

Section 4

Existing Administrative Authorities

This section describes **existing** administrative authorities. The current Joint Powers Agreements, financial mechanisms, regulatory controls, along with agency and municipal involvement are discussed. Section 6 discusses a major change proposed to the Joint Powers Agreements as a result of this Plan: the recommendation to combine the two Commissions under a single board.

JOINT POWERS AGREEMENT

The Shingle Creek Watershed Management Commission was formed on June 15, 1984 and the West Mississippi Watershed Management Commission on March 10, 1984, through separate Joint Powers Agreements (Appendix A) under the authority conferred to the member communities by Minnesota Statutes 471.59 and 103B.201 through 103B.251. The purpose of the Commissions is to provide organizations to preserve and use natural water storage and retention within the two watersheds to meet the purposes set forth in the Surface Water Management Act.

A Board of Commissioners has been established as the governing body of each Commission. Each Board consists of one member appointed by each of the member governmental bodies, nine in Shingle Creek and five in West Mississippi. While the Commissions are governed by separate Boards and separate first-generation management plans, the operating policies and standards are virtually identical and the Commissions often jointly discuss business applicable to both. Four out of the five member cities of West Mississippi are also members of Shingle Creek; only Champlin is a member of West Mississippi and not Shingle Creek.

FINANCIAL MECHANISMS

Operating expenses are funded through an annual apportionment to each city. This apportionment is based 50 percent on land area and 50 percent on taxable value within the watershed. These expenses include the cost of contractual engineering, administrative, and legal services; programs such as water quality monitoring, public information and education, and watershed reconnaissance; and special studies.

The Commissions' mechanism for funding capital improvements is identified in the current Joint Powers Agreements. Project costs are apportioned to the member cities in one of three ways, as determined by the Commission to be most appropriate for that particular project:

1. A negotiated amount arrived at by the member cities who have lands in the subdistrict (subwatershed) responsible for the capital improvement;

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2. Fifty percent apportioned proportionally to the net tax capacity of each member within the boundaries of the watershed and fifty percent apportioned proportionally to the total area of each member within the boundaries of the watershed. The Commission may choose to vary this apportionment if a member city receives a lateral benefit as well as a trunk benefit; or
3. Pursuant to Minnesota Statutes, Section 103B.251, levied on all taxable property in the watershed as set forth in that statute.

The Commissions cannot directly levy taxes or special assessments but have the ability to assess members who subsequently decide how they want to generate the funds. Options available to the members include *ad valorem* tax, creation of a watershed management tax district, special assessments, or Chapter 444 storm sewer utility financing. The Commissions may also request bonding from Hennepin County.

Grants may also be pursued for certain qualifying projects. The Commissions have had some success obtaining outside grant dollars in recent years, thus reducing their financial burden.

REGULATORY CONTROLS

The Commissions currently do not operate regulatory programs. Instead, they ensure the adoption of their goals and policies in two ways. First, cities must obtain approval of their Surface Water Management Plans from the appropriate Commission. When a plan is received by a Commission, it is reviewed for consistency with its management plan. Second, land development or redevelopment projects of certain sizes are reviewed by the Commission's engineer for consistency with the Plan. The Commission then recommends to the member city that it approve or deny the development's stormwater management plan.

Table 4-1 shows a matrix of actions or watershed components and the corresponding regulatory agency. This table illustrates state agency involvement. Table 4-2 shows the current regulatory controls exerted by the cities. Most of the controls are in the form of city ordinances.

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**Table 4-1
Actions and Regulators**

Action/Component	Regulatory Agency
Stormwater management	<u>Watershed Management Organization (WMO)</u> : establish standards <u>City</u> : implement standards*
Erosion and Sediment Control	<u>Minnesota Pollution Control Agency (MPCA)</u> : administer permits on sites >1 acre <u>WMO</u> : establish standards <u>City</u> : implement standards*
Floodplain	<u>Federal Emergency Management Agency (FEMA)</u> : establish Flood Insurance Maps and administer Flood Insurance Program, Map Amendments and Revisions <u>Department of Natural Resources (DNR)</u> : coordinate Floodplain Management program <u>City</u> : implement program*
Water Use Permits	<u>DNR</u> : administer permits for appropriations >10,000 gal/day
Individual Sewage Treatment Systems (ISTS)	<u>MPCA</u> : establish standards <u>City or county</u> : implement program
Petroleum and Chemical Storage Tanks	<u>MPCA</u> : implement program
Public Waters	<u>DNR</u> : public waters work permits, other programs
RCRA-Waste Disposal	<u>MPCA</u> : implement program
Shoreland Regulations	<u>DNR</u> : administer Shoreland Management Program, administer public waters work permits <u>WMO</u> : establish standards, if desired <u>City</u> : establish and implement standards*
Well Drilling & Capping	<u>Minnesota Department of Health (MDH)</u> : implement program
Wetlands	<u>Board of Water and Soil Resources (BWSR)</u> : administer Wetland Conservation Act (WCA) regulations <u>DNR</u> : enforce the WCA <u>Local Government Unit (LGU)</u> : implement the WCA

