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COON CREEK
WATERSHED DISTRICT

HAND DELIVERED

DATE: December 14, 2011

TO: Mark Ritchie, Secretary of State

FROM:  Jim Haertel, Metro Region Supervisor

SUBJECT: **Order, Enlargement of Coon Creek Watershed District**

Pursuant to Minn. Stat. § 103D.261, Subd. 2, item a, hereby enclosed for filing is a certified copy of the Minnesota Board of Water and Soil Resources Findings of Fact, Conclusions and Order dated December 14, 2011, including attachment of three maps fully incorporated in the Order, nine pages total, enlarging the Coon Creek Watershed District.

Please contact me at (651) 297-2906 if you have any questions.

Enclosures (to all listed)

- cc: Anoka County Board of Commissioners
- Jerry Soma, Anoka County Administrator
- Larry Dalien, Anoka County Property Records Manager
- Mayor Tom Ryan, City of Blaine
- Mayor Tim Howe, City of Coon Rapids
- Mayor Scott Lund, City of Fridley
- Mayor Cindy Hanson, City of Spring Lake Park
- Tim Kelly, Coon Creek Watershed District Administrator
- Chris Lord, Anoka Conservation District Manager
- Steve Hirsch, DNR-Ecological and Water Resources Director
- Ray Bohn, MAWD
- Rob Sip, MDA
- Nick Proulx, DNR-Ecological & Water Resources
- Art Persons, MDH-Rochester
- Denise Leezer, MPCA
- Judy Sventek, Metropolitan Council
- BWSR: Steve Woods, Melissa Lewis, Aaron Spence

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>Mankato</i>	<i>New Ulm</i>	<i>Rochester</i>
4 West Building	1601 Minnesota Drive	394 South Lake Ave., Room 403	1004 Frontier Drive Fergus Falls, MN 56537-2505	1400 East Lyon Street Marshall, MN 56258	1160 Victory Drive S., Suite 5 Mankato, MN 56001-5358	261 Highway 15 South New Ulm, MN 56073	2300 Silver Creek Rd N.E. Rochester, MN 55906
Bemidji, MN 56601 (218) 755-2600	Brainerd, MN 56401 (218) 828-2383	Duluth, MN 55802 (218) 723-4752	(218) 736-5445	(507) 537-6060	(507) 389-1967	(507) 359-6074	(507) 206-2889

Central Office / Metro Office 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

In the Matter of the Enlargement of the Coon
Creek Watershed District in Anoka County
pursuant to Minnesota Statutes § 103D.261

**ORDER
WATERSHED DISTRICT
ENLARGEMENT**

Whereas, a petition (Petition) for an enlargement of the Coon Creek Watershed District (CCWD) was filed by the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Parks with the Board on August 8, 2011, pursuant to Minn. Stat. § 103D.261, and;

Whereas, the Board has completed its review of the Petition;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order.

FINDINGS OF FACT

1. **Petition.** The Petition to enlarge the CCWD to into areas of the former Six Cities Watershed Management Organization was filed by the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park with the Board on August 8, 2011.
2. **Property Description.** The territory included in the enlargement, the Petitioned Area, totals approximately 8,921 acres of land consisting of 2,330 acres located in Sections 19, 20, 29, 30, 31, 32 and 33 in the City of Blaine, 4,327 acres located in Sections 7, 8, 16, 17, 18, 21, 22, 23, 26, 27, 35 and 36 in the City of Coon Rapids, 1,374 acres located in Sections 2, 3, 10, 11 and 12 in the City of Fridley, and 890 acres located in Sections 1 and 2 in the City of Spring Lake Park, all in Anoka County entirely within the metropolitan area.
3. **Reasons for Enlargement.** The proposed enlargement results from the dissolution of the Six Cities Watershed Management Organization. The Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park seek the CCWD to assume watershed

management responsibilities within the portions of their cities formerly managed by the Six Cities Watershed Management Organization. The proposed enlargement is within the watershed of the CCWD and is consistent with and would serve the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 and Chapter 103D. The Petitioned Area is required to have a watershed management plan according to Minn. Stat. § 103B.231, subd. 1 and none has been in place since the dissolution of the Six Cities Watershed Management Organization.

4. **Statements of Concurrence.** Statements of concurrence from the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park were submitted with the Petition.

5. **Effect on Benefits and Damages.** The Petition states the proposed enlargement will not affect the benefits or damages for any improvements previously constructed by the CCWD, the Six Cities Watershed Management Organization or Anoka County.

