and shall distribute copies of amendments within 30 days of adoption.

5.6 LOCAL WATER MANAGEMENT PLANS

LWPAs, City of Gem Lake, City of Lino Lakes, City of North Oaks, City of Vadnais Heights, City of White Bear Lake, and White Bear Township are required to develop a LWP providing a coordinated system of managing the watershed on a regional or subwatershed basis consistent with this Plan. In accordance with M.S. 103B.235 and MN Rules 8410.0160, cities will adopt LWPs within two years of BWSR's approval of this Plan. All LWPs must be submitted to VLAWMO within 21 months after the plan has been approved. Following approval of LWPs, LWPAs will have an additional 120 days to revise official control (i.e., ordinances) and another 60 days to begin implementation. VLAWMO staff is available to serve as advisors to the LWPA in the preparation of their LWPs.



5.6.1 LWP REVIEW

5.6.1.1 VLAWMO Review

After consideration, but before adoption by the governing body, each LWPA shall submit its LWP to the VLAWMO for review for consistency with this Plan. The VLAWMO shall approve or disapprove the local plan or parts of the plan. The VLAWMO shall have 60 days to complete its review and shall, as part of its review, take into account the comments submitted to it by the MCES. If the VLAWMO fails to complete its review within the prescribed period, the LWP shall be deemed approved unless the LWPA agrees to an extension.

5.6.1.2 MCES Review

Concurrently with its submission of its local water management plan to VLAWMO as provided in M.S. 103 Subdivision 3a, each LGU shall submit its water management plan to the Metropolitan Council (council) for review and comment by the council. The council shall have 45 days to review and comment upon the local plan or parts of the plan with respect to consistency with the council's comprehensive development guide for the metropolitan area. The council's 45-day review period shall run concurrently with the 60-day review period by VLAWMO. The Metropolitan Council shall submit its comments to VLAWMO and shall send a copy of its comments to the LGU. If the Metropolitan Council fails to do this within the 45-day period, VLAWMO shall complete its review as provided in M.S. 103 Subdivision 3a.

5.6.2 ADMINISTRATION AND ENFORCEMENT OF LWPS

LWPAs are responsible for implementing and enforcing LWPs covering their jurisdictions. When LWPs are approved, the VLAWMO will complete a Memorandum of Understanding (MOU) with each LWPA detailing LWPA and VLAWMO roles and responsibilities for reporting, tracking, coordinating, and implementing LWP requirements. The VLAWMO will have oversight responsibility to ensure implementation of LWPs. Oversight will include spot check of municipal projects and program audits. If the LWPAs are found to be non-implementing, the VLAWMO will work with the LWPA to correct, and will if problems persist, decide to develop Rules and develop permitting programs to take on the Land Use Authorities granted by M.S. 103B and 103D to enforce standards in this Plan. However, the VLAWMO preferred position is to avoid unnecessary duplication of permitting programs.