

**SENATE  
STATE OF MINNESOTA  
EIGHTY-NINTH SESSION**

**S.F. No. 3576**

(SENATE AUTHORS: WIGER, Stumpf, Tomassoni and Saxhaug)

DATE	D-PG	OFFICIAL STATUS
04/21/2016		Introduction and first reading Referred to Environment and Energy

A bill for an act

relating to waters; appropriating money for water supply sustainability study and augmentation design; providing project protections for the city of Vadnais Heights.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **APPROPRIATION; WATER SUPPLY SUSTAINABILITY STUDY.**

(a) \$3,630,000 is appropriated in fiscal year 2017 from the general fund to the commissioner of natural resources for activities relating to proposed augmentation of White Bear Lake.

(b) Of this amount:

(1) \$1,500,000 is for a study to evaluate long-term water supply sustainability in the north and east metro, identify options to address any challenges identified to the north and east metro's long-term water supply sustainability, and assess the feasibility and costs of those options. The study must consider available information concerning interactions between the region's surface water and groundwater systems, including White Bear Lake. The commissioner must conduct this study in consultation and coordination with affected communities, the Metropolitan Council and other state and regional agencies, water utilities, watershed districts, counties, industrial water permit holders, and other entities with a demonstrated interest in the water supply challenges facing the north and east metro. The commissioner must complete a report summarizing study findings regarding long-term water supply sustainability challenges in the north and east metro and the feasibility of various options for addressing those challenges. Efficient water use and water reuse options must be included in the report. The commissioner's report must consider sufficient detail regarding preliminary design considerations, including supply

2.1 source, treatment, distribution, operation, and financing, of all feasible options evaluated.  
2.2 The report must be provided no later than January 15, 2018, to the chairs and ranking  
2.3 minority members of the house of representatives and senate committees and divisions  
2.4 with jurisdiction over environment and natural resources finance and policy and the clean  
2.5 water fund. No detailed design may be undertaken by the commissioner without legislative  
2.6 approval. A copy of the draft report will be provided to all affected local agencies for  
2.7 review and comment prior to finalization and presentation by the commissioner to the  
2.8 legislature. The appropriation in this clause is available until June 30, 2018;

2.9 (2) \$280,000 is for water quality monitoring, modeling, and data analysis to  
2.10 establish baseline water quality conditions and to assess the water quality impacts and  
2.11 other potential ecological effects of augmenting White Bear Lake with water from Vadnais  
2.12 Lake on both White Bear Lake and Vadnais Lake. The appropriation in this clause is  
2.13 available until the project is completed;

2.14 (3) \$1,700,000 is for planning and preliminary engineering work needed to further  
2.15 refine the White Bear Lake augmentation cost estimate developed by the commissioner  
2.16 of natural resources pursuant to Laws 2015, First Special Session chapter 4, article  
2.17 3, section 3, subdivision 3. The planning and preliminary engineering must focus on  
2.18 assessing the likely impact of augmentation on water levels in White Bear Lake and  
2.19 reducing the uncertainty around key cost drivers for a potential augmentation system,  
2.20 including augmentation volume, soil conditions, required real estate interests and public  
2.21 improvements, and facility design. In conducting this work, the commissioner shall  
2.22 assume that Vadnais Lake provides the source water for augmenting White Bear Lake.  
2.23 The appropriation in this clause is available until the project is completed; and

2.24 (4) \$150,000 is for development of three design-build proposals. The commissioner  
2.25 shall request design-build qualifications and select three qualified entities to develop  
2.26 design-build proposals. The proposals must address increasing the water level in White  
2.27 Bear Lake by piping water from Vadnais Lake to White Bear Lake. The design work must  
2.28 ensure that the water in White Bear Lake and Vadnais Lake will remain at least as clean  
2.29 and clear as before the augmentation project is implemented. Among any other issues to  
2.30 be addressed, the design work must ensure that the project does not allow the spread of  
2.31 any invasive species or increase phosphorus levels. The commissioner must develop the  
2.32 design-build request for proposals in consultation with the commissioner of administration  
2.33 with regard to procedures, and in consultation with the Metropolitan Council and its  
2.34 water supply policy and technical advisory committees and the Minnesota Pollution  
2.35 Control Agency with regard to water quality and environmental issues. Any limitations in  
2.36 law on the number or value of design-build contracts do not apply to this project. The

3.1 appropriation in this clause is not available until the planning and preliminary engineering  
3.2 work in clause (3) is completed and is available until the design-build proposals funded in  
3.3 this clause are completed.

3.4 (c) No detailed design or construction for the White Bear Lake augmentation project  
3.5 may be undertaken by the commissioner until the commissioner, the city of Vadnais  
3.6 Heights, the White Bear Lake Conservation District, the Metropolitan Council, and any  
3.7 other communities, agencies, or entities involved in the White Bear Lake augmentation  
3.8 project using water drawn from Vadnais Lake enter an agreement as to how the project  
3.9 will proceed, with protections for the city of Vadnais Heights' water system and property  
3.10 including, but not limited to, the following assurances for the city of Vadnais Heights, that:

3.11 (1) the city will not lose its ability to develop lands near Vadnais Lake;

3.12 (2) the city will be consulted regarding all aspects, including the legal planning  
3.13 process, of the siting of any proposed water filtration or treatment plant facility within its  
3.14 borders necessitated by the augmentation project;

3.15 (3) the city will not be required to contribute financially to the construction,  
3.16 maintenance, or operations of the proposed augmentation project and the proposed  
3.17 filtration or treatment plant facility;

3.18 (4) all city and county roads and streets affected by the proposed augmentation  
3.19 project and the proposed filtration or treatment plant facility will be reconstructed  
3.20 following project completion;

3.21 (5) efforts will be made to minimize disruption and adverse impacts to residents and  
3.22 businesses during construction of the proposed augmentation project and the proposed  
3.23 filtration or treatment plant facility; and

3.24 (6) the city will be given authority to force change to ongoing project operations that  
3.25 negatively affect the immediate neighborhood.