



Scott Watershed Management Organization

2004 Annual Report



**Scott County Government Center
200 Fourth Avenue West
Shakopee, MN 55379**

Introduction

This report has been prepared in accordance with the Annual Reporting Requirements as set forth in Minnesota Rules Chapter 8410.0150. This report provides a summary of the activities of the Scott Watershed Management Organization and the financial status of the WMO for the year ending 2004.

Background

In October of 1996, the Board of Water & Soil Resources declared the Sand Creek, Shakopee Basin, and Southwest Scott Joint Powers Water Management Organizations (WMOs) “non-implementing” and terminated the WMOs. On October 30 1996, BWSR sent the Scott County Board of Commissioners a letter notifying the Board of its responsibility for water management pursuant to MN Statutes 103B.231. The Statute requires the County to assume all water management responsibilities in all of the areas of the County that were previously under the Joint Powers WMOs. Credit River WMO eventually became a non-implementing organization, but later than the other three.

The Scott WMO covers 283.82 square miles and is comprised of portions of five watersheds within Scott County: Sand Creek, Southwest, Shakopee Basin, Credit River and Prior Lake Spring Lake. The remainder of the County is within one of four other watershed jurisdictions: the Lower Minnesota River Watershed District, the Prior Lake Spring Lake Watershed District, the Black Dog Watershed Management Organization, or the Scott County portion of the Vermillion River Joint Powers Organization. The Scott WMO has water jurisdiction over 11 townships and eight cities.

The five members of the Scott County Board of Commissioners are the governing body of the Scott WMO. The Scott County Board of Commissioners will conduct business for the WMO as the Scott WMO Board. During the draft of the Water Plan, two committees were formed to aid in the development of the Water Plan. The function/purpose of those committees continues through the creation of the Watershed Planning Commission (Commission). The Commission consists of seven-members appointed by the Scott WMO Board whose general focus is oversight and recommendations to the Scott WMO Board on policy issues, budget, plan and program priorities, advisory support for the WMO Board, and utilizing and implementing the Water Resource Management Plan. The Commission meets the fourth Monday of each month with a standard County advisory committee tenure format of 3-year term, 3-term limit. Membership is one commissioner from each County Commissioner district and two at-large members.

To fund its activities, the Scott WMO Board established a tax district on July 22, 2003; the Board levies annual *ad valorem* taxes on WMO citizens throughout Scott County. The WMO has also, and will continue to apply for funds from federal and state agencies to fund various special projects as approved by the WMO Board.

A. Scott WMO Contact Information (2004)

Scott WMO Board

Barbara Marschall, Board Chair
200 Fourth Ave. West
Shakopee, MN 55379
952-447-5748
bmarschall@co.scott.mn.us
Term expires December 31, 2008

Jerry Hennen, Commissioner
200 Fourth Ave. West
Shakopee, MN 55379
952-445-1013
jhennen@co.scott.mn.us
Term expires December 31, 2006

Joseph Wagner, Commissioner
200 Fourth Ave. West
Shakopee, MN 55379
612-270-2660
jwagner@co.scott.mn.us
Term expires December 31, 2006

Jon Ulrich, Commissioner
200 Fourth Ave. West
Shakopee, MN 55379
612-716-6724
julrich@co.scott.mn.us
Term December 31, 2006

Bob Vogel, Commissioner
200 Fourth Ave. West
Shakopee, MN 55379
952-461-2384
bvogel@co.scott.mn.us
Term expires December 31, 2008

Scott WMO Watershed Planning Commission

John Kane
Credit River Watershed
6905 E. 217th Street
Prior Lake, MN 55372
612-532-9592

Jim Hentges
Sand Creek
24325 E. Cedar Lake Dr.
New Prague, MN 56071
952-496-8362
jhentges@co.scott.mn.us

Virgil Pint
3990 Golfview Drive
Jordan, MN 55352
952-492-6395

Bill Feldman
At-large
20265 Veron Ave
Prior Lake, MN 55372
612-961-1294
Bfeldman1@msn.com

Ralph Malz
Southwest Watershed
16185 W. 250th Street
Belle Plaine, MN 56011
952-873-3094
rmalz@co.scott.mn.us

Charles Wood
At-large
23675 Xanadu Ave.
Jordan, MN 55372
952-758-3942
cewood@netzero.net

Pete Shutrop
Shakopee Basin/ PLSL Watersheds
1376 Heron Court
Shakopee, MN 55379
952-292-4578
shutrop@ties2.net

B. Scott WMO Staff and Consultants (2004)

Dr. Dawn Gibas, PSS, PWS
WMO Administrator
Natural Resources Program Manager
200 Fourth Avenue West
Shakopee, MN 55379
952-496-8054
dgibas@co.scott.mn.us

