



DATE: August 19, 2013
 TO: Board of Water and Soil Resources' Members, Advisors, and Staff
 FROM: John Jaschke, Executive Director 
 SUBJECT: August 28-29, 2013 – BWSR Board Tour Details and Meeting Notice

The Board of Water and Soil Resources (BWSR) will tour Lake County, Minnesota, on Wednesday, August 28, 2013. *See attached tour itinerary.* The Lake County Soil and Water Conservation District is the local host, the tour will highlight their conservation efforts. The accommodations for the Board Tour and Meeting will be at Superior Shores Resort & Conference Center in Two Harbors.

Tuesday, August 27th

A van will depart from the BWSR office in St. Paul on Tuesday, August 27th about 2:00 PM. If you are interested in riding in the van to/from Two Harbors, please contact Mary Jo Anderson at 651-297-4290 or mary.jo.anderson@state.mn.us to reserve a seat in the van.

The van will arrive at Superior Shores Resort & Conference Center, 1521 Superior Shores Drive, in Two Harbors, about 5:00 PM on Tuesday. Directions to Superior Shores:
<http://www.superiorshores.com/contact-superior-shores-resort.html>

Sleeping rooms have been reserved at Superior Shores in Two Harbors for Tuesday and Wednesday evenings, August 27 and 28. *See the attached room reservation list.* The rooms have been direct billed (you do not pay for the room unless noted on the rooming list). Please contact Mary Jo Anderson immediately if you will not need a sleeping room.

Optional: Tuesday evening: *(Must let Mary Jo know if you plan to attend)*

6:00 PM Dinner reservations at Superior Shores, Kamloops Restaurant; the menu is a Mediterranean buffet, casual atmosphere. Dinner has been direct billed (you do not pay).

7:30 – 8:30 PM “Seasons of the North Shore” at Superior Shores, Gooseberry Conference Room: Presentation by Paul Sundberg, retired manager of Gooseberry Falls State Park, has been delighting North Shore residents with his photographs of the scenic vistas and creatures of this area for many years. His program “Seasons of the North Shore” reminds us of the innate beauty of the region. Along with the photos, Paul also shares the sometimes humorous stories on how he was able to capture wildlife behaviors that not many people get to witness. Here are some of Paul’s stunning photos:

[Summer In Grand Marais](#) [Moose Lake State Park](#) [Moose and Lady's-Slippers](#)

Bemidji	Brainerd	Duluth	Fergus Falls	Mankato	Marshall	New Ulm	Rochester
403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383	394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	1004 Frontier Drive Fergus Falls, MN 56537 (218) 736-5445	12 Civic Center Plaza Suite 3000B Mankato, MN 56001 (507) 344-2821	1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	261 Highway 15 South New Ulm, MN 56073 (507) 359-6074	3555 9 th Street NW Suite 350 Rochester, MN 55901 (507) 206-2889

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

www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer

Wednesday, August 28th

A breakfast buffet (direct billed, you do not pay) will be served in the Gooseberry Conference Room from 7:00 AM – 8:00 AM for guests staying at the hotel, and those attending the BWSR Board Tour.

Registration, introductions, and a brief overview of the day will be held at Superior Shores, Gooseberry Conference Room. A coach bus will promptly depart from Superior Shores at 8:30 AM.

The tour will consist of a few stops that we will be walking a short distance, wear your comfortable walking shoes, and casual attire. The tour will be held rain or shine, dress accordingly.

If you will not be present for the Wednesday coach bus tour, or if you do not need a room reservation on Tuesday or Wednesday evening at Superior Shores, please contact Mary Jo Anderson immediately, as we need to know the number of people attending. If you have special food needs, please contact Mary Jo Anderson as soon as possible.

The narrated coach bus will travel through Lake County. We will see lakeshore stabilization, flood control and road retention projects; have a break at 10:00 AM at a streambank stabilization site hosted by the Lake County SWCD. We will arrive in Two Harbors at noon for lunch at the Blackwoods Grill (direct billed, you do not pay).

After lunch we will board the coach bus and depart from Two Harbors at 12:45 PM, tour a wetland bank site, a bridge flood relief project and lakeshore stabilization project. The coach bus will arrive back at Superior Shores in Two Harbors about 3:15 PM, there will be an issues forum/panel discussion on the natural resource challenges in Lake County from 3:30 – 5:00 PM.

We have dinner reservations at Superior Shores, Kamloops Restaurant at 6:00 PM. Dinner is direct billed (you do not pay).

Thursday, August 29th

The Board of Water and Soil Resources (BWSR) will meet on Thursday, August 29th beginning at 8:30 AM. The meeting will be held at Superior Shores, Gooseberry Conference Room, in Two Harbors. Parking is available in front of the building. The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Metro Planning Committee –

1. **Bassett Creek WMO Plan Amendment** - A final draft Amendment to the Bassett Creek WMO Watershed Management Plan was filed with the Board on June 27, 2013. The draft Order contains a summary of the changes and the reviewing agencies' comments. All comments received during the review process and public hearing were addressed and resulted in no revisions to the draft Amendment. The Metro Region Committee met on August 12, 2013, and after review of the information recommends approval of the Plan Amendment by the Board per the attached draft Order. ***DECISION ITEM***
2. **Scott WMO 2013 Plan Amendment** - A final draft Amendment to the Scott WMO Watershed Management Plan was filed with the Board on July 5, 2013. The draft Order contains a summary of the changes and the reviewing agencies' comments. No comments were received during the public hearing. The Metro Region Committee met on August 12, 2013, and after review of the information recommends approval of the Plan Amendment by the Board per the attached draft Order. ***DECISION ITEM***

3. **Prior Lake-Spring Lake WD Plan Amendment** - A final draft Amendment to the Prior Lake-Spring Lake WD Watershed Management Plan was filed with the Board on June 18, 2013. The draft Order contains a summary of the changes and the reviewing agencies' and cities' comments. Numerous comments were received during the review process and at the public hearings which were addressed and resulted in revisions to the draft Amendment. The Metro Region Committee met on August 12, 2013, and after review of the information recommends approval of the Plan Amendment per the attached draft Order. **DECISION ITEM**
4. **North Cannon River WMO Watershed Management Plan 2013 – 2023** - The North Cannon River WMO is a government unit formed through a joint powers agreement signed by eight townships and three small cities in southern Dakota County. The WMO was established in 1983. The Plan Revision (2013-2023) is the 3rd Generation Watershed Management Plan for the WMO. The Plan includes a profile of the watershed's existing environmental conditions, discusses water resource management issues, identifies strategies and policies for each goal, and defines the course of action the organization will follow to address them. The Metro Region Committee met with BWSR staff and local representatives on August 12, 2013, to review and discuss the Plan. The Committee unanimously voted to recommend approval of the Plan by the Board per the attached draft Order. **DECISION ITEM**
5. **Chisago County Local Water Management Plan Update** - Chisago County has updated their Local Water Management Plan as authorized under Minnesota Statutes, section 103B.301. The Priority Concerns Scoping Document (PCSD) was completed and no changes were recommended. The Plan Update focuses on the priority concerns identified in the PCSD; assesses the priority concerns and sets forth appropriate goals and objectives; and provides an implementation program with targeted and measurable actions, timeline and budget. The Metro Region Committee met on August 12, 2013, and after review of the information recommends approval of the Chisago County Plan Update by the full Board per the attached draft Order. **DECISION ITEM**
6. **Coon Creek WD Watershed Management Plan** - The Coon Creek Watershed District (CCWD) was established in 1959 and is located exclusively in Anoka County in the north-central portion of the Minneapolis – St. Paul seven county metropolitan areas. The Plan is the third generation plan required by the Metropolitan Surface Water Management Act (M.S. 103B) and the fourth required under the Watershed Act (M.S. 103D). The Plan defines water and water-related problems within the District's boundaries, has measurable resource goals, objectives and strategies, and has an implementation program with priorities that focus on mission goals, includes targeted management areas, and has effective timelines and budget for achieving the implementation activities identified. The Metro Region Committee met with BWSR staff and local representatives on August 12, 2013 to review and discuss the Plan. The Committee unanimously voted to recommend approval of the Plan to the full Board. **DECISION ITEM**

Grants Program & Policy Committee

1. **Erosion Control and Water Management Program Policy Amendments** - Following several rounds of discussion by staff and the Grants Program and Policy Committee; amendments to the Erosion Control and Water Management Program Policy are presented for Board consideration. The proposed changes are the result of Board discussion when the Policy was originally adopted on October 24, 2012, and to reflect appropriation and statutory changes enacted following the 2013 legislative session. **DECISION ITEM**

2. **FY2014 Clean Water Fund and Competitive Grants Program Policy and Request for Proposals** - BWSR has been appropriated Clean Water Funds to make grants to local governments to address water quality needs. The Minnesota Departments of Agriculture and Health are contributing funds to this grant program. BWSR staff are proposing to package these funds into a single request for proposals that will allow local governments to apply for funds to address water quality priorities that are identified in their local water management plan. **DECISION ITEM**
3. **Cooperative Weed Management Area Program Authorization** - Approval of the FY2014 and FY2015 Cooperative Weed Management Area (CWMA) Program is requested. The Board was appropriated \$100,000 in each year of the biennium of cost share grant funds for "cooperative weed management grants and to restore native plants in selected invasive management sites by providing local native seeds to landowners for implementation. Staff have developed a proposal to make these funds available to qualified cooperative weed management groups. **DECISION ITEM**
4. **Feedlot Water Quality Cost Share Grants Program Authorization** - BWSR was appropriated \$260,000 in each year of the FY2014-15 biennium for "feedlot water quality grants for feedlots under 300 animal units in areas where there are impaired waters". Staff have developed a proposal to make these funds available for projects proposed during the FY2013 Clean Water Fund Competitive Grants application period. **DECISION ITEM**
5. **Disaster Recovery Assistance Program Policy (DRAP)** – Disasters and emergency legislative funding occur frequently and usually unpredictably. Policy (and guidance) will provide BWSR staff and LGUs the needed implementation information and related recovery processes, of BWSR and other state and federal assistance providers. The Grants Program & Policy Committee forwards their recommendation of approval of the Disaster Recovery Assistance Program Policy. **DECISION ITEM**

Wetland Committee

1. 2013 Local Road Wetland Replacement Program Project Selection Process – BWSR staff and the BWSR Wetland Committee recommend approval to pursue projects selected and identified through the 2013 easement sign-up and request for proposal solicitation process. **DECISION ITEM**

RIM Reserve Management Planning Committee

1. RIM/WRP Payment Rate Adjustment 2010-2012 – The Board is requested to approve the recommendation of the RIM Reserve Management Planning Committee (RRMPC) to authorize the 2013 RIM-WRP Partnership easement payment rates to be applied to RIM-WRP projects from 2010-2012 that have not closed. The RRMPC is meeting within the next week and will have a recommendation for the August 29th Board meeting. **DECISION ITEM**
2. Easement Tax Valuation Fact Sheet – Sarah Strommen – **INFORMATION ITEM**

If you have any questions regarding the agenda, please feel free to call me at 651-296-0878. The meeting will adjourn about noon. I look forward to seeing you in Two Harbors!

If you are riding the van from Two Harbors to St. Paul, it will depart from Superior Shores immediately following the Board meeting; arriving in St. Paul late afternoon.

BWSR Board Tour Itinerary

Superior Shores Resort & Conference Center
1521 Superior Shores Drive
Two Harbors, MN 55616
Wednesday, August 28, 2013

Hosted by Lake County SWCD

- 7:00 – 8:00 AM Continental Breakfast
- 7:30 Check-in at registration table
- 8:00 Welcome - Brian Napstad and John Jaschke, BWSR
Introductions
Brief overview of tour – Jennifer Thiemann and Dan Schutte, Lake County SWCD
- 8:20 Board coach bus
- 8:30 Coach bus promptly departs from Superior Shores
- Narrated Tour of Two Harbors Storm Water Planning – Wayne Seidel, Lake County SWCD / U of M Extension (retired)
- Campground Shoreline Stabilization
 - **Cemetery Detention Basin**
 - 19th Street Storm Water Detention Basin
 - Battaglia Parkway Detention Basin & Erosion Control Projects
 - **Skunk Creek Stream Bank Stabilization Project**
- 10:30 **Break at Uppgaard Site - Knife River 2010 CWF Stream Bank Stabilization**
Two Harbors Waterfront, Lighthouse at Agate Bay
- Noon – 12:45 **Lunch** at Blackwoods Grill, Two Harbors
- 1:00 PM **Dan Ziemet Wetland Bank**
- 2:00 **Jamie & Penny Juenemann Bridge Flood Relief**
- 2:30 **Ron & Louise Thureen Lakeshore Stabilization**
- 3:15 **Break** at Superior Shores, Gooseberry Conference Room
- 3:30 – 5:00 **Issues Forum – “Natural Resource Challenges in Lake County”**
Panel: Rich Sve, Lake County Commissioner
Jo Kovach, White Iron Chain of Lakes Association
Tom Gelineau, Former Lake SWCD Supervisor
Leo Babeau, Knife River Advocates
- 6:00 **Dinner** at Superior Shores, Kamloops Restaurant
Everyone on the tour is invited to stay for dinner

The **six bolded** sites are tour stops that we will be getting off of the bus. The remaining sites will be a brief stop or drive by with an explanation.

Rooming List for Board of Water and Soil Resources

Tuesday, August 27, 2013

1. Mary Jo Anderson
2. LeAnn Buck ***
3. Joe Collins
4. Jack Ditmore
5. Chris Elvrum ***
6. Rebecca Flood ***
7. Christy Jo Fogarty
8. Annalee Garletz***
9. Sandy Hooker
10. John Jaschke
11. Al Kean
12. Tom Landwehr ***
13. Paul Langseth
14. Tom Loveall
15. Jen Maleitzke
16. Brian Napstad
17. Judy Ohly
18. Mary Peterson
19. Tom Schulz
20. Ron Shelito
21. Rob Sip ***
Sarah Strommen
22. Steve Sunderland
23. Doug Thomas
24. Gene Tiedemann
25. Matt Wohlman ***
26. Gerald Van Amburg
27. Dave Weirens
28. Steve Woods
29. Wayne Zellmer

Wednesday, August 28, 2013

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23. Steve Sunderland
24. Doug Thomas
25. Gene Tiedemann
26. Matt Wohlman ***
27. Gerald Van Amburg
28. Dave Weirens
29. Steve Woods
30. Wayne Zellmer
31. Ken Powell

*** will pay for room upon arrival

**BOARD OF WATER AND SOIL RESOURCES
SUPERIOR SHORES RESORT & CONFERENCE CENTER
1521 SUPERIOR SHORES DRIVE
TWO HARBORS, MN 55616
THURSDAY, AUGUST 29, 2013**

PRELIMINARY AGENDA

8:30 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF JUNE 26, 2013 BOARD MEETING

PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)

CONFLICT OF INTEREST DECLARATION

LAKE SWCD TO ADDRESS THE BOARD

- **RECOGNITION OF WAYNE SEIDEL, LAKE COUNTY SWCD**

REPORTS

- Chair – Brian Napstad
- Administrative Advisory Committee – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Gerald Van Amburg
- Wetlands Committee – Gerald Van Amburg
- Grants Program & Policy Committee – Paul Langseth
- Public Relations, Oversight & Strategic Planning Committee – Jack Ditmore
- RIM Reserve Management Planning Committee – Gene Tiedemann
- Drainage Work Group – Tom Loveall/Al Kean

COMMITTEE RECOMMENDATIONS

Metro Region Committee

1. Bassett Creek WMO Plan Amendment – Mary Peterson – ***DECISION ITEM***
2. Scott WMO 2013 Plan Amendment – Mary Peterson – ***DECISION ITEM***
3. Prior Lake-Spring Lake WD Plan Amendment – Mary Peterson – ***DECISION ITEM***
4. North Cannon River WMO Watershed Management Plan 2013–2023 – Mary Peterson – ***DECISION ITEM***
5. Chisago County Local Water Management Plan Update – Mary Peterson – ***DECISION ITEM***
6. Coon Creek WD Watershed Management Plan – Mary Peterson – ***DECISION ITEM***

Grants Program & Policy Committee

1. Erosion Control and Water Management Program Policy Amendments – Dave Weirens – **DECISION ITEM**
2. FY2014 Clean Water Fund and Competitive Grants Program: Policy and Request for Proposals – Dave Weirens - **DECISION ITEM**
3. Cooperative Weed Management Area Program Authorization – Wayne Zellmer – **DECISION ITEM**
4. Feedlot Water Quality Cost-Share Grants Program Authorization – Dave Weirens – **DECISION ITEM**
5. Disaster Response Assistance Program Policy – Wayne Zellmer – **DECISION ITEM**

Wetland Committee

1. 2013 Local Road Wetland Replacement Program Project Selection Process – Ken Powell - **DECISION ITEM**

RIM Reserve Management Planning Committee

1. RIM/WRP Payment Rate Adjustment 2010-2012 – Bill Penning/Sarah Strommen – **DECISION ITEM**
2. Easement Tax Valuation Fact Sheet – Sarah Strommen – **INFORMATION ITEM**

AGENCY REPORTS

- Minnesota Department of Agriculture – Rob Sip
- Minnesota Department of Health – Chris Elvrum
- Minnesota Department of Natural Resources – Tom Landwehr
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

- Association of Minnesota Counties – Annalee Garlets
- Minnesota Association of Conservation District Employees – Matt Solemsaas
- Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Natural Resources Conservation Service – Don Baloun

UPCOMING MEETINGS

- Wetlands Committee – August 29, 7:30 AM, Superior Shores, Two Harbors
- Next BWSR Board Meeting – September 25, St. Paul

Noon **ADJOURN** (estimated time)

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 26, 2013**

BOARD MEMBERS PRESENT:

Jack Ditmore, Chris Elvrum, MDH; Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Judy Ohly, Tom Schulz, Faye Sleeper, UME; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Doug Wetzstein, MPCA; Matt Wohlman, MDA

BOARD MEMBERS ABSENT:

Joe Collins
Tom Landwehr, DNR

STAFF PRESENT:

Mary Jo Anderson, Angie Becker Kudelka, Brian Dwight, Bill Eisele, Tim Fredbo, Travis Germundson, Barbie Hogan, John Jaschke, Al Kean, Tim Koehler, Les Lemm, Kristi Mack, Polly Remick, Ron Shelito, Gwen Steel, Sarah Strommen, Doug Thomas, Dave Weirens, Marcey Westrick, Wayne Zellmer

OTHERS:

Sheila Vanney and Ian Cunningham, MASWCD
Rob Sip, MDA
Don Baloun, NRCS
Julie Westerlund, DNR
Ray Bohn, MAWD

CALL MEETING TO ORDER – Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

13-38 **ADOPTION OF AGENDA** – Chair Napstad noted the addition of Conflict of Interest Declaration on the agenda. Moved by Paul Langseth, seconded by Sandy Hooker, to adopt the amended agenda as presented. ***Motion passed on a voice vote.***

13-39 **MINUTES OF MAY 22, 2013 BOARD MEETING** – Paul Langseth noted his attendance at the May 22, 2013 Board meeting. Moved by Paul Langseth, seconded by Matt Wohlman, to approve the amended minutes of May 22, 2013 as circulated. ***Motion passed on a voice vote.***

RECOGNITION OF BOARD MEMBER – John Jaschke acknowledged Keith Mykleseth's state service as a BWSR board member for four years as a non-metro city representative. John and Chair Napstad presented Keith with a Distinguished Service Award plaque for his dedicated service to Minnesota's water and soil resources from 2009- 2013. Keith is now DNR Ecological & Water Resources Assistant Manager in Bemidji. Keith stated that he enjoyed serving on the Board. Chair Napstad thanked Keith for his service and membership on the Board.

INTRODUCTION OF NEW BOARD MEMBERS

Judy Ohly, citizen member, term 5/23/13 – 1/02/17
Tom Schulz, SWCD member, term 5/23/13 – 1/02/17

INTRODUCTION OF NEW BWSR EMPLOYEES

Brian Dwight, Clean Water Specialist, previously board conservationist
Barbie Hogan, Office & Administrative Specialist
Kristi Mack, Easement Acquisition Specialist Senior, previously easement processor
Polly Remick, Easement Section Program Analyst, previously realty specialist
Gwen Steel, Land & Water Specialist
Marcey Westrick, Clean Water Coordinator, previously clean water specialist

CONFLICT OF INTEREST DECLARATION - Chair Napstad explained that the conflict of interest declaration process is being used today on the FY'14 Natural Resources Block Grant Allocations; the FY'14 SWCD Program & Operations Grant Allocations; and the Farm Bill Assistance Program Authorization. The Conflict of Interest Declaration forms need to be submitted.

REPORTS

Chair's Report – Brian Napstad attended the EQB meeting last week. Discussion included an update on the silica sand activities. Chair Napstad reported that the Governor's Institute on Community Design (GICD) held a follow-up session last week; nine policies developed to improve environmental plans. BWSR was well represented, Travis Germundson attended the GICD session.

Administrative Advisory Committee (AAC) – Brian Napstad reported that the Administrative Advisory Committee met this morning, items discussed included the Ag Wetland Banking

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Memorandum of Understanding. John Jaschke stated the NRCS legal staff in Washington, D.C. requested additional review of the MOU. John explained that the state portion of the MOU is good to go and will be on the agenda later today. The AAC also discussed the emergency haying and grazing on conservation lands; BWSR committee appointments; and the BWSR Board tour in August.

Executive Director's Report – John Jaschke reported that MPCA is conducting a media event at 10:30 this morning regarding the nitrogen study in Minnesota. John will attend; Sarah Strommen will attend the Board meeting on John's behalf. The One Watershed One Plan (1W1P) workshop will be held immediately following adjournment of the Board meeting today.

John attended the MAWD summer tour June 21 in New Ulm and the RRBC tour in Fargo on June 5. John informed board members that BWSR received a petition from Polk County regarding redistribution of managers of the Middle-Snake-Tamarac Rivers Watershed District. John reviewed information in board members' packets.

Dispute Resolution Committee (DRC) – Travis Germundson reported that the DRC Committee report is current as distributed. Travis stated that a training session with the Attorney General's office will be held when new board member appointments are complete and committee assignments have been made. Travis stated that Brian Dwight has been instrumental in bringing the affected counties together to discuss the Polk County petition for redistribution of watershed managers. Chair Napstad reported that according to statute, a county commissioner is required on the DRC; Tom Loveall accepted the appointment to the Dispute Resolution Committee.

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee has not met. Dave Weirens stated that the Wetlands Committee will likely meet prior to the August Board meeting.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee met and has recommendations on the agenda later today.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Committee met last night; the Committee will meet again in October. Chair Napstad thanked Keith for serving as Chair of the Committee. Jack Ditmore has accepted the appointment as chair of the Public Relations, Outreach & Strategic Planning Committee.

Drainage Work Group – Al Kean distributed the Drainage Work Group Report and summarized the topics of discussion from the meeting on June 13, 2013. The next meeting of the Drainage Work Group is August 8, 2013.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

Crow Wing County Water Plan Update – Brian Napstad reported that Crow Wing County submitted their revised Local Water Management Plan for state review and comment. Crow Wing County has taken a leadership role and has done an outstanding effort in the water

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** management plan. Chair asked that the Crow Wing County bring their water management plan before the Board. The Northern Water Planning Committee met on June 12, 2013; reviewed the Plan and recommends approval. Moved by Brian Napstad, seconded by Sandy Hooker, to approve the Crow Wing County Local Water Management Plan June 26, 2013 – June 26, 2023 with a required update of the Implementation section to be completed by December 31, 2018.

** Matt Wohlman stated that the Findings of Fact, section 6, item C., Department of Agriculture is listed twice; Chris Elvrum stated that the Department of Health is not listed. Discussion followed. It was decided to delete C. and re-letter the list. Moved by Tom Loveall, seconded by Gerald Van Amburg, to amend the Order with the deletion of C. and re-letter the list. **Amendment passed on a voice vote.**

13-40
13-41 **Motion to approve the Crow Wing County Local Water Management Plan passed on a voice vote.**

Kanabec County Comprehensive Local Water Management Plan Amendment – Gerald Van Amburg reported that the Northern Water Planning Committee met on June 12, 2013, reviewed the plan amendment and recommends approval of the update through August 2017. Moved by Gerald Van Amburg, seconded by Matt Wohlman, to approve the Kanabec County Comprehensive Local Water Management Plan Amendment. **Motion passed on a voice vote.**

** **Koochiching County Local Water Management Plan Amendment** – Gene Tiedemann reported that the Northern Water Planning Committee met on June 12, reviewed the plan amendment and recommends approval of the five-year plan amendment through December 31, 2017. Moved by Gene Tiedemann, seconded by Sandy Hooker, to approve the Koochiching County Local Water Management Plan Amendment. **Motion passed on a voice vote.**

** **Pope County Local Water Management Plan Amendment** – Gene Tiedemann reported that the Northern Water Planning Committee met on June 12, 2013, reviewed the plan amendment and recommends approval of the Pope County Local Water Management Plan Update. Moved by Gene seconded by Gerald Van Amburg, to approve the Pope County Local Water Management Plan Amendment. **Motion passed on a voice vote.**

Southern Water Planning Committee

** **Renville County Comprehensive Water Plan Update** – Paul Langseth reported that the Southern Water Planning Committee met on June 12, 2013, reviewed the Renville County Local Water Management Plan Update and recommends approval. Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the Renville County Local Water Management Plan Update. Paul reported that the Department of Health provided comments, a recommendation of approval, after the deadline.

** Moved by Sandy Hooker, seconded by Faye Sleeper, to amend the Renville County Local Water Management Plan Update to include the Department of Health's recommendation of approval. Discussion followed. **Amendment passed on a voice vote.**

13-45

- 13-46 **Motion to approve the Renville County Local Water Management Plan Update passed on a voice vote.**

John Jaschke left the meeting; Sarah Strommen served as acting executive director.

Wetland Committee

BWSR-NRCS Agricultural Wetland Banking Memorandum of Understanding (MOU) – Les Lemm reported that BWSR and NRCS have been working together on enhancing coordination of the Wetland Conservation Act (WCA) and Swampbuster under an agreement for more than two years. Les presented information and stated that one of the of the key accomplishments has been the implementation of the Agricultural Wetland Bank. This memorandum of understanding is being proposed to establish details of the operations of this Bank including the use of the Bank under the WCA agricultural exemption. Les thanked Don Baloun and Mark Oja, NRCS, for their assistance and partnership on the MOU. Don thanked John Jaschke, Les Lemm, and Paul Flynn for their efforts in making the joint effort happen.

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13-47 Moved by Matt Wohlman, seconded by Paul Langseth, to authorize Chair Napstad to make any minor edits that may be needed and sign the interagency Agricultural Wetland Banking MOU with NRCS. Jack Ditmore made note of an edit on page 3. **Motion passed on a voice vote.** Chair Napstad and Don Baloun signed the interagency Memorandum of Understanding.

Administrative Advisory Committee

Emergency Haying & Grazing on Conservation Lands – Sarah Strommen explained that Governor Dayton sent a letter to USDA Secretary Vilsack on June 14th requesting Federal action to support the livestock forage and feed shortage due to inclement spring weather in Minnesota. Authorization for emergency haying and grazing on state conservation lands may be considered pending related action. Matt Wohlman noted that the Department of Agriculture is waiting additional information from USDA.

- **
13-48 Moved by Matt Wohlman, seconded by Chris Elvrum, that the Board hereby authorizes staff to inform and educate easement holders and local SWCD staff on the provisions for vegetative management for conservation management purposes as stated in RIM Policy dated December 17, 2008, and to coordinate actions with local, state and federal partners on specific guidelines and provisions related to emergency haying and grazing. Discussion followed. **Motion passed on a voice vote.**

CONFLICT OF INTEREST DECLARATION - Chair Napstad explained that the conflict of interest declaration process is being used today on the FY'14 Natural Resources Block Grant Allocations; the FY'14 SWCD Program & Operations Grant Allocations; and the Farm Bill Assistance Program Authorization. The Conflict of Interest Declaration forms need to be submitted.

Chair Napstad read the statement:

"A conflict of interest whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today's business."

Chair Napstad asked board members to submit their completed Conflict of Interest Declaration forms to Sarah Strommen. The Conflict of Interest Declaration documents will be filed for the grant decision item. All board members are eligible to vote.

Grants Program & Policy Committee

FY'14 Natural Resources Block Grant Allocations – Wayne Zellmer reported that the Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Subsurface Sewage Treatment Systems. The Grants Program & Policy Committee recommends Board approval of the Proposed FY '14 Natural Resources Block Grant allocations.

Wayne presented the allocations:

LWM	\$1,139,152
WCA	\$1,906,485
DNR Shoreland	\$377,369
MPCA Feedlot Base	\$(to be determined by MPCA)
MPCA SSTS	\$1,599,600

And, for Local Water Management, Wetland Conservation Act, and DNR Shoreland Programs, Local Governmental Units will have the flexibility of determining the amount of the total of these three BWSR Programs, to allocate to each of their programs locally.

**
13-49 Moved by Paul Langseth, seconded by Faye Sleeper, to approve the FY'14 Natural Resources Block Grant Allocations as presented. Discussion followed. **Motion passed on a voice vote.**

SWCD Program & Operations Grant Allocations – Wayne Zellmer reported that the Grants Program & Policy Committee recommends approval of the FY'14 allocation recommendations for the Conservation Delivery, Easement Delivery, Non-Point Engineering Assistance, and Cost-Share Base Grant Programs. Wayne presented the allocations:

1. Staff to allocate grant funds to individual SWCDs up to the amounts listed below and as provided on the attached allocation spreadsheet, *Proposed FY '14 SWCD Programs and Operations Grants*:

State Cost Share Base Grants	\$1,199,999
Conservation Delivery Grants	\$1,765,001
Easement Delivery Grants	\$ 290,989

2. Allocate the Non Point Engineering Assistance Grants to joint powers boards, up to \$1,060,000, as listed below:

NPEA Area	Base Grant	Host/Fiscal Agent SWCD	Equipment	Total Grant
1	\$120,000	\$10,000	\$0	\$130,000
2	\$120,000	\$ 5,000	\$0	\$125,000
3	\$120,000	\$10,000	\$0	\$130,000
4	\$120,000	\$ 5,000	\$20,000	\$145,000
5	\$120,000	\$10,000	\$0	\$130,000
6	\$120,000	\$ 5,000	\$0	\$125,000
7	\$120,000	\$10,000	\$20,000	\$150,000
8	\$120,000	\$ 5,000	\$0	\$125,000

3. Authorize SWCDs, to use all or part of their State Cost Share Base Grant allocation for technical assistance, when the following conditions exist:
- i. Other non-state funds will be leveraged and they couldn't do the project otherwise;
 - Or,
 - ii. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2012 Financial Report indicates less than an 18-month fund balance; and
 - iii. Board Conservationist approval.

**
 13-50 Moved by Gene Tiedemann, seconded by Tom Schulz, to approve the recommended allocations as presented and authorize staff to allocate grants funds to SWCDs. **Motion passed on a voice vote.**

Farm Bill Assistance Program Authorization – Dave Weirens reported that the Board is requested to authorize grants to selected SWCDs to continue the Farm Bill Assistance partnership between BWSR, DNR, Pheasants Forever, and SWCDs. Dave distributed additional information on the Farm Bill Assistance Partnership July 1, 2013 – June 30, 2014 and also a map showing the Farm Bill Assistance positions.

**
 13-51 Moved by Tom Loveall, seconded by Gerald Van Amburg, to approve the Farm Bill Assistance Program authorization as presented. Jack Ditmore noted the editorial change needed on the resolution. The resolution will be corrected and ready Chair Napstad's signature. Discussion followed. **Motion passed on a voice vote.**

AGENCY REPORTS

Minnesota Extension Service – Faye Sleeper reported that Extension is in the process of hiring nutrient faculty; plan to be in place August 1.

Minnesota Pollution Control Agency – Doug Wetzstein reported that the nitrogen study is being released today with lots of press coverage.

ADVISORY COMMENTS

Minnesota Association of Soil & Water Conservation Districts – Ian Cunningham looks forward to attending the One Watershed One Plan workshop today. Ian reported that the MASWCD Leadership Institute will begin in August. An SWCD Governance 101 training session will be held September 4-5. Ian reported that he will be going to Washington, D.C. to attend the NACD Legislative Conference in July.

Minnesota Association of Watershed Districts – Ray Bohn reported that MAWD had a good summer tour.

UPCOMING MEETINGS

BWSR Board Tour/Meeting – August 28-29, 2013, Two Harbors

** Moved by Judy Ohly, seconded by Christy Jo Fogarty, to adjourn the meeting at 11:25 a.m.
13-52 ***Motion passed on a voice vote.***

Respectfully submitted,

Mary Jo Anderson
Recorder



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report^L

Meeting Date: August 29, 2013

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Land and Water Section

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)

Presented by: Gerald Van Amburg

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other: _____
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

None

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

Dispute Resolution Committee Report. The report provides a monthly update on the number of appeals filed with the BWSR.

Dispute Resolution Report
August 16, 2013
By: Travis Germundson

There are presently **11** appeals pending. All of the appeals involve WCA except File 10-10. There have been no new appeals filed since the last report dated July 17, 2013.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 13-5 (6-11-13) This is an appeal of a replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application. A previous appeal (File 12-19) was remanded for further technical work and administrative proceedings, and now that new decision is being appealed. At issue is the adequacy of the TEP's Report to address partial drainage. *The appeal has been remanded for further technical work directing the TEP to produce a revised written report adequately addressing partial drainage.*

~~File 13-4 (5-15-13) This is an appeal of an exemption decision in Swift County. The appeal regards the denial of an agricultural exemption application. At issue is the annually seeded/crop rotation eligibility requirements for the exemption. *Appeal finalized upon new decision made under remand (July 23, 2013).*~~

File 13-3 (3-19-13) This is an appeal of a restoration order in Big Stone County. The appeal regards impacts to DNR Public Waters and WCA wetlands on state property associated with an agricultural drainage project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.

File 13-1 (1-9-13) This is an appeal of a restoration order in Swift County. The appeal regards drainage impacts to multiple wetlands associated with an agricultural drain tile project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the fact wetland application.

File 12-16 (11-16-12). This is an appeal of a wetland banking credit deposit request in Stearns County. The appeal regards the approval of a wetland banking plan request to deposit 9.9 acres of credit. A previous appeal (File 12-13) was remanded for the LGU to develop an adequate record, and now that new decision is being appealed. At issue are the eligibility requirements for banking credits. The appeal has been accepted and the briefing and hearing schedule stayed by mutual agreement to allow informal settlement discussions to continue.

File 12-12 (7-16-12) This is an appeal of an exemption determination in Renville County. The appeal regards the denial of an agricultural drainage exemption associated with a 1.5 acre wetland. At issue is the wetland type determination. A previous appeal (File 12-5) was remanded for further technical evaluation and administrative proceedings, and now the current approval is being appealed. A verbal settlement agreement has since been reached that includes submittal of a replacement plan application. The appeal has been placed in abeyance by mutual agreement to determine the viability of a wetland replacement plan application.

File 11-1 (1-20-11) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of approximately 1.77 acres of wetland and 0.69 acres of excavation. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application and confirmation of required mitigation.

