



March 16, 2020

PLSLWD Board of Managers
c/o Diane Lynch, District Administrator
Prior Lake-Spring Lake Watershed District
4646 Dakota Street SE
Prior Lake, MN 55372

RE: 60-day Review: DRAFT Prior Lake - Spring Lake Watershed District 2020-2029 Water Resources Management Plan

Dear Managers and Ms. Lynch,

The Board of Water and Soil Resource (BWSR) has completed our 60-day review of the Prior Lake-Spring Lake Watershed District's (District) draft plan Amendment of your Water Resources Management Plan (Plan). We would like to thank the District for inviting us to participate in the various, meetings, workshops and advisory committee meetings that were part of the development of this Plan. The District should be commended for their outreach efforts to obtain input from state review agencies, local government partners, and citizens throughout the Plan development process, as well as the District Board's engagement in the planning process, and the evaluation of Plan progress proposed.

The below comments are offered to help improve the Plan and bring it into compliance with the requirements of MN Rules Chapter 8410 and MN Statutes Chapter 103B.201-103B.253 (referred to as the Metropolitan Surface Water Management Act). In addition to these 60-day review comments, please refer to BWSR's early input letter dated April 4, 2018, which provided guidance on Plan development along with required and recommended components of the Plan.

General Plan Comments

- 1) The draft Plan contains numerous spelling, grammatical, text formatting, paragraph/section formatting, and writing style inconsistencies throughout the Plan, which need to be corrected. A summary of the issues and inconsistencies identified will not be detailed in this letter but will be generally summarized in a separate correspondence to District staff.
- 2) Plan tables, figures, and graphics need to be labeled throughout the Plan and Plan appendices. Tables, figures, graphics, and appendices presented in the Plan should be directly referenced where appropriate in the Plan text. There were several tables and figures presented in the Plan appendices that when printed, cut off relevant information. This issue needs to be corrected prior to the draft Plan submittal for the final 90-day review. It would also be helpful if pages in the Plan's appendices be numbered in sequence and in accordance with the main body of the Plan.
- 3) The District should review the value added to the Plan by incorporation of each appendices; some of which are already outdated. Updates to documents currently included in the Plan appendices, would require a Plan

amendment per MN Rules 8410.0140 to bring the Plan current when a referenced document is updated. This information may be more easily incorporated into the Plan by reference with a hyperlink to the reference document on the District's website and would not require a Plan amendment if/once a document is updated.

- 4) It is highly recommended that the District's detailed rules or draft of proposed rule revisions not be included in the District's Plan. The process and timeframe required for a rule revision is separate from the process and timeframe required to update and amend the District's Water Resources Management Plan. Inclusion of draft rule revisions into the District's Plan, would not constitute approval of the District's rules or proposed rule revisions once the District's Plan is approved and locally adopted. As indicated in comment 3 above, any revisions to a copy of detailed District's rules ultimately included in the State approved and locally adopted Plan would require a Plan amendment to bring the Plan current with any approved revised District rules.
- 5) *Appendix G: Hydrologic Data and Figures* was missing from the draft Plan submitted for 60-day review. BWSR was unable to determine if Plan content requirements 8410.0060 have been satisfied. A full copy of the draft Plan will need to be submitted for the 90-day review.
- 6) The Shakopee Mdewakanton Sioux Community (SMSC) should be identified on Plan (including appendices) figures and maps where necessary and appropriate. The Plan should also clarify the distinction between the SMSC as a sovereign nation and valued government partner, and the District's extent and limitations of watershed district statutory authorities regarding SMSC and non-tribal 'local government units' and 'LGUs' present in the District.

Comments by Section

Table of Contents: No Comment

List of Figures:

- 7) List is not inclusive of all maps, figures, graphics and pictures presented in the draft Plan and Plan appendices. Suggest either identifying those included in the main body of the draft Plan or all included in the draft Plan and Plan appendices.

List of Tables, Acknowledgements: No Comment

Acronyms:

- 8) Provide a more comprehensive list of acronyms used throughout the draft Plan.
- 9) Acronym use should be consistent throughout the draft Plan and consistent with organizational and industry accepted use.