Jim Davidson
Natural Resources Staff
200 Fourth Avenue West
Shakopee, MN 55379
952-496-8887
jdavidson@co.scott.mn.us

Michael Sobota
Community Development Director
200 Fourth Avenue West
Shakopee, MN 55379
952-496-8366
msobota@co.scott.mn.us

Consultants

Paul A. Nelson
HDR Engineering, Inc.
6190 Golden Hills Drive
Minneapolis, MN 55416
763-591-5474
Paul.nelson@hdrinc.com

Engineer
Tom Meyer, P.E.
200 Fourth Avenue West
Shakopee, MN 55379
952-496-8881
tmeyer@co.scott.mn.us

WMO Legal Council
Susan McNellis
200 Fourth Avenue West
Shakopee, MN 55379
952-492-8245
smcnellis@co.scott.mn.us

C. Scott WMO Goals and 2004 Work Plan Summary

The Scott WMO Comprehensive Water Resource Management Plan (Water Plan) was adopted by the Scott WMO Board on February 10, 2004. From the time of its adoption, the Natural Resource staff, along with assistance from a consultant from HDR Engineering, spent all of 2004 working on the Comprehensive Water Resource Plan Rules which were adopted on May 10, 2005. The Rules implement the Comprehensive Water Resource Management Plan's principles and objectives.

A 2004 workplan does not exist because of the recent adoption of the Water Plan and time spent on the development of Rules that followed. In the development of the Water Plan the Metropolitan Surface Water Management Act (MN Statutes Chapter 103B) was used to formulate a set of overall Water Resource Management Goals for the Scott WMO. These overall goals are as follows:

- To manage the quantity and to improve the quality of runoff entering rivers, streams, lakes, wetlands, and groundwater within the Scott WMO.
- To protect and enhance wetland ecosystems by managing contributing watersheds, and to ensure/encourage a measurable net gain of wetland functions and acreage throughout the WMO.
- To preserve and enhance surface water quality in the Scott WMO's water bodies and watersheds, commensurate with the eco-region and desired uses.
- To protect groundwater quality and improve groundwater supplies through the effective implementation of this Water Plan and the Scott County Groundwater Protection Plan, which is incorporated by reference into this Water Plan.
- To reduce, to the greatest extent possible, non-point source pollution from agricultural activities, development, and other land disturbing activities.
- To protect human life, property, and surface water systems that could be damaged by flood events.
- To implement the County's current Comprehensive Plan as a guide for development within the WMO by providing policies and objectives (and eventually rules) to support development while at the same time protect and manage the WMO's water resources. The WMO will encourage better coordination between entities and a comprehensive streamlined approach to resource management that will improve the overall development future of the WMO.
- To inform, educate and involve individuals, groups, businesses, industry and government in the protection and cleanup of Scott WMO's water resources, thereby increasing the understanding of water resource management and creating a long-term commitment to improve and protect the WMO's water resources.

Through the water management planning process to develop the Water Plan, goals and policies were written to represent, in part, the recommendations of the initial Citizens Advisory Committee and discussions with BSWR staff and local units of government. The Water Plan identifies goals and implementation objectives which encompass the following water management categories:

- ◆ Stormwater Management
- ◆ Wetland Management
- ◆ Surface Water Quality

- ◆ Groundwater Management
- ◆ Agricultural Uses
- ◆ Flooding
- ◆ Urban Development
- ◆ Education

After the adoption of the Water Plan, work performed during 2004 included the development of the Comprehensive Water Resource Management Plan Rules which were written to:

- protect the public health, safety, welfare, and natural resources of the Scott WMO by regulating the improvement or alteration of land and waters within the WMO to reduce the severity and frequency of high water,
- to preserve floodplain and wetland storage capacity,
- to improve the chemical and physical quality of surface waters,
- to reduce sedimentation,
- to preserve the hydraulic and navigational capacities of waterbodies,
- to preserve and protect channels and drainageways,
- to promote and preserve natural infiltration areas, protect groundwater, and to preserve natural shoreline features, and
- to minimize future public expenditures and liability on issues caused by the improvement or alteration of land and waters.
- Encourage close coordination between Scott County, cities, & townships and a streamlined comprehensive approach to resource management that will improve the overall development future of the County, while at the same time protecting and managing the County's water resources.