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to proceed with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. A mediated settlement agreement was reached with the condition that if the watershed district fails to carry out Option D the appeal shall go forward. The appeal has been placed in abeyance.

File 10-7 (2-19-10) This is an appeal of a restoration order in Stearns County. The appeal regards draining and filling impacts to approximately 18.44 acres of Type2/3 wetland and 3.06 acres of Type 2 wetland. The appeal has been placed in abeyance and the restoration order stayed for submittal of "as built" or project information pertaining to a public drainage system. A portion of the site has been restored and it appears the landowner is committed to restoring the remaining areas.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending disposition with the U.S. Dept of Justice.

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue are wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for new wetland delineation and for submission on an updated, complete replacement plan application. On 12-9-09 the District made a new wetland delineation decision. The applicant has not yet submitted an updated replacement plan application.

Summary Table

Type of Decision	Total for Calendar Year 2012	Total for Calendar Year 2013
Order in favor of appellant	1	
Order not in favor of appellant	5	1
Order Modified		
Order Remanded	4	2
Order Place Appeal in Abeyance	1	1
Negotiated Settlement		
Withdrawn/Dismissed	4	

COMMITTEE RECOMMENDATIONS

Metro Region Committee

1. Bassett Creek WMO Plan Amendment – Mary Peterson – ***DECISION ITEM***
2. Scott WMO 2013 Plan Amendment – Mary Peterson – ***DECISION ITEM***
3. Prior Lake-Spring Lake WD Plan Amendment – Mary Peterson – ***DECISION ITEM***
4. North Cannon River WMO Watershed Management Plan 2013–2023 – Mary Peterson – ***DECISION ITEM***
5. Chisago County Local Water Management Plan Update – Mary Peterson – ***DECISION ITEM***
6. Coon Creek WD Watershed Management Plan – Mary Peterson – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Bassett Creek WMO Plan Amendment

Meeting Date: 08/29/2013

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Metro

Contact: Brad Wozney, Board Conservationist

Prepared by: Brad Wozney, Board Conservationist

Reviewed by: Metro Region Committee(s)

Mary Peterson, Board

Presented by: Conservationist

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other:
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

Approval of Plan Amendment to the Bassett Creek Watershed Management Organization Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

<http://bassettcreekwmo.org/PlanAmendments/PlanAmendmentHome.htm>

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

WMO Background

The Bassett Creek WMO (Commission) is located in the heart of Hennepin County. It is bound by the Mississippi River WMO to the east, on the south and west by the Minnehaha Creek Watershed District, on the northwest by the Elm Creek WMO, and on the north by Shingle Creek WMO. The watershed encompasses all or part of the following nine cities: Plymouth, Medicine Lake, Golden Valley, Robbinsdale, Crystal, New Hope, Minnetonka, St. Louis Park, and Minneapolis. Bassett Creek discharges into the Mississippi River in downtown Minneapolis below St. Anthony Falls. The watershed contains five major lakes and three creek branches. The Bassett Creek watershed covers 39.6 square miles and is

predominantly fully developed (>90%). Scattered areas of redevelopment throughout the watershed are proposed.

The Bassett Creek Flood Control Commission was formed in 1968, primarily to study the flooding issues in the watershed, and later adopted a watershed management plan in 1972. In 1984 the Commission was created after revising the Flood Control Commission's joint powers agreement. The Commission prepared its first generation watershed management plan that BWSR approved in July 1989. The second generation plan was approved by BWSR in August 2004. Subsequently, the Commission completed two major and four minor plan amendments between years 2005 and 2012.

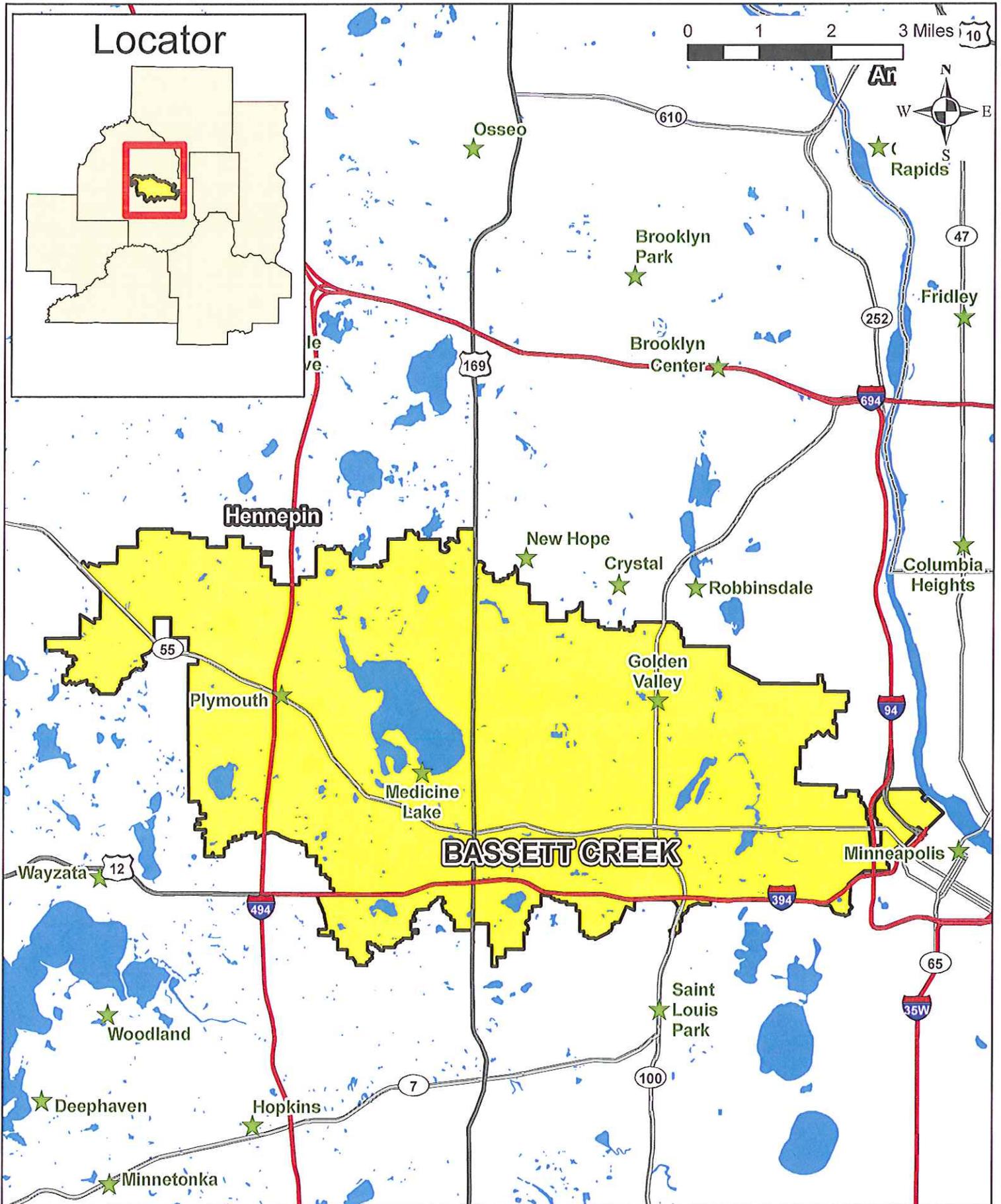
Amendment Summary

The Amendment proposes to add three capital projects to the capital improvement program (Table 12-2): Schaper Pond improvements, Briarwood-Dawnview water quality improvement project, and Twin Lake alum treatment for a total cost of \$898,000. DNR comments were received during the formal comment period and were fully addressed by the Commission. The Commission has regularly reviewed their implementation program and has amended their Plan on numerous occasions as studies are completed.

Recommendation

The Metro Region Committee met on August 12, 2013. After review of the information, BWSR staff was in favor of and the Committee unanimously voted to recommend approval of the Plan Amendment dated June 2013 to the full Board per the attached draft Order.

Bassett Creek Watershed Management Organization



Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the
Amendment to the Watershed Management
Plan for the **Bassett Creek Watershed
Management Organization**, pursuant to
Minnesota Statutes Section 103B.231,
Subdivision 11.

**ORDER
APPROVING
AMENDMENT TO
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Commissioners of the Bassett Creek Watershed Management Organization (Commission) submitted a Watershed Management Plan Amendment dated June 2013 (Amendment), to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **WMO Establishment.** The Bassett Creek Flood Control Commission was formed in 1968 primarily to study flooding issues in the watershed and adopted a watershed management plan in 1972. In 1984, the Bassett Creek Watershed Management Commission (Commission) was created after revising the Flood Control Commission's joint powers agreement. The Commission prepared its first generation watershed management plan that the Board approved in July 1989.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11. The second generation plan was approved by the Board in August 2004. Subsequently, the Commission completed two major and four minor amendments between 2005 and 2012.
3. **Nature of the Watershed.** The Commission is located in the heart of Hennepin County. It is bound by the Mississippi River WMO to the east, on the south and west by the Minnehaha Creek Watershed District, on the northwest by the Elm Creek WMO, and on the north by Shingle Creek WMO. The watershed encompasses all or part of the following nine cities: Plymouth, Medicine Lake, Golden Valley, Robbinsdale, Crystal, New Hope, Minnetonka, St. Louis Park, and Minneapolis. Bassett Creek discharges into

the Mississippi River in downtown Minneapolis below St. Anthony Falls. The watershed contains five major lakes and three creek branches. The Bassett Creek watershed covers 39.6 square miles and is predominantly fully developed. Scattered areas of redevelopment throughout the watershed are proposed.

4. **Amendment Development and Review.** The Amendment proposes to add three capital projects to the capital improvement program. The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on February 28, 2013. The Commission received comment letters from the Metropolitan Council, MN Department of Agriculture, MN DNR, MPCA, and the Board. All comments during the formal comment period were addressed and did not result in plan changes. The Commission held public hearings on May 16 and June 20, 2013, with no comments that resulted in plan changes. The Hennepin County Board approved the proposed amendment in accordance with MN Stat §103B.231 Subd. 7(c). The final draft Amendment was submitted to the Board and plan review agencies on June 27, 2013, for final review and approval.
5. **Metropolitan Council Review.** Met Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan*.
6. **Department of Agriculture Review.** The MDA did not have any comments on the Amendment.
7. **Department of Health Review.** The MDH did not comment on the Amendment.
8. **Department of Natural Resources Review.** The DNR had significant permitting concerns regarding the Schaper Pond Diversion Project and had recommendations on completing systematic subwatershed assessments in the WMO, reviewing its standards to address infiltration and abstraction, and incorporating outcomes of the MIDS process. The Commission fully addressed the concerns such that the DNR had no further comments.
9. **Pollution Control Agency Review.** The PCA did not have any comments on the Amendment.
10. **Department of Transportation Review.** The DOT did not comment on the Amendment.
11. **Local Review.** The Commissions circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. No comments were received.
12. **Board of Water and Soil Resources Review.** Board staff commended the Commissions for maintaining a current Plan and had no other comments.
13. **Amendment Summary.** The Amendment proposes to add three capital improvement projects to the capital improvement program (Table 12-2): Schaper Pond improvements,

Briarwood-Dawnview water quality improvement project, and Twin Lake alum treatment.

14. **Metro Region Committee Meeting.** The Board's Metro Region Committee met on August 12, 2013, to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Jack Ditmore, and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Mary Peterson. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Bassett Creek Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 11.
3. The Bassett Creek Watershed Management Organization's Amendment attached to this Order defines the need and purpose of the Plan changes and the methods of financing.
4. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Amendment dated June 2013 to the Bassett Creek Watershed Management Organization Watershed Management Plan.

Dated at Two Harbors, Minnesota this 29th day of August 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Scott WMO Plan Amendment

Meeting Date: 08/29/2013

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Metro

Contact: Brad Wozney, Board Conservationist

Prepared by: Brad Wozney, Board Conservationist

Reviewed by: Metro Region Committee(s)

Mary Peterson, Board

Presented by: Conservationist

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other:
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

Approval of Plan Amendment to the Scott Watershed Management Organization Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

WMO Background

The Scott WMO (SWMO) extends over 287 square miles of Scott County. The remaining portions of Scott County are addressed by the Lower Minnesota River WD, Prior Lake-Spring Lake WD, Vermillion River Watershed JPO, and Black Dog WMO. There are also approximately two square miles tributary to the Cannon River in the southeast corner of the county that is subject to the Metropolitan Surface Water Management Act and is considered part of the SWMO area. Drainage of Scott County is predominantly toward the Minnesota River which forms the northern border of the County.

The SWMO became necessary after the failure of four WMO's in 1996 which had originally been established under the Metropolitan Surface Water Management Act. Scott County resolved to take over

water planning activities in the areas previously addressed by the Sand Creek, Shakopee Basin, Southwest Scott, Credit River, and portions of Prior Lake-Spring Lake watershed management organizations in July 2000. The current plan was approved by BWSR in May 2009. Their second plan amendment was BWSR approved in 2012.

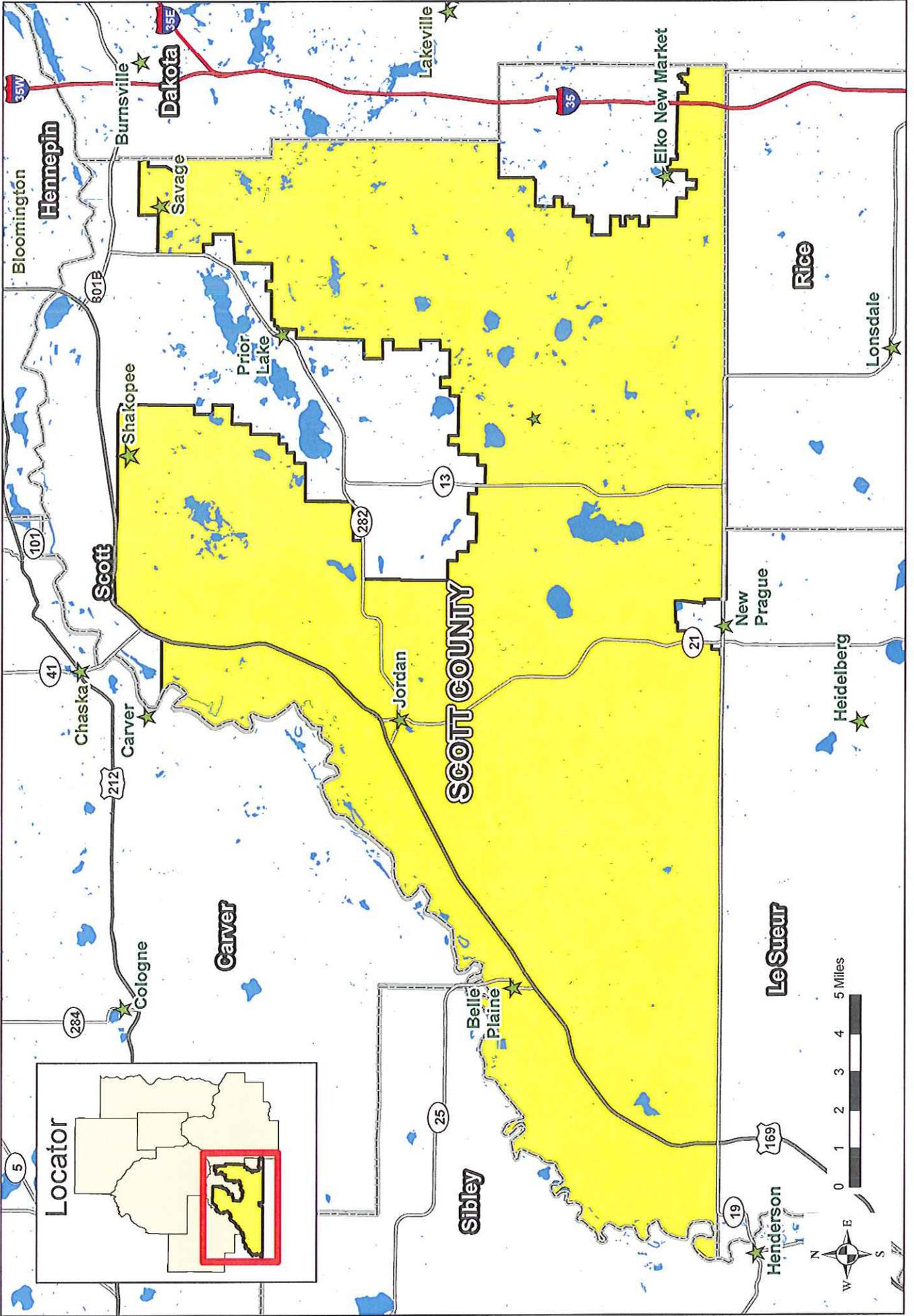
Amendment Summary

This Amendment proposes to revise three sections in the Plan as well as add and update several appendices. Revisions to Section 3 (Goals/Policies/Strategies) involve modification of several strategies and the addition of several new ones in response to completed studies and other new sources of information, such as nitrate management demonstrations, small acreage outreach, and Cedar Lake watershed projects. Section 4 (Administration) was revised primarily to update funding sources for new and existing strategies. Revisions to Section 5 (Implementation) include 1) the addition of three capital improvement projects which will be implemented based on availability of state grant funds, and 2) an overall budget reduction due to a drop in net tax capacity in the WMO since 2009 and due to lower than projected administrative costs in recent years. This amendment reflects SWMO's willingness to regularly review their implementation program and to amend the Plan as studies are completed and projects are identified. A few comments were received during the formal comment periods and were fully addressed. There were no comments at the public hearing.

Recommendation

The Metro Region Committee met on August 12, 2013. After review of the information, BWSR staff was in favor of and the Committee unanimously voted to recommend approval of the Plan Amendment dated April 2013 to the full Board per the attached draft Order.

Scott County Watershed Management Organization



Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the
Amendment to the Watershed Management
Plan for the **Scott Watershed Management
Organization**, pursuant to Minnesota Statutes
Section 103B.231, Subdivision 11.

**ORDER
APPROVING
AMENDMENT TO
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Commissioners of the Scott Watershed Management Organization (SWMO) submitted a Watershed Management Plan Amendment dated April 2013 (Amendment), to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **WMO Establishment.** The SWMO became necessary after the failure of four Joint Powers Agreement WMOs in 1996 which had originally been established under the Metropolitan Surface Water Management Act. Scott County resolved to take over water planning activities in the areas previously addressed by the Sand Creek, Shakopee Basin, Southwest Scott, Credit River, and portions of Prior Lake-Spring Lake watershed management organizations in July 2000.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11. This is the third plan amendment for the SWMO.
3. **Nature of the Watershed.** The SWMO extends over 287 square miles of Scott County. The remaining portions of Scott County are addressed by the Lower Minnesota River Watershed District, Prior Lake-Spring Lake Watershed District, the Vermillion River Watershed Joint Powers Organization, and Black Dog WMO. There are also approximately two square miles tributary to the Cannon River in the southeast corner of the county that is subject to the Metropolitan Surface Water Management Act and is considered part of the SWMO area. Drainage of Scott County is predominantly toward the Minnesota River which forms the northern border of the county. Agricultural land

use dominates the landscape; however urbanization is occurring in the northern portions of the county.

4. **Amendment Development and Review.** The Amendment revises Section 3 – Goals/Policies/Strategies, Section 4 – Administration, Section 5 – Implementation, and informational updates to four appendices. A technical advisory committee meeting was held by SWMO prior to release of the formal draft to address any stakeholder and state agencies' concerns. The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on April 10, 2013. The SWMO received a comment letter from Metropolitan Council, MN Department of Health, MNDOT, MPCA, and the Board. All comments during the formal comment period were addressed and did not result in plan changes. The SWMO held a public hearing on July 2, 2013, with no comments. The final draft Amendment was submitted to the Board and plan review agencies on July 5, 2013, for final review and approval.
5. **Metropolitan Council Review.** Met Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan*. The Council recommended the Plan reference the MN Stormwater Manual and consider including filtration practices where infiltration is not practicable. These comments were addressed by SWMO.
6. **Department of Agriculture Review.** The MDA did not comment on the Amendment.
7. **Department of Health Review.** The MDH commended SWMO for acknowledging the importance of protecting groundwater quality and quantity.
8. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.
9. **Pollution Control Agency Review.** The PCA did not have any comments on the Amendment.
10. **Department of Transportation Review.** The DOT questioned the pending nitrate standard. SWMO responded that the standard originates from the Clean Water Act and will be enforced by MPCA. The SWMO will begin cost sharing on appropriate practices in known high nitrate areas ahead of the regulation.
11. **Local Review.** The Commissioners circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. No comments were received.
12. **Board of Water and Soil Resources Review.** Board staff commended the Commissioners for maintaining a current Plan and requested clarification on the total amount of funding the WMO is willing to contribute to capital projects. The SWMO responded by adding specific dollar amounts to the capital projects in Table 3-2.

13. **Amendment Summary.** The Amendment proposes to revise three sections in the Plan as well as add and update several appendices. Revisions to Section 3 (Goals/Policies/Strategies) involve modification of several strategies and the addition of several new ones in response to completed studies and other new sources of information. Section 4 (Administration) was revised primarily to update funding sources for new and existing strategies. Revisions to Section 5 (Implementation) include the addition of three capital improvement projects which will be implemented based on availability of state grant funds, as well as an overall budget reduction due to a drop of the net tax capacity in the WMO since 2009 and to lower than projected administrative costs in recent years.
14. **Metro Region Committee Meeting.** The Board's Metro Region Committee met on August 12, 2013, to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Jack Ditmore, and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Mary Peterson. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Scott Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 11.
3. The Scott Watershed Management Organization's Amendment attached to this Order defines the need and purpose of the Plan changes and the methods of financing.
4. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Amendment dated April 2013 to the Scott Watershed Management Organization Watershed Management Plan.

Dated at Two Harbors, Minnesota this 29th day of August 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Prior Lake-Spring Lake WD Plan Amendment

Meeting Date: 08/29/2013

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Metro

Contact: Brad Wozney, Board Conservationist

Prepared by: Brad Wozney, Board Conservationist

Reviewed by: Metro Region Committee(s)
Mary Peterson, Board Conservationist

Presented by: Conservationist

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other:
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

Approval of Plan Amendment to the Prior Lake-Spring Lake Watershed District Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

Redlined version:
<http://www.plslwd.org/documents/PLSLWD%20Third%20Generation%20Plan%20Major%20Update%202013-06-12%20Redline.pdf>

Clean version:
<http://www.plslwd.org/documents/PLSLWD%20Third%20Generation%20Plan%20Major%20Update%202013-06-12.pdf>

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

WMO Background

The District was established on March 4, 1970 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act, Minnesota Statutes, Chapter 112. The order was in response to a petition filed by residents within the watershed on June 24, 1969 for the general

purposes of conserving the waters and natural resources of the watershed.

The District is approximately 42 square miles in size and located in north central Scott County, within the Minnesota River basin. The lower one-half of the District particularly around the lakes is largely developed with a predominantly residential land use. The upper one-half of the watershed is rural land use comprising small to medium size farms. Development pressure and changes in land uses within the watershed will likely increase through the life of the Plan. The major water resource features of the District are Spring Lake, Upper Prior Lake, and Lower Prior Lake. There are a total of 12 lakes and one county ditch system in the District. There was no outflow from the watershed until 1983. An outlet channel was constructed commencing at the southwest shore of Lower Prior Lake draining north through three lakes before outletting into the Minnesota River. The following communities lie partially or entirely within the District: the cities of Prior Lake, Savage, and Shakopee, and Sand Creek and Spring Lake Townships. A portion of the Shakopee Mdewakanton Sioux Community Tribal Lands is also located within the District. The District is bound by the Lower Minnesota River Watershed District to the north, and the Scott WMO, containing the subwatersheds of Credit River, Sand Creek, and Shakopee Basin, to the east, south, and west respectively.

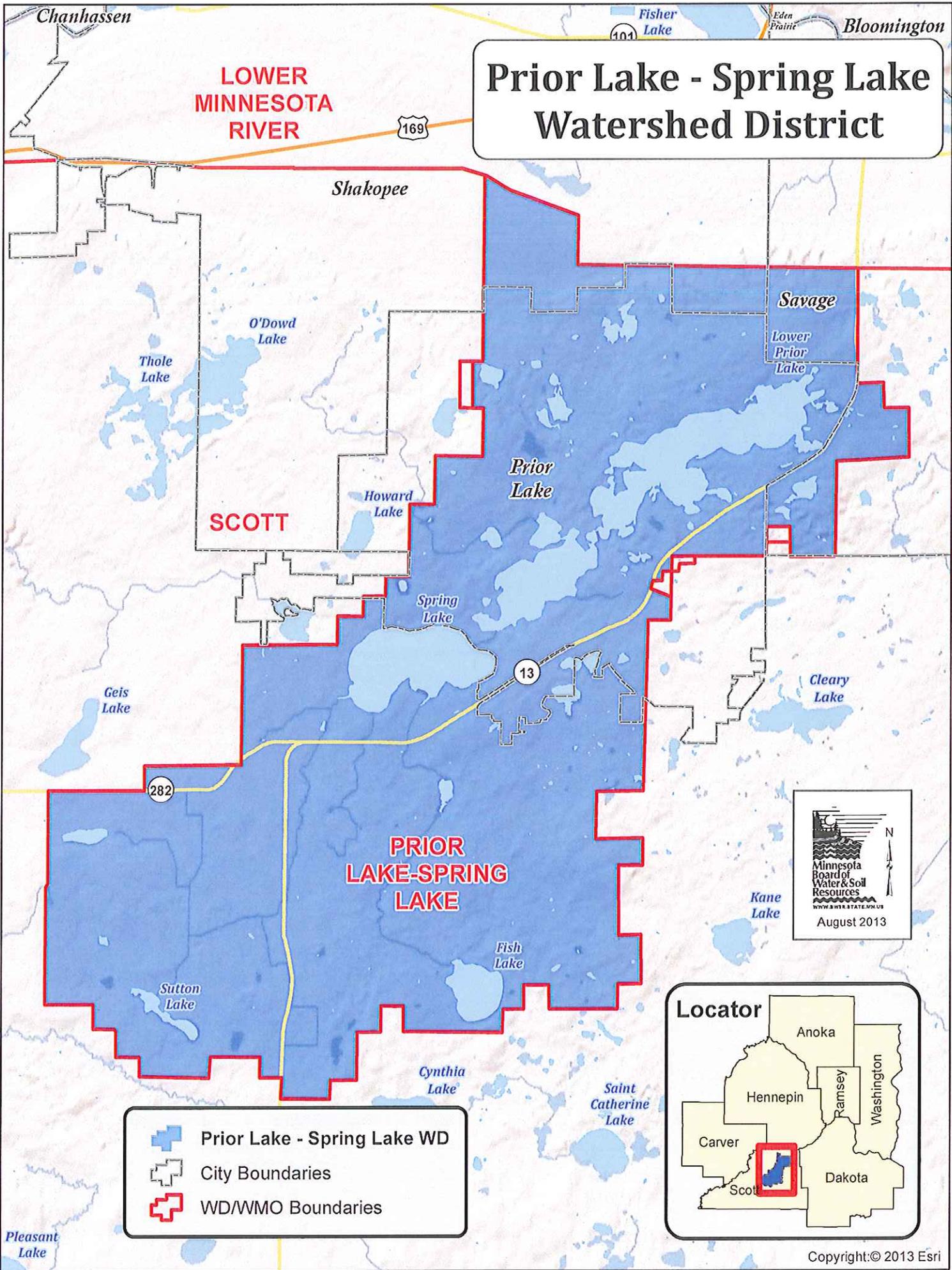
Amendment Summary

The Amendment proposes to revise three sections of the Plan. The primary aim of the amendment is to reorganize the Plan into a common framework that the District can use to track policies, capital projects, and expenditures, and document accomplishments. Revisions to "Section 2" (Goals and Policies) involve modifying, merging and reducing the number of goals from 13 to 5 with additional clarification provided for each goal. Policies were also revised and reorganized into eight categories that better align with budget categories. "Section 3" (Management Plan) contains minor revisions primarily to update strategies and activities that were recently completed. Revisions to "Section 4" (Implementation Plan) include 1) the addition of details to numerous capital improvement projects, 2) reorganization of the strategies to align with the eight programmatic budget categories rather than grouped by subwatershed, 3) changing the implementation timing of several projects, 4) addition and removal (un-funding) of capital projects, and 5) fixing funding discrepancies between the implementation table and the funding boxes for each implementation item. Major new and significantly revised projects include the Spring Lake Alum Treatment (major increase in funding), Buck Lake Channel Chemical Treatment, County Ditch 13 In-line or Parallel Treatment, Upper Watershed Lake Outlet Modification, Buck Lake Channel and Lake Restoration, and a number of others. The District received substantial comments from agencies, the county, and municipalities during the formal comment periods resulting in a number of changes to the Plan. At the public hearing county staff requested clarification on the responses to the initial comments. All comments were fully addressed, although county staff remain concerned about proposed levy increases in 2-4 years that are a result of the robust Capital Improvement Program of the plan amendment. Also, county staff are concerned with the use of a 20+ year-old watershed volume study as the justification for implementing certain volume reduction projects. The District intends to update that study and more regularly utilize the Technical Advisory Committee to discuss project prioritization and implementation.

Recommendation

The Metro Region Committee met on August 12, 2013. After review of the information, BWSR staff was in favor of and the Committee unanimously voted to recommend approval of the Plan Amendment dated May 2013 to the full Board per the attached draft Order.

Prior Lake - Spring Lake Watershed District



LOWER MINNESOTA RIVER

SCOTT

PRIOR LAKE-SPRING LAKE

-  Prior Lake - Spring Lake WD
-  City Boundaries
-  WD/WMO Boundaries



Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the
Amendment to the Watershed Management
Plan for the **Prior Lake–Spring Lake**
Watershed District, pursuant to Minnesota
Statutes Section 103B.231, Subdivision 11.

**ORDER
APPROVING
AMENDMENT TO
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Prior Lake-Spring Lake Watershed District (District) submitted a Watershed Management Plan Amendment dated May 2013 (Amendment), to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **WMO Establishment.** The District was established on March 4, 1970 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act, Minnesota Statutes, Chapter 112. The order was in response to a petition filed by residents within the watershed on June 24, 1969 for the general purposes of conserving the waters and natural resources of the watershed. The first water resources management plan for the District was prepared and adopted in 1971, shortly after the District's inception, in accordance with Minnesota Statutes, Chapter 103D. The plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982, Minnesota Statutes Chapter 103B, and adopted by the District in 1991.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11. The current, third generation watershed management plan was approved by the Board on January 27, 2010. The District completed one minor amendment in 2012.
3. **Nature of the Watershed.** The District is approximately 42 square miles in size and located in north central Scott County, within the Minnesota River basin. The lower one-half of the District particularly around the lakes is largely developed with a

predominantly residential land use. The upper one-half of the watershed is rural land use comprising small to medium farms. Development pressure and changes in land uses within the watershed will likely increase through the life of this Plan. The major water resource features of the District are Spring Lake, Upper Prior Lake, and Lower Prior Lake. There are a total of 12 lakes and one county ditch system in the District. There was no outflow from the watershed until 1983. An outlet channel was constructed commencing at the southwest shore of Lower Prior Lake draining north through three lakes before outletting into the Minnesota River. The following communities lie partially or entirely within the District: the cities of Prior Lake, Savage, and Shakopee, and Sand Creek and Spring Lake Townships. A portion of the Shakopee Mdewakanton Sioux Community Tribal Lands is also located within the District. The District is bound by the Lower Minnesota River Watershed District to the north, and the Scott WMO, containing the subwatersheds of Credit River, Sand Creek, and Shakopee Basin, to the east, south, and west respectively.

4. **Amendment Development and Review.** The Amendment proposes to significantly revise and reorganize Sections 2 and 4 with minor edits to Section 3 of the Plan. The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on March 1, 2013. The District received a comment letter from DNR, MN Department of Agriculture, Metropolitan Council, MNDOT, MPCA, and the Board. All comments during the formal comment period were addressed and resulted in plan changes. The District held public hearings on May 30 and June 11, 2013, with substantive comments from the county and Spring Lake Township that the District addressed. The final draft Amendment was submitted to the Board and plan review agencies on June 18, 2013, for final review and approval.
5. **Metropolitan Council Review.** Met Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan*. The Council commended the District for producing an excellent plan amendment.
6. **Department of Agriculture Review.** The MDA had several recommendations regarding cost-share programs and other incentives for agriculture landowners, outreach to the agricultural sector, and development of local project and drainage management teams. The District mentioned that a farmer-led council is being organized and will advise the District on many of the recommendations made.
7. **Department of Health Review.** The MDH did not comment on the Amendment.
8. **Department of Natural Resources Review.** The DNR expressed concern regarding proposed in-lake treatments such as alum and curly-leaf pondweed control as well as modification of lake outlets. The District fully addressed the concerns such that the DNR had no further comments.
9. **Pollution Control Agency Review.** The PCA requested various clarifications in the Plan amendment and the District addressed them.

10. **Department of Transportation Review.** The DOT requested that the Plan indicate that MNDOT is the WCA LGU on its' right-of-way, which the District corrected.
11. **Local Review.** The District circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. Comments were received from Scott County, City of Prior Lake, Spring Lake Township, City of Savage, and City of Shakopee. The Shakopee Mdewakanton Sioux Community was also provided an opportunity to review and did provide comments. Some of the comments centered around the apparent un-prioritized nature of the capital projects, policies that are too action based, the lack of Technical Advisory Committee (TAC) involvement in the development of the amendment, the apparent premature nature of proposed projects that are based on dated information or incorrect technical interpretations, the fact that the Plan may be proposing levy increases if grant funds are not secured, and details regarding specific projects and activities. The District responded by stating: the policies are largely recycled from the Plan approved and adopted in 2010, feasibility studies will always be completed prior to implementing a capital project, the TAC will be more regularly engaged, and the volume study will be updated in 2014.
12. **Board of Water and Soil Resources Review.** Board staff requested assurance that the dollar amounts listed for grant dependent projects be the minimum 25% required match amount for Clean Water Fund grants. Board staff commended the District for maintaining a current Plan.
13. **Amendment Summary.** The Amendment revises and reorganizes three sections of the Plan to better align with annual budget categories and to allow the District to better track policies and overall progress. Revisions to "Section 2" (Goals and Policies) involve modifying, merging and reducing the number of goals from 13 to 5 with additional clarification provided for each goal. Policies were also revised and reorganized into eight categories that better align with budget categories. "Section 3" (Management Plan) contains minor revisions primarily to update strategies and activities that were recently completed. Revisions to "Section 4" (Implementation Plan) include 1) the addition of details to numerous capital improvement projects, 2) reorganization of the strategies to align with the eight programmatic and budget categories rather than grouped by subwatershed, 3) changing the implementation timing of several projects, 4) addition and removal (un-funding) of capital projects, and 5) fixing funding discrepancies between the implementation table and the funding boxes of each implementation item.
14. **Metro Region Committee Meeting.** The Board's Metro Region Committee met on August 12, 2013, to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Jack Ditmore, and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Mary Peterson. District staff in attendance was

District Planner Nat Kale. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Prior Lake-Spring Lake Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.
3. The Prior Lake-Spring Lake Watershed District's Amendment attached to this Order defines the need and purpose of the Plan changes and the methods of financing.
4. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Amendment dated May 2013 to the Prior Lake-Spring Lake Watershed District Watershed Management Plan.