Section I. Executive Summary:

- 10) Introduction -- Watershed districts may be established when conducive to public health and public welfare and for specific State statute purposes. A watershed management organization's boundary may be loosely based on hydrologic watersheds but the jurisdictional boundaries for many are not solely hydrologic based. Revise language in paragraph 2.

- 11) Section I.F. Local Government Responsibilities – Provide the responsibilities of local governments related to implementation of the Plan and any changes in responsibilities from the previous Plan per MN Rule 8410.0050 (F).

Section II. Issues Identification and Assessment:

- 12) Section II.B Review of Local and Regional Planning Documents – The second paragraph identifies that information collected during review of existing plan and policies is summarized in *Appendix L: Summary of Management Plan Meetings & Public Feedback*. The stakeholder input process summarized in Appendix L identifies input gathered from the community, including public at large and jurisdictions that are located within and adjacent to the watershed. Appendix L table: ‘*DRAFT Public Engagement Summary Table: PLSLWD 2020 Water Resources Management Plan*’ does not identify that information was collected from a specific document as referenced in the Plan text. Clarify and revise.
- 13) Section II.C Issues Identification Mapping Exercise
- a. This section largely summarizes the process through which the District determined Plan priority issues and resources, with a focus on the Issues Identification Mapping Exercise (IIME) completed. Per 8410.0045 Subp. 7, the stakeholder 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. The summary needs to provide greater connectivity to the larger stakeholder input process completed (Appendix L), not just the IIME exercise, and how the District determined priority issues, resources and Plan goals from that collective stakeholder input process.
 - b. Fourth paragraph (page 13) – Clarify if the District’s Citizen Advisory Committee (CAC) also took the IIME survey.
 - c. Fourth paragraph (page 13) – The five priority area maps referenced would be helpful to include for reference in Appendix L, in addition to clarification as to how issues areas were ‘further vetted’ by stakeholders.
 - d. Provide a copy of the IIME survey in Appendix L.
 - e. Identify axis labels for *Figure 2. Results of Broad-Scale IIME Survey*.
 - f. *Figure 3. Potential Issue Areas for Consideration* is difficult to interpret given the current map resolution, scale and label sizing. It would be helpful to have connectivity to the potential issue areas presented in Table 2 and geographical reference of those areas in Figure 3.
- 14) Section II.D Previous Plan Recommendations – The narrative provided on the District’s progress and success of implementing the previous Plan must be expanded Per 8410.0045 Subp. 7. The District should have a greater sense of the Plan implementation progress made in the four years after BWSR’s completion of the District’s 2016 performance review.
- 15) Section II.G Priority Areas for Implementation – Priority wetland, stream and groundwater resources are referenced in Plan Section III.A but only Tier 1, 2, and 3 lakes are identified in Plan Section II.G. Clarify and revise for consistency where necessary.

Section III. Guiding Principles, Policies, & Measurable Goals

- 16) Last paragraph of introduction (page 22) -- Revise and clarify the terminology used in this paragraph for consistency.
- 17) Section III.A Guiding Principle #1 – More clearly identify the identified Plan priority resources in III.A.1 Lakes, III.A.2. Wetlands, III.A.3 Streams and III.A.4 Groundwater sections.
- 18) Section III Plan Measurable Goals
 - a. The Plan must include specific measurable goals per MN Rule 8410.0080 Subp. 1, that address priority Plan issues. Measurable goals identify the quantifiable change in resource condition the District would expect after implementation of the Plan. The measurable goal should relate to the desired future condition of the resource issues being addressed and express the extent of progress toward achieving that desired future condition that the District will make during the Plan period. Many of the Plan goals established to address priority issues for lakes, wetlands, water quantity (flooding impacts) are measurable. However, water quality (WQ) goal 5, WQ goal 12, WQ goal 13, WQ goal 14, aquatic invasive species (AIS) goals 1 through 4, and reduce flooding impacts (RF) goals 2 through 5 lack specificity and measurability to determine the resource issue and resource change sought to be achieved by the end of the Plan.