D. 2005 Projected Work Plan

Local Water Plans

The Comprehensive Water Resource Management Plan Rules were adopted on May 10, 2005. Minnesota Statute 103B requires that local government units having land use planning and regulatory responsibility to come into conformance with the watershed plan through the development of a local water management plan, capital improvement programs, and official controls. Submission of local water management plans to the Scott WMO is to occur within two years of the approval of the WMO's Plan by the Board of Water & Soil Resources (i.e. by February 10, 2006). As of the end of 2004 no new submittals have been received. However in 2004 the WMO has been in discussions with the LGUs within the WMO and several have expressed the intent to revise their local plans to achieve equivalency with the WMO's Rules and permitting requirements. The Scott WMO will continue to work with the municipalities to ensure timely submittal of their required local water plans.

Water Quality Monitoring

The Scott WMO will purchase and install water quality monitoring equipment along Sand Creek and its tributaries in an effort to assess data and start to understand what management techniques will be needed within certain portions of the watershed. The Scott WMO plans to expand the monitoring network as funds and personnel allow.

The Scott WMO will fund the Volunteer Stream Monitoring Program (VSMP) for macro invertebrates. Data will be managed by the Scott SWCD for both programs.

FEMA Cooperating Technical Partners (CTP) Program

Scott County is a participant in FEMA's Cooperating Technical Partners (CTP) Program. The first phase of the funding covers hydrologic and hydraulic modeling for the Sand Creek watershed (within Scott County; approximately 43% of the total watershed). The County is working with the MN DNR and a consultant (Tetra Tech EMI) to complete the project and produce DFIRM that will be accessible on the County's website. Funding for the project is provided through the County's Natural Resources Department budget; WMO funds are not utilized.

E. Permits and Project Reviews

Currently the Scott WMO does not have a separate permitting and plan review process. Scott County staff performs all project reviews and approves permits that are required by ordinances or plans for the 11 townships in the County. As stated earlier, the LGUs are required under Statute to prepare local water management plans to achieve equivalency with the Scott WMO Rules. If the LGUs fail to implement the Scott WMO Rules, the LGU will be notified of such a determination and be directed that appropriate action be taken by the LGU. If the LGU does not take such action, the Scott WMO may take such legal steps as are available to it to effect such enforcement or implementation. Such action may include the Scott WMO taking over the permitting authority for the LGU.

F. Water Quality Monitoring Data and Studies

The following water quality monitoring and water quality studies were performed:

Volunteer Stream Monitoring Partnership (VSMP)

The Scott WMO provides funding to the Scott SWCD to continue the macro invertebrate studies within Sand Creek with area schools. The macro invertebrate sampling has been occurring since 2000. Currently the program has seven volunteers and nine sites, which are monitored for macro invertebrates. All volunteers are teacher/ student combinations. The WMO has been helping to fund this program in the past few years, but would like to expand the program beyond macro invertebrates as referenced in the Water Plan and include citizens throughout the WMO on both rivers and lakes. The data from the sampling is managed by the Scott SWCD but has not been analyzed to determine the conditions of the streams being sampled. Scott WMO plans on sending out a Request for Proposals in 2005 to have the data analysis done.

WMO Stream Monitoring

In addition, the Scott SWCD currently provides staff that monitors streams for the Scott WMO with an addition of 2 to 3 stations next year. Three automated sampling stations have been established and sampled in 2004. Samples have only been taken from October 20, 2004 to November 18, 2004. The following parameters were sampled during that time: total suspended solids, volatile suspended solids, chloride, copper, nickel, lead, zinc, cadmium, chromium, total kjeldahl nitrogen, total phosphorus, biological oxygen demand 5-day, turbidity, hardness, ammonia, nitrite-nitrogen, nitrate-nitrogen, sulfate, alkalinity, coliform bacteria, chemical oxygen demand, total organic carbon, dissolved total phosphorus, Ortho-phosphorus, total Chlorophyll-a, Chlorophyll-a pheophytin corrected, and flow.

F. Local Plan Adoption

The following table shows the status of stormwater management plans by local government units within the Scott WMO.

Current Stormwater Controls for Local Government Units in the Scott WMO

<i>Local Government Unit</i>	<i>Type of Controls</i>
Scott County	In Zoning Ordinance, Chap. 6 (5/01)
City of Belle Plaine	Surface Water Management Plan (11/01)
City of Elko	No plan, in ordinance only
City of Jordan	Surface Water Management Plan (Draft 2/02)
City of New Market	No plan, in ordinance only
City of New Prague	Comprehensive Stormwater Plan (1998)
City of Prior Lake	Stormwater Management Plan (1/96)
City of Savage	Stormwater Management Plan (9/96)
City of Shakopee	Stormwater Management Plan (2/99)
SMSC	Stormwater Plan (2003)

G. Watershed Communication & Public Education

Scott WMO Comprehensive Water Resource Management Plan

Scott WMO Comprehensive Water Resource Management Plan was adopted February 10, 2004. In March & April WMO staff had meetings with each of the eight cities to discuss adoption, implementation, and enforcement of the Water Plan. The options discussed with the LGUs included; updating their current plans, writing new plans, adopting the WMO plan, working with the WMO on deciding which components of the plan to administer and delegate the remainder to the WMO. The cities of Savage, Shakopee, and Prior Lake indicated they plan to administer their own plans. The city of New Prague was strongly considering the same. Belle Plaine, Elko, New Market, and Jordan had not declared their intentions.