Dated at Two Harbors, Minnesota this 29th day of August 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

North Cannon River WMO Watershed Management Plan 2013 - 2023

Meeting Date: August 29, 2013
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Metro Region
Contact: Mary Peterson
Prepared by: Mary Peterson
Reviewed by: Metro Region Committee(s)
Presented by: Mary Peterson

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [] Resolution [X] Order [X] Map [X] Other Supporting Information

Fiscal/Policy Impact

- [X] None [] General Fund Budget
[] Amended Policy Requested [] Capital Budget
[] New Policy Requested [] Outdoor Heritage Fund Budget
[] Other: [] Clean Water Fund Budget

ACTION REQUESTED

Approval of North Cannon River Watershed Management Organization Watershed Management Plan 2013-2013.

LINKS TO ADDITIONAL INFORMATION

The entire final draft Plan may be found at:
http://www.dakotacountyswcd.org/watersheds/ncrwmo/advisory.html

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
The North Cannon River WMO (NCRWMO) is a government unit formed through a joint powers agreement signed by eight townships and three small cities in southern Dakota County. The WMO was established in 1983. The current Plan expires in October 2013. The Plan Revision is the 3rd Generation Watershed Management Plan for the NCRWMO. Although Dakota County lies at the southern edge of the Twin Cities metropolitan area and considered a metropolitan county, the WMO is south of the Metropolitan Urban Service Area (MUSA) and is rural and agriculture in nature with 10% being developed. The WMO has an approximate population of 5,000 (in 2011) and its jurisdiction covers approximately 150 square miles including all or part of the following towns: Castle Rock, Douglas, Eureka, Greenvale, Hampton, Randolph, Sciota, Waterford, and the cities of Miesville, New Trier and Randolph. (See attached map for location)

The development of the Plan included five meetings of a 23-member Project Advisory Committee (PAC) made up of stakeholders, partners and agency staff, and five meetings with the WMO Board of Managers to review goals, policies, set priorities and develop the implementation plan. The Plan was prepared in accordance with Minnesota Rules Chapter 8410 and Minnesota Statutes Chapter 103B. The draft revised Plan was submitted to BWSR, other state agencies, and local governments for the 60-day review on February 18, 2013. A PAC meeting and WMO board meeting were held to consider comments, incorporate suggested changes and

respond to the entities providing comments. A public hearing was held on May 23, 2013. The final 90-day review draft of the revised Plan was received by the Board on June 7, 2013.

The Plan includes a profile of the watershed's existing environmental conditions, discusses water resource management issues, identifies strategies for each issue, and defines the course of action the organization will follow to address each issue. The NCRWMO is not a permitting authority but will require enforcement of ordinances by member communities. It is clearly specified in section 5.0 of the Plan that the strategies are core activities performed by the WMO and the policies are requirements for specific action by member communities. These core activities include: 1) monitoring water quality and quantity, 2) providing cost share funding and grant match funding to install best management practices in targeted areas, 3) providing information and education to landowners and agricultural producers on best management practices, and 4) evaluating the implementation of best management practices and enforcement of related ordinances throughout the watershed.

PCA, DNR, Met Council and BWSR agency representatives participated in PAC meetings held from May, 2012 through April, 2013 and provided comments during the 60-day review. MDA provide comments during the 60-day review. The NCRWMO provided a written response to each commenting entity and incorporated many into the final draft Plan that was submitted to BWSR. General concerns relating to the limited WMO financial resources directed to the implementation plan, organizational capacity to oversee and track compliance of member regulatory responsibilities, recognizing wetland management strategies in place, and more specific information on partner collaboration lead the WMO to develop helpful resource tools and tables in the draft plan to explain the specifics of the implementation plan.

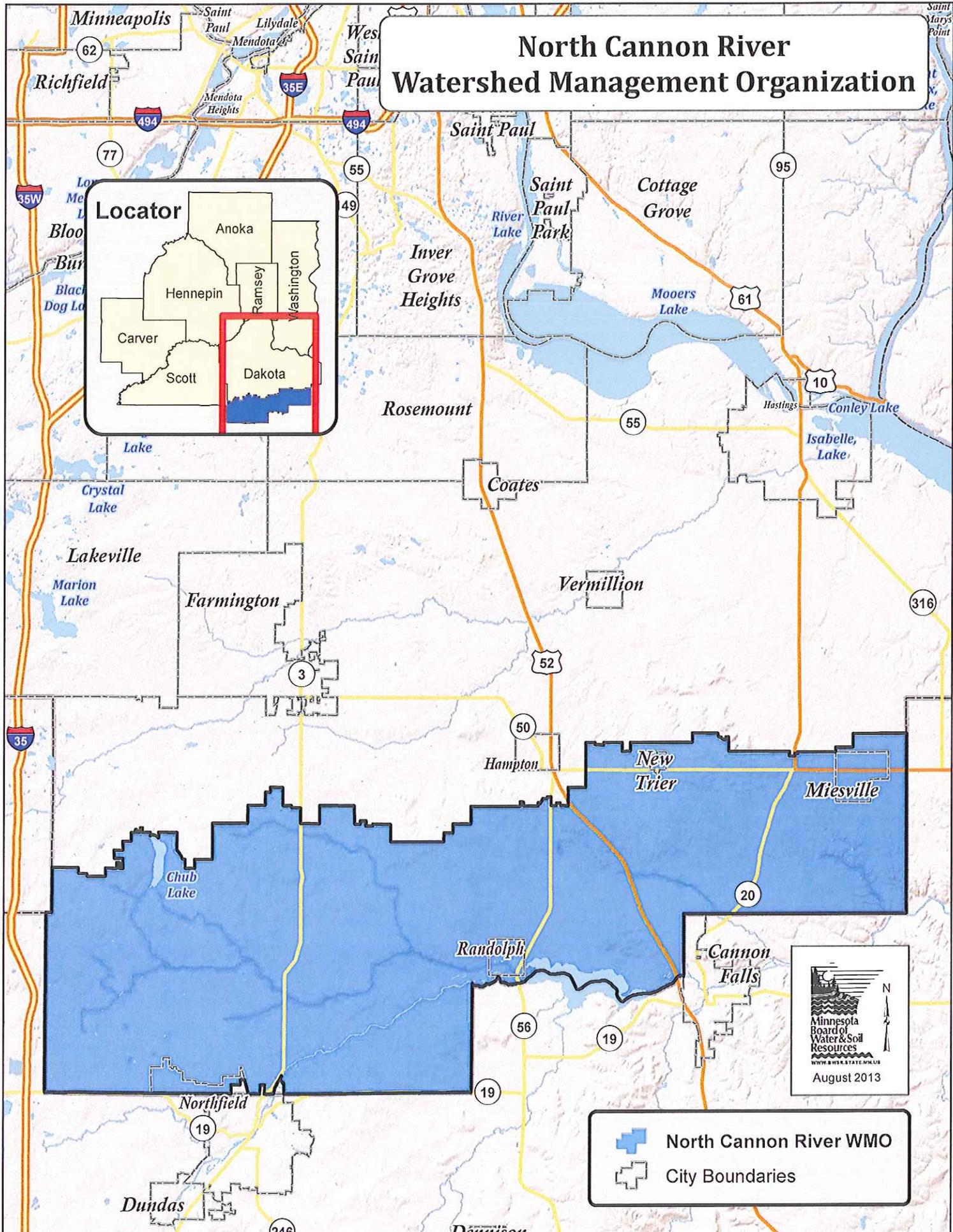
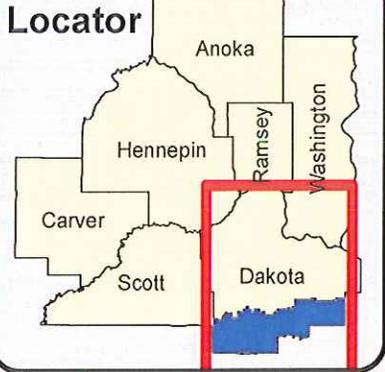
The Plan Implementation Section 6.0 is targeted and measurable. The Plan integrates common interests of collaborating partners and agencies to meet the overall watershed goals laid out in the Plan. Table 6.2 "Opportunities for collaboration: existing activities of other organizations in the NCRWMO", illustrates how partner programs and activities tie into the specific goals and strategies and depicts how the NCRWMO is leading, coordinating, collaborating or just the beneficiary of the implementation work being done in the watershed. It is a quick reference for everyone involved. Table 6.3 is a transparent summary of the accomplishments of the WMO from the previous 2nd Generation Plan covering 2003-2013 and Table 6.4, Implementation Program, sets forth the activities, proposed budget, potential funding sources and likely partners.

Agency comments were received from the Met Council, MnDOT and PCA during the 90-day review period. The WMO responded in writing to these comments. BWSR staff concurred that these comments were adequately addressed.

The Metro Region Committee met with BWSR staff and local representatives on August 12, 2013, to review and discuss the Plan. The Committee unanimously voted to recommend approval of the Plan to the full Board per the attached draft Order.

North Cannon River Watershed Management Organization

Locator



-  North Cannon River WMO
-  City Boundaries



Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the
Watershed Management Plan for the **North
Cannon River Watershed Management
Organization**, pursuant to Minnesota
Statutes Section 103B.231, Subdivision 9.

**ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the North Cannon River Watershed Management Organization (WMO) submitted a Watershed Management Plan (Plan) dated June 2013, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed Management Organization Establishment.** The WMO was established in 1983. In the process of developing the 3rd Generation Watershed Management Plan, the WMO adopted the following Mission Statement:
“Managing groundwater and surface water to prevent property damage, maintain hydrologic balance, and protect water quality for the safety and enjoyment of citizens and the preservation and enhancement of wildlife habitat through collaboration among member communities.” (Adopted July 18, 2012)
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The previous WMO plan was approved by Board Order on October 22, 2003. The plan may be revised *according to Minnesota Statutes Section 103B.231, Subd. 9.*

3. **Nature of the Watershed.** The WMO is a government unit formed through a joint powers agreement signed by eight townships and three small cities in southern Dakota County. Although Dakota County lies at the southern edge of the Twin Cities metropolitan area and considered a metropolitan county, the WMO is south of the Metropolitan Urban Service Area (MUSA) and is rural and agriculture in nature with 10% being developed. The WMO has an approximate population of 5,000 (in 2011) and its jurisdiction covers approximately 150 square miles including all or part of the following townships: Castle Rock, Douglas, Eureka, Greenvale, Hampton, Randolph, Sciota, Waterford, and the cities of Miesville, New Trier and Randolph. It is bound by Rice County to the west, the Cannon River and Goodhue County to the south and east, and the Vermillion River Watershed Management Organization to the north.

4. **Plan Development and Review.** The Plan was prepared in accordance with Minnesota Rules Chapter 8410 and Minnesota Statutes, Section 103B. The Plan's development included five meetings of a 23-member Planning Advisory Committee (PAC) made up of stakeholders, partners and agency staff, and five meetings with the WMO Board of Managers to review goals, policies, set priorities and develop the implementation plan. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on February 18, 2013. Upon conclusion of the 60-day review period the WMO held a PAC meeting and WMO board meeting to consider and respond to comments received. The Plan was revised to incorporate suggested changes and additions from the partners and state agency reviewers including the MDA, MPCA, MDNR, Met Council and the BWSR. A public hearing was held on May 23, 2013. The final draft of the revised Plan was received by the Board on June 7, 2013 for the 90 day final review.

5. **Local Review Period.** The WMO distributed copies of the draft Plan to local units of government and agencies for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. The WMO received comments, held a PAC meeting and convened a WMO board meeting to discuss, consider and incorporate these comments into the final draft. Comments and responses were sent to those required. In addition, this information was posted to the WMO website.

6. **Metropolitan Council Review.** The Council staff participated and attended PAC meetings during the development of the Plan. The 90-day review draft Plan addresses many of the Council's concerns raised in the 60-day review document. The Council staff wanted to reiterate comments on two concerns; 1) high pollution loadings from the Cannon River and the significant investments in the Lake Byllesby and Miesville Ravine regional parks that need water resource protection, and 2) that the WMO relies heavily on

partnerships for action and implementation and that implementation of projects to address all of the issues raised in the Plan is critical to the success of the WMO in the future. The WMO responded in writing on July 30, 2013 acknowledging that watershed management inherently depends on partnerships and collaboration for action and implementation. The WMO reiterated that the Plan acknowledges and addresses the water quality impairments in the WMO, including those resources in the regional parks, and includes strategies and policies to address these impairments.

7. **Department of Agriculture Review.** MDA provided various resources, information and comments to the WMO during the 60-day review. The WMO provided a written response to the comments and incorporated many into the 90-day review draft Plan. No 90-day comments were received.
8. **Department of Health Review.** The MDH did not comment on the Plan.
9. **Department of Natural Resources Review.** The DNR did not provide written comments to the WMO on the Plan; however, regional resource staffs were active participants in the Planning Advisory Committee meetings throughout the planning process. No 90-day comments were received.
10. **Pollution Control Agency Review.** The PCA provided various resources, information and comments to the WMO during the 60-day review and participated in PAC meetings. The WMO provided a written response to the comments and incorporated many into the 90-day review draft Plan. Additional comments were received during the 90-day review period. The WMO responded to the comments, incorporated some of the comments and offered to update the Plan if the PCA submitted revised language for some of their general comments.
11. **Department of Transportation Review.** MnDOT submitted a comment during the 90-day review to add them as the WCA LGU on MnDOT right-of-way within the watershed area. The WMO made this minor change to the Plan.
12. **Board of Water and Soil Resources Review.** Board staff attended PAC meetings and participated in discussions of WMO resource issues, overall goals, strategies, policy development and implementation activities that were targeted and achievable by collaborating with partners. Various comments were submitted during the 60-day review relating to planning requirements, organization format and implementation activities. This resulted in additional PAC and WMO meetings to encourage transparency by fine

tuning the resource tools and tables to help clarify roles and responsibilities among partners and member communities in the WMO. Limited financial resources available for implementation of core activities required all partners and agencies to be well informed about their role and responsibility for addressing and meeting the goals of the Watershed Plan. All comments submitted were thoughtfully considered and responded to by the WMO.

13. **Plan Summary and Highlights.** The Plan includes a profile of the watershed's existing environmental conditions, discusses water resource management issues, identifies strategies and policies for each goal, and defines the course of action the organization will follow to address them. The goals, strategies and policies section is laid out by topic to address the issues identified by the WMO Board of Managers and the PAC: 1) Water Quantity and Flooding, 2) Water Quality, 3) Erosion, 4) Wetlands, 5) Ditches, 6) Groundwater and Mining, 7) Fish and Wildlife Habitat and Recreation, 8) Education and Outreach, and 9) Administration.

The NCRWMO is not a permitting authority but will require enforcement of ordinances by member communities. It is clearly specified in section 5.0 of the Plan that the strategies are core activities performed by the WMO and the policies are requirements for specific action by member communities. The communities report these actions annually to the WMO for compliance.

The core activities of the WMO include: 1) monitoring water quality and quantity, 2) providing cost share funding and grant match funding to install best management practices in targeted areas, 3) providing information and education to landowners and agricultural producers on best management practices, and 4) evaluating the implementation of best management practices and enforcement of related ordinances throughout the watershed.

The Implementation Section 6.0 includes good resources to understand how the WMO Plan integrates common interests of collaborating partners and agencies to meet the overall watershed goals laid out in this Plan.

14. **Metro Region Committee Meeting.** On August 12, 2013, the Board's Metro Region Committee and staff met with representatives from the WMO to review and discuss the Plan. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Jack Ditmore and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Mary Peterson and Brad Wozney. The representatives from the WMO were Laura Jester, Dakota SWCD Watershed Conservationist, Brad Becker, WMO Administrator, WMO Board Members Duane Ness, Mike Rademacher, and Greg Langer, and Brian Watson, Dakota SWCD

Manager. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the North Cannon River Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The North Cannon River Watershed Management Organization Watershed Management Plan attached to this Order defines water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program.
4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan dated June 2013 as the North Cannon River Watershed Management Organization Watershed Management Plan.

Dated at Two Harbors, Minnesota this 29th day of August, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

1.0 Introduction and Summary Executive Summary

1.1 Watershed Management Vision and Framework

In the process of developing this 3rd Generation Watershed Management Plan, the North Cannon River Watershed Management Organization (NCRWMO) Board of Managers adopted the following mission statement in order to help guide the formation of its goals and policies:

NCRWMO Mission Statement:

“Managing groundwater and surface water to prevent property damage, maintain hydrologic balance, and protect water quality for the safety and enjoyment of citizens and the preservation and enhancement of wildlife habitat through collaboration among member communities.” (Adopted July 18, 2012)

Although this mission statement was only recently adopted, the NCRWMO has been working on these tasks since its inception, often in cooperation and collaboration with others (Table 6.3). It should be noted that this Watershed Management Plan is an adaptive plan and one that is part of an on-going campaign to improve water resources in the watershed. It is not a static document aimed at fixing all water quality issues within the next 10 years. Rather, this Plan is a framework for continuing the advancement of improvements in landuse and conservation practices for the restoration and protection of water resources.

1.2 Location and History

The NCRWMO is a government unit formed through a joint powers agreement (Appendix A) signed by eight townships and three small cities in southern Dakota County. Dakota County lies at the southern edge of the Twin Cities metropolitan area and is considered a metropolitan county, although the NCRWMO is south of the Metropolitan Urban Service Area (MUSA) and is rural in nature. The NCRWMO has an approximate population of 5,000 (in 2011) and its jurisdiction covers approximately 150 square miles including all or part of the following communities ([Figure 2.1](#)).

Castle Rock Township
Douglas Township
Eureka Township
Greenvale Township
Hampton Township
Randolph Township

Sciota Township
Waterford Township
City of Miesville
City of New Trier
City of Randolph

The NCRWMO does not include a small portion of the City of Northfield that extends into southern Dakota County because a formal exemption contained in the Metropolitan Surface Water Management Act; Minnesota Statute 473.121, subdivision 2 excludes the City of Northfield.

The NCRWMO includes the sub-watersheds of Chub Creek, Trout Brook, and Pine Creek, and the Cannon River from Northfield to Lake Byllesby. The NCRWMO is predominantly rural in nature with agriculture as its primary landuse.

The NCRWMO was created in 1983 as a result of the State of Minnesota's Surface Water Management Act. Minnesota Statute 103B.201 states that the purposes of a NCRWMO shall be to:

1. Protect, preserve, and use natural surface and groundwater storage and retention systems.
2. Minimize public capital expenditures needed to correct flooding and water quality problems.
3. Identify and plan for means to effectively protect and improve surface and groundwater quality.
4. Establish more uniform local policies and official controls for surface and groundwater management.
5. Prevent erosion of soil into surface water systems.
6. Promote groundwater recharge.
7. Protect and enhance fish and wildlife habitat and water recreational facilities.
8. Secure the other benefits associated with the proper management of surface and groundwater.

The NCRWMO's Board of Managers is comprised of one representative appointed from each of the eleven communities in the joint powers agreement.

In the past ten years, the NCRWMO participated in or accomplished the following tasks (see Table 6.3 for more detail on these projects):

- ✓ Collected annual dues from member communities (This practice began in 2004, before which dues were only collected twice since NCRWMO inception in 1988.)
- ✓ Monitored water quality and flow in all major creeks
- ✓ Established and maintained the Chub Creek Permanent Monitoring Station
- ✓ Cooperated on TMDLs by lending monitoring equipment and providing data
- ✓ Received \$180,000 in grant funding to install BMPs
- ✓ Implemented cost share program to install BMPs
- ✓ Partnered with Dakota County on SSTS Upgrade Program
- ✓ Developed and adopted an ordinance establishing erosion control and storm water management requirements for land disturbances and sponsored workshops for townships
- ✓ Performed education and outreach activities including hosting tours of projects and practices, developing newsletters, sponsoring Sewer Man shows, providing grants to the Cannon River Watershed Partnership and schools, and participating in the Cannon River Festival with an informational display and booth
- ✓ Partnered with the Dakota County SWCD on a Wetland and Watercourse Inventory
- ✓ Studied various options for wetland management ordinances

1.3 Concerns in the Watershed

Concerns in the watershed are primarily centered on poor water quality in its creeks and lakes, and increased water quantity from drainage ~~tile activities~~. High nitrates in Trout Brook and Pine Creek, high bacteria levels in Chub Creek, high sediment levels in Trout Brook, and high nutrients in Lake Byllesby impact the quality of fish and wildlife habitat, aesthetics, and aquatic recreation. Additionally, the balance between landowners' rights and needed buffers along watercourses concerns many residents of the watershed. See Section 4.0 for a complete discussion of issues identified within the watershed.

1.4 Watershed Management Goals, Strategies and Policies

The following goals are included in Section 5.0 of this Plan. While these goals are broad, the NCRWMO feels strongly that each of these areas requires their attention. Specific and measurable strategies and policies are summarized here and detailed laid-out in Section 5.0 ~~that make strides towards realizing these goals.~~

Surface Water Quality Goal: To protect and improve the waters quality of streams, rivers, and lakes such that each waterbody is “fully supporting” for its use designations according to MN State Standards. Strategies include water quality monitoring; dissolved oxygen assessments; investigation of nitrate levels in Trout Brook; participation with local partners on monitoring or studies; providing cost share for best management practices; advocating for buffers along watercourses, installation of community wastewater treatment in city of Randolph, investigation of pollution of old dump on Chub Creek, and participation in Discovery Farms. A policy requires member communities to adopt and enforce appropriate ordinances controlling installation and maintenance of subsurface sewage treatment systems.

Surface Water Quantity Goal: To decrease the rates and volume of water that may contribute to flooding or non-point source pollution from overland runoff and subsurface drainage and dewatering activities. Strategies include water quantity monitoring; providing cost share for best management practices; gathering and disseminating information on latest technologies to reduce impacts of tile drainage; and investigating ways to inventory existing tile lines or collect data on new tile lines. A policy requires member communities to report on the implementation of their ordinance requiring stormwater management.

Soil Erosion and Sedimentation Goal: To reduce soil erosion and sedimentation throughout the watershed. Strategies include providing cost share to install best management practices; developing a model ordinance to provide guidance on how to enforce erosion control standards for new and renewing tax relief program participants and road right-of-way setbacks; and receiving data on estimated sediment load reductions from installation of best management practices. Policies require member communities to report all erosion control enforcement activities to the NCRWMO.

Groundwater Goal: To protect groundwater quality and quantity. Strategies include providing cost share to install best management practices; and cooperating with and receiving groundwater

information and data from other entities. A policy requires communities to review mining ordinances with regards to protection of groundwater resources.

Wetlands Goal: To protect wetlands from destruction or deterioration and to restore wetlands where possible. Strategies include providing cost share to restore or protect wetlands with priority in the Chub Creek subwatershed; and continuing to review Wetland Conservation Act (WCA) applications. Policies require member communities to post maps of the completed Wetland and Watercourse Inventory and Assessment in their town halls and to continue working with the Dakota SWCD for WCA coordination.

Wildlife, Habitat and Recreation Goal: To promote the protection and restoration of high quality natural areas throughout the watershed including wetlands, woodlands, prairies, and riparian corridors for improvement of water-based recreation, fish and wildlife habitat, and water quality. Strategies include providing cost share to install best management practices to protect or restore lakeshores and streambanks; advocating and working with various entities to promote conservation easements, wildlife management plans, improved cooperation among stakeholders, research on effects of Lake Byllesby dam on wildlife, and implementation of Lake Byllesby Total Maximum Daily Load Study.

Education and Outreach Goal: To increase the awareness of water resources and practices needed for their improvement or protection among all sectors of the community. Strategies include providing education on water resources and best management practices to residents and agricultural producers in cooperation with other entities; promoting volunteer water monitoring, the installation of stream crossing signs on major roads, the installation of interpretive signs at Dakota County Parks; and maintaining a NCRWMO website with meeting notices, annual report, and directory of water resource jurisdictions and contacts.

Administration Goal: To fulfill statutory requirements and effectively and efficiently perform the strategies of this Watershed Management Plan. Strategies include cultivating and maintaining partnerships with agencies and organizations for collaboration; fulfilling the requirements of a watershed management organization; and evaluating implementation of strategies and policies identified in this Plan.

1.5 Implementation Program Costs

Table 6.4 in Section 6.8 includes the estimated costs of each strategy included in the Plan. Many of the strategies require minimal financial resources as they rely on the continued collaboration with other groups. The average annual cost of implementing the strategies through member dues is \$26,561. However, the NCRWMO and/or their partners (e.g. the Dakota County SWCD) will continue to apply for grants to provide cost share to install best management practices. Grant funding may also be sought for education programs and additional water quality monitoring and studies. Continued and strengthened partnerships and collaboration with other groups will further augment the implementation of the goals and strategies (as indicated in Table 6.2).

1.65 Plan Development Process

This Watershed Management Plan was developed with input from various groups and individuals. The Dakota County Soil and Water Conservation District (SWCD) was contracted to coordinate the Plan development process, gather input from the NCRWMO Board of Managers and a Planning Advisory Committee (PAC), write the plan, respond to comments, and produce a final document.

The PAC consisted of representatives from agencies and organizations (recruited by the SWCD), residents of the member communities (recruited by those communities), and liaisons from the NCRWMO Board of Managers. PAC meetings were facilitated by Laura Jester, SWCD.

Active Planning Advisory Committee Members:

Allene Moesler, Lake Byllesby Improvement Association
Bernie Pistner, Hampton Township
Beth Kallestad, Cannon River Watershed Partnership
Brad Becker, Dakota County Soil and Water Conservation District
Carol Cooper, Eureka Township
Duane Ness, Sciota Township and NCRWMO Board of Managers
Greg Langer, Greenvale Township
Guenther Moesler, Randolph Township and NCRWMO Board of Managers
Jeff Berg, MN Department of Natural Resources
Jessica Van Der Werff, Cannon River Watershed Partnership
Justin Watkins, MN Pollution Control Agency
Karen Jensen, Metropolitan Council
Kenny Betzold, Castle Rock Township
Mark Henry, Pheasants Forever
Mary Jackson, Dakota County
Mary Peterson, MN Board of Water and Soil Resources
Melissa Lewis, MN Board of Water and Soil Resources
Mike Rademacher, Castle Rock Township and NCRWMO Board of Managers
Nancy Braker, Carleton Arboretum
Nancy Sauber, Eureka Township
Peggy Varien, Douglas Township
Randy Binder, MN Department of Natural Resources, Fisheries
Tony Nelson, Trout Unlimited

Others invited and kept informed via email:

Art Persons, MN Department of Health
Johnny Forrest, Dakota County Parks Department
Mark Zabel, Dakota County Water Resources Department
Tara Carson, MN Department of Transportation
Rob Sip, MN Department of Agriculture

The process of Plan development and review by the NCRWMO Board of Managers and the Planning Advisory Committee (PAC) is outlined below and included 5 meetings with the Managers and 5 meetings of the PAC. A public hearing to receive comments on the draft plan was held on May 23, 2013, 7:00 p.m. at the Eureka Town Hall.

February 28, 2012 – Kick-off meeting with NCRWMO Board; reviewed activities and timeline, began issues identification

April 9, 2012 – NCRWMO Board meeting; continued issues identification

May 1, 2012 – First meeting of the Planning Advisory Committee; began issues identification

June 5, 2012 – Second meeting of the Planning Advisory Committee; continued issues identification

July 18, 2012 – NCRWMO Board meeting; developed a mission statement; finalized issues identification

August 15, 2012 – Third meeting of the Planning Advisory Committee; began development of goals and strategies

October 10, 2012 – Fourth meeting of the Planning Advisory Committee; finalized development of goals and strategies

October 22, 2012 – Draft of Plan Section 5 (Goals, Strategies and Policies) distributed to PAC for review and comment

November 14, 2012 – Draft of Plan Sections 2 – 5 distributed to Board and PAC for review and comment

November 28, 2012 – NCRWMO Board meeting; discussed entire Section 5 (Goals, Strategies and Policies)

December 10, 2012 – Draft of revised Sections 2 – 5 distributed to PAC for review

January 16, 2013 – Fifth Planning Advisory Committee meeting to discuss Implementation Program

January 30, 2013 – NCRWMO Board meeting to discuss Implementation Program and take action to submit draft Plan for 60-day review

The NCRWMO would like to acknowledge and thank the following groups:

The Planning Advisory Committee comprised of watershed residents and representatives from agencies and organizations for their interest and input on this plan's development and for attending numerous meetings over the course of the year.

The Dakota County Soil and Water Conservation District for drafting this plan and facilitating the Advisory Committee

1.76 Acronyms

BMP	Best Management Practices
BWSR	(Minnesota) Board of Water and Soil Resources
CFS	Cubic Feet per Second
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FNAP	Farmland and Natural Areas Program
GIS	Geographic Information System
HEL	Highly Erodible Land
IBI	Index of Biotic Integrity
LBIA	Lake Byllesby Improvement Association
LGU	Local Government Unit
MDH	Minnesota Department of Health
MDNR	Minnesota Department of Natural Resources
MPCA	Minnesota Pollution Control Agency
MSHA	Minnesota Stream Habitat Assessment
MUSA	Metropolitan Urban Service Area
NPDES	National Pollution Discharge Elimination System
NRCS	Natural Resources Conservation Service
NWS	National Weather Service
OHWL	Ordinary High Water Level
PAC	Planning Advisory Committee
SSTS	Subsurface Sewage Treatment System
SWCD	Soil and Water Conservation District
TMDL	Total Maximum Daily Load
USDA	U.S. Department of Agriculture
WCA	Wetland Conservation Act
WMA	Wildlife Management Area
WOMP	Watershed Outlet Monitoring Program
WRAPP	Watershed Restoration and Protection Plan



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Chisago County Local Water Management Plan Update

Meeting Date: August 29, 2013
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Metro Region
Contact: Mary Peterson
Prepared by: Mary Peterson
Reviewed by: Metro Region Committee(s)
Presented by: Mary Peterson

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [] Resolution [X] Order [X] Map [X] Other Supporting Information

Fiscal/Policy Impact

- [X] None [] General Fund Budget
[] Amended Policy Requested [] Capital Budget
[] New Policy Requested [] Outdoor Heritage Fund Budget
[] Other: [] Clean Water Fund Budget

ACTION REQUESTED

Approval of Chisago County Local Water Management Plan Update 2013-2023

LINKS TO ADDITIONAL INFORMATION

http://www.co.chisago.mn.us/Departments/environmental-services/water-plan/

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

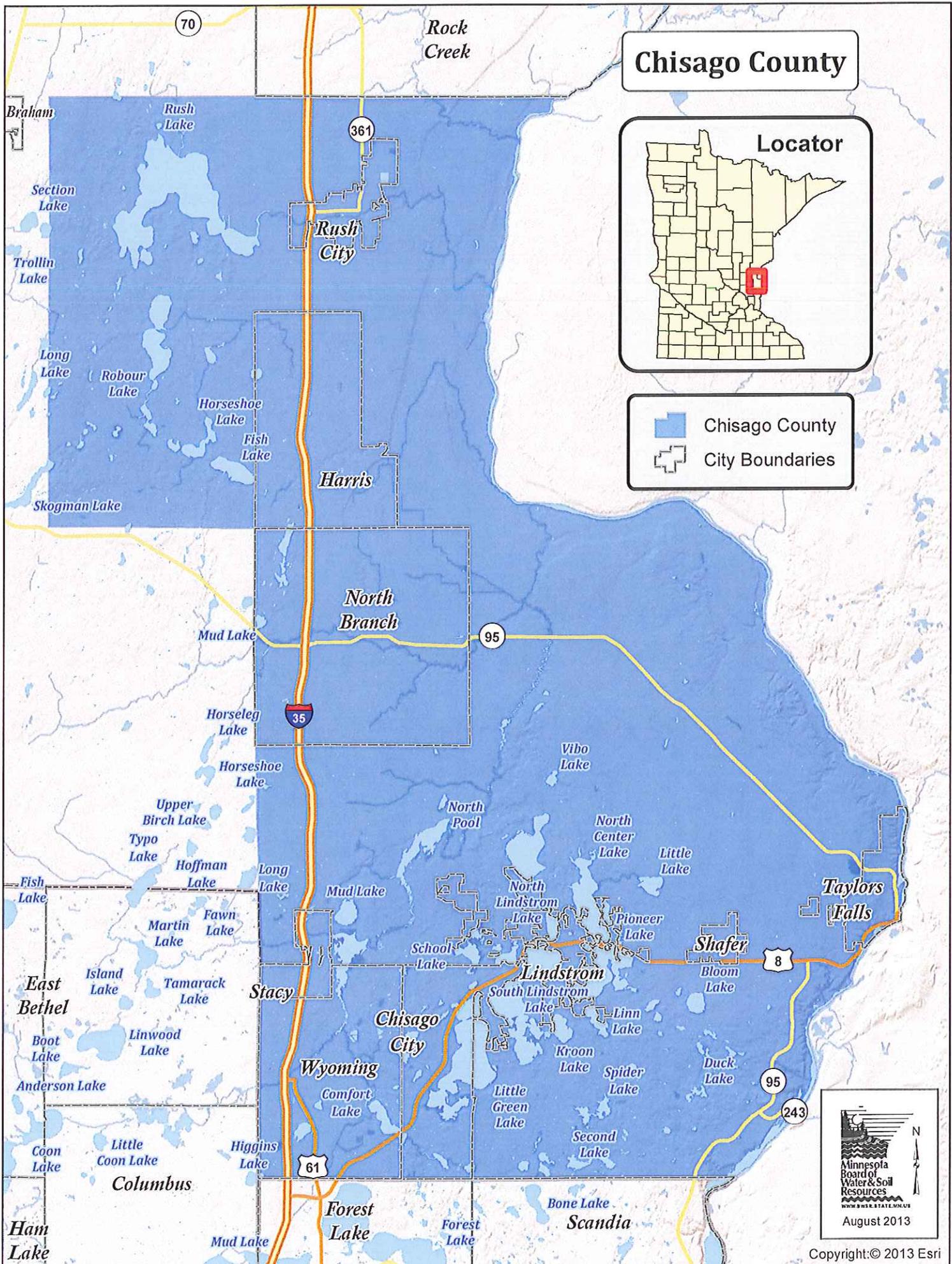
Chisago County (County) has updated their Local Water Management Plan (Plan Update) as authorized under Minnesota Statutes, section 103B.301, Comprehensive Local Water Management Act. Two of the nine BWSR Metro Region counties are covered by this process that includes a two-phase review; Priority Concerns Scoping Document (PCSD) review and Plan Update review. The first review phase has been completed and in a letter to Chisago County dated October 24, 2012, the BWSR communicated the State's official comments. The priority concerns to be addressed in the final Plan were deemed to be appropriate and no changes to the PSCD was recommended or required. These priority concerns included the following: 1) Protect quality and quantity of groundwater used for drinking water; 2) Introduction or spread of aquatic invasive species and their negative effect on water quality, navigation, recreation, or fisheries; 3) Septic systems that are failing, noncompliant, or an Imminent Threat to Public Health; 4) Influence of agricultural, rural and urban land use practices on water quality; 5) That citizens and elected officials receive accurate and understandable information to make informed decisions; and 6) Obtain sufficient resources to achieve goals established in the Plan Update. The County actively engaged citizens, partners and agency representatives in the development of the Plan Update and included measurable and targeted goals and strategies in their implementation program.