6. **Notice of Public Hearing.** Legal Notice of the public hearing on the proposed enlargement, pursuant to Minn. Stat. § 103D.261, Subd. 1, subitem c, was published in the Anoka County Union on October 7 and 14, 2011. Further, a copy of the hearing notice was mailed to several addressees including the Anoka County Board of Commissioners, Anoka County Auditor, Anoka Conservation District, the CCWD, all of the cities affected by the proposed enlargement, and the Department of Natural Resources.

7. **Public Hearing.** A public hearing was held on the Petition on Thursday October 27, 2011 at 7:30 PM in the Cloverleaf Farm Room at the Blaine City Hall, 10801 Town Square Drive NE, Blaine, Minnesota. The hearing proceedings were tape recorded. The hearing panel was the Board's Metro Water Planning Committee which consisted of Christy Jo Fogarty, Faye Sleeper, and LuAnn Tolliver as chair.

Travis Germundson, Board staff, entered Exhibits 1 through 4 into the record by reading a brief description of each exhibit.

Exhibit 1. Enlargement petition packet for the Coon Creek Watershed District dated August 4, 2011, received August 8, 2011 consisting of Exhibits 1A-1P.

Exhibit 1A. Letter dated August 4, 2011 from Clark Arneson, City of Blaine Manager, to John Jaschke, BWSR Executive Director, transmitting the petition packet.

Exhibit 1B. Petition to enlarge the Coon Creek Watershed District, 14 pgs.

Exhibit 1C. City of Blaine Resolution # 10-95 requesting the Coon Creek Watershed District to expand the boundaries of the Coon Creek Watershed District to include a portion of the City of Blaine, dated August 19, 2010.

Exhibit 1D. City of Coon Rapids Resolution # 10-108 requesting the Coon Creek Watershed District to expand the boundaries of the Coon Creek Watershed District to include a portion of the City of Coon Rapids, dated December 7, 2010.

Exhibit 1E. City of Fridley Resolution # 2011-10 requesting the Coon Creek Watershed District to expand the boundaries of the Coon Creek Watershed District to include a portion of the City of Fridley, dated February 7, 2011.

Exhibit 1F. City of Spring Lake Park Resolution # 11-03 requesting the Coon Creek Watershed District to expand its boundaries to include the portion of the City of Spring Lake Park, dated March 7, 2011.

Exhibit 1G. Six Cities Watershed Management Organization Resolution requesting governing bodies to make a decision on termination of the Six Cities Watershed Management Organization, dated February 10, 2011.

Exhibit 1H. City of Blaine Resolution # 11-24 to terminate its membership in the Six Cities Watershed Management Organization, dated March 3, 2011.

Exhibit 1I. City of Coon Rapids Resolution # 11-42 to terminate membership in the Six Cities Watershed Management Organization, dated March 1, 2011.

Exhibit 1J. City of Fridley Resolution # 2011-15 terminating membership in the Six Cities Watershed Management Organization, dated March 14, 2011.

Exhibit 1K. City of Spring Lake Park Resolution #11-02 terminating membership in the Six Cities Watershed Management Organization, dated March 7, 2011.

Exhibit 1L. Letter dated June 14, 2011 from Michelle Ulich, Coon Creek Watershed District Attorney, to Jim Haertel, BWSR, withdrawing the District's Petition to change its boundaries.

Exhibit 1M. Certification dated June 24, 2011 from the City of Blaine approving and supporting the Petition.

Exhibit 1N. Certification from the City of Coon Rapids approving and supporting the Petition.

Exhibit 1O. Certification from the City of Fridley approving and supporting the Petition.

Exhibit 1P. Certification dated July 5, 2011 from the City of Spring Lake Park approving and supporting the Petition.

Exhibit 2. Order dated September 28, 2011 from Brain Napstad, Chair of the Board of Water and Soil Resources ordering a public hearing to be held on the Petition.

Exhibit 3. Letter dated September 28, 2011 from Jim Haertel with the Board of Water and Soil Resources to several addresses notifying them of the public hearing, including list of addressees, map and legal notice, 4 pgs.

Exhibit 4. Affidavit of Publication dated October 14, 2011, of Legal Notice of Public Hearing in the Anoka County Union on October 7 and 14, 2011.

After hearing oral testimony, the public hearing was closed.