As an example, goal WQ5 is to improve water quality in Arctic Lake by supporting SMSC's improvement efforts. The goal lacks the specificity to establish how much (or what measures) improvement in Arctic Lake water quality the District desires to achieve. As part of the outcomes and measures dashboard presented in Appendix M for the goal, the District identifies that lake water quality concentrations for total phosphorous (TP), chlorophyll-a (chl-*a*), and secchi disc transparency will be assessed every two years, with at least two of those parameters indicating improvement in water quality by 2025. This is the resource condition desired and measurability component that could be included in goal WQ5 to achieve the requirements of MN Rule 8410.0080.

- b. Section III.A.4 Groundwater – With the number of community water suppliers and residents on private water wells, many of the proposed implementation strategies and activities identified in the Plan achieve multiple benefits, including those for groundwater. The Plan would benefit from a stronger correlation of implementation activities proposed and subsequent impacts to groundwater resources.

Minnesota's Groundwater Protection Rule also identifies an area of the City of Shakopee's drinking water supply management area (DWSMA) as vulnerable area with increasing concentrations of nitrates. A portion of this area is within the District and but may fall outside of the Tier 1 priority lakes (and lake watersheds). The District has the opportunity to promote best management practices and to work with partners. local farmers and agronomists in adopting the most current science based and economically viable practices that can reduce nitrate in groundwater in this specific vulnerable area, and other areas of the District.

Section IV. Strategies, Program & Implementation Actions

- 19) Section IV.A Introduction –This section identifies 74 'strategies' as methods or approaches needed to achieve Plan goals in additional to 'key implementation activities' identified as projects necessary to meet the Plan goals. Per MN Rule 8410.0105 Subp. 1, the Plan must contain prioritized implementation actions through the year the Plan extends to address the goals defined in the Plan. The Plan needs to clearly identify

the implementation activities proposed (Plan proposed strategies or projects), as required by MN Rule. There should be a clear connection between the implementation activities proposed to achieve the Plan goals and the desired Plan goal progress to address priority issues. More clearly identifying implementation activities in the Plan will also help the District be more competitive for grant funds.

As presented in subsequent District program sections in Section IV.C, the strategies identified seem most appropriate to define as the actual Plan implementation activity proposed. See additional comments on Section IV.C (Projects & Implementation Actions) below.

20) Section IV.B Strategies – Please note that color coding and/or language used for some identified strategies changes in subsequent sections of the Plan. BWSR did not conduct a comprehensive comparison of the strategies presented in the remainder of the Plan text, but did note these occurrences for strategies 4, 12, 22, 25 and 42. Review and revise for consistency.

21) Section IV.C Programs & Implementation Actions

- a. The second to last paragraph of the introduction (page 45) states that each project was identified with the waterbody it benefits and the strategy that it implements. As identified in comment 19 above, the implementation activity should connect back to the Plan goal the activity is proposed to help achieve and the priority issue addressed. Clarify and revise for consistency.
- b. Consistent with comment 21(a) above, there should be a distinct connection to the fundamental Plan goals addressed ('Management Goals Addressed') and priority resource/resource issue addressed ('Waterbodies Addressed'). In some program sections, the plan goals addressed do not always directly reflect back to implementation activity description or priority resource/resource issue being addressed.
- c. As identified in comment 19 above, the Plan implementation activities must be clearly defined in the subsequent program sections. As identified Plan implementation activities seems to better correlate to 'Strategies Implemented' in each of the subsequent section. However, there needs to be clearer distinction between the differences and purpose of those activities identified in 'Strategies Implemented', 'Supporting Strategies' and 'Implementation Steps'.
- d. With implementation activities categorized as 'Strategies Implemented' and 'Supporting Strategies', it leaves the reader with the impression that 'Strategies Implemented' are those core implementation activities proposed to achieve the identified Plan goals. It is assumed that each of the 74 previously identified strategies would be identified in this category, under one of the identified subsequent District programs; with color coding also indicating the District Program type (i.e. capital improvement, monitoring, planning, etc.) the estimated budget for that activity is incorporated into. Not all of the identified 74 strategies is incorporated at the 'Strategies Implemented' level and/or are included in identified programs consistent with the color coding (i.e. Planning). For example, strategies 3 (Operation & Maintenance), 35 (Monitoring), 37 (Planning), and 51 (Operation & Maintenance) are identified in the Capital Improvement Programs presented as a 'Strategies Implemented' and color coded to the District program identified in parenthesis (). However, each of those strategies is not reflected at the 'Strategies Implemented' level in each of their respective program areas. This issue is present (at varying degrees) in each of the main District programs presented. Review and revise for consistency and clarify where that activity budget is incorporated in the Plan Capital Improvement and Implementation table.