On June 11, 2013, the BWSR received the Chisago County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final state review pursuant to Minnesota Statutes, section 103B.315, subd. 5. State agency representatives provided input and attended Technical Advisory Committee (TAC) meetings during the development of the Plan Update. State agency review comments were received from MDA, MDNR, and MPCA during the 90-day review process. The County has responded to all comments received and incorporated appropriate revisions to the final draft. The state agencies recommended that BWSR approve the entire Plan Update as submitted.

BWSR staff completed its review and found that it meets the requirements of Minnesota Statutes, section 103B.314. The Plan:

- focuses on the priority concerns identified in the PCSD;
- assesses the priority concerns and sets forth appropriate goals and objectives;
- provides an implementation program with measureable actions, timeline and budget; and
- includes all required sections.

On August 12, 2012, the Metro Water Planning Committee met with Chisago County representatives and BWSR staff to review and discuss the Plan Update. The Committee's decision was to recommend approval of the Chisago County Plan Update to the full Board per the attached draft Order.



Chisago County



Chisago County
 City Boundaries

Geographic Labels:

- Cities:** Rush City, Lindstrom, Taylor Falls, Stacy, Chisago City, Wyoming, Forest Lake, Scandia.
- Towns:** Harris, North Branch, East Bethel, Columbus, Ham.
- Roads:** 70, 361, 95, 35, 8, 61, 243.
- Lakes:** Rush Lake, Section Lake, Trollin Lake, Long Lake, Robour Lake, Horseshoe Lake, Fish Lake, Skogman Lake, Mud Lake, Horseleg Lake, Upper Birch Lake, Typo Lake, Hoffman Lake, Fawn Lake, Martin Lake, Island Lake, Tamarack Lake, North Lindstrom Lake, North Pool, North Center Lake, Little Lake, School Lake, Pioneer Lake, Bloom Lake, South Lindstrom Lake, Linn Lake, Kroon Lake, Spider Lake, Duck Lake, Second Lake, Little Green Lake, Comfort Lake, Higgins Lake, Forest Lake, Bone Lake, Vibo Lake, North Lindstrom Lake, North Center Lake, Little Lake, School Lake, Pioneer Lake, Bloom Lake, South Lindstrom Lake, Linn Lake, Kroon Lake, Spider Lake, Duck Lake, Second Lake, Little Green Lake, Comfort Lake, Higgins Lake, Forest Lake, Bone Lake, Vibo Lake.
- Other:** Rock Creek, Braham, Harris, North Branch, Taylor Falls, Shafer, Stacy, Wyoming, Chisago City, Lindstrom, East Bethel, Columbus, Ham.

Minnesota
 Board of
 Water & Soil
 Resources
 www.dnr.state.mn.us
 August 2013

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of Reviewing the Local Water Management Plan Update
for Chisago County (Minnesota Statutes, Section 103B.311,
Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER
APPROVING
LOCAL
WATER MANAGEMENT
PLAN UPDATE

Whereas, the Chisago County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) 2013-2023 to the Board of Water and Soil Resources (Board) on June 11, 2013 pursuant to M.S. Section 103B.315, Subd. 5, and

Whereas, the Board has completed its review of the Plan Update;

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

FINDINGS OF FACT

- 1) On August 10, 2012, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Chisago County pursuant to M.S. Section 103B.312.
- 2) On October 24, 2012, the Board of Water and Soil Resources approved official comments on the Chisago County Priority Concerns Scoping Document, which were mailed to the county on October 24, 2012.
- 3) The Plan Update focuses limited resources on following six priority concerns through 2023:
 - Protect quality and quantity of groundwater used for drinking water.
 - Introduction or spread of aquatic invasive species and their negative effect on water quality, navigation, recreation, or fisheries.
 - Septic systems that are failing, noncompliant, or an Imminent Threat to Public Health.
 - Influence of agricultural, rural and urban land use practices on water quality.
 - That citizens and elected officials received accurate and understandable information to make informed decisions
 - Obtain sufficient resources to achieve goals established in the Plan Update.
- 4) On June 11, 2013, the BWSR received the Chisago County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5. State agency representatives provided input and attended Technical Advisory Committee (TAC) meetings during the development of the Plan Update.

The following state review comments were received during the 90-day comment period.

- Minnesota Department of Agriculture: Recommends approval of the Plan Update as submitted.
 - Minnesota Department of Health: No comments received.
 - Minnesota Department of Natural Resources: Recommends approval of the Plan Update as submitted. MDNR provided a few comments for the Board to consider during the review. The county responded and has incorporated these comments into the final Plan Update.
 - Minnesota Pollution Control Agency: Recommends approval of the Plan as submitted. MPCA provided several suggestions and comments for the Board to consider during review. The county has incorporated 10 of 13 suggested language changes into the final Plan Update and two of the suggestions will be considered by the Water Plan Policy Team in future amendments or updates. The county responded to the remaining comment that the suggested language would be added, more research was needed on the effectiveness of using iron to control phosphorus in sediment, and using iron to control Curly Leaf Pondweed will not be pursued as that would require federal registration of iron as a pesticide.
 - Minnesota Environmental Quality Board: No comments received.
 - Minnesota Board of Water and Soil Resources Metro region staff: The Plan meets the requirements of Minnesota Statutes, section 103B.314 and recommends approval of the Plan Update.
- 5) **Metro Region Committee Meeting.** On August 12, 2013, the Board's Metro Region Committee and staff met with County representatives to review and discuss the Plan Update. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Jack Ditmore and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Mary Peterson and Brad Wozney. The representatives from the County were Jerry Spetzman, Water Resources Manager, and Craig Mell, Chisago SWCD Manager. After discussion, the Committee's decision was to present a recommendation of approval of the Plan Update to the Board at the Board August 29, 2013 meeting.
- 6) On August 29, 2013, the Metro Region Committee of the Board presented its recommendation of approval of the Chisago County Plan Update to the Board. The Board adopted the Committee's recommendation.
- 7) This Plan Update will be in effect for a ten-year period until December 30, 2023, with the Goals, Objectives and Implementation Plan amended by December 30, 2018.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Local Water Management Plan Update of Chisago County pursuant to Minnesota Statutes, Section 103B.315, Subd. 5.
2. The Chisago County Plan Update attached to this Order states water and water-related problems within the county; priority resources issues and possible solutions; specific goals, objectives, and

actions of the county; and a targeted implementation program. The attached Plan Update is in conformance with the requirements of Minnesota Statutes, Section 103B.301.

ORDER

The Board hereby approves the attached update of the Chisago County Local Water Management Plan – 2013-2023, with a required update of the implementation section (Goals, Objectives, and Actions) to be completed by December 30, 2018.

Dated at Two Harbors, Minnesota, this twenty-ninth day of August 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chairman

DRAFT

CHISAGO COUNTY
LOCAL WATER
MANAGEMENT
PLAN

2013-2023

April 9, 2013



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ACKNOWLEDGEMENTS

Chisago County Board of Commissioners

District 1	Lora Walker
District 2	Rick Green
District 3	George McMahon
District 4	Ben Montzka
District 5	Mike Robinson

Water Plan Policy Team

John Eret	Citizen at Large
Diane Larkin	Citizen at Large
Joyce Marienfeld	Citizen at Large
Tom McKenzie	Citizen at Large (Chairman)
Craig Mold	Chisago Soil and Water Conservation District
Ann Norgaard	Chisago County Public Health
Mike Robinson	County Board
Kurt Schneider	Chisago County Zoning/Environmental Services
Frank Storm	Citizen at Large

Technical Advisory Committee

John Freitag	Minnesota Department of Health
Christopher Klucas	Minnesota Pollution Control Agency
Lynne Kolze	Minnesota Pollution Control Agency
Craig Mell	Chisago Soil and Water Conservation District
Mary Peterson	Minnesota Board of Water and Soil Resources
Robert Sip	Minnesota Department of Agriculture
Doug Thomas	Comfort Lake Forest Lake Watershed District
Craig Wills	Minnesota Department of Natural Resources

Staff to Water Plan Policy Team

Jerry Spetzman

EXECUTIVE SUMMARY

INTRODUCTION

Chisago County, located in east central Minnesota, approximately 35 minutes north of the Twin Cities metropolitan area, was established in 1851, seven years before Minnesota became a state. Chisago, the county name, comes from the Chippewa Indian word, Ki-Chi-Saga, which means Fair and Lovely Waters. Chisago County borders the St. Croix River to the east, and shares borders with Pine, Isanti, Anoka, and Washington Counties. The county seat, first at Taylors Falls, moved to Chisago City in 1865 and then to Center City in 1875, where it remains today.

Table 1: Population trends (US Census Bureau)

Year	Population	Percent Increase
1960	13,419	
1970	17,492	30.4
1980	25,717	47.0
1990	30,521	18.7
2000	41,101	34.7
2010	53,887	31.1

The Minnesota Planning State Demographic Center projects that by 2030, the population of Chisago County will be 69,540. This represents a 29% increase over 2010. This will accelerate development pressures.

A great majority of the land in Chisago County remains largely undeveloped, primarily in agricultural use, woodlands, or wetlands. The majority of development in the County has occurred in the southwest, along I-35 on the western side of the county, along Highway 8, and the Northern (Rush City) Lakes area.

Recently there has been a downturn in the housing market. It is anticipated that it will be several years before the housing market recovers.

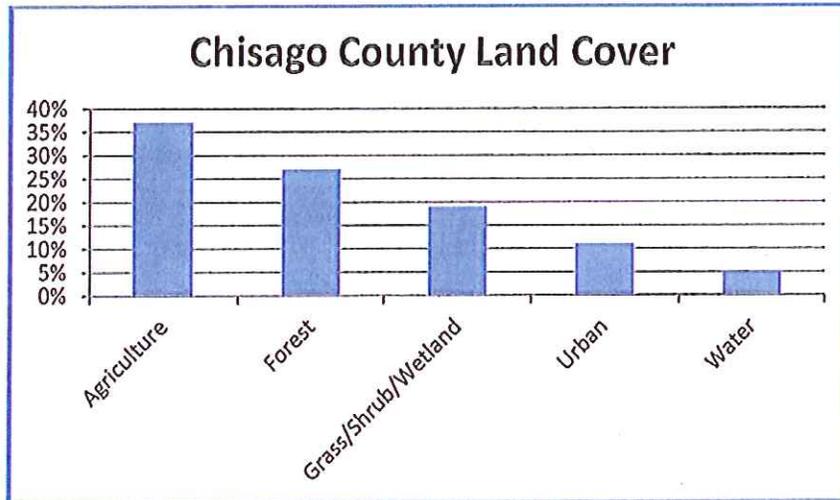
Minnesota Department of Natural Resources (DNR) owned land accounts for a large part of the County; Carlos Avery Wildlife Management Area, Wild River State Park, Interstate Park, and Chengwatana State Forest total over 15,500 acres, or 6%, of the total land area.

Chisago County (University of Minnesota 2000 Chisago County Land Cover and Impervious Surface Area) had the following percentages of land use:

Table 2: Chisago County Land Cover

Chisago County Land Cover	Acre	Percent
Agriculture	105,500	37%
Forest	77,100	27%
Grass/Shrub/Wetland	54,200	19%
Water	14,500	5%
Urban	31,800	11%
Total	283,100	100%

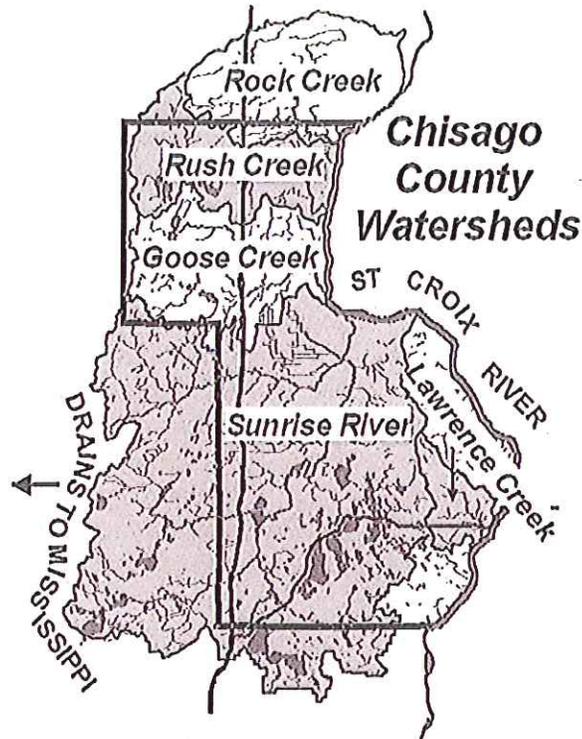
Figure 1: Chisago County Land Cover



Chisago County has abundant water resources. The DNR designates public waters to indicate which lakes, wetlands, and watercourses over which DNR Ecological and Water Resources has regulatory jurisdiction. The statutory definition of public waters includes public waters and public waters wetlands. Public waters are all waterbasins and watercourses that meet criteria set forth in Minnesota Statutes that are identified on Public Water Inventory maps authorized by Minnesota Statutes. Public water wetlands include all type 3, type 4, and type 5 wetlands (as defined in U.S. Fish and Wildlife Service Circular No. 39, 1971 edition) that are 10 acres or more in size in unincorporated areas or 2.5 acres or more in size in incorporated areas. Currently, DNR Waters utilizes scanned mylar county-scale maps printed on paper to show the general location of the public waters and public waters wetlands (lakes, wetlands, and watercourses) under its regulatory jurisdiction. These maps are commonly known as Public Waters Inventory maps. The DNR sets the regulatory “boundary” of these waters and wetlands as the ordinary high water level.

Chisago County is almost entirely in the St. Croix River watershed. Chisago County has been divided into multiple subwatersheds – Rock Creek, Rush Creek, Goose Creek, Sunrise River, Lawrence Creek, and direct drainage.

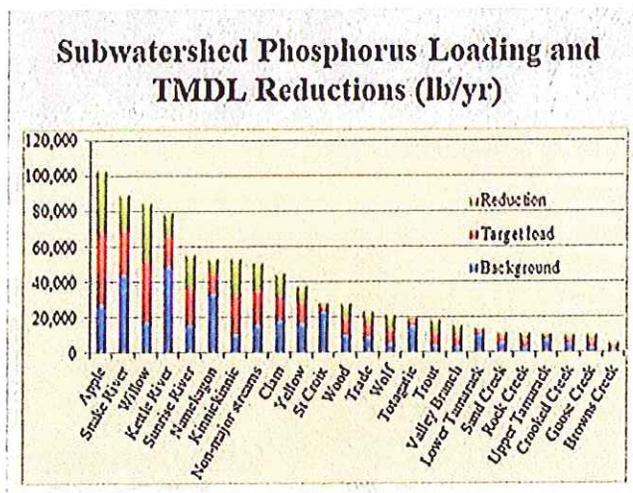
Figure 2: Chisago County Watersheds



Water runoff from Chisago County lands contribute to nutrient and sediment water quality concerns in the St. Croix River. A Total Maximum Daily Load study (TMDL) and Implementation Plan has been completed for Lake St. Croix. The TMDL allows for 46,000 pounds per year of phosphorus to be loaded to the St. Croix River from Chisago County. This requires 21,000 pounds per year of reduction from the estimated TMDL baseline load of 68,200 pounds per year in the early 1900s. Chisago County's required reduction ranks 3rd largest among the 19 counties in the St. Croix basin.

To achieve the St. Croix Basin Partners' goal of 20% reduction of phosphorus by 2020, Chisago County needs to reduce loadings by 16,200 pounds per year. To attain this goal, activities must be implemented that achieve an average annual rate of phosphorus reduction of 500 pounds per year over 30 years, or 1,600 pounds per year over 10 years.

Figure 3: Subwatershed Phosphorus Loading



Quantifying changes in phosphorus loadings to the St. Croix River since the TMDL baseline conditions of the early 1990s is difficult. With respect to agricultural practices, there have been several in Chisago County that have had a significant impact on phosphorus loading. The amount of animal agriculture has decreased dramatically. Farming practices have changed. In the 1990s it was common to see tillage practices that retained minimal residue on the field after harvest. Since then there have been significant improvements to tillage equipment, herbicides, and seed genetics that have resulted in an increase in residue retained on fields post-harvest which in turn lessens the amount of phosphorus in runoff.

Chisago County also has implemented a program to eliminate nearly 100% of septic systems characterized as “Imminent Threat to Public Health Septic Systems”. However, many failing systems still exist throughout the county.

The State of Minnesota has passed legislation restricting the use of phosphorus in lawn fertilizer. This legislation has resulted in substantial reductions of phosphorus application to turf grass in Chisago County.

The Sunrise River in east-central Minnesota is a watershed and river system that has many impairments that affect water quality and aquatic biota. While the majority of the watershed is in Chisago County, portions of the watershed are in Isanti, Anoka, and Washington Counties. Within the St. Croix Basin, the Sunrise River (with approximately 5% of the land area) is one of the larger contributors of phosphorus and sediment to the St. Croix River. In fall 2007, a joint multi-agency effort was initiated to perform a detailed watershed study of aquatic resources of the Sunrise River Basin. The primary partners of this study include the US Army Corps of Engineers, Minnesota Pollution Control Agency, and Chisago County.

The objective of the Sunrise River Watershed Study is to prepare a plan for watershed management that provides the technical basis for future management of aquatic resources including wetlands. Key issues the group is evaluating include water quality, nutrient and sediment loading, stream stability and erosion, aquatic habitat conditions, and management of wetland resources. The study includes evaluation of how land use and projected future population growth influences these key resource issues, how future land use might be better managed, and the potential economic cost for such management actions. The results will be used by water managers to guide management decisions that will benefit the Sunrise River and the downstream St. Croix River.

BACKGROUND OF WATER PLAN PROCESS

Responsible Local Unit of Government

The Chisago County Board of Commissioners adopted Resolution No. 11/1019-1 – **Authorization to revise and update the Chisago County Comprehensive Water Management Plan** on October 19, 2011. This resolution is authorized under Minnesota Statutes, Chapter 103B.301, the Comprehensive Local Water Management Act.

The resolution states that the Chisago County Board of Commissioners delegates to the Chisago County Environmental Services/Zoning Department the responsibility of coordinating, assembling, writing, and implementing the revised local water management plan pursuant to M.S. 103B.301 as implemented through the Water Plan Policy Team (Policy Team).

The Policy Team consists of five citizen members (appointed by the Chisago County Board of Commissioners), one supervisor from the Chisago Soil & Water Conservation District, one County Commissioner, and the Director of Chisago County Zoning/Environmental Services. In addition, the Policy Team is supported by the Technical Advisory Team, which is made up of representatives from Chisago County Public Health, Chisago Soil & Water Conservation District, Comfort Lake Forest Lake Watershed District, Minnesota Board of Water & Soil Resources, Minnesota Department of Natural Resources, and the Natural Resources Conservation Service.

Water Plan administration and Policy Team coordination is overseen by the Chisago County Water Resource Manager.

The adopted resolution states that the Policy Team shall coordinate its effort in the revision and update of the Water Plan with all local units of government within Chisago County along with the state review agencies.

The resolution also states that the Policy Team shall incorporate into the water plan, where appropriate, any existing plans and rules that have been developed and adopted by watershed districts having jurisdiction wholly or partly within Chisago County.

Local Water Management Plan Adoption and Updates

First Chisago County Water Plan Adopted – January 19, 1993
First Update 1998 – 2002
Second Update 2006 - 2011
Amendment – August 27, 2009
Amendment 2010 to 2013 – March 4, 2010

Expiration Date of Current Plan

September 27, 2013

PURPOSE OF THE LOCAL WATER MANAGEMENT PLAN

Purpose

The purpose of the Chisago County Local Water Management Plan is to set County watershed priorities. The County will use these priorities to obtain and use resources to protect, improve, and conserve water resources in Chisago County including lakes, rivers, wetlands, and groundwater.

The Local Water Management Act of Minnesota (Minn. Stat. 103B.301 to 103B.355) states that the following guidelines will be met in this document.

1. The plan must cover the entire county.
2. The plan must address problems in the context of watershed units and groundwater systems.
3. The plan must be based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management.
4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system.
5. The plan must cover a five or ten year period. Chisago County has decided to develop a plan which will address the concerns of Chisago County for the next 10 years (2013-2023). The Implementation Plan will focus on 2013-2018.

Vision

Surface and groundwater quality and quantity in Chisago County is preserved, protected, restored, and enhanced for current and future generations.

Mission

Develop, update, and oversee implementation of the Chisago County Water Plan.

PAST ACCOMPLISHMENTS AND ONGOING ACTIVITIES

Chisago County has been very successful in competing and obtaining multiple state and federal grants for projects and practices to improve water quality. Many Clean Water Act Section 319, Clean Water Legacy, and US Department of Agriculture grants have been secured. In addition to local funding, these dollars have allowed Chisago County to complete many action items identified in the previous Water Plan.

Among other highlights, Chisago County leads the state in identifying and upgrading Imminent Threat to Public Health Septic Systems, completing watershed assessments, and installing water protection practices.

Below is a summary of accomplishments and ongoing activities under the previous Water Plan. These are organized by priority concerns.

Priority Concern: Reduce phosphorus loading from Chisago County to the St. Croix River to help meet 20% basin wide goal.

- In partnership with the St. Croix Basin Team, a point and non-point source nutrient loading study has been completed.

Lead local agency – St. Croix Science Museum Research Station

- Staff participates in the St. Croix Basin Team.

Lead local agency – Chisago County

- A Soil and Water Assessment Tool for the Sunrise River watershed has been developed.

Lead local agency – St. Croix Science Museum Research Station

- A partnership has been formed between Chisago County, US Army Corps of Engineers, and Minnesota Pollution Control Agency to develop and implement a watershed based plan and strategies for water quality and aquatic ecosystem management, restoration, and protection. The Plan is anticipated to be complete spring 2013.

Lead local agency – Chisago County

- An inventory of the St. Croix River escarpment for gully erosion concerns from Wild River State Park south to the Chisago/Washington County line has been completed. In fiscal year 2012 the Soil and Water Conservation District has secured Clean Water Funds to install Best Management Practices to correct gully erosion concerns in this region.

Lead local agency – Chisago Soil & Water Conservation District

- In Fiscal Year 2011, Clean Water Funds were used to incorporate water smart Best Management Practices at the Chisago Lakes Middle School, Rush City High School, and the Wyoming Public Library. Additional best management practice projects have been completed throughout the Chisago Lakes Chain of Lakes watershed at Linden Street in Lindstrom and the Chisago County Government Center.

Lead local agency – Chisago Soil & Water Conservation District

- Each year, 20-30 agricultural related water quality improvement projects are completed utilizing Federal Funds.

Lead local agency – Chisago Soil & Water Conservation District & Natural Resources Conservation Service

- A partnership has been formed with the Minnesota Agricultural Water Resources Coalition to install a Discovery Farm site in Chisago County. The Discovery Farm is an innovative watershed project designed to engage agriculture and other members of the watershed community in improving and protecting water quality.

Lead local agency – Chisago Soil & Water Conservation District

- The Kost Dam road impairment project was completed in 2012 which reduced stormwater runoff into the Sunrise River.

Lead local agency – Chisago Soil & Water Conservation District

Priority Concern: Implement projects and practices recommended in the North Branch Sunrise River Restoration and Protection Plan.

- Imminent Threat to Public Health Septic Systems have been identified and upgraded within the Shoreland Zone in Isanti County, in the City of North Branch, and the Chisago County portion of the watershed.

Lead local agency – Chisago County

- Livestock producers in the County are being contacted by Soil and Water Conservation District staff and best management practices are being installed to reduce runoff from livestock production into water resources.

Lead local agency – Chisago Soil & Water Conservation District

Priority Concern: Implement projects and practices recommended in additional Restoration and Protection plans.

- The following Total Maximum Daily Load Watershed Restoration and Protection Plans have been completed or are in progress:

Comfort Lake Forest Lake Watershed District 6 Lakes (Completed)

Lead local agency – Comfort Lake Forest Lake Watershed District

Chisago Lakes Chain of Lakes (Completed)

Lead local agency – Chisago Soil & Water Conservation District

Chisago Lakes Lake Improvement District

North Branch Sunrise River (Completed)

Lead local agency – Chisago County

Sunrise River (Scheduled to be completed 2014)

Lead local agency – Chisago Soil & Water Conservation District

- The Rock/Rush/Goose Creeks Restoration and Protection Plan is scheduled for completion in 2014.

Lead local agency – Chisago Soil & Water Conservation District

- A County wide lake water quality monitoring program is in place.

Lead local agency – Chisago County

- A Regional Stormwater Management Facility in a ditch leading to the Sunrise River downstream of the City of Forest Lake is being developed. The Facility will help correct problems related to excess nutrient and sediment loads to the Sunrise River and Comfort Lake.

Lead local agency – Comfort Lake Forest Lake Watershed District

- County, township, and city public works departments are working to maximize the efficiency of the use of road maintenance products while protecting public safety and minimizing harmful effects to water quality.

Lead local agency – Local Public Works Departments

- The Rush Lake Improvement Association is researching the use of iron concentrate to bind phosphorus in lake sediment.

Lead local agency – Rush Lake Improvement Association

- A partnership is being formed to work within the Carlos Avery Wildlife Management Area to better understand the impacts pool draw-downs have on the Sunrise River.

Lead local agency – Chisago Soil & Water Conservation District

Priority Concern: Expand obligations of the Chisago County Subsurface Sewage Treatment System Pilot Program.

- The Chisago Lakes Joint Sewage Treatment Plan is accepting and treating holding tank waste and septage as alternatives to land application.

Lead local agency – Chisago Lakes Joint Sewage Treatment Commission

- As a result of the Pilot Program:
 - 4,752 septic system evaluations were conducted by County inspectors
 - 429 systems determined to be imminent threat to public health (9%)
 - All known imminent threat to public health systems are now compliant
 - Financial assistance is provided to low income property owners that install or update systems
 - 175,050 gallons of untreated sewage is prevented from impacting the environment every day
 - = 29 milk trucks carrying 6,000 gallons EACH DAY or
 - = an Olympic sized swimming pool every 3.4 DAYS

Lead local agency – Chisago County

- Community Wastewater Treatment Systems are being developed for unsewered Rural Village Centers in Almelund, Sunrise, Palmdale, Rush Point, and Stark.

Lead local agency – Chisago County

- Voluntary septic system inspections by County staff are offered to residents within shoreland areas throughout Chisago County.

Lead local agency – Chisago County

Priority Concern: Continue the Abandoned Well Sealing Program for protection of groundwater resources.

- The Chisago County Geologic Atlas has been completed. The County Hydrogeologic Atlas is expected to be completed in 2013.

Lead local agency – Chisago County

- Wellhead Protection Plans have been completed for Rush City, Harris, Lindstrom, Center City, Taylors Falls, and Hazelden Foundation in Center City.

Lead local agency – Local Communities, Minnesota Department of Health

- Nitrate Testing Clinics are held annually in different locations in Chisago County.

Lead local agency – Chisago County

- Drinking Water Test Kits are available to citizens.

Lead local agency – Chisago County Public Health

Chisago Soil & Water Conservation District

Priority Concern: Implement Stormwater Management Standards and erosion control projects in developing areas, especially the Chisago Lakes Lake Improvement District.

- Center City, Chisago City, and Lindstrom have been selected as pilot communities to develop and implement Minimal Impact Design Standards in land use ordinances.

Lead local agency – Local Communitie

Chisago Lakes Lake Improvement District

- Stormwater Retrofit Assessments have been completed for the communities of Center City, Chisago City, and Lindstrom. As a result of the Assessments, numerous stormwater Best Management Practices are being installed.

Lead local agency – Chisago Soil & Water Conservation District

- Shoreland Best Management Practices and lakeshore restorations are being installed within the Chisago Chain of Lakes.

Lead local agency – Chisago Soil & Water Conservation District

- Prior to and during construction, inspections and assessments take place to ensure that conditions placed on plats are fulfilled, especially relating to erosion control, stormwater protection, and wetland compliance.

Lead local agency – Chisago County

- The Chisago Lakes ditch and weir system is properly maintained to control water levels during high water events.

Lead local agency – Chisago Lakes Lake Improvement District

Priority Concern: Provide information, education, and training on water quality concerns.

- The county wide Chisago Children's Water Festival takes place on an annual basis. Over 7,000 5th grade students have attended the festival over the past 10 years.

Lead local agency – Chisago County

Chisago Soil & Water Conservation District

- Each year, approximately 400 Septic System Owners Guides are mailed to owners of new homes or replacement systems.

Lead local agency – Chisago County

- Twice each year, the Environmental Connections Newsletter is distributed to property owners throughout the county. Each issue has articles on water quality and environmental stewardship.

Lead local agency – Chisago County

- At least once each year, Chisago Soil & Water Conservation District distributes a newsletter on natural resources throughout the county.
Lead local agency – Chisago Soil & Water Conservation District
- Frequently, Conservation Notes articles are submitted to local newspapers.
Lead local agency – Chisago Soil & Water Conservation District
- Chisago County is an active participant in the PICKM (Pine, Isanti, Chisago, Kanabec, Mille Lacs) Alliance of Lake and River Associations.
Lead local agency – Chisago County
- The PICKM Alliance of Lake & River Associations sponsors semi-annual education opportunities for lakeshore residents.
Lead local agency – PICKM Alliance of Lake & River Associations
- Non Point Education for Municipal Officials (NEMO) training events are offered to municipal officials within the Chisago Lakes watershed.
Lead local agency – Chisago Lakes Lake Improvement District
- In partnership with the Minnesota Department of Natural Resources, watercraft inspections and education on aquatic invasive species take place at public water accesses throughout the County.
*Lead local agency – Chisago Lakes Lake Improvement District
 Comfort Lake Forest Lake Watershed District*

PRIORITY CONCERNS TO BE ADDRESSED

The following Priority Concerns have been adopted by the Chisago County Water Plan Policy Team and are addressed in this plan.

A Priority Concern is to protect the quality and quantity of groundwater used for drinking water.

A Priority Concern is the introduction or spread of aquatic invasive species and their negative effect on water quality, navigation, recreation, or fisheries.

A Priority Concern is septic systems that are failing, noncompliant, or an Imminent Threat to Public Health.

A Priority Concern is the influence of agricultural, rural, and urban land use practices on water quality.

A Priority Concern is that citizens and elected officials receive accurate and understandable information to make informed decisions.

A Priority Concern is to obtain sufficient resources to achieve goals established in the Water Plan.

SUMMARY OF GOALS AND OBJECTIVES

The table below is a summary of the estimated timeline and potential resources needed to fully implement the Water Plan. These estimates are for planning purposes only and are not intended to be a commitment by Chisago County or partner resource agencies. Detailed information on specific goals and objectives can be found in the appendix.

Table 3: Summary of Goals and Objectives Costs in dollars

	2014	2015	2016	2017	2018	Totals
Protect Quality & Quantity of Groundwater	20,500	45,500	45,500	60,500	60,500	232,500
Aquatic Invasive Species	70,000	85,000	85,000	85,000	85,000	410,000
Non-compliant Septic Systems	196,000	196,000	176,000	176,000	176,000	920,000
Land Use Practices	1,960,500	1,963,000	1,863,000	1,853,000	1,823,000	9,462,500
Make Informed Decisions	110,000	130,000	160,000	140,000	140,000	680,000
Sufficient Resources	140,000	140,000	140,000	140,000	135,000	695,000
Totals	2,497,000	2,559,500	2,469,500	2,454,500	2,419,500	12,400,000

Figure 4: Summary of Five Year Estimated Cost of Goals and Objectives in Dollars

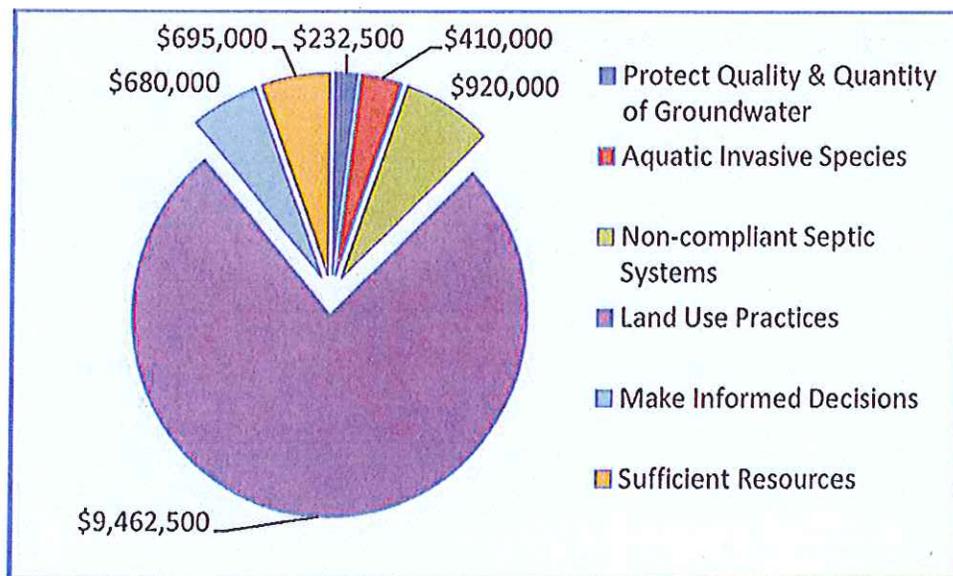
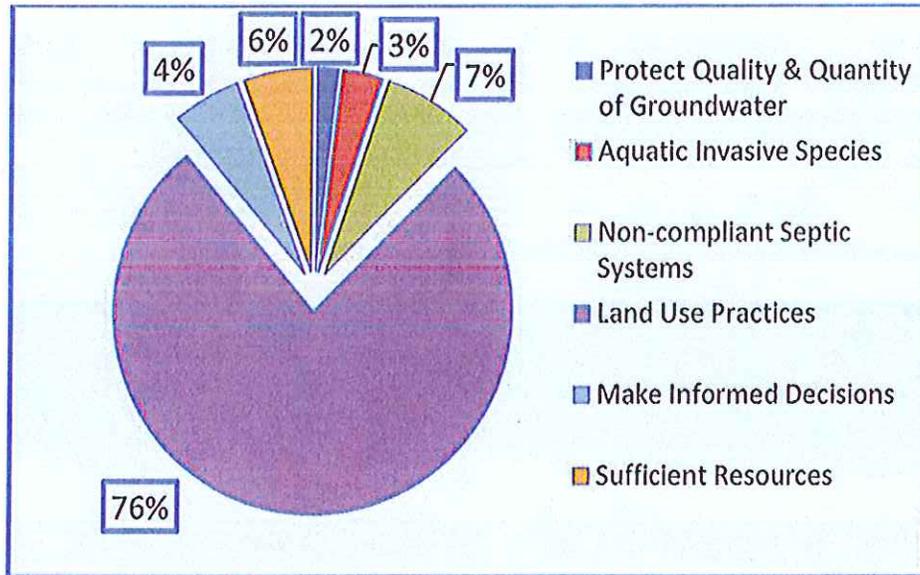


Figure 5: Summary of Five Year Estimated Cost of Goals and Objectives by Percentage



Participants in previous Water Plan activities have been very successful in obtaining state and federal resources for plan implementation. It is anticipated that this success will continue into the future.