* See Table 4-2

**Table 4-2
Member City Ordinances and Regulatory Controls**

City	Erosion Control	Shoreland Management	Floodplain	Stormwater Management	Other Ordinances
Brooklyn Center	Yes	No	Yes	No	
Brooklyn Park	Yes	Yes	Yes	No	
Champlin	Yes	No	Yes	No	
Crystal	No	No	Yes	Yes	Phosphorus-free Fertilizer
Maple Grove	Yes	Yes	Yes	Yes	Wetland buffer
Minneapolis	Yes	Yes	Yes	Yes	Phosphorus-free Fertilizer Watershed Mgmt Authority
New Hope	Yes	Yes	Yes	Yes	
Osseo	Yes	No	Yes	Yes	
Plymouth	Yes	Yes	Yes	Yes	Phosphorus-free Fertilizer Wetland buffer
Robbinsdale	No	No	Yes	No	Phosphorus-free Fertilizer

Notes:

Not all cities are required to complete Shoreland Management ordinances.

There is no specific Commission requirement for Stormwater Management ordinances. These ordinances typically might include standards for stormwater management plans to be submitted with site and building plan applications; erosion control requirements; wetland protections; required or preferred Best Management practices (BMPs); etc. Some cities choose to enact these standards as elements of other ordinances, rather than as a stand-alone ordinance. Whether or not a city has adopted an ordinance, by adopting the Commission’s Water Resources Management plan, cities have incorporated the Commission’s erosion control, shoreland and stormwater management regulations.

AGENCY AND CITY PROGRAMS

Several agencies have instituted their own programs within the watersheds. In this section, those programs and any planned capital projects by agencies and organizations other than the Commissions are briefly discussed.

Agency Programs

Several agencies sponsor programs relevant to watershed activities.

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Metropolitan Council. The Metropolitan Council’s *Water Resources Management Policy Plan* spells out a wide range of programs and activities undertaken by a variety of governmental and private agencies for management of water resources in the Metro area. Among the many programs and activities are several of particular interest to the Commissions: the development of targeted watershed pollutant loads; review of watershed and local water plans and comprehensive plans for consistency with Metro goals and objectives; grant programs such as the MetroEnvironment Partnership (MEP), Livable Communities, and Smart Growth; the Watershed Outlet Monitoring Program (WOMP); the Citizens’ Assisted Lake Monitoring Program (CAMP); and the Environmental Information Management System..

The Shingle Creek Commission’s Twin Lakes Homeowners Education project was funded through a MEP grant. Brooklyn Park has used Livable Communities grant funds to design its Village of Brooklyn Park redevelopment. This major redevelopment would replace the aging Village North retail area with a 133 acre mixed use development that is centered and focused on Shingle Creek as an amenity. Brooklyn Center has received a Smart Growth Demonstration Grant to redesign its Central Business District. Redevelopment would capitalize on Shingle Creek as an amenity. Minneapolis and Hennepin County collaborated on the Humboldt Greenway, removing substandard housing and replacing it with a winding parkway, greenspace, and lifecycle housing, using Shingle Creek as a natural resource amenity. Planning was supported by a Livable Communities demonstration grant and housing options by a Livable Communities housing grant.

Minnesota Pollution Control Agency. The MPCA operates several programs applicable to watershed planning. The MPCA monitors water quality, sets standards, and implements various controls. Of particular interest to the SCWM WMC are the National Pollutant Discharge Elimination System (NPDES) program and implementation of the Clean Water Act. The MPCA manages the NPDES Phase I construction and industrial discharge permitting. MPCA also manages the NPDES Phase II permitting for small municipal separate storm sewer systems. Minneapolis falls under the requirements of NPDES Phase I and the nine other cities in the Shingle Creek and West Mississippi watersheds fall under the requirements of NPDES Phase II.

The MPCA implements the Clean Water Act’s requirement that states adopt water quality standards to protect the nation’s waters. The Environmental Protection Agency (EPA) and MPCA require managers of water resources that fail to meet these established standards to prepare a Total Maximum Daily Load (TMDL) study identifying the source of the pollutant and a plan for bringing the water resource into compliance. As discussed elsewhere in this Plan, Shingle Creek was included in the 1998 TMDL List of Impaired Waters due to chloride levels that exceed the standards. The SC WMC has received a grant from the MPCA to prepare this TMDL.

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Minnesota Department of Health. The Environmental Health Division of the MDH operates many programs of interest to the watershed. Programs include Drinking Water Protection, Wellhead Protection, Lake and Fish Monitoring (in partnership with DNR/MPCA), Environmental Health Services, Health Risk Assessment, Site Assessment, and Consultation and Well Management.