8. **Metro Water Planning Committee Meeting.** On November 29, 2011 the Board's Metro Water Planning Committee and staff met to review and discuss the petition. Those in attendance from the Board's Committee were Christy Jo Fogarty, Rebecca Flood, Faye Sleeper, Louise Smallidge, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended approval of the enlargement per the Petition. Board staff noted there was no opposition to the proposed enlargement contained in the record and the four affected cities concur in the Petition. Based on the oral and written record in this matter and after discussion, the Committee found the area of the proposed enlargement is within the watershed of the CCWD, the proposed enlargement is consistent with and would serve the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 and Chapter 103D, the proposed enlargement is for the public welfare and public interest, and the proposed enlargement can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages. The Committee decided with a unanimous vote to recommend to the full Board that the enlargement be established as proposed in the Petition.

CONCLUSIONS

1. The Petition for enlargement of the CCWD is valid in accordance with Minn. Stat. § 103D.261.
2. All relevant substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a watershed district enlargement.
4. The territory included in the proposed enlargement is within the hydrologic boundaries of the CCWD.
5. The governing bodies of the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park concur in the proposed enlargement.
6. No opposition to the Petition is contained in the record.
7. The proposed enlargement is consistent with and would serve the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 and Chapter 103D.
8. The proposed enlargement can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.
9. The Petitioned Area is required to have a watershed management plan according to Minn. Stat. § 103B.231, subd. 1 and none has been in place since the dissolution of the Six Cities Watershed Management Organization.
10. The proposed enlargement should be approved per the Petition and the watershed management plan for the CCWD should be amended within one year to include the enlarged area.


ORDER

The Board hereby orders that the boundaries of the Coon Creek Watershed District are enlarged per the Petition as depicted on the three maps labeled Exhibit 1B-3, 1B-8 and 3, attached hereto and made a part of this Order hereof, including the data sets the maps were created from. The Board further orders that the Coon Creek Watershed District amend its watershed management plan within one year of the date of this Order to include the enlarged area.

Dated at Saint Paul, Minnesota this 14th day of December, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____