The following strategies could not be found at the 'Strategies Implemented' level in any of the District programs presented: 14 (Operation & Maintenance), 74 (Planning), and 53 (Monitoring). Review, clarify and revise as needed.

- e. The 'Implementation Steps' as presented generally reflects a finer level of detail, sub-process, and timeline for completing an implementation activity. The actual proposed implementation activity (required Per MN Rule 8410.0105 Subp. 1) has generally not been explicitly identified in this area of District Programs presented. If the District defines the identified 'Strategies' as the Plan implementation activities as recommended in comment 19 above, the proposed implementation activities should also be clearly referenced in the 'Implementation Steps' and provide the overall timeframe for completion to satisfy the requirements of MN Rule 8410.0105 Subp. 1(A). If not, the District will need to revise the Capital Improvement and Implementation Activity table with a description of each component of the of the implementation activities, the schedule, estimated cost and funding sources for each activity to satisfy the requirement of MN Rule 8410.0150 Subp. 1(A).
- f. The District should review current year (2019/2020) water resources implementation activity efforts to ensure that those currently ongoing activities that will not be fully completed by the end of 2020 (current Plan expiration) or prior to BWSR approval of the District's 2020-2029 Plan, are incorporated into the District's 2020-2029 Plan. For example, Section IV.C.1.8 (Spring Lake West Subwatershed Project) strategy 8 identifies implementation of the Spring Lake West Feasibility. However, if the feasibility study has not been or will not be completed prior to this time, an implementation activity for completion of the feasibility study should be incorporated.
- g. Section IV.C.1.6 Lower Prior Lake Subwatershed Project – Please verify if the 2020 Lower Prior Lake Feasibility Study has already been completed.
- h. Section IV.C.1.10 Streambank Restoration Program – Please verify if project cost-effectiveness will be based on sediment reductions, which is typical for projects of this type.
- i. Section IV.C.1.11 Sutton Lake Outlet Structure – If the District determines there is value added by including a copy of the referenced permit (2018-3741) in the Plan, provide the specific location reference to where this document may be found in the Plan.
- j. Section IV.C.1.12 Wetland Restoration & Enhancement – Please identify the frequency at which the District intends to designate funds the reserve fund for wetland restoration once established. The table provided in 'Implementation Steps' identifies one contribution in 2021. Strategy 47 is identified as a 'Strategy Implemented' In Section IV.C.1.12 and IV.C.1.13 Wetland Banking Program. Please clarify if creation of non-wetland bank restorations are proposed under both programs.
- k. Section IV.C.2.3 Cost Share Program – The District may want to consider evaluation of project cost-effectiveness al based on anticipated sediment reductions, particularly for streambank and agricultural best management practices.
- l. Section IV.C.3 Planning Program – Up to this point, the draft Plan provides reference to several studies to be completed during the life of this Plan. Ensure that those studies are also directly referenced as proposed Plan implementation activities, where appropriate in the subsequent Planning Program sections.

