

8.0 Local Watershed Management Plans

8.1 Local Watershed Management Plans

In accordance with Minnesota law (Minnesota Statute 103B.235), once a watershed plan is approved and adopted, or amended, local units of government must prepare a local watershed management plan, capital improvement program and official controls as necessary to bring local water management into conformance with the watershed plan, within the time period prescribed in the watershed plan. BWSR approved this Plan on October 26, 2005 and the Valley Branch Watershed District (VBWD) Board of Managers adopted this Plan on November 10, 2005. Most of the local units of government (the communities within the VBWD) must adopt local watershed plans by November 10, 2007, two years from the date of adoption of the VBWD Plan. Local units of government that lie within both the VBWD and the Middle St. Croix Watershed Management Organization (MSCWMO) must adopt local watershed plans within two years from the date of adoption of the MSCWMO Plan, which is anticipated to be March 2006. If a community will not be assuming the permitting authority from the VBWD, the community may conform to this law by adopting all or part of this VBWD Plan by reference through a resolution or other VBWD-approved official means. If a community wishes to assume the permitting authority from the VBWD, the community must first prepare its own local watershed plan and obtain VBWD approval of the local plan. Any community may prepare its own local watershed plan. Local watershed plans must conform to the VBWD Plan, Minnesota law (Minnesota Statutes 103B), and Minnesota Rules (Minnesota Rules 8410). Table 8-1 lists all of the member VBWD communities, the WMOs they lie within, and the dates by which they will be required to adopt local plans or the VBWD plan by reference. Section 4.4 provides additional information about ordinance requirements for local units of government that wish to take over permitting authority from the VBWD.

In the past, some communities within the VBWD have prepared local watershed management plans conforming to the VBWD Plan or adopted the VBWD Plan. The City of Oakdale prepared a local plan in conformance with the VBWD 1987 Plan. The Cities of North St. Paul and Mahtomedi prepared local plans in conformance with the VBWD 1995 Plan. The Cities of Grant and Lake Elmo may have officially adopted all or parts of the VBWD 1995 Plan as their local plan. The City of Woodbury's 1979 *Storm Drainage Plan* was not approved by the VBWD. The City of Woodbury's 1994 update (*Surface Water Management Plan*) applies only to parts of the city outside of VBWD, so this was also not approved by VBWD.

The VBWD will notify each community of the VBWD's requirements regarding local plan revisions and adoption. A community can assume as much management control as it wishes, through its approved local watershed management plan. For example, the community can assume the permitting authority for all land alteration activities. In this case, VBWD would require the community to adopt all of the VBWD rules by ordinance and to outline the community's permitting process, including the preliminary and final platting process, in their local watershed management plan. Wetland alteration

activities would require a separate VBWD permit or action unless the community takes over as the Local Government Unit (LGU) for the Wetland Conservation Act and adopts all of the VBWD wetland rules and regulations. Even if a community assumes the permitting role, the VBWD will require the community to submit to the VBWD for review and comment all proposed land alteration plans and associated documentation showing compliance with the VBWD and community rules and regulations. The submittal would be required prior to the community issuing a permit. The VBWD may appeal the community's approval of a project if the VBWD believes the project is not consistent with the community's local watershed management plan. The VBWD may decide to maintain or not relinquish all regulatory authority to the local level to avoid conflicting management philosophies and practices upon adoption and implementation of local watershed management plans.

Any proposed zoning changes in a community with an approved local watershed management plan will be reviewed by VBWD for conformance with the local plan. If the proposed zoning change will result in changes to the approved rates and volumes of stormwater runoff, the local plan will need to be amended, and the amendment reviewed and approved by VBWD.

8.2 Requirements for Local Watershed Management Plans

Local watershed management plans are required to conform to Minnesota Statutes 103B.235, Minnesota Rules 8410.0160 and the VBWD Plan. Minnesota Rules 8410.0160 requires (in part) that:

“Each local plan must include sections containing a table of contents; executive summary; land and water resource inventory; establishment of goals and policies; relation of goals and policies to local, regional, state, and federal plans, goals, and programs; assessment of problems; corrective actions; financial considerations; implementation priorities; amendment procedures; implementation program; and an appendix. Each community should consider including its local plan as a chapter of its local comprehensive plan.”