Brian Napstad, Chair

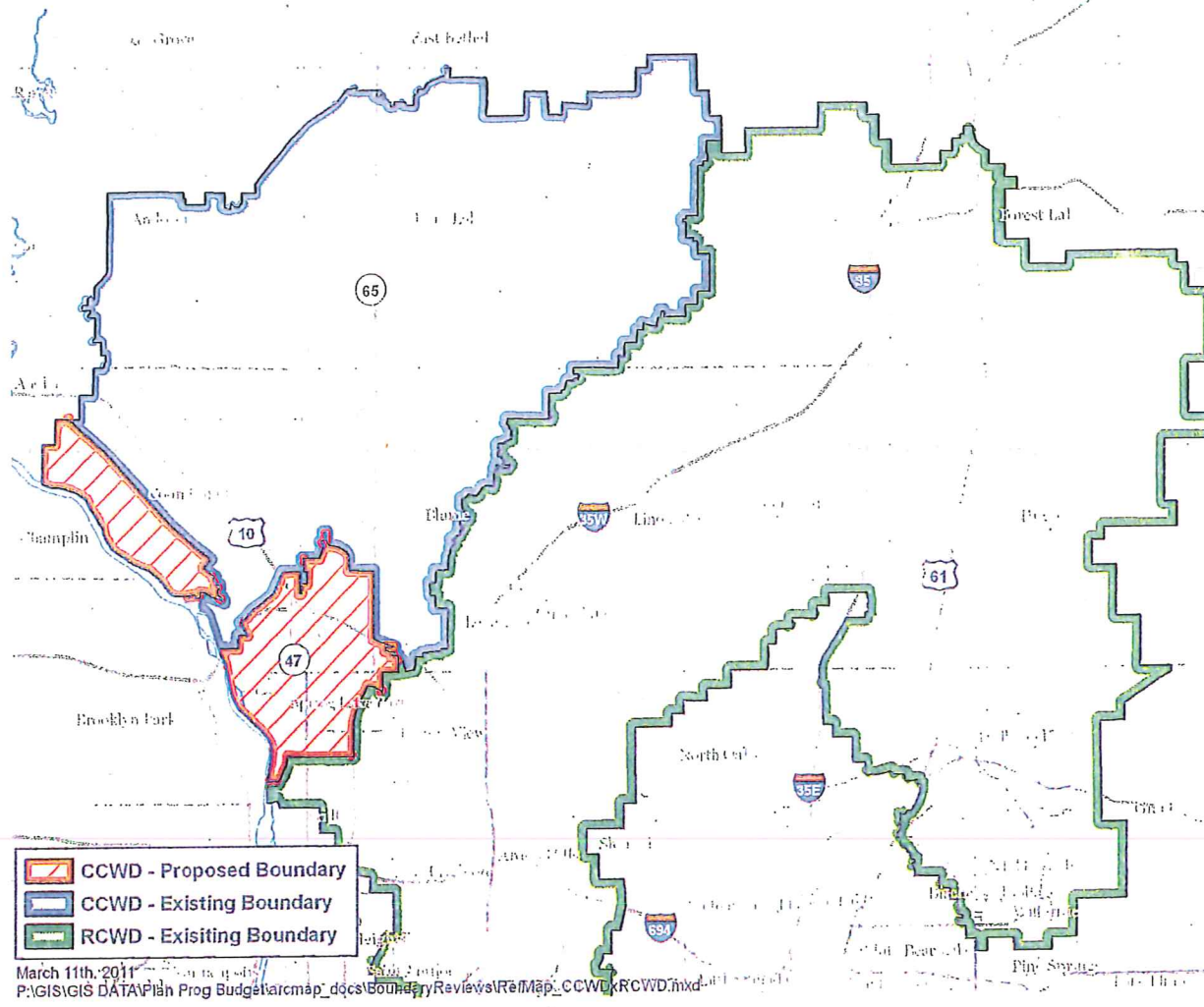
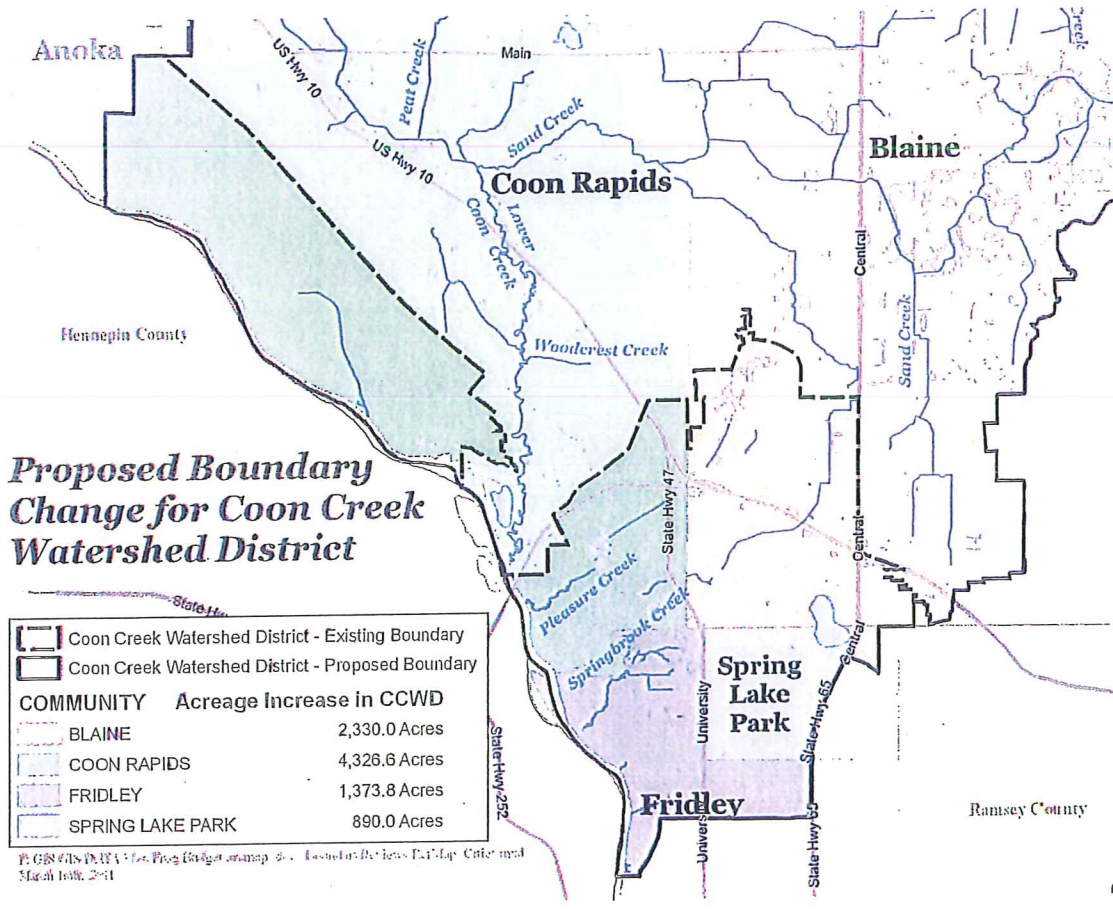