- m. Section IV.C.3.3. District Plan Updates – BWSR approval of a Plan amendment does not extend the life of the District’s Plan. This is a separate process. Clarify the narrative in the Background & Purpose. Updates to a State approved Plan as describe, constitutes a Plan amendment that must be completed in accordance with MN Rule 8410.0140 and MN Statute 103B.231 Subp. 11. Clarify language presented in ‘Minor Plan Updates’.
- n. Section IV.C.3.5 Groundwater Protection Plan – As identified in comment 18(b) above, the District has the opportunity to promote best management practices and to work with partners. citizens, local farmers and agronomists in adopting the most current science based and economically viable practices that can reduce nitrate and pollutants in groundwater resources in vulnerable and other areas of the District. We recommend that the District emphasis that connectivity and incorporate some of those strategies and implementation activities in this section. This could also include soil health initiatives, agricultural best practices, protection of key groundwater recharge areas, stormwater runoff reuse, etc.
- o. Section IV.C.3.9 Upper Watershed Storage Strategy – The third paragraph in the Background & Purpose states: *‘To address volume-drive flooding at the watershed scale, a more comprehensive strategy may be required that promotes increased consumptive use of water.’* We recommend rewording this statement as additional context beyond the description in the next sentence is needed.
- p. Section IV.C.5 Monitoring Program (introduction) – Per MN Rule 8410.0105 Subp. 5 revise the District’s long-term monitoring plan or identify in the Plan that the District must also annually submit the collected data that has been quality-controlled and quality-assured to the appropriate state agency.
- q. Section IV.C.5.1. Buck Lake Diagnostic Study – The District should clarify the intent of reclassification of Buck Lake as a Public Water Wetland. Is the intent to avoid listing as an impaired water or is the intent to more appropriately manage the water resource?
- r. Section IV.C.6.1. Permit Program – The Background & Purpose are not specific to the purposes of why the District implements rules and the resource benefits and protections the District hopes to achieve through implementation of District rules. Suggest clarifying.

Revise language in the fourth paragraph of the Background & Purpose. The decision to transfer authority of the Wetland Conservation Act is at the discretion of those local government units with which the authority currently resides. The District may choose to implement standards more restrictive than those required by the Wetland Conservation Act as determined necessary to achieve wetland Plan goals defined under MN Rule 8410.0080.

- s. Section IV.C.6.2 Conservation Easement Program – Provide reference (i.e. hyperlink) to the District’s Easement Amendment Request Policy referenced in the Background & Purpose.

A District permit may be required under a District rule. We recommend the Plan narrative make the distinction between the District’s ability to require a permit under the District’s statutory authority to implement rules.

Clarify language in the second paragraph of the Background & Purpose. It is unclear who (the District or partners) has the maintenance responsibility of best management practices referenced.

- t. Section IV.C.6.3 District Rules Updates – Revise the narrative in the Background & Purpose. The rule revisions proposed in 2019 have not been approved at present time. Revise the Implementation Steps table presented. Previously in the draft Plan the District has indicated that District rules are intended to be reviewed, and possible revised, every five years. This timeline should also be reflected in this program section and table.
- u. Section IV.C.6.4 District Boundary Revision – Revise the Plan narrative to be consistent with the scope and extent of District boundary review the District intends to explore with that proposed in the narrative presented in Section IV.C.7 Administration Program (Fiscal Management last paragraph, page 125). Section IV.C.6.4 references areas flowing to Tier 1 lakes and Section IV.C.7 references the District’s hydrologic boundary, which is assumed to also encompass the Prior Lake Outlet Channel.
- v. Section IV.C.7 Administration Program – This section should provide a generally summary of what administrative costs (e.g. staffing, facility, equipment, vehicle, etc.) are included in the program budget in the Plan implementation table.
- w. Section IV.D Implementation Table – Per MN Rule 8410.0105 Subp. 1 and Subp. 2 the Plan must contain a table that briefly describes each component of the implementation actions, the schedule, estimated cost, and funding sources for each component including annual budget totals and a table for a capital improvement program that identifies structural and nonstructural alternatives that would lessen capital expenditures and sets forth, by year, details of each contemplated capital improvement that includes the need, schedule, estimated cost, and funding source. We recommend revising the title of this table to also include the District’s capital improvement program.

As identified in comment 21(e) above, Section IV District program ‘Implementation Step’ tables may reflect the level of detail required per the reference MN Rule and/or the detail must be provided in the Implementation Table presented in Section IV.D. Where individual capital improvements and projects and costs are known, we recommend identifying that information in the Section IV.D table.