The rules (Minnesota Rules 8410.0170) also explain in more detail the general requirements given above.

The policies and goals established by the local watershed management plan must be consistent with the VBWD plan. The section of the local watershed management plan covering assessment of problems must include those problems identified in the VBWD plan that affect the community. This includes the problems identified in Sections 4.1 – 4.9 and in Section 5 – Individual Watershed Management Plans (Sections 5.1 – 5.35). The corrective action proposed must be limited to those actions which can be implemented at the community level and must be consistent with the VBWD plan.

In accordance with Minnesota Rules 8410.0100, Subp. 6, the VBWD assessed the stormwater-related maintenance issues in VBWD. Local units of government are to maintain stormwater systems (storm sewers, ponding areas, ditches, water level control structures, etc.) under their jurisdiction in good working order to prevent flooding and water quality problems. In accordance with Minnesota rules

(8410.0100, Subp. 6), the VBWD requires that local watershed management plans “...assess the need for periodic maintenance of public works, facilities and natural conveyance systems and specify any new programs or revisions to existing programs needed to accomplish its goals and objectives.” The local watershed management plans will also be required to address, at a minimum, the following maintenance issues, also taken from Minnesota rules (8410.0100, Subp. 6):

- The need and frequency for street sweeping of public and private streets and parking lots.
- The need and frequency for inspecting stormwater outfalls, skimmers, sumps, and ponds.
- The adequacy of maintenance programs for stormwater facilities and water level control structures owned by both the city and private parties.
- The need for other maintenance programs as considered necessary (e.g. cleaning catch basins, trash racks, etc.).

In addition to the maintenance issues, the communities will be required to assess the following (taken from Minnesota Rules 8410.0100, Subp. 6):

1. The need to establish a water body classification system different from VBWD’s or to adopt the VBWD water body classification system. If a different classification system is used, it will have to be correlated to the VBWD classification system and approved by VBWD;
2. The need to establish local spill containment clean-up plans; and
3. The need for any other necessary management programs.

Local watershed management plans must clearly identify when the management programs will go into effect.

The VBWD general standards for local watershed management plan content are as follows, and incorporate the requirements from Minnesota law (Minnesota Statutes 103B.235, Subd. 2):

1. Describe existing and proposed physical environment and land use.
2. Define drainage areas, and the volumes, rates, and paths of stormwater runoff. For VBWD, the following criteria apply:
 - a. Design storms shall include the 2, 10, and 100-year events. If Soil Conservation Service (SCS) methodologies are used for event modeling, the Type II storm distribution shall be used.
 - b. Storm durations shall include ½-hour to 24-hour storms, as well as 10-day snowmelt and VBWD’s annual runoff volume event (for landlocked basins) (see Section 4.5 for more information).

- c. The preliminary size of future pipes or channels must be identified.
 - d. The minor watersheds within those identified in the VBWD Plan must be identified.
 - e. Waterway locations must be identified.
 - f. A storm sewer system map must be provided, if available.
 - g. The local plan must demonstrate that its hydrology conforms to the hydrology in the VBWD Plan.
3. Identify storage sites including wetlands. For VBWD, the following criteria apply:
 - a. Design storms shall include the 2, 10, and 100-year frequency events.
 - b. Storage volumes must be provided.
 - c. Normal water level elevations and flood elevations must be provided (Section 4.5.7, WL&FM-E describes the method to be used for calculating flood elevations on landlocked basins).
 - d. Outflow rates must be provided.
 4. Define water quality and protection methods adequate to meet performance standards established in the VBWD Plan.
 5. Identify regulated areas.
 6. Set forth an implementation program, including a description of official controls and, as appropriate, a capital improvement program.
 7. The local government unit's permitting process for land and wetland alteration work shall be outlined in the local watershed management plan. All land and wetland alteration plans shall be submitted to the VBWD for review and comment. The VBWD reserves the right to recommend to the local unit of government that a project which the VBWD considers to be inconsistent with the local management plan be denied. If the local unit of government proceeds to approve such a project, the VBWD reserves the right to take legal action.
 8. The local watershed management plan must describe the community's conformance with the U.S. Environmental Protection Agency's Storm Water Phase II National Pollutant Discharge Elimination System (NPDES) Rules for small municipal separate storm sewer systems (MS4s). The local watershed management plan must either include the community's Storm Water Pollution Prevention Plan (SWPPP) or provide a summary of the SWPPP contents.