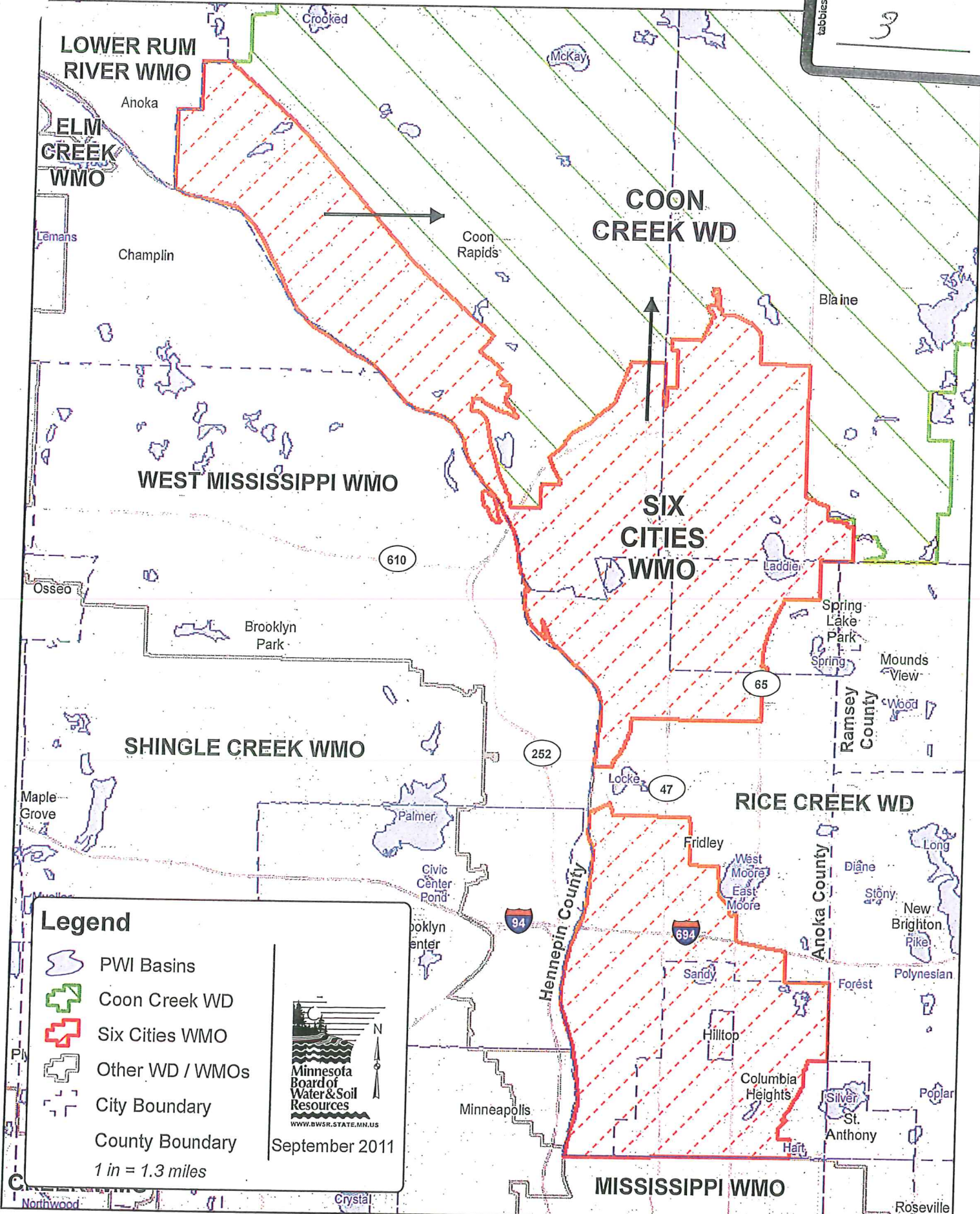
Figure 1.

Description of the Requested Change in the Boundary	
Background	In 2010 and 2011 the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park requested that Coon Creek Watershed District assume watershed management responsibilities for the portions of those cities formerly within the Six Cities WMO and that lie north and west of the existing Rice Creek Watershed District.
Remedy	This will be accomplished by adding 8,920 acres currently within the Six Cities WMO to Coon Creek Watershed District
	The Six Cities WMO boundary within the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park is shown below. The map also shows the locations of the current Coon Creek WD boundary.



Coon Creek Watershed District Enlargement Proposed Changes

EXHIBIT
3



Legend

- PWI Basins
- Coon Creek WD
- Six Cities WMO
- Other WD / WMOs
- City Boundary
- County Boundary

1 in = 1.3 miles

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US
September 2011