CONSISTENCY OF THE PLAN

The Chisago County Local Water Management Plan is consistent with other pertinent state, county, regional, and other local plans. There are no recommended amendments or potential conflicts with official controls at this time.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Coon Creek WD Watershed Management Plan

Meeting Date: August 29, 2013
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Metro Region
Contact: Mary Peterson
Prepared by: Mary Peterson
Reviewed by: Metro Region Committee(s)
Presented by: Metro Committee Member or Mary Peterson

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [] Resolution [X] Order [X] Map [X] Other Supporting Information

Fiscal/Policy Impact

- [X] None [] General Fund Budget
[] Amended Policy Requested [] Capital Budget
[] New Policy Requested [] Outdoor Heritage Fund Budget
[] Other: [] Clean Water Fund Budget

ACTION REQUESTED

Approval of the Coon Creek Watershed District Watershed Management Plan 2013-2023

LINKS TO ADDITIONAL INFORMATION

http://www.cooncreekwd.org/index.asp?Type=B_BASIC&SEC={1AFF127-2A5C-42E3-A1C8-C2EF5E142016}&DE={47593761-F262-4ECB-B206-0385E1541A71}

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

The Coon Creek Watershed District (CCWD) was established in 1959. This Watershed Management Plan (Plan) is the third generation plan required by the Metropolitan Surface Water Management Act (M.S. 103B) and the fourth required under the Watershed Act (M.S. 103D). The CCWD is located exclusively in Anoka County in the north-central portion of the Minneapolis – St. Paul seven county metropolitan areas. Six boundary amendments have occurred since the current Plan was approved in 2004. The CCWD now includes parts of seven cities; Andover, Blaine, Columbus, Coon Rapids, Fridley, Ham Lake and Spring Lake Park and covers approximately 107 square miles. It lies within the Anoka Lake Plain portion of the Anoka Sand Plain. The soils are primarily fine sands and the regional water table is very shallow. Population grew by 22% since 2010 and is projected to grow another 10% by 2020 to total approximately 180,000. Most of the land use changes have and will involve a conversion of agricultural and vacant land to development.

The CCWD conducted an open and meaningful public participation process in the development of the Plan. Public involvement entailed more than 25 meetings with partners and a spectrum of activities ranging from notifying the public about the planning process to working collaboratively and cooperatively to share ideas and develop plan components. In 2010 the District formed a Planning Advisory Committee (PAC). The CCWD boundary was amended to include part of the dissolved Six Cities WMO in December 2011 which led to a

major delay in the completion of the Plan. Because the merger occurred late in the planning process a revised involvement process was required which involved personal briefings and individual meetings to identify issues and concerns and review goals and objectives. The adjusted process relied heavily on the District's Technical Advisory Committee (TAC) and Citizen Advisory Committee member input and review through several meetings in 2012 and individual contacts.

The Plan is very comprehensive and includes resource goals, objectives and strategies. The Plan includes an Executive Summary and a Plan Summary that are useful information items that highlight the Plan. The mission goals are the primary focus of the District programs and activities and are drawn from their mission statement. For the period of 2013-2023, the District's focus will be on: 1. Preventing flooding; 2. Improving water quality in impaired or impacted waters; and 3. Maintaining and enhancing water quality in waters that are not impaired.

The issue goals are growing in importance as a result of current economic and demographic trends and in response to more recent legislative actions and mandates. During this Plan these issue goals will be: 1. aquatic invasive species (AIS); 2. changes in precipitation; and 3. the decline in surficial Groundwater and the effect on Groundwater dependent resources.

To pursue the specific goals and objectives, the CCWD has set in place strategies (program/cost-centers) in the areas of: administration, development regulation and issue management; operations and maintenance; planning, programing and budgeting; public and governmental relations; and research and monitoring.

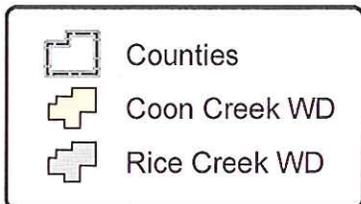
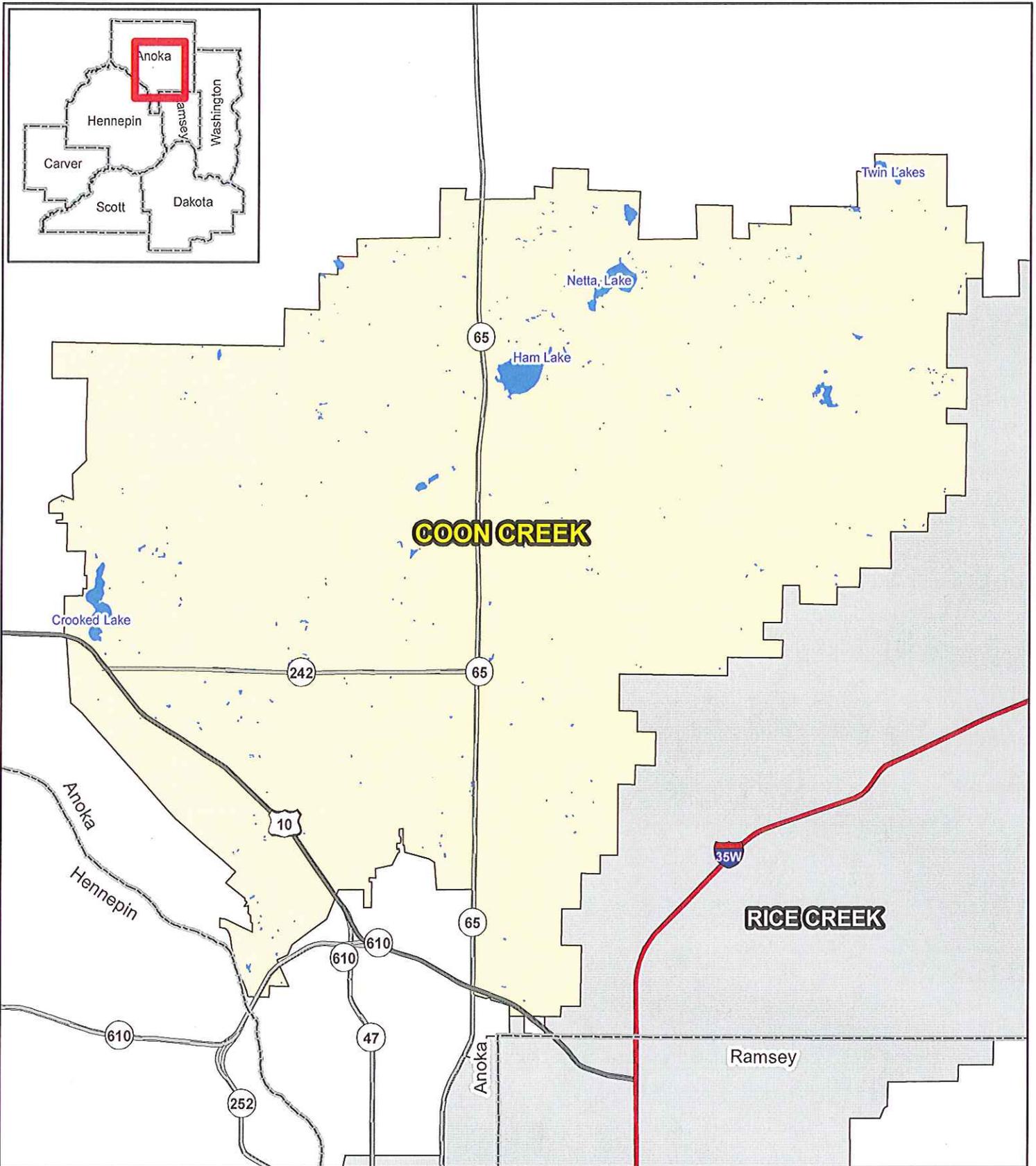
The implementation program includes priorities that focus on mission goals, includes targeted subwatershed/special management areas, has effective timelines and a budget of \$13.2 million, and are organized around the categories of funding, programs (cost centers), policies and procedures, partnerships and collaboration, and capital projects with over \$10 million proposed for new drainage/storm water, ditch/stream bank repair, retrofits, and studies/special management area plans.

The Plan lays out an evaluation process to measure performance based on an adaptive management process that is a refinement to the annual strategic planning done as part of the budget process. A one-page summary of the top ten highlights of the plan is attached for your information.

On June 4, 2013, the BWSR received the CCWD Plan Update and supporting information for final 90-day state review. State agency review comments were received from Met Council, DNR, and PCA during the 90-day review process. The CCWD responded to all comments received and incorporated appropriate revisions to the final draft. BWSR staff completed its review and found that it meets the requirements of the Metropolitan Surface Water Management Act (M.S. 103B) and the Watershed Act (M.S. 103D).

On August 12, 2012, the Metro Region Committee met with CCWD representatives and BWSR staff to review and discuss the Plan Revision. The Committee unanimously voted to recommend approval of the CCWD Plan Revision to the full Board per the attached draft Order.

Coon Creek Watershed District



In the Matter of the review of the
Watershed Management Plan for the **Coon
Creek Watershed District**, pursuant to
Minnesota Statutes Section 103B.231,
Subdivision 9.

**ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Coon Creek Watershed District (CCWD) submitted a Watershed Management Plan (Plan) on June 4, 2013 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The CCWD was established in 1959. The Plan is the third generation plan required by the Metropolitan Surface Water Management Act, Minnesota Statutes Chapter 103B and the fourth required under the Watershed Act, Minnesota Statutes Chapter 103D.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current District watershed management plan was approved by Board Order on October 27, 2004. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.
3. **Nature of the Watershed.** The CCWD is located exclusively in Anoka County in the north-central portion of the Minneapolis – St. Paul seven county metropolitan area. The Sunrise, Upper Rum, and Lower Rum River Watershed Management Organizations border it to the north, the Mississippi River to the southwest and the Rice Creek

Watershed District to the south and east. Six boundary amendments have occurred since the current Plan was approved in 2004. The CCWD now includes parts of seven cities; Andover, Blaine, Columbus, Coon Rapids, Fridley, Ham Lake and Spring Lake Park covering approximately 107 square miles. It lies within the Anoka Lake Plain portion of the Anoka Sand Plain. The soils are primarily fine sands and the regional water table is very shallow. Population grew by 22% since 2010 and is projected to grow another 10% by 2020 to total approximately 180,000. Most of the land use changes have and will involve a conversion of agricultural and vacant land to development.

4. **Plan Development and Review.** The Plan was prepared in accordance with Minnesota Rules Chapter 8410 and Minnesota Statutes Chapter 103B. The CCWD conducted an open and meaningful public participation process in the development of the Plan. On October 22, 2012, the CCWD released a rough draft of the Plan for review. Over 240 comments were received. The Planning Advisory Committee and the Technical Advisory Committee (TAC) reconvened to review the plan and comments. In December 2012, the CCWD approved the draft Plan for review and comment as required under Minnesota Statutes Section 103B.231, Subd. 7. The draft Plan was distributed to 27 individuals and agencies on January 16, 2013 for the 60-day review and comment period. A public hearing was held on April 22, 2013. The Plan was revised to incorporate suggested changes and additions from the partners and state agency reviewers. The CCWD provided a written response to all comments. The draft Plan was submitted to the Board of Water and Soil Resources (BWSR) on June 4, 2012 for the official 90-day final review.
5. **Local Review.** The CCWD distributed copies of the draft Plan to local units of government for their 60-day review. Comments were received from the City of Coon Rapids (41 comments), RFC Engineering, Inc. (107), City of Spring Lake Park (9), Anoka Conservation District (27), Anoka County (5), City of Andover (3), and a citizen advisory member (3). The CCWD convened a TAC meeting to present, discuss, and incorporate these comments into the final draft. Written responses were sent to all those commenting during the 60-day review. A public hearing was convened on April 22, 2013 for the comments made on the draft Plan. The final draft Plan was submitted to BWSR on June 4, 2013 for the 90-day review and shows strikeouts and additions to the Plan as a result of the comments received.
6. **Metropolitan Council Review.** The Council commented on the CCWD's draft Plan during the 60-day comment period in a letter dated March 14, 2013, and stated they had no further comments on the Plan for the 90-day comment period. The Plan is consistent with Council policies, is detailed and comprehensive and should be an excellent framework to manage the water resources in the watershed.
7. **Department of Agriculture Review.** The MDA did not comment on the Plan.

8. **Department of Health Review.** The MDH stated that they did not have any comments for this plan revision.
9. **Department of Natural Resources Review.** The DNR provided comments during the 60-day review and the CCWD responded in writing to all comments. The MDNR provided comments during the 90-day review and the CCWD provided a written response. MDNR commented on placing more emphasis on conservation drainage approaches and natural channel design principals rather than just dredging and stabilizing with rip-rap. The CCWD agreed and will consider and facilitate construction of ditches where such design approaches facilitate the hydrologic performance for that segment of ditch, provided the cost can be adequately addressed. MDNR recommended including wetland restoration as a strategy to meet its goals. The CCWD is very interested in wetland restoration and will support as well as conduct wetland restoration where there is a reasonable chance of the restoration succeeding and able to be sustained.
10. **Pollution Control Agency Review.** The PCA did not provide comments during the 60-day review period. The MPCA provided comments during the 90-day review. Most of the comments were related to updating or correcting information. The MPCA stated that overall it was a very thorough report. MPCA suggested the CCWD consider monitoring lakes and wetlands for Chloride. The CCWD will review and begin the process to monitor for Chloride on the lakes within the District. MPCA also suggested a discussion on the status of septic systems in the watershed. The CCWD responded that there is a discussion of the occurrence of the MUSA line within the District in the assessment. If the request is an inventory of the condition of the drainage fields the CCWD will not be doing that at this time. This issue was never raised at any point during the planning process. However, the CCWD will consider septic systems in the 2013-2015 study of the effects of declining surficial ground water on ground water driven surface water resources.
11. **Department of Transportation Review.** The MDOT did not comment on the Plan.
12. **Board of Water and Soil Resources Review.** BWSR staff provided written comments during the 60-day review. Staff found the Plan to be very comprehensive and includes resources goals, objectives and strategies. The comments focused on plan structure to provide useful implementation and to allow clarity and focus for partnering cities, agencies and the general public. BWSR staff met with CCWD staff to review comments and discuss Plan highlights, priorities and edit revisions. Staff also attend attended the TAC meeting where the CCWD staff presented all the comments for partner discussion and input. All comments submitted were thoughtfully considered and responded to by the CCWD.

13. Plan Summary and Highlights. The Plan is a very comprehensive and includes resource goals, objectives and strategies. The Plan includes an Executive Summary that contains highlights from the Plan. It also includes a Plan Summary that is a more concise information piece of the larger Plan to better inform the public and help guide local policy makers, LGUs and agency resource partners during the implementation of the Plan.

The Mission Goals are the primary focus of the District programs and activities and are drawn from their mission statement. For the period of 2013-2023, the District's focus will be on:

1. Preventing flooding
2. Improving water quality in impaired or impacted waters
3. Maintaining and enhancing water quality in waters that are not impaired.

The Issue Goals are growing in importance as a result of current economic and demographic trends and in response to more recent legislative actions and mandates. During this Plan these issues will be:

1. Aquatic Invasive Species (AIS)
2. Changes in Precipitation
3. The decline in surficial Ground water and the effect on Ground water dependent resources.

The implementation priorities are the focused mission goals, include targeted subwatershed and special management areas, and are organized around these categories:

1. Funding
2. Programs (Cost Centers),
3. Policies and Procedures
4. Partnerships and collaboration
5. Capital Projects – Propose over \$10M CIP for new drainage and storm water projects, ditch and streambank repair, retrofits, and studies and special management area plans.

The Plan lays out an evaluation process to measure performance based on an adaptive management process that is a refinement to the annual strategic planning done as part of the budget process.

14. Metro Region Committee Meeting. On August 12, 2013, the Board's Metro Region Committee and staff met with representatives from the CCWD to review and discuss the Plan. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Jack Ditmore and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Mary Peterson and Brad Wozney. The representatives from the CCWD were Tim Kelly, Administrator, Dawn Doering, Information and Education Coordinator, and Michelle Ulrich, Attorney. Board

staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Coon Creek Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The Coon Creek Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program.
4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan, dated 2013-2023, as the Coon Creek Watershed District Watershed Management Plan.

Dated at Two Harbors, Minnesota this 29th day of August, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Executive Summary

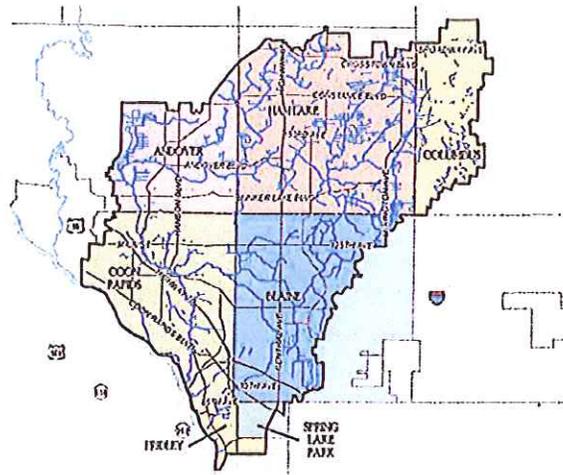
Coon Creek Watershed District 2013 to 2023 Comprehensive Watershed Management Plan

Background

The Coon Creek Watershed District is a special purpose unit of government created in 1959 pursuant to the Watershed Law (Minnesota Statutes 103D). This Comprehensive Watershed Management Plan is the third generation plan required by the Metropolitan Surface Water Management Act (M.S. 103B) and the 4th fourth required under the Watershed Act (M.S. 103D). The plan is the product of more than 25 meetings with citizens, elected and appointed officials and water resource professionals over a 24 month period.

The Coon Creek Watershed District (District) is 107 square miles in size and is located on the northern edge of the Twin Cities Metropolitan Area. The District is located entirely within Anoka County and includes parts of seven cities:

City	Square Miles	% of District	% of City in CCWD
Andover	15	14%	43%
Blaine	22	21%	64%
Columbus	11	10%	23%
Coon Rapids	22	21%	99%
Fridley	2	2%	21%
Ham Lake	33	30%	90%
Spring Lake Park	2	2%	68%
Total	107	100%	



District Mission

To manage groundwater and the surface water drainage system to prevent property damage, maintain hydrologic balance, protect water quality for the safety and enjoyment of citizens, and the preservation and enhancement of wildlife habitat.

Mission Goals

Mission Goals are the primary focus of District programs and activities. They distill the various legislative mandates as they apply to the watershed. These goals, as drawn from the mission statement are:

1. To prevent property damage from flooding, erosion or degraded water quality.
2. To ensure balance between inflow, outflow and storage of water.

3. To ensure that water is protected from contamination.
4. To provide for a variety of beneficial uses including the safety and enjoyment of the watershed's residents.
5. To preserve and enhance wildlife.

Immediate Concerns

At this time, the District's focus will be on:

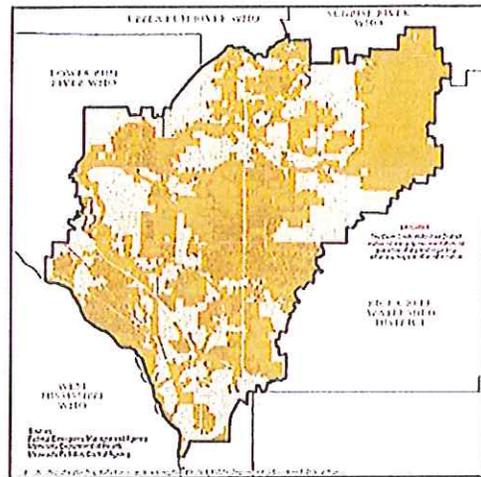
1. Preventing flooding
2. Improving water quality in impaired or impacted waters
3. Maintaining and enhancing water quality in waters that are not impaired.

Goal 1: To prevent property damage from flooding, erosion or degraded water quality

Three types of property damage are of concern to the District:

1. Damage to life and safety
2. Structural Damage
3. Functional or Operational Damage

In 2010 the watershed contained 21,943 acres of flood-prone land with a market value of \$3.6 to 2.7 billion dollars. In addition, the District includes approximately 1,000 parcels valued at \$283 million where the quality of the adjacent lake waters is critical to property values.



Goal 2: To ensure balance between inflow, outflow and the storage of water and encourage a productive landscape

Hydrologic balance involves accounting for the inflow to, outflow from, and storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake or reservoir, the relationship between evaporation, precipitation, runoff, and the change in water storage. Water balance is used to help manage water supply and predict where there may be water shortages or flooding.

Within the Coon Creek Watershed emphasis has been placed on the components and characteristics of streamflow. This is because sources, quantity and distribution of streamflow and any changes that may result from future development have direct impacts on downstream water quality and quantity.

Nine variables influence the water balance of the watershed:

1. Drainage area
2. Disposition of land uses
3. Total precipitation
4. Total loss to evaporation
5. Total streamflow

6. Changes in soil moisture storage
7. Changes in groundwater storage
8. Changes in depression storage
9. Groundwater flux

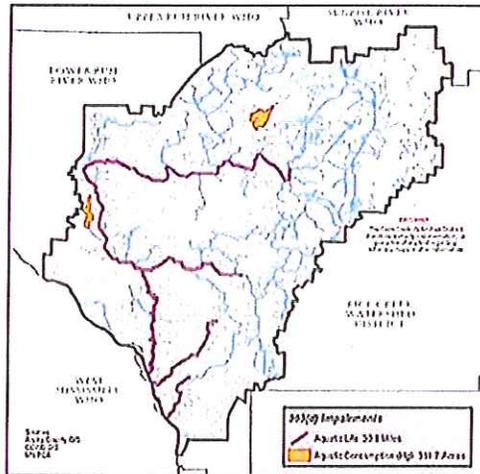
Goal 3: To ensure that water is protected from contamination

Runoff from various land uses and construction sites can carry sediment and other pollutants to water bodies within the District. Sediment and pollution can clog sewers and ditches and pollute creeks, streams and lakes. Pollutants can limit the use of water and waterways for beneficial purposes, promote the growth of undesirable aquatic life, and are difficult to remove.

Water quality goals and standards apply to a variety of water resources. Within the Coon Creek Watershed those resources and the amount within the watershed are:

Resource	Amount	Unit
Streams and Ditches	250	Miles
Deep Lakes (>12 Ft)	347	Acres
Shallow Lakes & Wetlands (<12 Ft)	15,508	Acres
Trout Lakes	29	Acres

In 2006 the Minnesota Pollution Control Agency (MPCA) listed Coon Creek, Sand Creek, Pleasure Creek and Springbrook Creek as biologically impaired and reported to the U.S. Environmental Protection Agency as required. In 2011, the MPCA Monitored Coon Creek for bacteria and found that the creek exceeded the State standard of 126 organisms/100 ml. The sampling was conducted as part of the Upper Mississippi River Bacteria TMDL study.



GOAL 4: To provide for a variety of beneficial uses including the safety and enjoyment of the watershed's residents

“Beneficial uses” are the uses that water and related land resources provide for people. The U.S. Environmental Protection Agency (EPA), which administers the Clean Water Act, uses a related term “designated uses.” Five ‘Beneficial Uses’ occur within the Coon Creek Watershed.

1. Drinking Water
2. Aquatic Life and Recreation
3. Industrial Consumption
4. Agriculture and Wildlife
5. Aesthetic Enjoyment And Navigation

The ability to provide a variety of beneficial uses depends on the quality and health of the watershed. Watershed health is the capacity of the landscape to sustain plant and animal productivity, maintain or enhance water quality and support human health and habitation.

The District approaches watershed health on a performance basis by seeking to ensure that changes in runoff rates and volumes and water quality do not interfere with established land uses or other beneficial uses

by either exceeding the capacity of the system to convey water or assimilate pollutants or channel to convey water or the design capacity of the ditch to remove soil water to ensure agricultural drainage.

Goal 5: To preserve and enhance wildlife

The District efforts to preserve and enhance wildlife will focus on wildlife habitat, endangered and threatened species, riparian lands and the control of animal damage.

Sustaining plant and animal habitat will focus on active management of vegetation. Preserving endangered and threatened species will involve coordination with the MDNR and the state rules governing those species.

Control of animal damage, primarily beaver and dam removal will remain an ongoing activity.

Issue Goals

There are three major issues facing water resource management in the Coon Creek Watershed:

1. Aquatic Invasive Species (AIS)
2. Changes in Precipitation
3. The decline in surficial Groundwater and the effect on Groundwater dependent resources

ISSUE: Aquatic Invasive Species

Issue Statement: There are many introduced species that can wreak havoc on the District's Watershed's environment and economy. Those species that cause harm and spread quickly from their point of introduction are often called "invasive." For these species, a single individual may

produce thousands of seeds, masses of larvae or reproduce from nothing bigger than bits of stems, roots or leaves. Those that live in or near the water—aquatic invasive species—can be easily dispersed to distant water bodies or new ecosystems by currents, river flows, streams, floods and other water flows.

Invasive species arrived in Coon Creek via 'vectors'. Vectors are the pathways (the means or agents of transport from one place to the next) They Vectors can include boats fishing and gear, diving gear, bait, aquariums, wildlife, pets and water gardens.

Plants can produce thousands of seeds, which may be carried by wind, water, animals or human activities. Some aquatic plants can reproduce vegetatively, with small bits of leaves, stems or roots resulting in new plants.

Management efforts have begun to focus on vectors, rather than species. On a general level, invasive species management involves five basic strategies, often in combination:

1. Prevention
2. Early Detection & Monitoring
3. Rapid Response & Eradication
4. Long-Term Control & Management
5. Education & Outreach

Choosing management approaches within this framework depends on the nature of the invader. Some invaders such as the Asian carp, specifically bighead carp and silver carp, are increasing their range up the Mississippi River. A management response focused on monitoring, education and early detection would be the most appropriate.

Other invaders such as curly leaf pond weed (*Potamogeton crispus*) and Eurasian watermilfoil (*Myriophyllum spicatum*) are so well-established, that eradication may be

infeasible and ongoing chemical or mechanical removal is selected to minimize the harmful effects of the infestations.

Still others, such as Zebra mussels (*Dreissena polymorpha*), may present no management option whatsoever since there appears to be no environmentally acceptable way to treat or remove widespread benthic invertebrates in open waters at this time.

There are currently eight aquatic invasive species in the watershed. Some of these species are considered aquatic because they exist in wetlands.

Invasive Plant Species:

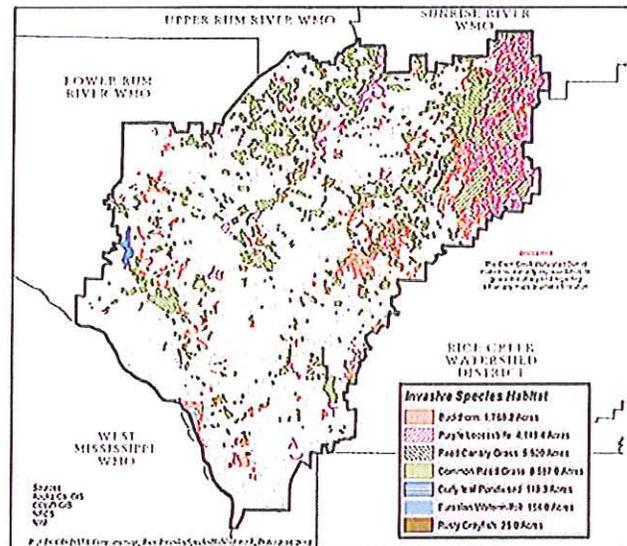
1. Eurasian watermilfoil (*Myriophyllum spicatum*)
2. Curly-leaf pondweed (*Potamogeton crispus*)
3. Flowering rush (*Butomus umbellatus*)
4. Reed Canary Grass (*Phalaris arundinacea*)
5. Purple loosestrife (*Lythrum salicaria*)
6. Buckthorn (*Rhamnus frangula*)
7. Common Reed grass (*Phragmites australis* subsp. *australis*)

Invasive Animal Species:

8. Rusty crayfish (*Orconectes rusticus*)

Invading Species of Concern

- Zebra Mussels (*Dreissena polymorpha*)



Species of concern include Zebra Mussels

GOALS:

1. To minimize the harmful ecological, economic and human health impacts of aquatic invasive species (AIS).
2. To be proactive in aquatic invasive species management through education and projects that improves lake and stream water quality and/or reduces the risk of entry of invasive species.
3. Control the spread of AIS and minimize their impacts on native habitats and species.

ISSUE: Climate Changes in Precipitation

Issue Statement: Weather extremes pose a challenge to water and related land management. Recent episodic events such as drought, high intensity mini-storms, and weather variations can damage soil, water, and lead to a general scarcity of water.

There are ~~three~~ four critical issues regarding climate changes in precipitation:

1. How increasing hydrologic variability may affect water supply and demand and stormwater collection and treatment.
2. How changes in climatic patterns potentially may impact the watershed in the coming century.
3. How increasing hydrologic variability (e.g., wetter wet seasons and drier dry seasons) will pose challenges to the District watershed.
4. How changes in precipitation frequency and/or intensity will affect local floodplain management programs and the operation, maintenance and performance of the stormwater treatment systems and best management practices.

GOALS:

1. To gather and disseminate weather data and climatic information, and provide meteorological expertise in support of Watershed District water and related resource management decisions and weather related management activities.
2. To ensure validity, integrity, and utility of weather information provided for Watershed District use.
3. To provide precipitation frequency estimates for the Coon Creek Watershed

ISSUE: Declining Regional Surficial Groundwater and the Effect on Groundwater Dependent Resources

Issue Statement: Groundwater within the Watershed is a major contributor to base flow in the watershed and it strongly influences plant and animal species in

riparian areas, lakes, and wetlands. It also provides drinking water to individuals and communities within the watershed.

GOALS:

1. To manage Watershed District water resources for multiple-uses by balancing present and future resource use with domestic water supply needs.
2. Manage Groundwater dependent ecosystems under the principles of multiple use and sustainability, while emphasizing protection and improvement of soil, water and vegetation, particularly because of effects upon aquatic and wildlife resources.

Implementation

Implementation priorities are:

1. Preventing flooding
2. Improving water quality in impaired or impacted waters
3. Maintaining and enhancing water quality in waters that are not impaired.

Implementation will use the adaptive management process. The process is a refinement to the annual strategic planning done as part of the budget process.



Implementation will involve five factors:

1. Funding
2. Means and Methods
3. Programs (Cost Centers)
4. Policies and Procedures Principles and Standards
5. Partnerships and Collaboration

FUNDING

Implementation will rely on property taxes as the primary source of revenue. Revenues will be augmented through special assessments and grants where available and appropriate.

The direct financial burden on watershed residents has been moderated by securing grant or cost-share funds. The participation of volunteers in the District's programs and projects also helps to reduce the levied costs.

Revenue sources will be evaluated according to the principles of:

1. Administrative efficiency,
2. Equity,
3. Fiscal balance.

MEANS AND METHODS

The district mission and operation is complex and requires a variety of knowledge, skills and abilities. The District will consider alternative ways of doing business using:

1. District Staff
2. Consultants
3. Volunteers
4. Contracts
5. Grants
6. Cooperative Agreements
7. New Equipment & Technology
8. Work Standards

PROGRAMS

The District operates six programs as These programs are the primary delivery mechanism and are used for both allocating personnel and forecasting the knowledge skills and abilities of District staff and professional services. These programs are also the context within which the District evaluates its work methods and use of technology. The programs are:

1. Administration: implements the approved policies of the Board of Managers, administers the financial affairs of the Coon Creek Watershed District, ensures the accountability of public funds, and serves the District financial needs.
2. Development Regulation and Issue Management: evaluates, permits, and monitors plans and programs affecting the water and related land resources of the District in an orderly and informed fashion
3. Operations and Maintenance: plans, designs, constructs and maintains the public ditch system and water control structures, and preserves the location, character, and extent of the District ditch and conveyance system.
4. Planning, Programming and Budgeting: coordinates the planning, prioritizing, and financing of District programs and activities.
5. Public and Governmental Relations: ensures that the continuing planning and management of the Coon Creek watershed is responsive to the needs and concerns of an informed public and to coordinate policies and programs of the local, state, and federal government agencies to achieve consistency with the plan.
6. Research and Monitoring: gathers and analyzes data that will result in increased efficiency and effectiveness of

watershed management and District programs.

POLICIES AND PROCEDURES

Implementation will emphasize the functioning of natural systems and landscape (biogeochemical) processes, especially the hydrologic system.

Management means preserving the capacity to function, yet allowing use compatible with that functioning.

Policies and Procedures have been developed for:

1. Ditches and Water Courses
2. Floodplains
3. Groundwater
4. Soils
5. Stormwater and Hydraulics
6. Water Quality, Soils & Erosion Control
7. Wetlands and Water Bodies
8. Wildlife – Areas of endangered/ threatened/ special concern plants and animals

Between 2013 and 2023, the District will evaluate policies and procedures for:

1. Aquatic Invasive Species
2. Climate and Precipitation Change
3. Groundwater dependent resources
4. Nuisance wildlife and animal damage such as beaver
5. Fishery Management
6. Aquatic Life
7. Bacteria
8. Total Suspended Solids
9. Storm Water Volume Management
10. Aesthetics
11. Irrigation

PARTNERSHIPS AND COLLABORATION

All of these projects and activities in this plan occur within one or more of the cities in the watershed. Efficiently and effectively accomplishing projects depends on partnerships and collaboration with the cities and Anoka County.

To integrate water resource management with other resource management in the Watershed, the District will:

- Actively coordinate its water resource protection, development, and improvement programs with other similar programs of local, state and Federal agencies.
- Seek to assess the effectiveness of water management efforts within the watershed in meeting legislative mandates, such as those pertaining to pollution control.
- Plan and execute a coordinated program of water resource development to maximize public benefits within the Watershed.

CAPITAL PROJECTS

The Comprehensive Plan proposes \$10.4 million in capital projects between 2013 and 2023. The Capital Improvement Program (CIP) follows the following policies:

1. A Capital Improvement Plan (CIP) will be developed for a period of ten (10) years
2. The most current year of the CIP will be incorporated into the current year operating budget
3. The CIP will be reviewed and updated annually. Years two through ten are for planning purposes only.
4. The District will seek to maintain physical assets to protect the District's capital investment and to minimize

future maintenance and replacement costs.

5. The District will provide maintenance and replacement from current revenues where possible.

CIP adoption involves a collaborative review by the Cities, Anoka County, the Citizen Advisory Committee and all interested citizens.