Other requirements for local watershed management plans are described in previous sections of the VBWD Plan. Section 4.2.7 (WQ-A) requires the local units of government to classify water bodies into one of the four VBWD management classifications in their local watershed management plans. Section 4.4.7 (SW-A) states that allowable runoff rates will be determined when the local watershed management plan is under preparation and requires that stormwater runoff rates be kept to pre-development rates at community borders. In Section 5.0 of this plan (Individual Watershed Management Plans), the community is expected to take the lead in addressing certain problem areas that the VBWD believes to be more local in nature.

8.3 VBWD Review of Local Watershed Management Plans

Before a local unit of government adopts its local watershed management plan, the plan must be submitted to all of the affected watershed management organizations for review. The local unit of government must also submit its plan to the Metropolitan Council, and to any counties with adopted groundwater plans, for a 45-day review. Within 60 days of receipt of the local plan, the VBWD will review the local plan for conformance with the VBWD Plan. During its review, the VBWD will take into consideration any comments received from the Metropolitan Council and the counties. The VBWD will approve or disapprove all or part of the local plan within the 60-day time frame, unless the city agrees to an extension. If the VBWD does not complete its review, or fails to approve or disapprove the plan within the allotted time, and the city has not given an extension, the local plan will be considered approved (Minnesota Rules 8410.0170, Subp. 12 and Minnesota Statutes 103B.235, Subd. 3 and 3a).

Upon VBWD approval of the local plan, the local unit of government must adopt and implement its plan within 120 days and amend its official controls within 180 days of plan approval. Each local unit of government must notify the VBWD (and the other affected WMOs) within 30 days of plan adoption and implementation, and adoption of necessary official controls.

Any amendments to the local plan must be submitted to the VBWD for review and approval prior to their adoption by the local unit of government. The VBWD review process for local plan amendments is the same as for the original local plan.

Table 8-1

**VBWD COMMUNITIES, WMOS, AND REQUIRED DATES OF LOCAL PLAN ADOPTION
Valley Branch Watershed District**

Community	Water Management Organization and Date or Expected Date of BWSR-Approved "Second Generation" Plan	Date Community Must Adopt Local Plan or Adopt VBWD Plan
Maplewood	Valley Branch Watershed District (VBWD), 11/2005; Ramsey-Washington Metro Watershed District (RWMWD), 5/1997; Capitol Region Watershed District, 12/13/2000; South Washington Watershed District (SWWD), 8/28/1997	11/2007
North St. Paul	VBWD, 11/2005; RWMWD, 5/1997	11/2007
White Bear Lake	VBWD, 11/2005; RWMWD, 5/1997; Rice Creek Watershed District (RCWD), 9/24/97; Vadnais Lake Area Watershed Management Organization, 1997	11/2007
Mahtomedi	VBWD, 11/2005; RCWD, 9/24/97	11/2007
Oakdale	VBWD, 11/2005; RWMWD, 5/1997; SWWD, 8/28/1997	11/2007
Woodbury	VBWD, 11/2005; RWMWD, 5/1997; SWWD, 8/28/1997	11/2007
Afton	VBWD, 11/2005; Middle St. Croix Watershed Management Organization (MSCWMO), expected 3/2006; Lower St. Croix Valley Watershed Management Organization (LSCVWMO), 1/2005	3/2008
Baytown Township	VBWD, 11/2005; MSCWMO, expected 3/2006	3/2008
Grant	VBWD, 11/2005; RCWD, 9/24/97; Browns Creek Watershed District (BCWD), 12/10/2001	11/2007
Lake Elmo	VBWD, 11/2005; SWWD, 8/28/1997; BCWD, 12/10/2001	11/2007
Pine Springs	VBWD, 11/2005	11/2007
Oak Park Heights	VBWD, 11/2005; BCWD, 12/10/2001; MSCWMO, expected 3/2006	3/2008
St. Mary's Point	VBWD, 11/2005; MSCWMO, expected 3/2006	3/2008
West Lakeland Township	VBWD, 11/2005; MSCWMO, expected 3/2006	3/2008