



July 10, 2023

Jamie Schurbon
Administrator
Sunrise River Watershed Management Organization Board
1318 McKay Dr. NE, Suite 300
Ham Lake, MN 55304

Re: Notice of Sunrise River Watershed Management Organization (SRWMO) Dissolution

Dear Mr. Schurbon:

Thank you for your memo dated June 22, 2023, regarding the Notice of SRWMO Dissolution. As it appears there are several items moving concurrently with SRWMO, we thought it best to seek clarity.

The Board of Water and Soil Resources (BWSR) is seeking information from SRWMO as outlined below. Additionally, BWSR is seeking advice from the Minnesota Attorney General's Office (AGO) regarding the application of Minnesota Statutes and Rules to the proposed Dissolution and reestablishment of SRWMO.

Information regarding SRWMO

In your memo, you state that the "intent is to align the effective date of dissolution with the effective date of the reestablished SRWMO . . ." and that the "Cities of Columbus and East Bethel, and Linwood Township have communicated their intent to reestablish the SRWMO immediately upon dissolution."

To the extent that the existing SRWMO is dissolved, and that Columbus, East Bethel and Linwood Township submit a new Joint Powers Agreement (JPA) for BWSR's consideration, the new JPA is subject to the requirements of Minnesota Statutes, section 103B.211 and Minnesota Rules, 8410.0030. Pursuant to section 103B.211, subd. 2, "Before commencing planning under section 103B.231, a watershed management organization established pursuant to section 471.59 and this section shall submit a map delineating the boundaries of the watershed to the Board of Water and Soil Resources for review and comment on the conformance of the boundaries with the requirements of sections 103B.205 to 103B.255. The board shall have 60 days to comment." Additionally, Minnesota Rules, 8410.0030, subp. 2 states that "Joint powers

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agreements must be in conformance with this chapter, as determined by the board, before the board makes a decision on a draft plan or plan amendment.”

Given BWSR’s responsibilities under statute and rule to review any new JPA and proposed watershed map before making a decision, we seek additional information from you as to what is meant by “intent to reestablish the SRWMO immediately upon dissolution.” How does SRWMO see the BWSR review period relating to the dissolution and reestablishment of a new SRWMO? Another question that arises is how does the new SRWMO propose to map the area of Ham Lake that is within the watershed?

Advice from AGO

The legal path to dissolving a WMO is relatively straightforward, but the path to establishing a new WMO through a JPA for the same watershed is not so clear. Here the question of whether the City of Ham Lake would consent to the new SRWMO’s exercise of authority within its jurisdiction has a profound impact on the pathway to establishing a new WMO. If Ham Lake were to consent pursuant to section 103B.211, subd. 3, the legalities are not exceedingly complicated. But if Ham Lake were not to consent, the means of establishing jurisdiction over the watershed become much more complex. We are in the process of seeking advice from the AGO on the implications of a decision either way by Ham Lake and how things could potentially proceed regarding jurisdiction over the watershed if Ham Lake declined to consent.

Again, thank you sharing your memo with us. We look forward to working with all parties to protect and preserve the Sunrise River Watershed.

Sincerely,



Marcey L. Westrick

Central Region and Grants Manager

cc:

Elizabeth Mursko, City of Columbus Administrator

Jack Davis, City of East Bethel Administrator

Denise Webster, City of Ham Lake Administrator

Pam Olson, Linwood Township Clerk

Rhonda Sivarajah, Anoka County Administrator

David Pedersen, Anoka County Attorney Office

Nancy Norman-Sommer, Anoka County Attorney Office

Troy Gilchrist, SRWMO Attorney

Sunrise River Watershed Management Organization (SRWMO) Board

Michelle Jordan, MN Board of Water and Soil Resources (BWSR) Board Conservationist

Craig Engwall, BWSR Senior Legal and Program Advisor

Justin Hanson, BWSR Assistant Director of Regional Operations