In May through July 2004 meetings were held with the townships to discuss adoption, implementation, and enforcement of the Water Plan through the established partnership with the county for Zoning Authority.

In April 2004 a work session presentation given by consultant (Paul Nelson, HDR) with the Watershed Planning Commission began the start of the Scott WMO Rule writing.

Scott WMO Comprehensive Water Resource Plan Rules

Starting in May through November of 2004 staff and their consultant began development of Rules to implement the Water Resource Management Plan's principles and objectives. Because of the number of comments from the public on the draft Rules, finalization and adoption of the Rules will not take place until 2005.

Erosion and Sediment Control (ESC)

An Erosion and Sediment Control Subcommittee (ECAT – Erosion Control Advisory Team) was formed in April 2004 to begin addressing the need for a standardized method to implement and enforce an erosion/sediment control program. The subcommittee also made recommendations to the WMO for consideration in the rule making process.

FEMA Cooperating Technical Partners (CTP) Program

Scott County received a FEMA grant to update its floodplain maps for the Sand Creek watershed within the Scott WMO. DFIRM production will also occur as part of the grant.

Field Trip

In July 2004 a field trip was held for the WPC and WMO Board to tour the Sand Creek watershed. The tour looked at resource issues, streambank erosion, development, sedimentation problems, stabilization issues, agricultural intensive cropping issues, and feedlot issues relating to erosion. The tour gave the WPC and WMO Board a better idea of the issues facing the WMO when drafting the WMO Rules.

Scott County Website

The WMO Water Resource Management Plan was posted on the County website for easy access to the public.

H. Wetland Conservation/Wetland Banking Program

In 1991 the Wetland Conservation Act was signed into law and an interim program became effective January 1, 1992. On January 1, 1994 the permanent program became effective. Each municipality and county was required to designate the local government unit (LGU) responsible for administrating the interim program and the permanent program of the Act. Currently there are 19 LGUs (The following table indicates the local governmental unit for each city or township.)

WCA LGUs for Scott County

City of Belle Plaine	New Market Township
Belle Plaine Township	City of New Market
Blakeley Township	City of New Prague
Cedar Lake Township	City of Prior Lake
Credit River Township	St. Lawrence Township
City of Elko	City of Savage
Helena Township	City of Shakopee
Jackson Township	Spring Lake Township
City of Jordan	Scott WMO for Sand Creek Township
Louisville Township	

All of the cities and townships listed are their own LGU for the Wetland Conservation Act with the exception of Sand Creek Township. Sand Creek transferred its responsibility to the Scott WMO for WCA activities on October 26, 2004. The Scott SWCD is the technical resource for all WCA LGUs.

Scott WMO is not a WCA LGU except for Sand Creek which occurred in late 2004.

Annual Financial Report

The 2004 fiscal year for the Scott Watershed Management Organization (Scott WMO) commenced on January 1, 2004 and ended December 31, 2004.

Approved Budget

The approved budget for fiscal year 2004 was \$516,928.

Financial Summary for FY 2004

Fund	Balance 1/1/04	Balance 12/31/04	Revenues	Actual Expenses	Budgeted Expenses	Variance with Final Budget -- Positive (Negative)
General	\$145,029	\$124,936	\$420,568	\$440,661	\$516,928	\$76,267
Totals	\$145,029	\$124,936	\$420,568	\$440,661	\$516,928	\$76,267

2004 WMO Levy

In 2004 the Scott WMO levied \$426,270 through the WMO tax district to fund administration and implementation activities of the Scott WMO Water Resource Management Plan.

2004 Annual Audit

The 2004 Audit was completed by the office of the State Auditor for Scott County for the year ended December 31, 2004. A copy of the 2004 Annual Audit report is enclosed. All Scott WMO Revenues & Expenses are accounted for in the Scott County Financial System. A separate cost center tracks all Scott WMO Revenues and Expenditures. A special revenue fund (Fund 8) has been established to track fund balances on the County's Balance Sheet.