Section VI. Land and Water Resources Inventory

- 22) We recommend that the District consider consolidation of *Appendix B: Reference Maps* and *Appendix G: Hydrologic Data and Figures*. Figures and data from both are referenced throughout this Plan section.
- 23) Per MN Rule 8410.0060 Subp. 1, required land and water resources information may be incorporated by reference if the data is generally described in the Plan and the complete data and analysis is in a freely accessible location that is specified. There are a number of resources and information referenced throughout this Plan section. We recommend that the District consider inclusion of a table that more readily summarizes the data and information referenced and the specified location where the information is freely accessible (i.e. weblink). If not, weblinks to referenced information should be provided in the Plan narrative.
- 24) Information, data, and the analysis summarized in this Plan section should represent the most currently available data and must be specific to the watershed area.
- 25) As noted in comment 6 above, the District should acknowledge SMSC in the narrative for ‘Physical Setting’ and identify the community in applicable referenced maps and figures.
- 26) The summary provided for groundwater resources (page 135 and page 146) are not sufficient to achieve the requirements of MN Rule 8410.0060 Subp. 1. Please note that Scott County does not have a current State

approved Groundwater Plan. References to groundwater in the Scott Watershed Management Organization (WMO) are not appropriate as there is no overlap between the Scott WMO and District jurisdictional areas.

Section VII. Local Government Unit Requirements

27) Section VII needs to include the schedule for implementation of local plans per MN Rule 8410.0105 Subp.9 and also MN Rule 8410.0160 Subp. 6 for adoption and implementation of the local plan. The Plan narrative needs to also recognize the review provided by the Metropolitan Council per MN Statute 103B.235 Subd. 3a.

Section VIII. Plan Review and Amendment

28) Clarify the statement made in Section VIII.B Plan Review paragraph 3 (page 152): '*No formal CAC was created due to low participation.*' This statement seems contradictory to information previously presented in the Plan regarding the stakeholder input process the District completed for development of the draft Plan.

29) Please note that a Plan amendment will be needed to revise the highlighted text identified in Section VIII.B Plan Review (page 153) once the Plan has been State approved and locally adopted.

30) Plan amendment procedures outlined in Section VIII.C Amendment Procedures (pages 153-154) need to be revised for consistency with the requirements and schedule for watershed Plan amendments per MN Rule 8410.0140 and MN Statute 103B.231 Subp. 11.

Appendix A: Bibliography: No Comment

Appendix B: Maps and Reference Figures:

31) See comments 6 and 22 above. Maps and Figures need to be labeled and directly referenced in Plan narrative when noted. It is recommended that figures be presented in the appendices in the order in which they are referenced in the Plan narrative.

Appendix C: DNR Fisheries Data: No Comment

Appendix D: District Rules:

32) See comment 4 above.

Appendix E. PLOC MPA and Operating Procedures: No comment

Appendix F. Education & Outreach Plan:

33) Section IV.C.4.1 identifies that the District's Education and Outreach Plan is updated annual. If a copy of this document remains in the Plan, include the most current version.

Appendix G. Hydrologic Data and Figures:

34) See comment 5 and 22 above.

Appendix H. Long Term Monitoring Plan:

35) See comment 21(p) above. If a copy of this document will remain in the Plan, the yellow highlighted text will need to be revised for the draft Plan 90-day submittal.

Appendix I: Comprehensive Wetland Plan (2012): No Comment

Appendix J: Cooperative Cost Share Program Manual (2019):

36) If a copy of this document remains in the Plan, include the most current version.

Appendix K: BWSR Level II Performance Review (2016): No Comment

Appendix L: Summary of Management Plan Meetings & Public Feedback:

37) See comments 2, 12, and 13 above.

Appendix M: Outcomes & Measures Dashboards: No comment

Thank you again for including BWSR in the initial planning meeting, advisory committee meetings and various public and District Board workshops. Please feel free to contact me at 651.350.8845 or at Melissa.king@state.mn.us with any questions on these review comments or if the District would like to discuss in more detail.

Sincerely,



Melissa King
BWSR Central Region Board Conservationist

CC: Kevin Bigalke, BWSR (via email)
Jeff Berg, MDA (via email)
John Freitag, MDH (via email)
John Gleason, MNDNR (via email)
Beth Neuendorf, MNDOT (via email)
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