Minnesota Department of Natural Resources. The DNR manages and protects the state's natural resources and operates numerous programs of interest and usefulness to the watershed. In addition to specific programs mentioned below, the department provides technical assistance and information regarding best management practices, natural resource management, incorporating natural resource conservation in land use planning, and lakescaping.

The Waters Division maintains an inventory of public waters and operates permit programs for working in public waters or for appropriating public waters. The division also oversees the state's floodplain management program. Finally, the division provides local stewardship by coordinating the Mississippi River Critical Area and MNRAA programs and the Shoreland Management program.

The Fisheries Division monitors and improves fisheries within the state including most of the lakes within the SC WMC. It also promotes fishing opportunities and provides grants to assist in the construction of fishing piers.

The Ecological Services Division collects, analyzes, and provides ecological information, including:

- Location and management of rare resources (endangered and threatened species, critical habitats, high quality natural communities);
- Management of harmful exotic species, fish and wildlife diseases, and negative environmental impacts of human development;
- Lake maps including Lake Finder, an on-line source of information including lake surveys, water quality data, and fish consumption advice;
- Management and restoration of important ecological processes in river systems and key natural areas; and
- Development of information about Minnesota's ecosystems and their significance to a sustainable quality of life.

The DNR also provides a variety of specialized programs oriented to property owners or neighborhood groups, such as the Aquatic Plant Management, Urban Fisheries and Fishing in the Neighborhood, Neighborhood Wilds, and Metro Greenways programs.

City Programs

City stormwater management programs vary by community, depending on fiscal capacity, degree of development, and water resources. Some cities have very active programs, providing both operational programming and capital improvements. Other cities rely on the SCWM WMC to provide the bulk of their stormwater management programming.

Programs. Plymouth, which has several lakes and streams within its borders and is still developing, operates a substantial program, including an annual environmental fair and a lawn and garden expo. An environmental education coordinator provides educational materials, activities and outreach as well as a periodic newsletter. The city coordinates with active lake associations. The City Council is advised by an Environmental Quality Commission. Maple Grove also has several lakes and streams and is rapidly developing. The city coordinates with active lake associations. The City Council is advised by a Lake Quality Commission. Minneapolis operates an Environmental Management Department that provides substantial programming related to watershed management and water quality. The City Council is advised by an interdepartmental Environmental Coordinating Team and a Citizens' Environmental Advisory Committee.

Other member cities engage in various related activities such as Adopt-A-Park programs, Arbor Day activities, promotion of recycling and composting, and related information published in the city newsletter. In many cities the Park and Recreation Commission or some other Commission is charged with providing advice to the City Council on environmental matters, including watershed related matters.

Capital Improvements. Cities implement watershed standards not only by providing programming but also by conducting special studies or constructing improvement projects. The Commissions play a limited role in constructing capital improvements. The Commissions will identify a problem, provide some amount of study, diagnosis, and identification of alternatives, and then rely on the affected cities to select an alternative and construct the necessary improvement.

Capital improvement projects may be cooperative projects between cities that have arisen from Commission identification and study of a problem, or they may be projects initiated by a city to implement its own Local Water Management Plan. Table 4-3 lists project areas currently being considered by member cities that are related to watershed goals and management.

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**Table 4-3
Capital Improvement Projects Being Considered By Cities**

Project	By	Cost (\$)	Year
Twin Lake Diagnostics and Management Plan	Brooklyn Center	\$90,000	2002
Twin Lake Improvements	Brooklyn Center	\$100,000	2003
Shingle Creek Improvements	Brooklyn Center	\$100,000	2003
Replace Zane Ave culvert with added structural water quality treatment	Brooklyn Park	\$750,000	2002
Village redevelopment, streambank stabilization, water quality treatment, added green space	Brooklyn Park	\$2 million	2003-04
Dredge stormwater pond	Crystal	\$25,000/yr	Ongoing
Reconstruct forcemain or directional bore gravity outlet for dead end watershed	Crystal	\$225,000	2006
Humboldt Greenway, property acquisition, greenway development, water quality treatment	Minneapolis/ Hennepin County	\$35 million	2001-05
Crystal Cemetery Flood Mitigation Pond	Minneapolis	\$4.4 million	2002-03
Surface water quality monitoring	Plymouth	\$45,000/yr	Ongoing
Schmidt Lake Concept Study	Plymouth	\$50,000	2004
Bass Lake Improvement Plan	Plymouth	\$46,000	2005
Crystal Lake Water Quality Study	Robbinsdale	\$40,000	2002
Gross Pollutant trap installation	Robbinsdale	N/A	2003-07
Pike Creek Channel Stabilization Project	Maple Grove/ Plymouth/ Hennepin County	\$650,000	2002-2003
Stormwater Retention/Treatment Ponds	Maple Grove	\$2.0 million	2003