The major expenditure categories identified in the CIP include, but are not limited to:

1. New drainage, stormwater or water quality facilities
2. Ditch and Streambank Repair, Maintenance or Reconstruction
3. Capital Improvement or Retrofits to Existing Facilities
4. Capital Equipment (To be determined through normal budgetary process)
5. Studies and Special Area Management Plans

Plan Evaluation

Evaluation of plan implementation will be accomplished through

1. Daily control over operations,
2. Monthly (Staff) Activity Reports
3. Water Monitoring & Atlas System (WMAS)
4. Asset Knowledge/ Infrastructure Database
5. Annual Reporting to BWSR and MPCA on activities
6. Annual audit of financial affairs





Conflict of Interest Disclosure Form for Board Members

Grant Program: Feedlot Water Quality Cost Share Grants Program Authorization

Name of Review Group: Grants Program & Policy Committee

Before any review of grant applications, the chair of the meeting shall make this statement about conflict of interest:

Chair Statement: *"A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today's business."*

This form gives grant application reviewers an opportunity to disclose any actual, potential or perceived conflicts of interest that may exist during a grant review process. It is the grant reviewer's obligation to be familiar with the Office of Grants Management (OGM) Policy 08-01, Conflict of Interest Policy for State Grant-Making, and to disclose any conflicts of interest accordingly. All grant reviewers *must* complete and sign a conflict of interest disclosure form. On the form, the grant reviewer must identify any grant applicant with which they have an actual, potential or perceived conflict, although they do not need to provide the reason for the conflict on the disclosure form.

A disclosure does not automatically result in the grant application reviewer being removed from the review process.

Please read the definitions of conflict of interest below and mark the appropriate boxes that pertain to you and your status as a reviewer of applications for this grant program.

Conflicts of interest may be actual, potential, or perceived:

ACTUAL CONFLICT OF INTEREST:

An actual conflict of interest occurs when a decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict.

POTENTIAL CONFLICT OF INTEREST:

A potential conflict of interest may exist if a grant reviewer has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests.

PERCEIVED CONFLICT OF INTEREST:

A perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist.

At a minimum, all internal parties who are involved in the grant review or grant management process must be made aware that an actual, potential, or perceived conflict has been disclosed and evaluated, even if it is not serious enough to remove or reassign the employee or grant reviewer. After reviewers have signed the conflict of interest form, therefore, the conflicts--if any--that have been disclosed shall be announced to the reviewing body as a whole. Disclosed conflicts and their resolution will also be noted in the meeting minutes, and the forms will be kept as documentation of the grant review.

As a grant reviewer, I certify that I have read and understand the descriptions of conflict of interest explained above and in OGM Policy 08-01. Check either box 1a or 1b **and** either box 2a or 2b.

- 1a. I have reviewed the list of applicants, and I do not have any conflicts of interest relating to this program's grant applicants or proposed projects.
- 1b. I have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest with the applicant(s) listed below. (Note: If you disclose a conflict, you must identify the applicant on this form, but a description is discretionary. Under Minnesota Statute 13.599, this form is considered public data.)

Applicant	Type of Conflict (ACTUAL, POTENTIAL, or PERCEIVED)	Description of Conflict (optional)

- 2a. After reviewing this form and OGM Policy 08-01, I CHOOSE to participate in this review process.
- 2b. After reviewing this form and OGM Policy 08-01, I CHOOSE NOT to participate in this review process. I will avoid discussing the applicant and/or applications from organizations with which I have disclosed a conflict of interest with other reviewers.

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 5/13

COMMITTEE RECOMMENDATIONS
Grants Program & Policy Committee

1. Erosion Control and Water Management Program Policy Amendments – Dave Weirens – ***DECISION ITEM***
2. FY2014 Clean Water Fund and Competitive Grants Program: Policy and Request for Proposals – Dave Weirens - ***DECISION ITEM***
3. Cooperative Weed Management Area Program Authorization – Wayne Zellmer – ***DECISION ITEM***
4. Feedlot Water Quality Cost-Share Grants Program Authorization – Dave Weirens – ***DECISION ITEM***
5. Disaster Response Assistance Program Policy – Wayne Zellmer – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Approval of Amendments to the Erosion Control and Water Management Policy^L

Meeting Date: August 29, 2013
Agenda Category: [X] Committee Recommendation [] New Business [X] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Land and Water
Contact: Dave Weirens
Prepared by: Dave Weirens
Reviewed by: Grant Program and Policy Committee(s)
Presented by: Dave Weirens

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [X] Resolution [] Order [] Map [X] Other Supporting Information

Fiscal/Policy Impact

- [X] None [] General Fund Budget
[] Amended Policy Requested [] Capital Budget
[] New Policy Requested [] Outdoor Heritage Fund Budget
[] Other: [] Clean Water Fund Budget

ACTION REQUESTED

Adopt the recommendation of the Grant Program and Policy Committees to adopt amendments to the Erosion Control and Water Management Program Policy adopted on October 24, 2012.

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
The Board adopted the Erosion Control and Water Management Program Policy on October 24, 2012 effective for FY2014 Cost Share grants. At this meeting staff were directed to further evaluate the policy provisions related to practices that address water quantity problems due to altered hydrology. During this work staff recommended additional changes. In addition, appropriations and changes to 103C.501 were enacted that required development of additional changes to the Policy.



Resolution # _____

Amend the Erosion Control and Water Management Program Policy

WHEREAS, the Board of Water and Soil Resources is authorized by Minnesota Statutes 103C.501 to adopt rules and policies to implement the Erosion Control and Water Management Program (Cost Share); and

WHEREAS, the Board adopted the Erosion Control and Water Management Program Policy on October 24, 2012, during this deliberation staff were directed to address concerns regarding how the policy provides direction on the implementation of “activities that address water quantity problems due to altered hydrology”; and

WHEREAS, appropriations for the Cost Share Program and amendments to 103C.501 were enacted as a result of the 2013 Legislative session; and

WHEREAS, comments were invited from soil and water conservation districts on the proposed policy changes on April 30, 2013 and June 19, 2013; and,

WHEREAS, the Board’s Grants Program and Policy Committee met on April 24, 2013, May 22, 2013 and August 9, 2013 to review potential changes to the draft policy; and

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources hereby adopts amendments to the Erosion Control and Water Management Program Policy as identified on the attachment.

Brian Napstad, Chair

Date

Attachments:

- Draft Erosion Control and Water Management Program Policy



Erosion Control and Water Management Program Policy

(commonly known as the State Cost Share Program)

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1.0 Purpose

The Erosion Control and Water Management Program, commonly known as the State Cost Share Program, was created through Minnesota Statutes, §103C.501 to provide funds to Soil and Water Conservation Districts (Districts) to share the cost, with the land occupier, of conservation practices for erosion control, sedimentation control, or water quality improvements that are designed to protect and improve soil and water resources. The purpose of this policy is to provide clear expectations for the implementation of funds appropriated to BWSR associated with the Erosion Control and Water Management Program.

District boards and staff are responsible for the administration and decisions concerning the local use of these funds in accordance with: Minnesota Statutes, chapter 103C.501; Minnesota Administrative Rules, chapter 8400; BWSR policies; and all other applicable laws. BWSR will use grant agreements as contracts for assurance of deliverables and compliance. Willful disregard of relevant statutes, rules, and policies may lead to imposition of financial penalties on the grant recipient.

Funds are allocated by BWSR based on the following minimum criteria to districts that have fully complied with all program rules and policies:

- Extent of high priority erosion or water quality problems in the district, as indicated in the district comprehensive and annual plans or their equivalent.
- Priorities for the control of soil erosion or water quality problems as established by BWSR.
- Historic success of the district in applying conservation practices.

- Ability of the district to expend the funds in a timely manner.
- Legislative appropriation.

BWSR will allocate ~~at least 70 percent~~ of the cost-sharing funds available to districts in the form of grants for conservation practices addressing high priority erosion, sedimentation, or water quality problems. ~~The remaining cost-share funds may be allocated by the board to districts for conservation practices for lower priority erosion, sedimentation, or water quality problems and for technical and administrative assistance or to carry out special projects or programs, except not more than 20 percent of the total funds may be allocated for technical and administrative services.~~ The limitation on the use of cost-sharing funds for technical and administration and administrative expenses services may be modified is governed as provided in 3.1 of this policy.

2.0 Eligible Activities

The primary purpose of activities funded with Erosion Control and Water Management funds is to assist with structural or vegetative practices to correct existing problems. Specific preventative practices may also be allowed through policy or appropriation.

2.1 Practice Standards. All practices must be consistent with the NRCS Field Office Technical Guide (FOTG) or professionally accepted engineering or ecological practices. Design standards for all practices must include specifications for operation and maintenance for the life of the given practice, including an inspection schedule and procedure. Practices where runoff or sediment from the contributing watershed prevents the practice from achieving the intended purpose with normal operation and maintenance are ineligible. Vegetative practices must follow the BWSR Native Vegetation Guidelines.

2.2 Effective Life. All practices must be designed and maintained for a minimum effective life of ten years. The beginning date for a practice's effective life is the same date final payment is approved and the project is considered complete.

2.3 Repair of Damaged Practices. Repair of damage to a conservation practice is eligible if the practice was installed using approved standards, damage was caused by reasons beyond the control of the land occupier, and damage or failure of the practice was not due to improper maintenance or removal of the practice within the effective life.

2.4 Practices that Address Water Quantity Problems Due to Altered Hydrology. The primary purposes of these types of practices is to apply conservation practices on drainage or conveyance systems to (a) improve water quality, and (b) reduce surface and/or subsurface peak flows and volumes that contribute to water quality problems. Practices that do not have water quality as a primary purpose are ineligible.

2.5 Ineligible Practices. Incentive payments for ongoing maintenance, writing of conservation plans, payments to adopt land management practices such as tillage or residue management, payments ~~to cover~~ for crop damage during construction, payments to repair or install septic systems, payments for easements, practices installed for energy conservation and snow protection and/or feedlot expansions are not allowable practices with these funds. See 2.4 for ineligible practices that address water quantity problems due to altered hydrology.

3.0 Technical and Administrative Components

Erosion Control and Water Management funds may be used for technical and administrative expenses.

3.1 Technical and Administrative (TA) Expense. The BWSR Board has established the maximum amount allowed for TA expenses to be twenty percent (20%) of the total grant as provided in 1.0 of this policy. Amounts used for TA must be documented as an actual expense. Remaining funds must be provided as cost share to achieve the purpose of these funds, unless otherwise indicated in specific appropriation language. Districts may use ~~up to 100%~~ more than 20% of the grant for TA if a request for such use is approved by the Board Conservationist based on a) or b) below:

- a) ~~Federal funds~~ Other nonstate funds, will be leveraged and the district couldn't do the project otherwise, or
- b) Funds are used on a project that is State Cost Share Program or EQIP eligible and the district's most recent Financial Report indicates less than an 18-month fund balance.

3.2 TA Activities. Activities eligible for TA include the following: grant administration, staff training to maintain appropriate technical approval authorities or licenses, site investigations and assessments, design and cost estimates, construction supervision, and inspections.

4.0 Cost Share Rates

Cost share rates represent the percent of the installation cost of a practice that may be provided to a land occupier for materials and labor necessary to install the practice. The BWSR Board establishes cost share rates through policy and implements these rates through grant agreements with Districts.

4.1 Maximum Rates. For the Erosion Control and Water Management Program, the BWSR Board has established the maximum cost share rate to a land occupier for installation of a practice at seventy-five percent (75%) of the installation cost, except for unused well sealing ~~and practices installed for energy conservation and snow protection~~ which are is established at fifty percent (50%).

4.2 Match and In-Kind. A land occupier may provide the remainder of the installation cost through services, in-kind, or non-state or non-federal funds. The District board shall determine whether charges for in-kind services and materials are practical and reasonable. Standard rates for in-kind services should be identified in the district's cost share program policy.

4.3 Local Rates. Prior to receiving any applications from land occupiers, district boards may set different cost share rates up to the maximum identified in BWSR policy. These rates should be identified in the District's cost share program policy.

5.0 Technical Expertise

The District Board and staff have the responsibility to ensure that the designated technical staff have the appropriate technical expertise, skills and training for their assigned role(s). Appropriate technical expertise may include, but is not limited to, the following: conservation partnership Technical Approval Authority, professional licensure, reputable vendor with applicable expertise and liability coverage, or other applicable credentials, training and/or expertise.

5.1 Staff Skills. A description of staff skills, training, or credentials; or a description of other means the District will use to insure projects meet the requirements of this policy and are installed and maintained according to the standards and specifications of the practice(s) must be included in the District's cost-share program policy.

5.2 **BWSR Review.** BWSR reserves the right to review the licensure and credentials of all technical staff selected by the District where appropriate.

6.0 Expenditure of Funds on Practices and Contracts

BWSR finds that the District Board of Supervisors has the authority and responsibility to approve expenditure of funds within their own organization.

6.1 **Cost Share Contract.** A contract between the District and land occupier(s) receiving state funds is required to provide a legal standing to insure practices are installed and maintained according to approved standards and specifications. The required contract can be found on the BWSR website. Land occupier means a person, corporation, or legal entity that holds title to or is in possession of land as an owner, lessee, tenant, or otherwise. If the land occupier is not the landowner, the application must also bear the landowner's signature.

- a) **Contract Modifications.** Modifications to the contract may be made prior to execution and with prior approval from the District legal counsel and BWSR.
- b) **Contract Amendments.** Changes to an executed contract are considered an amendment to the contract and subject to review and approval by the District Board. The required amendment form can be found on the BWSR website. Prior to approving an amendment, technical staff must attest that the amendment has merit. Amendments shall not be considered or approved after the end of the contract or after approval to issue final payment on the original contract has been made. Amendments are limited to changes in practice specifications, installation dates, land occupier information, practice components, or cost share rates and amounts.
- c) **Group Projects.** Where the cooperation of several land occupiers is required for implementation of a project; and the land occupiers have agreed to the project, division of payments for the project, and signed a group project addendum to the cost-share contract; the District may enter into a contract with only the group spokesperson of the contract. A group project addendum form can be found on the BWSR website.
- d) **Projects that Cross a District Boundary.** If a project involves land in more than one District, application for the entire project must be made to the District containing the majority of the project lands.
- e) **Pooling cost-share allocation for joint projects.** District Boards may enter into an agreement to pool portions or all of their collective cost-share allocations to implement joint projects. Cooperative and joint projects may be undertaken to accomplish watershed-based resource management goals or other goals of mutual benefit as identified in the county's comprehensive local water plan or the District's comprehensive plan.

6.2 **Contract Approval.** District Boards must approve or deny the contract. The action taken must be documented in the District Board's meeting minutes. Approval of a contract is considered approval for expenditure of funds.

6.3 Projects where construction has begun prior to District Boards approval are ineligible for financial assistance.

6.4 **Project Contract Timeframe.** District Boards have the authority to adopt timely starting and completion dates. ~~Entering into Execution and completion of~~ a contract with a land occupier must occur ~~be~~ within the grant period. ~~Completion dates can be no longer than two years after approval of the District Board.~~ Projects Contracts not completed within the period of the grant agreement this timeframe

must be cancelled unless the grant agreement with the District has been extended and the contract has been extended such that the contract timeframe is within the amended grant period prior-written approval of the State board has been received. Under all circumstances, grant funds must be expended within the period of a valid grant agreement.

6.5 Canceled Projects. Funds from canceled projects or remaining from completed projects where the final cost was less than the estimated amount may be re-encumbered to a new contract as provided in the grant agreement. Funds that are unexpended must be returned as provided in the grant agreement as long as District Board approval occurs prior to the end of the grant period.

6.6 Removal of Practices. District Boards may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice and the purpose of the original practice has been achieved.

6.7 Delegation. District Boards may delegate signing contracts and supporting program documents to District staff. This delegation must be identified in the District's cost share program policy.

6.8 Recording Practices. The size, location, and effective life of the soil and water conservation practices that have received cost-share payments under this program equal to or in excess of \$50,000 shall be recorded by the district on the property title. Instructions and forms for recording practices can be found on the BWSR website.

7.0 Practice Sign-off and Payment

Prior to payment, technical staff must attest that the practice was properly installed and completed according to the plans and specifications, including technically-approved modifications, and that vouchers and receipts are accurate. Project costs for the purposes of determining cost share amounts include the materials and labor necessary to complete the project.

7.1 Reimbursement. Land occupiers must incur all expenses for project implementation and provide vouchers and invoices or copies of paid receipts to verify all expenses prior to requesting reimbursement. A payment voucher form is available on the BWSR website.

- a) **Partial Payments.** Partial payments are allowed. Prior to authorization for partial payment, technical staff must attest to the District Board that the request for partial payment has merit, the payment request is equal to or less than the percent of construction that is complete, and that the project will still be completed within the contract timeline. Land occupiers not completing partially paid projects shall be considered as violating MN Rule, part 8400.1700 and shall be directed, unless otherwise authorized by the state board as provided elsewhere in this part, to return to the district up to one hundred fifty percent (150%) of the amount of financial assistance received. All expenses incurred to correct damage caused by the land occupier's failure to expeditiously complete the project must be borne by the land occupier.
- b) **Service Charges.** District or Technical Service Area charges for services such as administration, field investigations, design, and monitoring to establish the practice shall not be included in calculating the project cost for purposes of determining cost-share payment amounts to the land occupier. Service charges such as tree planting or mechanical weed control are eligible to be included.
- c) **Actual Cost Different Than Estimated Cost.** In cases where the actual cost of the practice exceeds the estimated cost, the district may only share the additional amount when an amendment to the cost share contract has been approved per policy 6.1. Where the actual

cost is less than the estimated cost, the district shall only share the approved percentage of the actual cost of the practice.

7.2 Project Review. After receiving a request for final reimbursement, technical staff must review for each project; the as-built plan, vouchers, and invoices or copies of paid receipts submitted by the land occupier for completion and technical approval.

7.3 Combining Funding Sources. Payment amounts from combined state and federal sources shall not exceed the maximum cost share rate set by the BWSR Board in Section 4.0 of this policy. Calculation of payment amounts does not include incentive payments.

7.4 Final Plans. One copy of the final approved plan must be given to the land occupier and one copy retained with the project file located in the district office.

8.0 Post-Construction and Follow-Up Activities

Identifying operation and maintenance activities specific to the installed practices is critical to ongoing performance of installed practices as well as to planning and scheduling those activities. Scheduled site inspections by qualified staff are necessary to ensuring operation and maintenance has been taking place.

8.1 Operation and Maintenance Plan. Qualified technical staff must prepare an operation and maintenance plan specific to the practice and the site where it is located. The operation and maintenance plan must detail the maintenance activities that are likely to be needed for the practice and contributing watershed, specify how and when to accomplish them, and identify the inspection schedule. The plan should be prepared and reviewed with the land occupier before installation of the conservation practices begins.

8.2 Inspections. Qualified technical staff shall ensure that the operation and maintenance plan is being followed and the practices have not been altered or removed by conducting periodic site inspections. Inspections are to:

- a) Verify that all components of the practice remain in place and are in good repair, and/or
- b) Identify repairs necessary in accordance with the operation and maintenance plan; and/or
- c) Identify further assessment or action necessary if necessary repairs are beyond the scope of the operation and maintenance plan (~~need cross-reference to non-compliance policy~~).

8.3 Failure to Maintain Practices. Should the land occupier fail to maintain the practices during their effective life according to the operation and maintenance plan, the land occupier is liable to the district for up to one hundred fifty percent (150%) of the financial assistance received to install and establish the practice as per MN Rule, part 8400.1700 as determined by the district board. Funds received by a district from a landowner who has failed to maintain a practice, must be used according to this policy and Minnesota Rules 8400.0050 to 8400.1900, less the administrative cost.

9.0 District Reporting Requirements

To ensure the continued success of the Erosion Control and Water Management Program, regular reporting of accomplishments and benefits is required. This reporting is accomplished through entries and documentation in eLINK. Guidance for reporting in eLINK is available on the BWSR website.

9.1 Annual Reporting. Districts must annually enter information on activities accomplished with the grant funding in eLINK. Reporting is required for grant fund expenditures from the prior calendar year and is to be completed by BWSR established reporting deadlines.

9.2 Grant Closeout Reporting. Within thirty (30) calendar days of the conclusion of each grant agreement or expenditure of all grant funds, whichever occurs first, Districts are required to provide the following to BWSR:

- a) Entry of information on all projects completed with the grant funding in eLINK;
- b) Signed Final Financial Report from eLINK;
- c) Documentation of District Board approval of the Final Financial Report; and
- d) Return any unspent or unencumbered funds, if applicable, as instructed on the Returned Check Form, found on the BWSR website.

9.3 Unencumbered Funds. Grant funds unencumbered by the District board after the grant period must be returned to the state board within thirty (30) calendar days. Unencumbered funds are those funds remaining from cancelled projects or completed projects where the final cost was less than the estimated amount.

9.4 Records Retention. Project files must be retained by the District pursuant to Minnesota Statutes, §138.17 and consistent with ongoing records retention schedules.

9.5 Non-compliance with Reporting Requirements. Any District that does not complete these requirements will not be eligible to receive funds from this program until all past reporting has been completed. Financial penalties on the grant recipient may be applied.

10.0 BWSR Program Monitoring, Reconciliation, Verification and Penalty Procedures

10.1 Monitoring, Reconciliation, and Verification. BWSR will annually monitor all Districts reporting for compliance with reporting requirements of the Erosion Control and Water Management Program Policy above and will reconcile and verify all grants according to the current Grants Monitoring, Reconciliation, and Verification policy.

10.2 Penalties. Grant penalties can be applied when it has been determined the district is not in compliance with relevant statutes, rules, and state policies. Noncompliance is ranked by the degree of departure from recommended administrative procedures to violations of rules, statutes, or grant agreements. Penalties may include the district requiring a land occupier to return the cost-share funds received, the district repaying the State with non-state funds, and/or the district taking a yearly reduction in cost-share grant payments(s) until the violation amount is satisfied. Minnesota Statutes, §103C.401 establishes BWSR's obligation to assure program compliance.

- a) All state base grants (State Cost Share, Easement Services, and General Services) for which funding is requested may be reduced by five percent if satisfactory comprehensive or annual plans are not received by the annual deadline, with an additional five percent reduction for each month late. No base grant funds will be allocated until a satisfactory plan is received.

- b) If the state becomes aware of cases where a district knowingly participates in accepting fraudulent receipts or invoices to calculate cost-share claims, the state may deny future cost-share funds for the district.

11.0 District Cost Share Program Policies

The following items are recommended to be identified in local cost share program policies, either on a project-by-project or annual basis:

- a) Identify or describe available staff skills, training, credentials, or other means the District will use to insure projects are installed and maintained according to standards and specifications (see policy 5.0.)
- b) Set District cost share rates to be less than or equal to rates set by the State Board (see policy 4.0.)
- c) Establish maximum flat rates for in-kind services and materials provided by land occupiers (see policy 4.0.)
- d) Identify practice standards to be used for design, construction, operation, and maintenance (see policy 2.0.)
- e) Set criteria for project selection, i.e. priority watershed or location, priority practices, recording practices, consideration of other activities in the area, etc. (see policy 6.0)
- f) Establish a process and local policy for addressing cost-share contract noncompliance (see policy 6.0).
- g) State if the District is delegating authority to sign contracts and supporting program documents to District staff. (see 6.7)
- h) Other policies as necessary and applicable to the program.

For additional guidance see the BWSR Grants Manual at:

<http://www.bwsr.state.mn.us/grants/manual/index.php#/Purpose%20&%20Scope/7/top>



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Authorizing the FY14 Clean Water Competitive Grants Program¹

Meeting Date: August 29, 2013
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Land and Water Section
Contact: Dave Weirens
Prepared by: Dave Weirens
Reviewed by: Grants Program and Policy Committee Committee(s)
Presented by: Dave Weirens and Marcey Westrick

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [X] Resolution [] Order [] Map [X] Other Supporting Information

Fiscal/Policy Impact

- [] None [] General Fund Budget
[] Amended Policy Requested [] Capital Budget
[X] New Policy Requested [] Outdoor Heritage Fund Budget
[] Other: [X] Clean Water Fund Budget

ACTION REQUESTED

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

The FY14 grants program includes four BWSR grants programs and Minnesota Department of Health Well Sealing Grant fund.

The Competitive Grants Program is proposed to have an application period from September 3 to October 4. The application scoring process will be conducted by staff from the DNR, MDA, MDH, PCA and BWSR staff as has been the case in past years. Changes to the Policy have been made to update this policy from the FY2013 Policy to ensure it is consistent with the proposed FY2014 appropriations. The Grants Program and Policy Committee met on August 9, 2013 and reviewed the draft Policy and Request for Proposals.



Board Resolution # 13-

**FY 2014 CLEAN WATER FUND AND COMPETITIVE GRANTS
PROGRAM: POLICY AND REQUEST FOR PROPOSALS**

WHEREAS, the Clean Water Fund (CWF) is established in M.S. 114D.50; and,

WHEREAS, Clean Water Funds have been appropriated to BWSR in Laws of Minnesota 2013, Chapter 137; and,

WHEREAS, the Minnesota Department of Agriculture will be contributing Agricultural Best Management Practices Loan Program funds; and,

WHEREAS, the Minnesota Department of Health will be contributing Well Sealing Cost Share funds; and

WHEREAS, the Board has authority under Minn. Stat. 103B.3369 to make grants to cities, townships, counties, soil and water conservation districts, watershed districts, joint powers organizations, and other special purpose districts or authorities with jurisdiction in water and related land resources management when a proposed project, practice or activity implements a county water plan, watershed management plan, or county groundwater plan; and

WHEREAS, BWSR implementation of appropriated CWF funds is based on the Minnesota Constitution, Article XI, Section 15 which provides that funds may be “spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation”, and that “dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute”; and,

WHEREAS, the Board has previously endorsed an inter-agency granting strategy that included the MN Department of Agriculture (MDA), the Department of Natural Resources (DNR), the Pollution Control Agency (MPCA), the Department of Health (MDH), and the BWSR with the goal of effectively coordinating water quality projects or practices funded by the CWF, and

WHEREAS, the CWF implementation strategy incorporates the purpose of M.S. 114D.20 which directs the implementation of Clean Water Funds to be coordinated with existing authorities and program infrastructure; and,

WHEREAS, applications for funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(b) will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
<u>Proposal Description:</u> The proposal description succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.	5
<u>Relationship to the Plan:</u> The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan.	15
<u>Targeting:</u> The proposal addresses identified critical pollution sources impacting the water resource identified in the application.	30
<u>Measurable Outcomes:</u> The project or practice has a quantifiable reduction in pollution and directly addresses the water quality concern identified in the application.	35
<u>Project or Practice Readiness:</u> The proposal has a set of specific initiatives that can be implemented soon after grant award.	10
<u>Biennial Budget Request (BBR):</u> A BBR was submitted by the applicant organization in 2012.	5
Total Points Available	100

WHEREAS, applications for funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(c) will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
Clarity of the proposal's goals, standards addressed and projected impact on land and water management and enhanced effectiveness of future implementation projects or practices.	40
Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan.	25
Means and measures for assessing performance, milestones for success, and capacity to measure outcomes.	20
Timeline for implementation.	15
Total Points Available	100

WHEREAS applications for a shared services or local capacity component established with funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(c) will be evaluated based on the following criteria:

Ranking Criteria	Maximum Points Possible
Clarity of proposed activities and their effect on enhanced delivery of current or future implementation projects or practices, targeting activities or other essential conservation delivery services.	25
Relationship of proposed activities to identified needs from the BBR and/or identified priorities associated with local water management plans or other strategic water quality assessments.	30
Means and measures for assessing performance, milestones for success, and capacity to measure outcomes.	25
Clarity of application activities to implement projects from other fund sources or from new partnerships within the Technical Service Area.	20
Total Points Available	100

WHEREAS, applications for funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(h) will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
Clarity of the application’s goals, projected impact, and involvement with community partners.	40
Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan.	30
Plan for assessing the proposal’s impact and capacity to measure project or practice outcomes.	20
LGU capacity to implement local grant program processes and protocols.	10
Total Points Available	100

WHEREAS, applications for Well Sealing Funds appropriated to the Minnesota Department of Health and transferred to BWSR will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
Specific wells included in the application	25
Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan.	40
Priority areas for well sealing identified.	20
Overall proposal quality and completeness	15
Total Points Available	100

WHEREAS, the Grants Program and Policy Committee reviewed the Clean Water Fund and Competitive Grants Program Policy developed by staff on August 9, 2013.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

1. Authorizes staff to finalize, distribute and promote a Request For Proposals (RFP) for the FY2014 Clean Water Fund Competitive Grants Program consistent with the provisions of appropriations enacted in 2013, Minn. Stat. 103B.3369 and this Board resolution; and,
2. Adopts the attached FY2014 Clean Water Fund Competitive Grants Policy.

 Brian Napstad, Chair
 Board of Water and Soil Resources

Date: _____

Attachment: FY2014 Clean Water Fund Competitive Grants Policy



FY 2014 Clean Water Fund Competitive Grants Policy



Purpose

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams and to protect groundwater and drinking water sources from degradation. The purpose of this policy is to provide expectations for implementation activities conducted via the Board of Water and Soil Resources (BWSR) Clean Water Fund (CWF) grants.

BWSR will use grant agreements for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties or future sanctions on the grant recipient.

The FY 2014 Clean Water Fund Competitive Grants Request for Proposals (RPF) may identify more specific requirements or criteria when specified by statute, rule or appropriation language.

1.0 Applicant Eligibility Requirements

Eligible applicants include local governments (counties, watershed districts, watershed management organizations, soil and water conservation districts, and cities) or local government joint power boards working under a current state approved and locally adopted local water management plan or soil and water conservation district (SWCD) comprehensive plan. Counties in the seven county metropolitan area are eligible if they have adopted a county groundwater plan or county comprehensive plan that has been approved by the Metropolitan Council under Minn. Stat. Chapter 473. Cities in the seven-county metropolitan area are eligible if they have a water plan that has been approved by a watershed district or a watershed management organization as provided under Minn. Stat. 103B.235. Cities, including those outside of the seven-county metropolitan area, without such plans are encouraged to work with another eligible local government if interested in receiving grant funds. Plans must be current as of October 1st, 2013 for an

applicant to be eligible to apply.¹ Applicants must also be in compliance with all applicable federal, state, and local laws, policies, ordinances, rules, and regulations.

2.0 Match Requirements

A non-state match equal to at least 25% of the amount of Clean Water Funds requested and/or received is required, unless specified otherwise by Board action and included in the RFP. Matching cash or in-kind cash value provided by a landowner, land occupier, local government or other non-state source may be used to match CWF grants.

3.0 Eligible Activities

The primary purpose of activities funded with grants associated with the Clean Water Fund is the control, reduction, or prevention of chemical or nutrient runoff, soil erosion, sedimentation, or materials that affect human or aquatic system health. Eligible activities must be consistent with a watershed management plan, county comprehensive local water management plan, soil and water conservation district comprehensive plan, metropolitan local water plan or metropolitan groundwater plan, that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), watershed restoration and protection strategy (WRAPs) document, surface water intake plan, or well head protection plan. Local governments may include programs and projects in their grant application that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government submitting the grant application and the local government that has adopted the plan.

Eligible activities can consist of structural practices and projects, non-structural practices and measures, project support, and grant management and reporting. Technical and engineering assistance necessary to implement these activities are considered essential and are to be included in the total project or practice cost.

¹ For the purposes of this policy watershed management organizations and metro watershed districts are not eligible if the management plan is more than 10 years beyond the BWSR plan approval date unless the plan states a lesser period of time; non-metro watershed districts are not eligible if the plan is more than 11 years 3 months beyond the BWSR approval date; and counties are not eligible if the management plan is more than 10 years beyond the BWSR approval date unless properly extended.

3.1 Structural Practices and Projects:

3.1.1 Best Management Practices

- a. Practices must be designed and maintained for a minimum effective life of ten years.
- b. An operation and maintenance plan for the life of the practice shall be included with the design standards.
- c. An inspection schedule, procedure, and assured access to the practice site shall be included as a component of maintaining the effectiveness of the practice.
- d. The grant recipient must provide assurances that the landowner or land occupier will keep the practice in place for its intended use for the expected lifespan of the practice. Such assurances may include easements, deed recordings, enforceable contracts, performance bonds, letters of credit, and termination or performance penalties. BWSR may allow replacement of a practice or project that does not comply with expected lifespan requirements with a practice or project that provides equivalent water quality benefits.

3.1.2 Capital Improvement Projects

- a. Projects must be designed and maintained for a minimum effective life of 25 years.
- b. An operation and maintenance plan for the life of the project shall be included with the design standards.
- c. An inspection schedule, procedure, and assured access to the project site for maintenance shall be included as a component of maintaining the effectiveness of the project.
- d. The grant recipient must provide assurances that the landowner or land occupier will keep the project in place for its intended use for the expected lifespan of the project. Such assurances may include easements, deed recordings, enforceable contracts, performance bonds, letters of credit and termination or performance penalties. BWSR may allow replacement of a practice or project that does not comply with expected lifespan requirements with a practice or project that provides equivalent water quality benefits.

3.1.3 Livestock Waste Management Practices

- a. The application of conservation practice components to improve water quality associated with livestock management systems that were constructed before **October 23, 2000** are eligible for funding.
- b. Eligible practices and project components must meet all applicable local, State, and Federal standards and permitting requirements. Funded projects must be in compliance with standards upon completion.

- c. Eligible practices are limited to best management practices listed by the MN USDA-NRCS.
(http://www.nrcs.usda.gov/wps/portal/nrcs/detail/mn/programs/financial/eqip/?cid=nrcs142p2_023513).
- d. Funding is limited to livestock operations that are not classified as a Concentrated Animal Feeding Operation (CAFO) and have less than 500 animal units (AUs), in accordance with MN Rule Chapter 7020.
- e. Only livestock operations registered with the Minnesota Pollution Control Agency in the Delta Database are eligible for funding.
- f. BWSR reserves the right to deny, postpone or cancel funding where financial penalties related to livestock waste management violations have been imposed on the operator.
- g. Feedlot Roof Structure is an eligible practice with the following condition:
 - 1) Flat rate payment: The maximum grant for a feedlot roof structure is the NRCS EQIP Rate or \$100,000, whichever is the lesser amount. Funding is not eligible for projects already receiving flat rate payment equaling or exceeding this amount from the NRCS or other State grant funds.
- h. Feedlot relocation is an eligible practice, with the following conditions:
 - 1) The existing eligible feedlot must be permanently closed in accordance with the local and State requirements and, thereafter, is no longer eligible for Clean Water Funding. Closure activities at the existing feedlot include fence removal, waste storage facility closure and seeding, but funding is not authorized for removal or land application of manure from an open lot or waste storage facility.
 - 2) The relocated feedlot must be in compliance with all environmental requirements.
 - 3) Maximum grant for feedlot relocation is the NRCS EQIP Rate, or \$100,000, whichever is the lesser amount.
 - 4) The existing and relocated livestock waste management systems sites are considered one project for grant funding.

3.1.4 Subsurface Sewage Treatment Systems

- a. Only identified imminent threat to public health systems (ITPHS) are eligible for grants funds, except as provided under b.
- b. Proposed community wastewater treatment systems involving multiple landowners are eligible for funding, but must be listed on the MPCA's Project Priority List (PPL) and have a Community Assessment Report (CAR) or facilities plan [Minn. Rule 7077.0272] developed prior to the application deadline. For community wastewater system applications that include ITPHS, systems that fail to protect groundwater are also eligible.

- c. In an unsewered area that is connecting into a sewer line to a municipal waste water treatment plant (WWTP), the costs associated with connecting the home to the sewer line is eligible for funding if the criteria in a. and b. above are met.

3.2 Non-Structural Practices And Measures

- 3.2.1** Non-structural practices and activities that complement, supplement, or exceed current minimum state standards or procedures for protection, enhancement, and restoration of water quality in lakes, rivers, and streams or that protect groundwater from degradation are eligible.
- 3.2.2** Incentives may be used to encourage landowners to install or adopt land management practices that improve or protect water quality. Incentive payments and enhanced protection measures should be reasonable and justifiable, supported by grant recipient policy, consistent with prevailing local conditions, and must be accomplished using established standards. All incentivized practices or procedures must have a minimum duration of at least 3 years with a goal of ongoing landowner adoption.

3.3 Project Support

Community engagement, outreach, equipment and other activities, which directly support or supplement the goals and outcomes expected with the implementation of items identified in 3.1 and 3.2 above.

3.4 Grant Management and Reporting

- 3.4.1** All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the project or activity.
- 3.4.2** Applicants, who have previously received a grant from BWSR, must be in compliance with BWSR requirements for grantee website and eLINK reporting before grant execution and payment.

4.0 Ineligible Activities

Projects or practices that address the following will not be considered:

- a. Stormwater conveyances that collect and move runoff, but do not provide water quality treatment;
- b. Municipal wastewater treatment or drinking water supply facilities;

- c. Routine maintenance activities within the effective life of existing practices or projects;
- d. Activities having the primary purpose of water quality monitoring or assessment.
- e. Livestock Waste Management Systems:
 - 1) Projects that provide partial compliance with standards when the project is completed;
 - 2) Buildings;
 - 3) Feed storage facilities;
 - 4) Feeding facilities and equipment;
 - 5) Manure application equipment;
 - 6) Barn cleaners and flush systems;
 - 7) Building foundation costs not associated with a manure storage facility; and
 - 8) Animal buyouts.
- f. Subsurface Sewage Treatment Systems (SSTS):
 - 1) Small community wastewater treatment systems serving over 10,000 gallons per day with a soil treatment system, and
 - 2) A small community wastewater treatment system that discharges treated sewage effluent directly to surface waters without land treatment.

5.0 Structural Practice and Project Requirements

In order to ensure long-term public benefit of structural practices and projects, the following requirements must be met by all grant recipients.

5.1 Technical and Engineering Components

Technical and/or engineering expertise is required to develop, install, and inspect projects. Grant recipients will be required to submit documentation in their work plan outlining:

- a. Who will provide technical and engineering assistance for each of the practices or projects to be implemented, their required credentials for providing this assistance, or the method for selecting appropriate technical providers; and
- b. Approved design, construction, operation, and maintenance standards for the practices or projects to be implemented.

BWSR reserves the right to review the qualifications of all persons providing technical assistance.

5.2 Practice or Project Construction and Sign-Off

Grant recipients shall verify that the practice or project was properly installed and completed according to the plans and specifications, including technically approved modifications, prior to authorization for payment.

5.3 Post Construction and Follow-Up Activities

To ensure that a practice or project is functioning properly, an operation and maintenance plan tailored to fit the site shall be developed. The operation and maintenance plan should identify all of the maintenance activities that are needed and specify how they will be accomplished. The plan shall be reviewed with the land owner or occupier before installation of the practices or projects.

The grant recipient shall assure that the operation and maintenance plan is being followed and that the practices or projects are functioning as designed by conducting periodic site inspections.

6.0 Grantee Administration of Clean Water Fund Grants

Grant Recipients have the responsibility to approve the expenditure of funds within their organization. The LGU administering the grant must approve or deny expenditure of funds and the action taken must be documented in the governing body's meeting minutes prior to beginning the funded activity.

All grant recipient expenditure of funds providing financial assistance to landowners requires a contract with the landowner or land occupier. The contract must adequately address all the lifespan and operation and maintenance requirements of the practice or project as provided by this policy including access for inspections and/or operation and maintenance. The contract must specify enforcement provisions, up to and including repayment of funds at a rate up to 150% of the original agreement amount. BWSR recommends all contracts be reviewed by the grant recipient's legal counsel.

Grant reporting, fiscal management, and administration requirements are the responsibility of the grant recipient.

7.0 BWSR Grant Reporting, Reconciliation, and Verification Requirements

BWSR staff is authorized to develop grant agreements, including requirements and processes for project outcomes reporting, closeouts, fiscal reconciliations, and grant verifications.

7.1 BWSR Grant Reconciliation and Verification Procedures

- a. BWSR staff will review grant recipient compliance with contractual requirements in a manner which is consistent with the policies established by the Office of Grants Management and adopted by the BWSR Board.
- b. Elements described in the project work plan will be reviewed during grant reconciliation.

- c. Project files for CWF expenditures including landowner contact information, contracts, bills and invoices, inspection schedule, structural practice and project operation and maintenance information, design plans, and miscellaneous communication must be retained by the grant recipient pursuant to MS 138.17 and consistent with ongoing record retention schedules.
- d. In the event there is a violation of the terms of the grant agreement, BWSR will enforce the grant agreement and evaluate appropriate actions including repayment of grant funds at a rate up to 150% of the grant agreement.

For additional information, see the BWSR grants manual at:
<http://www.bwsr.state.mn.us/grants/manual/index.php#/Purpose%20&%20Scope/7/top>



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Cooperative Weed Management Area Program Grant Request For Proposal

Meeting Date: August 29, 2013
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region:
Contact: Dan Shaw
Prepared by: Dan Shaw
Reviewed by: Grants Program and Policy Committee Committee(s)
Presented by: Wayne Zellmer

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [] Resolution [] Order [] Map [X] Other Supporting Information

Fiscal/Policy Impact

- [] None [X] General Fund Budget
[] Amended Policy Requested [] Capital Budget
[] New Policy Requested [] Outdoor Heritage Fund Budget
[] Other: [] Clean Water Fund Budget

ACTION REQUESTED

Approval of FY2014 and FY2015 Cooperative Weed Management Area (CWMA) Program Grants.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
The Board was appropriated \$100,000 in each year of the FY2014-15 biennium of cost share grant funds for "cooperative weed management grants and to restore native plants in selected invasive management sites by providing local native seeds to landowners for implementation". Staff have developed a proposal to make these funds available to qualifying cooperative weed management groups. The Grants Program and Policy Committee reviewed the proposal on August 9, 2013 and is recommending Board approval.



Board Resolution # _____

Cooperative Weed Management Area Program Authorization

WHEREAS, the Board of Water and Soil Resources is authorized by Minnesota Statutes 103C.501 to implement the Erosion Control and Water Management Program (Cost Share); and

WHEREAS, the Minnesota Legislature, by Chapter 114 Minn. Session Laws 2013 has appropriated cost share funding to BWSR, including funding specifically for the Cooperative Weed Management Area (CWMA) Program; and,

WHEREAS, the CWMA Grant Program administered by the Board of Water and Soil Resources (BWSR), provides financial assistance to soil and water conservation districts (SWCD) to develop and sustain Cooperative Weed Management Areas, to control emerging weed threats, and manage natural areas and conservation lands through an integrated pest management and ecosystem approach; and

WHEREAS, the BWSR staff are proposing the following grant allocation policies:

- SWCDs are the eligible grant applicants for this program. Other groups may apply in partnership with SWCDs to develop and operate CWMA projects. Existing CWMA's or new terrestrial weed management groups partnering with SWCDs in Minnesota are eligible applicants.
- \$200,000 is available for the program for FY2014 and FY2015 combined. Eligible applicants may receive up to \$15,000.
- This grant can be used for a wide variety of activities related to setting up a CWMA, conducting outreach and education, weed mapping, managing invasive species and monitoring.
- Applicants may propose using more than 20% technical and administrative costs as provided in 3.1 of the Erosion Control and Water Management Program Policy, August 2013.
- To the extent possible, projects must plant vegetation following BWSR's Native Vegetation Establishment and Enhancement Guidelines.
- Proposals will be reviewed and scored by both BWSR staff members and members of the Project Advisory Team using the program ranking criteria. The Advisory Team is an interagency group established to assist in the development of this grant program. Proposals will be scored to determine which projects can be funded, based on available dollars. Once projects are selected for funding, the project manager will be notified.

- CWMA program requirements for payment schedules, incomplete applications, reporting, prevailing wage, conflict of interest, and minimum software requirements are consistent with other BWSR grant programs.

WHEREAS, the Grant Program and Policy Committee met on August 9, 2013 and is recommending the Board authorize the FY2014-15 CWMA Grant Program based on the policies contained in this resolution.

NOW THEREFORE, the BWSR hereby authorizes staff to authorizes staff to finalize, distribute and promote a Request for Proposals (RFP) for the Cooperative Weed Management Area Grant Program consistent with the appropriations enacted in 2013 and this Board resolution.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: _____



Cooperative Weed Management Area (CWMA) Grant Program 2-4-13

Program Purpose: To establish strong and sustainable CWMA's across Minnesota for the effective control of invasive species and protection of conservation lands and natural areas.

What is a CWMA? ...a local organization that provides a mechanism for sharing invasive species management resources across jurisdictional boundaries in order to achieve widespread invasive species prevention and control.

Reasons CWMA's are Needed Across Minnesota

- 1) They provide effective weed mapping, education, outreach and management leading to the control of emerging and established invasive species.
- 2) They work effectively across geographic and ownership boundaries.
- 3) They develop strong partnerships to leverage expertise and funding
- 4) They help prevent significant ecological and economic losses from invasive species
- 5) They protect the diversity and resiliency of natural areas and conservation lands.



Roseau CWMA working with County Commissioners

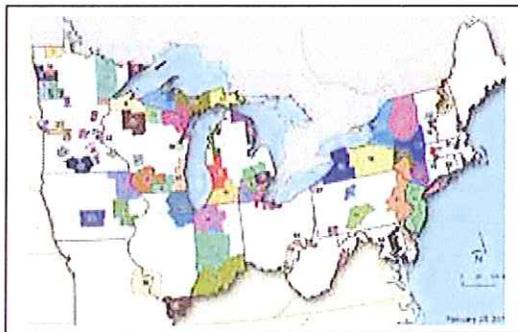
CWMA and Program Funding History:

CWMA's started in western states to manage grazing lands. Clay County had the first Minnesota CWMA, acting as a model for the BWSR program that started in 2008.

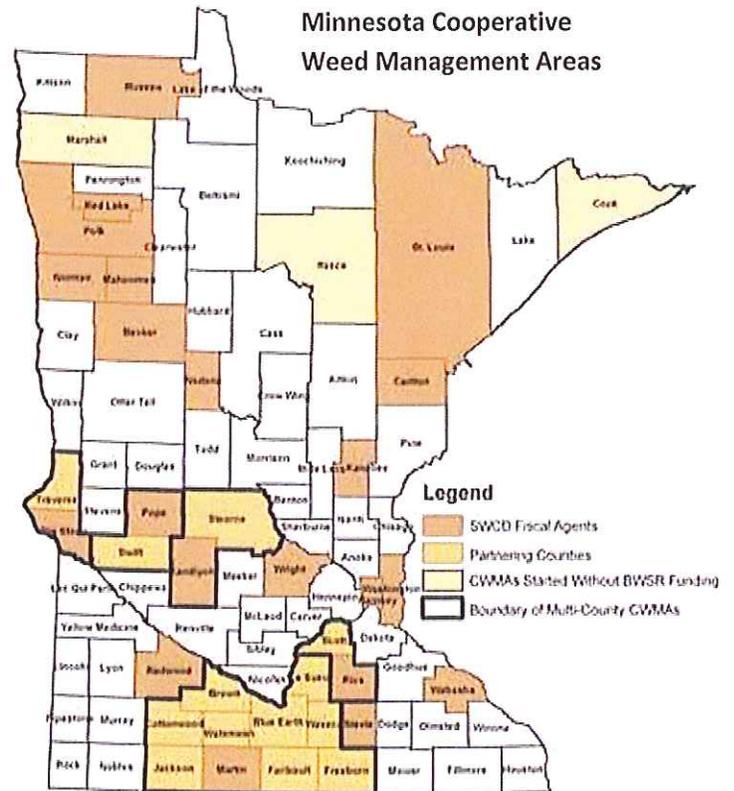
- FY 2008/2009 - \$400,000 (legislative appropriation)
- FY 2010/2011 - \$200,000 (legislative appropriation)
- FY 2012 - \$232,470 (funded with cost-share roll-over funds)
- FY2013 – No funding available

Current Status of Program

There are 23 existing groups in MN and 3 new groups (Marshall, Itasca, Cook) forming covering 33 counties. The extent of CWMA's in Minnesota is now on-par with surrounding states (see map below). It does not have a stable/predictable funding source. BWSR staff and members of the interagency advisory group have been discussing funding options



CWMA's across the Midwest

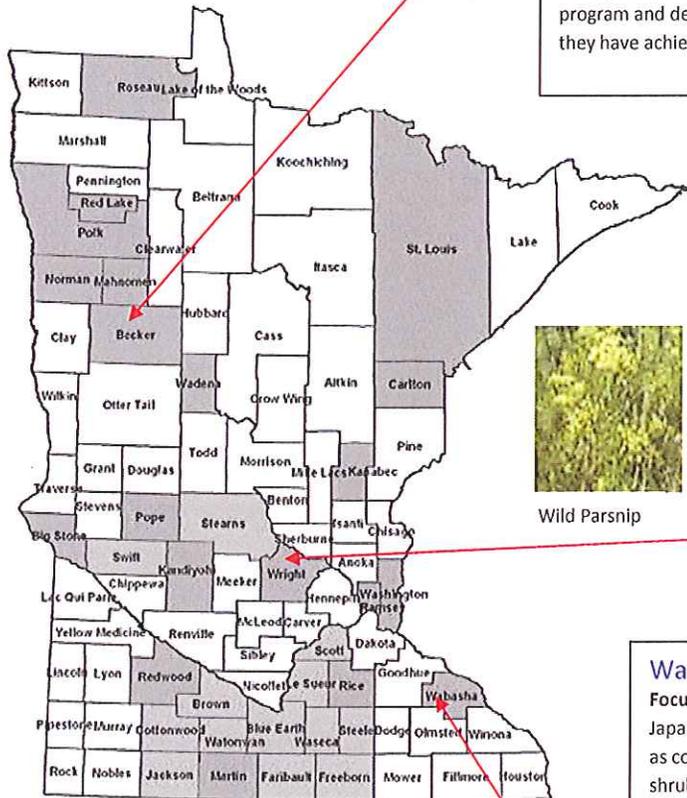


CWMA Models: Of the 23 groups in the state the following are three examples of how CWMA's are tackling weed issues across Minnesota:



Marsha Watland of Becker CWMA meeting with landowners

Becker CWMA
Focus: Emerging weed threats- crown vetch, common tansy, spotted knapweed, leafy spurge, wild parsnip.
Started: 2006 with a National Fish and Wildlife Foundation Grant (NFWF).
Mapping: Conducted baseline GIS mapping of all invasive weeds in the county.
Management Action: Combined manual, biological and cultural treatments for target species across the county.
Strength of Program: Through mapping, partnering with the County Hwy. Dept., establishment of a gravel pit certification program and developing a landowner cost-share program they have achieved effective control of weeds in the county.



Wright CWMA
Focus: Wild Parsnip control (a significant agricultural, ecological, and human health threat to the county), now adding other species.
Started: 2008 with BWSR Funding.
Mapping: GIS Mapping of parsnip locations across county.
Management Action: Worked with over 100 landowners and treated 11,000 acres.
Strength of Program: Partnership with County Hwy. Dept., Townships and Landowners to halt the spread of an emerging weed threat.



Wild Parsnip

Wabasha CWMA
Focus: Addressing emerging weed threats from Japanese knotweed and Japanese barberry, as well as common buckthorn and invasive honeysuckle shrubs.
Started: 2008 with BWSR Funding, developed own cost-share program.
Mapping: GIS Mapping of 1000 acres of invasive species populations.
Management Action: Over 150 acres have been treated for removal of invasive species in important habitat areas.
Strength of Program: Effective control of emerging weed threats. Focus on protecting intact plant communities and re-seeding native vegetation after removal.



Terri Peters of Wabasha CWMA monitoring invasive species



FY 2014-15 Cooperative Weed Management Area Program Request for Proposal (RFP)

The Cooperative Weed Management Area (CWMA) Program was developed in 2008 to promote the cooperative control of invasive species across geographic boundaries to manage and protect natural areas and conservation lands. \$200,000 is available for FY2014 and 2015 for existing Minnesota CWMA/terrestrial weed management partnerships through this request for proposal.

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RFP General Information

CWMA Program Goals

1. Develop and sustain strong partnerships between landowners, government units and other interested partners to manage invasive species across geographic boundaries
2. Control emerging weed threats and manage invasive species that threaten natural areas and conservation lands
3. Facilitate the removal of invasive plant species through an integrated pest management approach, and the restoration/reconstruction of native plant communities through an ecosystem approach.

Key Considerations for BWSR Grants

1. Applicants, who have previously received a grant from BWSR, must be in compliance with BWSR requirements for grantee website and eLINK reporting before grant execution and payment.
2. The payment schedule has been changed from previous CWMA Grant offerings.
3. Match may be provided from any non-state source.
4. Minimum software requirements are established.
5. Documentation of Conflict of Interest procedures is required for awardees.
6. Applicants may propose using more than 20% of the grant funds for technical and administrative costs as provided in 3.1 of the Erosion Control and Management Policy, August 2013.

BWSR Assistance

BWSR Board Conservationists are available to help applicants with grant application development and questions. A map showing the Board Conservationist work areas is available at: http://www.bwsr.state.mn.us/contact/BC_areas.pdf. Questions can also be directed to the Dan Shaw, the Program Manager at dan.shaw@state.mn.us, 651-296-0644.

Applicant Eligibility

- As the CWMA Program is a State Cost-share Program SWCDs are the only eligible applicants. Other organizations may apply in partnership with SWCDs to help develop and operate the Cooperative Weed Management Area project.
- Existing CWMA or new terrestrial weed management groups partnering with SWCDs in Minnesota are eligible applicants for this RFP.

Project Period

The project period starts when the grant agreement is "executed," meaning all required signatures have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds, and cannot be used as match. All grants must be completed by December 31, 2016.

Payment Schedule

Grant payments will be distributed in three installments to the grantee. The first payment of 50% of the grant amount will be paid after execution of the grant agreement. However, initial grant payments will be retained until applicants are in compliance with all BWSR website and eLINK reporting requirements for previously awarded BWSR grants. The grantee will provide notification to BWSR when a minimum of 50% of the awarded grant funds have been expended. The second payment of 40% of the grant amount will be paid once the grantee has expended the first 50% of the grant and has provided BWSR with reconciliation of these expenditures. The last 10% will be paid after all final reporting requirements are met by the established reporting timelines and grantee has provided BWSR with reconciliation of these expenditures.

Native Vegetation

To the extent possible, applicable projects must have vegetation planted or seed sown only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the project site as possible, and protect existing native prairies from genetic contamination. See guidance at:

http://www.bwsr.state.mn.us/native_vegetation/seeding_guidelines.pdf .

Application Deadline and Timeline for FY 2014 CWMA Funding

No late submissions or incomplete applications will be considered for funding.

- October 7, 2013 Application period begins
- **November 8, 2013** **Application deadline at 4:30 PM***
- January 22, 2014 BWSR Board authorizes grant awards
- February 2014 BWSR grant agreements sent out to recipients
- March 17, 2014 Work plan approval deadline
- April 1, 2014 Grant execution deadline

Incomplete Applications:

Applications that do not comply with all application requirements will not be considered for funding, as provided below.

- Components of the application are incomplete, missing, or exceeds narrative page length requirements;
- Any required documentation is missing; and
- The match amount does not meet grant requirements.

CWMA Program Reporting Requirements

- All grant recipients are required to report on the outcomes, activities, and accomplishments of CWMA grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the activity.
- BWSR CWMA Funds will be administered via a standard grant agreement. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.
- All BWSR funded projects will be required to develop a work plan including detail relating to the outcome(s) of the proposed project. All activities will be reported via the eLINK reporting system. For more information on eLINK go to: <http://www.bwsr.state.mn.us/outreach/eLINK/index.html>.
- Grant recipients must display on their website the previous calendar year's detailed information on the expenditure of grant funds and measurable outcomes as a result of the expenditure of funds according to the format specified by the BWSR, by March 15th 2015 and 2016.

Grants and Public Information

Under Minnesota Statute 13.599, responses to an RFP are nonpublic until the application deadline is reached. At that time, the name and address of the applicant, and the amount requested becomes public. All other data is nonpublic until the negotiation of the grant agreement with the selected applicant are completed. After the application evaluation process is completed, all data (except trade secret data) becomes public. Data created during the evaluation process are nonpublic until the negotiation of the grant agreement with the selected applicant(s) is completed.

Prevailing Wage

It is the responsibility of the grant recipient or contractor to pay prevailing wages on construction projects to which state prevailing wage laws apply (Minn. Stat. 177.42 – 177.44). All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with state funds included in this RFP shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality. Additional information on prevailing wage requirements is available on the Department of Labor and Industry (DOLI) website: <http://www.dli.mn.gov/LS/PrevWage.asp>. Questions about the application of prevailing wage rates should be directed to DOLI at 651-284-5091. The Grant recipient is solely responsible for payment of all required prevailing wage rates.

Conflict of Interest

State Grant Policy 08-01, (see http://www.admin.state.mn.us/ogm_policies_and_statute.html) Conflict of Interest for State Grant-Making, also applies to BWSR grantees. Grantees' conflicts of interest are generally considered organizational conflicts of interest. Organizational conflicts of interest occur when:

- 1) A grantee is unable or potentially unable to render impartial assistance or advice due to competing duties or loyalties,
- 2) A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties, or
- 3) A grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

Minimum Software Requirements

The applicant must use Microsoft (MS) Office 2007 or newer software in order to utilize the applications MS Excel and MS Word documents.

Questions

This RFP and the Erosion Control and Water Management Policy, August 2013 adopted by the BWSR (<http://www.bwsr.state.mn.us/grants/index.html>) provide the framework for funding and administration of the CWMA Program. Questions regarding grant applications should be directed to your area Board Conservationist or Clean Water Specialist (<http://www.bwsr.state.mn.us/contact/index.html>) or the Program Manager, Dan Shaw.

Application Guidelines

- Proposals should demonstrate significant, measureable project outputs and outcomes¹. As appropriate, outputs should include scientifically credible estimates of both short-term and long term benefits as well as other measures such as: acres of invasive species treated, increases in diversity levels, etc.
- Proposals must have plans for long-term maintenance and inspection monitoring for the duration of the project's effective life.
- Proposals should demonstrate that, when appropriate, a sufficient partnership exists to implement the project.
- \$200,000 is available for the program for FY2014 and FY2015 combined. Up to \$15,000 can be requested by CWMA/terrestrial weed management partnerships in Minnesota.
- The CWMA program requires a minimum match of 25% (non-state) or in-kind cash value that can be directly attributed to project accomplishments.
- Applicants are required to fill out a project budget summarizing proposed activities and expenditures including proposed actual technical and administrative costs. Applicants may propose using more than 20% of the grant funds for technical and administrative costs as provided in 3.1 of the Erosion Control and Management Policy, August 2013.

¹ The term "outcome" means the result, effect or consequence that will occur from carrying out the environmental program or activity associated with the application. Outcomes may be environmental, behavioral, health related or programmatic in nature but must be quantitative. They may not necessarily be achievable within the grant agreement timeline. The term "output" or "intermediate outcome" means an environmental activity, effort and/or associated work product related to an environmental goal and objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during the grant agreement timeline.

- The program application (to be posted on the BWSR website on 10-22-13) consisting of a narrative and budget form must be electronically submitted to BWSR at the following address: BWSR.grants@state.mn.us by 11:59 PM on November 14, 2013.

Table 1: Cooperative Weed Management Area Program Ranking Criteria	
Ranking Criteria	Maximum Points Possible
<u>Anticipated Outcomes:</u> The outcomes expected upon completion of the project initiatives are identified, as well as how these outcomes will be attained.	45
<u>Relationship to CWMA and Conservation Plans:</u> The proposal and species of focus are based on priority actions listed in or derived from CWMA plans, and other local, state and federal conservation and invasive species plans.	25
<u>Species Focus and Management Approach:</u> An approach is defined to manage invasive species using integrated pest management and ecosystem restoration.	30
Total Points Available	100



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Feedlot Water Quality Cost Share Grants

Meeting Date: August 29, 2013
Agenda Category: Committee Recommendation New Business Old Business
Item Type: Decision Discussion Information
Section/Region: _____
Contact: Matt Drewitz
Prepared by: Matt Drewitz and Dave Weirens
Reviewed by: Grants Program and Policy Committee Committee(s)
Presented by: Dave Weirens

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other: _____
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

Approval of FY2014 and FY2015 Feedlot Water Quality Cost Share Grants.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
The Board was appropriated \$260,000 in each year of the FY2014-15 biennium of cost share grant funds for "feedlot water quality grants for feedlots under 300 animal units in areas where there are impaired waters;". Staff have developed a proposal to make these funds available to projects proposed in FY2013 that were not funded with Clean Water Funds. The Grants Program and Policy Committee reviewed the proposal on August 9, 2013 and is recommending Board approval.



Board Resolution # _____

Feedlot Water Quality Cost Share Grants Program Authorization

WHEREAS, the Board of Water and Soil Resources is authorized by Minnesota Statutes 103C.501 to implement the Erosion Control and Water Management Program (Cost Share); and

WHEREAS, the Minnesota Legislature, by Chapter 114 Minn. Session Laws 2013 has appropriated cost share funding to BWSR, including funding specifically for Feedlot Water Quality Cost Share Grants; and,

WHEREAS, the CWMA Grant Program administered by the Board of Water and Soil Resources (BWSR), provides financial assistance to soil and water conservation districts (SWCD) to develop and sustain Cooperative Weed Management Areas, to control emerging weed threats, and manage natural areas and conservation lands through an integrated pest management and ecosystem approach; and

WHEREAS, the BWSR staff are proposing the following grant allocation policies:

1. Utilize the entire biennial appropriation of funds \$520,000 in FY 2014 to fund 4-6 feedlot projects. Grant agreements will be funded in the fall of 2013 to enable fall construction.
2. Projects will be selected from the FY 2013 CWF list of unfunded livestock waste management projects.
3. Projects will be funded based on their scores and pollution loading potential.
4. Of the projects on the FY2013 application list; 2 projects that were ineligible last year due to incomplete applications will be considered for funding as they scored very high. Eligibility issues have now been resolved.
5. Additional projects will be funded that are riparian in nature or have a direct hydrologic connection to surface or ground water.
6. Several of these projects are expected to have a Federal NRCS EQIP funding component. The BWSR State Cost Share funds will be vital to leveraging these Federal funds and ensuring these projects will be completed.
7. If a project from the BWSR funding list is canceled or has cost under runs that results in funding being returned to BWSR, BWSR will continue to fund additional livestock projects in priority order from the FY 2013 Clean Water Fund list.

WHEREAS, the Grant Program and Policy Committee met on August 9, 2013 and is recommending the Board authorize the FY2014-15 Feedlot Water Quality Grants based on the policies contained in this resolution.

NOW THEREFORE, the BWSR hereby authorizes staff to award Feedlot Water Quality Cost Share funds to projects consistent with the appropriations enacted in 2013 and this Board resolution.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: _____

**State Cost Share Program Implementation of FY 2014-15
Livestock Waste Management Provisions**

Figure 1: Proposed List of Eligible Livestock Projects from the FY 2013 CWF Application Un-funded List

Funding Priority Rank	SWCD	Livestock Producer	FY 2013 CWF Score	\$ Amount Requested for FY 2014 State Cost Share	\$ FY 2014 State Cost Share Award Amounts
1	Rock SWCD	Wayne Brands	95	\$112,000	\$112,000
2	Pipestone SWCD	Craig Hawes	75	\$55,000	\$55,000
3	Fillmore SWCD	Bob Biel	65*	\$170,083	\$170,083
4	Root River SWCD	Mark Gerrard	70	\$32,000	\$32,000
5	Dodge SWCD**	Countryside Dairy	70	\$165,940	\$150,917
6, 7, 8	Todd SWCD	3 Additional projects from Todd SWCD tied for 60 points	60	\$55,050	\$0
Totals					
*This project would have scored 100 points if we applied the newly revised riparian definition. This project was just outside of the 300 foot riparian corridor, but this project has direct hydrologic connection to a nearby stream. The riparian score was worth 35 points.					
**Dodge County was the original applicant and Dodge SWCD would need to be willing to administer the grant. This project would only be eligible for partial funding.					



MEMORANDUM

Date: August 15, 2013

To: BWSR Board

From: Matt Drewitz, BWSR Clean Water Specialist

RE: **State Cost Share Program Implementation of FY 2014-15 Livestock Waste Management Provisions**

Background

The legislature appropriated \$260,000 in FY2014 and \$260,000 in FY2015 from the State Cost Share program appropriation for livestock water quality management grants to SWCDs. Eligible livestock facilities need to be less than 300 animal units (AUs) in size and located in an impaired watershed. The amount of funding dedicated for this grant program is relatively small compared to Clean Water Fund and other competitive grant allocations that BWSR works with. BWSR staff believes that running a separate competitive grants process would not be an efficient use of BWSR and SWCD staff time. In addition, BWSR staff believes mixing the State Costs Share funds with FY 2014 Clean Water Fund (CWF) competitive RFP could be confusing to applicants.

In FY 2013, BWSR received over \$7M in competitive grant applications for livestock water quality management grants for approximately \$2M in available funds. This was the most competitive grant cycle for livestock projects that we have seen with CWFs and BWSR funded all eligible projects that received 75 points or more. BWSR staff recently reviewed the list of unfunded applications and believes there are projects that would solve high priority water quality problems and also meet the criteria for the State Cost Share funds.

Proposal

1. Utilize the entire biennial appropriation of funds \$520,000 in FY 2014 to fund 4-6 feedlot projects from the FY 2013 CWF list of unfunded livestock waste management projects. Grant agreements would be executed in the fall of 2013 to enable fall construction.
2. Projects will be selected from the FY 2013 CWF list of unfunded livestock waste management projects.
3. Projects will be funded in the priority to their scores and pollution loading potential.
4. Of the projects on the FY2013 application list; 2 projects that were ineligible last year due to incomplete applications will be considered for funding as they scored very high. Eligibility issues have now been resolved.
5. Fund 2-4 additional projects that are riparian in nature or have a direct hydrologic connection to surface or ground water. In particular, one project that would be funded with these funds had very high pollution loading and was just outside of the 300 foot riparian zone. Further investigation has shown a direct connection of the feedlot runoff to a nearby stream.
6. Most of these projects will have a Federal NRCS EQIP funding component. The BWSR State Cost Share funds will be vital to leveraging these Federal funds and ensuring these projects will be completed.
7. If a project from the BWSR funding list is canceled or has cost under runs that results in funding being returned to BWSR, BWSR will continue to fund additional livestock projects in priority order from the FY 2013 Clean Water Fund list.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Disaster Recovery Assistance Program

Meeting Date: August 29, 2013
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Land & Water
Contact: Wayne Zellmer
Prepared by: Wayne Zellmer
Reviewed by: Grant Program & Policy Committee(s)
Presented by: Wayne Zellmer

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [X] Resolution [] Order [] Map [X] Other Supporting Information

Fiscal/Policy Impact

- [] None [] General Fund Budget
[] Amended Policy Requested [] Capital Budget
[X] New Policy Requested [] Outdoor Heritage Fund Budget
[] Other: [] Clean Water Fund Budget

ACTION REQUESTED

Approval of proposed resolution adopting policy

LINKS TO ADDITIONAL INFORMATION

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
Disasters and emergency legislative funding occur frequently and usually unpredictably (10 times in the last 13 years). In the event of a disaster, program policy and consistent guidelines will provide BWSR staff and LGUs the needed BWSR implementation information and related processes of other state and federal assistance providers. The Grants Program & Policy Committee forwards their recommendation for approval from their May 22, 2013 Meeting.



Board Resolution # _____

Disaster Recovery Assistance Program Policy

WHEREAS, disasters and emergency legislative funding occur frequently and usually unpredictably; and,

WHEREAS, program policy (and guidance) will provide BWSR staff and LGUs the needed implementation information and related recovery processes, of BWSR and other state and federal assistance providers; and,

WHEREAS, the Disaster Recovery Assistance Program (DRAP) is authorized by Minnesota Statutes §12A.05 to address critical conservation problems resulting from a natural disaster; and,

WHEREAS, the Grants Program & Policy Committee at their May 22, 2013 Meeting reviewed and recommended approval of the DRAP Policy.

NOW THEREFORE BE IT RESOLVED, the BWSR hereby adopts the DRAP Policy; and,

BE IT FURTHER RESOLVED, authorizes the Executive Director to activate the DRAP Policy in the event of a disaster.

Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachment: Disaster Recovery Assistance Program Policy



- POLICY -

Disaster Recovery Assistance Program

Overview

Disasters and emergency legislative funding occur frequently and usually unpredictably. These characteristics require a standard operating procedure for BWSR staff and LGUs to follow to optimize efficiencies, responsiveness, and legislative appropriations. In the event of a disaster, program policy (and guidance) will provide BWSR staff and LGUs the needed implementation information and related processes, of BWSR and other state and federal assistance providers.

Purpose

The Disaster Recovery Assistance Program provides designated appropriated funds and other BWSR designated funds to Local Governmental Units (LGUs) to install, repair, or rehabilitate erosion and sediment control and water quality and watershed protection projects in the disaster area. This Program will utilize appropriations for **Erosion and Sediment Control, and Water Quality and Watershed Protection Projects**; and, acquisition of **Reinvest in Minnesota (RIM) Reserve Conservation Easements**. The purpose of this policy is to provide clear expectations for the implementation of funds and programs, appropriated to or implemented by BWSR, that are associated with the DRAP.

Activation

The Board of Water and Soil Resources (BWSR) may activate the Disaster Recovery Assistance Program (DRAP) in the event of a natural disaster or extreme environmental impact. The DRAP is authorized by Minnesota Statutes §12A.05 to address critical conservation problems resulting from a natural disaster. This Policy is activated by BWSR resolution or by authority delegated to the Executive Director.

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Erosion and Sediment Control, and Water Quality and Watershed Protection

LGUs are responsible for the administration and decisions concerning the local use of these funds in accordance with Minnesota Statutes, Minnesota Rules, BWSR policies; and all other applicable laws. BWSR will use grant agreements and contracts for assurance of deliverables and compliance, with applicable laws, rules and policies. Non-compliance with relevant statutes, rules, and policies may lead to imposition of financial penalties on the LGU.

1.0 Project Allocation Priorities (in priority order)

1. Conservation practices where imminent human safety or health is a concern.
2. Conservation practices that address erosion and water quality problems associated with imminent threats to private or public improvements (infrastructure).
3. Projects that repair, rehabilitate, or replace, existing conservation practices on private lands.
4. New conservation practices that address other erosion, water quality, and watershed protection problems created by the disaster.
5. New practices that will help prevent flood damages in the future.

These allocation priorities may consider other project specific factors including long-term solutions, relative benefits, cost/benefits, and the amount of federal contributions.

2.0 Funding Source Priorities

- 2.1 Landowners and Local Government Units must first pursue insurance assistance, and eligible federal program funding to repair damages on their properties, respectively, in accordance with M.S. 12A.03.
- 2.2 State funds appropriated for a disaster response should be used when possible to partner with federal funding for applicable disaster assistance on private lands as non-federal match for federal programs including, but not limited to:
 - 2.2.1 Emergency Watershed Protection Program (EWP) (NRCS)
 - 2.2.2 Emergency Conservation Program (ECP) (FSA)
 - 2.2.3 Environmental Quality Incentives Program (EQIP) (NRCS)
 - 2.2.4 Wetlands Reserve Program (WRP) (NRCS)
 - 2.2.5 Conservation Reserve Program (CRP) (FSA)

2.2.6 Individual Assistance (IA) - FEMA

2.3 State disaster appropriated funds with no match

2.4 Other state or local funds

3.0 Local Governmental Unit Eligibility Criteria

Funds are allocated to LGUs based on the following minimum criteria:

- 3.1 Location within the applicable defined disaster area; and,
- 3.2 A Board Conservationist approved LGU damage assessment; and,
- 3.3 A MN Recovers Task Force Natural Resources Subcommittee or Board Conservationist review and approval of requests for funds; and,
- 3.4 BWSR Policy.

4.0 Eligible Activities

The primary purpose of activities funded with Disaster Recovery and Assistance funds is to apply structural or vegetative conservation practices to address problems associated with the disaster. Specific preventative practices may also be allowed through policy or appropriation.

4.1 **Practice Standards.** All practices must be consistent with the NRCS Field Office Technical Guide (FOTG), MN Stormwater Manual, or be professionally accepted engineering or ecological practices. Design standards for all practices must include specifications for operation and maintenance for the effective life of the given practice, including an inspection schedule and procedure. Practices where runoff or sediment from the contributing watershed prevents the practice from achieving the intended purpose with normal operation and maintenance are ineligible. Vegetative practices must follow the BWSR Native Vegetation Establishment and Enhancement Guidelines, to the extent practicable.

4.2 **Effective Life.** All structural practices must be designed and maintained for a minimum effective life of ten years unless a longer term is specified in the design. The beginning date for a practice's effective life is the same date final payment is approved and the project is considered complete.

The grant recipient must provide assurances that the landowner or land occupier will keep the practice in place for its intended use for the expected lifespan of the practice. Such assurances may include easements, deed recordings, enforceable contracts, performance bonds, letters of credit, and termination or performance penalties.

4.3 **Repair or Replacement of Damaged Practices.** Repair of damage to a conservation practice is eligible if the practice was installed using approved standards, damage was caused by reasons beyond the control of the land occupier, and damage or failure of the

practice was not due to improper maintenance of the practice within the effective life. BWSR may allow replacement of a damaged practice or project that does not comply with expected lifespan requirements with a practice or project that provides equivalent water quality benefits.

5.0 Technical and Administrative Expenses

Disaster Recovery and Assistance Program funds may be used for reasonable technical and administrative (TA) expenses. Eligible TA expenses include the following activities: grant administration, site investigations and assessments, design and cost estimates, construction supervision, and construction inspections. These expenditures must be appropriately documented according to the Grants Manual.

6.0 Cost Share Rates

Cost share rates represent the percent of the installation cost of a practice that may be provided to a land occupier for materials and labor necessary to install the practice.

- 6.1 Maximum Rates.** Projects are eligible for up to 100% state and/or federal cost share on disaster impacted sites. (See also 2.0.)
- 6.2 Local Rates.** The LGU may set cost share rates less than 100% to help manage project costs and provide consistency for conservation programs. Prior to entering into any contracts with land occupiers, the LGU shall set cost share rates for activities.
- 6.3 Match and In-Kind.** A land occupier may provide the remainder of the installation cost through in-kind services or materials, or non-state funds. The LGU shall determine whether charges for in-kind services and materials are practical and reasonable. Standard rates for in-kind services shall be identified in the LGU's cost share program policy or governing body resolution.

7.0 Technical Expertise

The LGU Board and staff have the responsibility to ensure that the designated technical staff have the appropriate technical expertise, skills and training for their assigned role(s). Appropriate expertise may include, but is not limited to, the following: conservation partnership Technical Approval Authority, professional licensure, reputable vendor with applicable expertise and liability coverage, or other applicable credentials, training and/or expertise.

- 7.1 Technical Provider Skills.** The LGU's cost-share policy must contain a description of staff skills, training, or credentials; or a description of other means the LGU will use to insure projects meet the requirements of this policy. This requirement is to demonstrate LGU capacity to design and install practices according to appropriate standards and specifications of the practice(s).

- 7.2 BWSR Review.** BWSR reserves the right to review the licensure and credentials of all technical provider staff selected by the LGU, where appropriate.

8.0 Expenditure of Funds on Practices and Contracts

The LGU Governing Body or delegated entity has the authority and responsibility to encumber and approve expenditure of funds within their own organization. The action taken must be documented in the LGU official records. Grant reporting, fiscal management, and administration requirements are the responsibility of the grant recipient (See also 11.0.). BWSR recommends contracts be reviewed by the LGU's legal counsel.

- 8.1 Cost Share Contract.** All LGU expenditures of funds providing financial assistance to landowners require a contract with the land occupier. A contract between the LGU and land occupier receiving state funds is required to provide a legal standing to ensure practices are installed according to approved standards and specifications, and maintained according to operations and maintenance plans. The contract must specify LGU enforcement provisions, including repayment of cost share funds and costs to recover and enforce the contract at a rate up to 150% of the original landowner agreement (See also 10.3.). The required contract can be found on the BWSR website. Land occupier means a person, corporation, or legal entity that holds title to or is in possession of land as an owner, lessee, tenant, or otherwise. If the land occupier is not the landowner, the contract must also bear the landowner's signature.
- 8.1.1 Contract Modifications.** Modifications to the contract may be made prior to execution.
 - 8.1.2 Contract Amendments.** Changes to an executed contract are considered an amendment to the contract and subject to review and approval by the LGU Board. Prior to approving an amendment, technical staff must attest that the amendment has merit. Amendments shall not be considered or approved after the end of the contract or after approval to issue final payment on the original contract has been made.
 - 8.1.3 Group Projects.** Where the cooperation of several land occupiers is required for implementation of a project; and the land occupiers have agreed to the project, division of payments for the project, and signed a group project addendum to the cost-share contract; the LGU may enter into a contract with only the group spokesperson of the contract.
- 8.2 Contract Approval.** LGU Boards must approve or deny the contract. The action taken must be documented in the LGU's meeting minutes. Approval of a contract is considered approval for expenditure of funds.

- 8.3 Emergency Work.** Projects where emergency work began prior to LGU or BWSR approval may be eligible for financial assistance with adequate documentation as detailed in DRAP Guidance.
- 8.4 Contract and Grant Agreement Timeframe.** LGUs have the authority to adopt timely starting and completion dates. Execution and completion of a contract with a land occupier must be within the grant period unless the project is deemed an emergency (see 8.3). Contracts not completed within the period of the grant agreement must be cancelled unless the contract has been extended and the grant agreement with the LGU has been extended such that the contract timeframe is within the amended grant period.
- 8.5 Canceled Projects.** Funds from canceled projects or remaining from completed projects where the final cost was less than the estimated amount may be re-encumbered to a new contract, or unspent funds must be returned, as provided in the grant agreement.
- 8.6 Removal of Practices.** LGUs may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice and the purpose of the original practice has been achieved.
- 8.7 Delegation.** LGUs may delegate signing contracts and supporting program documents to staff. This delegation must be identified in the LGU's policies or by resolution.
- 8.8 Grant Agreement Extensions.** Any other existing BWSR grant agreement may be extended up to two additional years. This extension must be by executed amendment. Grant agreement periods, with extensions, may not exceed five years.

9.0 Practice Sign-off and Payment

Prior to payment, technical staff must attest that the practice was properly installed and completed according to the plans and specifications, including technically-approved modifications, and that vouchers and receipts are accurate. Project costs for the purposes of determining cost share amounts include the materials and labor necessary to complete the project.

- 9.1 Reimbursement.** Land occupiers must incur all expenses for project implementation and provide vouchers and invoices or copies of paid receipts to verify all expenses prior to requesting reimbursement. An example payment voucher form is available on the BWSR website.
- 9.2 Actual Cost Different Than Estimated Cost.** In cases where the actual cost of the practice exceeds the estimated cost, the LGU may only share the additional amount when an amendment to the contract has been approved per policy 8.1.2. Where the actual cost is less than the estimated cost, the LGU shall only share the approved percentage of the actual cost of the practice (per policy 6.1).

- 9.3 **Project Review.** After receiving a request for final reimbursement, technical staff must review for each project; the as-built plan, vouchers, and invoices or copies of paid receipts submitted by the land occupier for completion and technical approval.
- 9.4 **Combining Funding Sources.** Payment amounts from combined state and federal sources shall not exceed the 100% cost share rate.
- 9.5 **Final Plans.** One copy of the final as-built plan must be given to the land occupier and one copy retained with the project file located in the LGU office.

10.0 Post-Construction and Follow-Up Activities

Identifying operation and maintenance activities specific to the installed practices is critical to ongoing performance of installed practices as well as to planning and scheduling those activities. Scheduled site inspections by designated technical staff (per 7.0) are necessary to ensuring operation and maintenance has been taking place.

- 10.1 **Operation and Maintenance Plan.** Designated technical staff must prepare an operation and maintenance plan specific to the practice and the site where it is located. The operation and maintenance plan must detail the maintenance activities that are likely to be needed for practice and contributing watershed, specify how and when to accomplish them, and identify the inspection schedule. The plan should be prepared and reviewed with the land occupier before installation of the conservation practices begins.
- 10.2 **Inspections.** Designated technical staff shall ensure that the operation and maintenance plan is being followed and the practices have not been altered or removed by conducting periodic site inspections. Inspections are to:
 - 10.2.1 Verify that all components of the practice remain in place and are in good repair and providing designed environmental benefits and outcomes.
 - 10.2.2 Identify repairs necessary in accordance with the operation and maintenance plan.
 - 10.2.3 Identify further assessment or action necessary if repairs are beyond the scope of the operation and maintenance plan.
- 10.3 **Failure to Maintain Practices.** Should the land occupier fail to maintain the practices during their effective life according to the operation and maintenance plan, the land occupier is liable for repayment of cost share funds and costs to recover and enforce contract, at a rate up to 150% of the original landowner agreement as determined by the LGU board. The LGU shall provide the basis for repayment.

11.0 LGU Reporting Requirements

To ensure the continued success of the DRAP, regular reporting of accomplishments and benefits is required. This reporting is accomplished through entries and documentation in eLINK. Guidance for reporting in eLINK is available on the BWSR website.

- 11.1 Reporting.** LGUs must enter information on activities accomplished with the grant funding in eLINK. Reporting is required for grant fund expenditures and is to be completed by BWSR established reporting deadlines.
- 11.2 Grant Closeout Reporting.** Within thirty (30) calendar days of the conclusion of each grant agreement or expenditure of all grant funds, LGUs are required to provide the following to BWSR:
 - 11.2.1** Entry of information on all projects completed with the grant funding in eLINK
 - 11.2.2** Signed Final Financial Report from eLINK
 - 11.2.3** Return any unspent funds as instructed on the Returned Check Form, found on the BWSR website.
- 11.3 Records Retention.** Project files must be retained by the LGU pursuant to Minnesota Statutes, §138.17 and consistent with ongoing records retention schedules.
- 11.4 Non-compliance with Reporting Requirements.** Any LGU that does not satisfactorily complete these requirements may be ineligible to receive funds from BWSR programs until all required past reporting has been completed.

12.0 BWSR Program Monitoring, Closeout, and Penalty Procedures

BWSR staff is authorized to develop grant agreements, including requirements and processes for fiscal closeouts, and project outcomes reporting. BWSR staff will review grant recipient compliance with contractual requirements in a manner which is consistent with the policies established by the Office of Grants Management and adopted by the BWSR Board.

Reinvest in Minnesota (RIM) Reserve Conservation Easements

In responding to flood disasters the BWSR seeks to acquire permanent conservation easements from willing landowners on damaged lands in declared disaster counties to provide flood attenuation, restore and protect soil and water resources, and to support and restore related fish and wildlife habitat. Easements will be acquired via the RIM Reserve program, MS 103F.501.

13.0 Eligible Activities and Priorities

- 13.1 Eligible lands**

- 13.1.1 Flood damaged lands, both cropland and non-cropland areas. All eligible land types under MS 103F.515, Subd. 2 that have been damaged by flooding are eligible.
- 13.1.2 Riparian lands with a history of flooding within and beyond the 100 year floodplain, where an easement will help mitigate future flood impacts.
- 13.1.3 Wetland restorations where storage will help reduce future flood impacts.

13.2 Priorities. Cropland areas are the priority for funding consideration. Removing cropland from flood-prone areas will have positive water quality impacts, reduce runoff, and lessen negative economic impacts due to flooding for landowners and governments. Non-cropland areas are a lower priority.

13.3 Conservation Plans. All lands placed under easement will have an approved conservation plan developed to establish and maintain permanent vegetative cover and required structural practices consistent with the *Practice Specifications* section of the RIM handbook.

14.0 Administrative and Technical Components

14.1 Easement sign-up procedures

14.1.1 BWSR easement staff have the authority to develop specific procedures required to conduct landowner sign-up with SWCDs in response to disasters. This includes a complete list of what is needed to be submitted with each landowner application package.

14.1.2 SWCDs will take applications from landowners during the BWSR prescribed sign-up period, and prioritize their applications based on their effectiveness in addressing flood impacts in their county prior to submitting them to their BWSR Board Conservationist (BC) by the sign-up deadline.

14.1.3 BWSR BCs will rank and prioritize applications from all of their respective SWCDs prior to submittal to BWSR Easement staff for final funding decisions.

14.1.4 BWSR Engineering staff will review all applications where wetlands are proposed for restoration, or existing drainage infrastructure may be impacted.

14.1.5 All easement program procedures contained in the *RIM Reserve Conservation Easement Handbook* found on the BWSR website will be used to secure easements and pay for practice establishment.

14.2 **SWCD Payment for Services.** SWCDs will be compensated for their services associated with the acquisition of easements and installation of required practices via the current BWSR approved payment process.

15.0 Easement Payment Rates and Conservation Practice Cost-Share Rates

15.1 Easement and Practice Payments.

15.1.1 The most recent BWSR approved conservation easement payment rates will be used to compute payment for enrolled lands.

15.1.2 The current practice rate limits as prescribed by the BWSR will be used to reimburse landowners for their cost of establishing required vegetative and/or structural conservation practices.

15.1.3 The only structural practices eligible for cost-share are those required to restore wetlands via the RIM Reserve program. Other desired structural practices on lands under RIM easements will NOT be eligible for RIM cost-share.

16.0 Post Easement Conveyance Monitoring and Management

16.1 **Monitoring/Site Inspections.** All easements acquired will be inspected by SWCD staff on an annual basis for the first 5 years after an easement is recorded, and every 3rd year thereafter. BWSR will provide a list of easements for inspections to the SWCD.

16.2 **Management and Maintenance.** SWCDs will assist landowners or authorized agent with on-going management activities on their easements. Weed control, boundary issues, activities on the easement, and maintenance of water control structures are the main activities that landowners will need assistance with.

17.0 Drought Emergencies and Emergency Haying and Grazing

(If appropriation language permits emergency haying and grazing, then the following section applies.)

As authorized in MS 103F.501, subd. 4, (2) BWSR has developed policy for its RIM easement lands that is responsive to livestock producers needs while still protecting the wildlife habitat and other environmental concerns on these lands.

17.1 **Federal Partnership Easements, CREP and RIM-WRP.** Many RIM easements are enrolled jointly with a federal program, such as the Conservation Reserve Program (CRP), or the Wetlands Reserve Program (WRP). For these joint easements BWSR defers

to federal guidelines, requiring landowners to comply with federal provisions for haying and grazing.

17.2 Stand Alone RIM Reserve Easements. For lands with RIM easements only, the BWSR has established the following policy:

17.2.1 Landowners or designee sign-up for emergency haying and grazing provisions with the local SWCD.

17.2.2 At least 50% of the easement acreage will remain undisturbed for wildlife.

17.2.3 Tree plantings, food plots, water control structures, wetland basins and stream banks shall be excluded.

17.2.4 Where practical, mowing will begin in the center of the area to be harvested and commence inside out to allow wildlife to escape.

17.2.5 Haying/grazing will be limited to August 2 to September 30 to protect ground nesting wildlife.

17.2.6 Haying/grazing grasses should be harvested no shorter than 6" in height to ensure regrowth.

DRAFT

COMMITTEE RECOMMENDATIONS

Wetland Committee

1. 2013 Local Road Wetland Replacement Program Project Selection Process – Ken Powell -
DECISION ITEM



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2013 Local Road Wetland Replacement Program Project Selection Process

Meeting Date: August 29, 2013
Agenda Category: [] Committee Recommendation [] New Business [] Old Business
Item Type: [x] Decision [] Discussion [] Information
Section/Region: Land & Water
Contact: Ken Powell, Wetland Bank Coordinator
Prepared by: Ken Powell
Reviewed by: Wetland Committee(s)
Presented by: Ken Powell

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [x] Resolution [] Order [] Map [x] Other Supporting Information

Fiscal/Policy Impact

- [] None [] General Fund Budget
[] Amended Policy Requested [] Capital Budget
[] New Policy Requested [] Outdoor Heritage Fund Budget
[x] Other: Bond Funds [] Clean Water Fund Budget

ACTION REQUESTED

Adopt the resolution authorizing staff to pursue projects that were selected for obtaining wetland bank credits for the Local Road Wetland Replacement Program through the request for proposal and easement sign-up process conducted March to July 2013.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
BWSR has been charged by the legislature to generate wetland replacement credits for use by local public transportation authorities to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) and Section 404 of the Clean Water Act. The Local Road Wetland Replacement Program (LRWRP) provides wetland credits for local public transportation authorities that follow specified notification procedures and have qualifying projects. To generate wetland replacement credits, BWSR typically receives a bonding appropriation to restore wetlands the will generate wetland replacement credits. Six million dollars in bond funds were appropriated to BWSR in 2012 for the LRWRP. On December 12, 2012 the BWSR Board authorized staff to implement a project selection process. Completion of this process has resulted in the selection of seven potential projects to be pursued for obtaining wetland bank credits. This resolution provides authorization for staff to actively pursue and procure contracts and agreements with landowners, project proposers, and local partners for wetland restoration projects that will result in wetland bank credits for the LRWRP.



Board Resolution # 13-

**Local Road Wetland Replacement Program
2013 Project Selection**

WHEREAS, the Legislature appropriated \$6 million to the Board of Water and Soil Resources (BWSR) in 2012 for the Local Road Wetland Replacement Program (road program); and

WHEREAS, the BWSR has been charged with generating wetland replacement credits to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) under Minnesota Rules 8420.0544 by local public transportation authorities ; and

WHEREAS, the BWSR has effectively utilized bonding money in the past to fund the road program and produce sufficient credits to fulfill its statutory obligation; and

WHEREAS, the BWSR has effectively used two approaches for generating credits for the road program: an easement program sign-up and a request for proposals (RFP) process; and

WHEREAS, the BWSR has completed an easement program sign-up and RFP process that has identified seven projects with potential to provide wetland replacement credits for the road program; and

WHEREAS, the Wetland Committee reviewed the staff recommendation on August 29, 2013.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to pursue and procure contracts and agreements with landowners, project proposers, and local partners for the projects resulting from the easement sign-up and RFP process conducted in 2013.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: _____



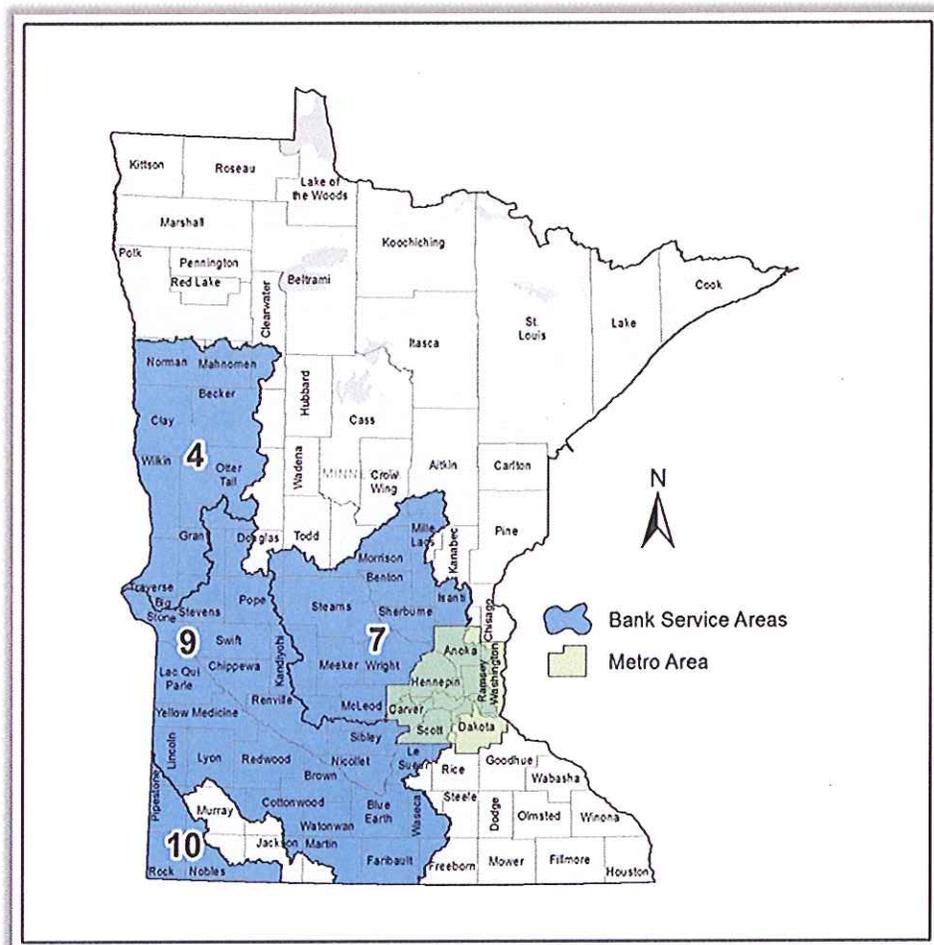
2013 Local Road Wetland Replacement Program Project Selection Results

8/29/13 by Ken Powell, BWSR Wetland Banking Coordinator

On December 12, 2012 the BWSR Board authorized staff to implement a project identification and selection process for obtaining wetland bank credits to offset wetland impacts by local transportation authorities (commonly referred to as the Road Program). Obtaining and generating wetland bank credits for the Road program is a statutory obligation of BWSR, primarily funded by bonding appropriation dollars. The 2013 project identification and selection process follows a 2012 bonding appropriation of 6 million dollars.

The selection process involved both easement sign-up and request for proposal (RFP) components. Only projects and sites within the following four wetland bank service areas were considered:

1. Seven County Metro
2. 4 (Red River South)
3. 7 (Upper Mississippi South)
4. 9 (Minnesota River)





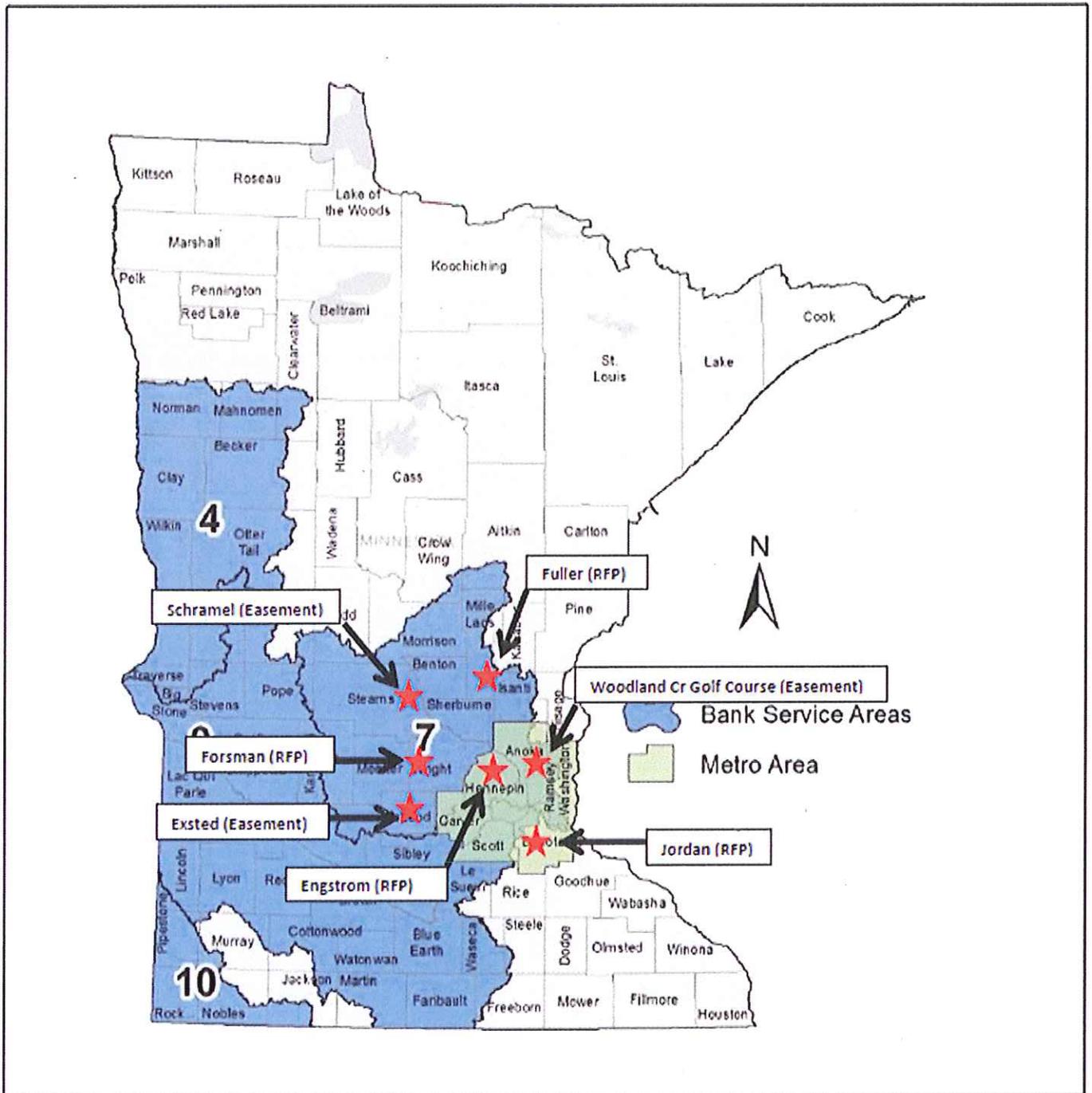
Implementation of the easement sign-up program and RFP solicitation resulted in the submission of nine easement program sites totaling approximately 4.7 million dollars in easement acquisition costs and ten RFP projects totaling approximately 10.5 million dollars in credit costs (see detailed summary at end of document). Through both an internal BWSR staff review and an external Federal Interagency Review Team (IRT) review as specified in the approved selection process, three easement sites and four RFP projects were identified as viable for the program. The following is a summary of the selected sites and projects along with a location map.

Easement Sites

Applicant	BSA	County	Easement Acres	Total Easement Cost
Schramel Sod Farm LLC	7	Stearns	251.6	\$ 1,412,939.00
Willard Exsted	7	McLeod	248	\$ 1,689,162.56
Olvan properties	7	Anoka	68	\$ 381,340.57
			567.6	\$ 3,483,442.13

RFP Projects

Project Name	BSA	County	Credits	Total Cost
Engstrom	7 (metro)	Hennepin	10	\$ 400,000.00
Forsman	7	Wright	20	\$ 461,736.00
Fuller	7	Mille Lacs	20	\$ 435,600.00
Jordan	8 (Metro)	Dakota	15	\$ 450,000.00
Totals			65	\$ 1,747,336.00



Upon authorization from the BWSR Board, staff will pursue contracts with the project proposers and easement applicants. In addition, staff will further investigate easement sites and assess feasibility and crediting. All projects will need to complete the wetland bank application process where the final decision on wetland banking eligibility and crediting will be made.



Detailed Information on Project Submittals

Easement Applications:

Project Name	BSA	County	Easement Acres	Total Easement Cost
Woodland Creek Golf Course	7 (metro)	Anoka	68.31	\$ 381,340.00
Stewart Bank	7	Meeker	16	\$ 81,800.00
Weckman Bank	9 (metro)	Scott	28	\$ 130,520.00
Middleville Bank	7	Wright	37.4	\$ 270,957.00
Schramel Sod Farm	7	Stearns	251.6	\$ 1,412,939.00
Farmington ISD	8 (metro)	Dakota	94.3	\$ 677,395.00
Selstad	7 (metro)	Hennepin	5	\$ 46,625.00
Wahpeton Golf Course	4	Wilkin	19.5	\$ 46,333.00
Exsted	7	McLeod	248	\$ 1,689,162.00
Totals			768.11	\$ 4,737,071.00

RFP Project Submittals:

Project Name	BSA	County	Easement Acres	Credits	Total Cost
Butler Bank	4	Ottertail	60	42	\$ 327,800.00
Weertz Bank	9	Blue Earth	215	181.68	\$ 3,270,240.00
SHOP Farms	4	Norman	60	50	\$ 650,000.00
Engstrom	7 (metro)	Hennepin	24.35	16.84	\$ 673,600.00
Forsman	7	Wright	52.2	38.92	\$ 898,538.00
Carlson	7	Wright	68.9	30	\$ 537,000.00
Fuller	7	Mille Lacs	37.53	20	\$ 435,600.00
Dakota	8 (Metro)	Dakota	76.2	63.85	\$ 1,915,800.00
Andover	7 (Metro)	Anoka	30	25.65	\$ 974,000.00
Middleville	7	Wright	37	36.7	\$ 823,107.00
Totals			661.18	505.64	\$ 10,505,685.00

COMMITTEE RECOMMENDATIONS

RIM Reserve Management Planning Committee

1. RIM/WRP Payment Rate Adjustment 2010-2012 – Bill Penning/Sarah Strommen – ***DECISION ITEM***
2. Easement Tax Valuation Fact Sheet – Sarah Strommen – ***INFORMATION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM-WRP Rate Adjustment 2010-2012^L

Meeting Date: August 29, 2013
Agenda Category: [X] Committee Recommendation [X] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Conservation Easements
Contact: Bill Penning
Prepared by: Bill Penning
Reviewed by: RIM Reserve Management Planning Committee(s)
Presented by: Bill Penning

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [X] Resolution [] Order [] Map [] Other Supporting Information

Fiscal/Policy Impact

- [] None [] General Fund Budget
[X] Amended Policy Requested [] Capital Budget
[] New Policy Requested [X] Outdoor Heritage Fund Budget
[] Other: [] Clean Water Fund Budget

ACTION REQUESTED

The Board is requested to approve the recommendation of the RRMPC to authorize the 2013 RIM-WRP Partnership easement payment rates to be applied to RIM-WRP projects from 2010-2012 that have not closed.

The RIM-WRP Partnership, the premier private lands wetland restoration program in the nation, is a state-federal partnership delivered locally by the Natural Resources Conservation Service (NRCS), Soil and Water Conservation Districts (SWCDs), the Board of Water and Soil Resources and numerous other partners.

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

Due to a staffing shortage, personnel changes and a more intricate Federal process, NRCS has been having difficulty closing easements in a timely fashion, which has created a backlog of roughly 185 projects. Although steps are being taken to address the backlog and speed up easement acquisition times, a number of landowners have been dropping out of the program as land values have skyrocketed in the last three years. Given that both NRCS and BWSR already have a significant investment of staff time and professional services costs into these projects, it is reasonable to increase payment rates for these backlog projects to current rates as an incentive to landowners to continue working with us through the acquisition process. Due to Federal constraints, NRCS is unable to contribute to the proposed increase, thus BWSR will pick up the full cost of the difference between the old and new rates. The total Federal contribution will remain at half or more for the collective group of projects.



Board Resolution # _____

Reinvest in Minnesota (RIM) Reserve - Wetlands Reserve Program (RIM-WRP) Rate Adjustment 2010-2012

WHEREAS the Minnesota State Legislature appropriated Outdoor Heritage Funds (OHF) and Capital Investment funds to the Board of Water and Soil Resources (BWSR) for the Reinvest in Minnesota – Wetlands Reserve Program Partnership to acquire permanent conservation easements and restore wetlands and associated upland habitat, in cooperation with the United States Department of Agriculture’s (USDA) Wetlands Reserve Program; and

WHEREAS the RIM-WRP Partnership, the premier private lands wetland restoration program in the nation, is a local-state-federal partnership delivered locally by the Natural Resources Conservation Service (NRCS) the Soil and Water Conservation Districts (SWCDs) and the Board of Water and Soil Resources (BWSR); and

WHEREAS the RIM-WRP Partnership is enhanced via collaboration with other partners including Ducks Unlimited, (DU), the Minnesota Waterfowl Association (MWA), Pheasants Forever (PF), the Minnesota Department of Natural Resources (MN DNR), and the United States Fish and Wildlife Service (USFWS); and

WHEREAS the RIM-WRP Partnership permanently protects and restores previously drained wetland and adjacent native grasslands to achieve the greatest wetland functions and values, while optimizing wildlife habitat on private lands enrolled in the Partnership; and

WHEREAS the RIM Reserve Conservation Easement Program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS NRCS National Headquarters has requested Minnesota NRCS to develop a process which allows for continuous enrollment of RIM-WRP Partnership easement applications and the necessary obligation of federal WRP funds with eligible Minnesota landowners; and

WHEREAS RIM-WRP has been popular with landowners to the point where the increasing workload has created a substantial backlog of up to three years in easement closings; and

WHEREAS crop prices, cash rental rates and land prices have increased significantly during this time in which easement applications have been backlogged and some landowners on the backlog list are awaiting payment; and

WHEREAS both BWSR and NRCS already have investments in surveys, title work and staff time in these projects and without action to retain participation landowners will seek to withdraw their applications; and

WHEREAS the Board authorized staff via Resolution 13-36, dated May 22nd, 2013, to establish RIM-WRP Partnership payment rates that best approximate 90% of land value for permanent easements on land with cropping history and 60% of land value for permanent easements on lands without cropping history, subject to the following factors; and

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on August ~~xx~~, 2013 and recommend the following payment rate provisions to successfully address the RIM-WRP Partnership backlog.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

Apply RIM-WRP Partnership payment rates authorized via Resolution 13-36 to currently funded 2010-2012 RIM-WRP applications that have not closed, subject to the following factors:

1. Staff will develop and implement ineligibility criteria for applications where the delayed easement closing has not been primarily caused by NRCS or BWSR;
2. The payment rates set in this resolution are supplemental to Resolutions 10-27, 11-19 and 11-79.

Dated at Saint Paul, Minnesota this 28th day of August, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair