



DATE: October 14, 2013
TO: Board of Water and Soil Resources' Members, Advisors, and Staff
FROM: John Jaschke, Executive Director *JJ*
SUBJECT: BWSR Board Meeting Notice – October 23, 2013

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, October 23, 2013, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (see hooded parking area).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Metro Region Committee

- 1. Boundary Change for Coon Creek Watershed District** - The Coon Creek Watershed District submitted a Petition to change the boundary of the District pursuant to Minn. Stat. § 103B.215. The Petition proposes to transfer 290 acres in the City of Coon Rapids from the Lower Rum River WMO to the Coon Creek WD. The City, WMO and WD concur in the Petition. There is no opposition to the proposed boundary change in the record. The Metro Region Committee met on October 1, 2013 and unanimously recommends approval of the boundary change per the attached draft Order. **DECISION ITEM**
- 2. Ramsey-Washington Metro Watershed District Management Plan Amendment** - The current watershed management plan was approved by the Board on April 25, 2007. In June 2012, by Board Order, the Ramsey-Washington Metro WD (RWMWD) boundaries were enlarged to include the area of the former Grass Lake WMO (GLWMO) and the RWMWD was furthered ordered to amend the watershed management plan to include the new area in the Plan. This Amendment incorporates the former GLWMO area into the RWMWD's Watershed Management Plan and makes minor plan text and map changes to reflect the portion of the Cities of Shoreview and Roseville that are now part of the RWMWD. The Amendment also reflects recent changes in the lakes and creeks listed by the MPCA as impaired acknowledging the planning efforts currently underway or being planned to address these impairments. The Metro Region Committee met on October 1, 2013. After review of the information, the Committee unanimously voted to recommend approval of the Amendment per the attached draft Order. **DECISION ITEM**

| 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 |

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Northern Region Committee

1. **Hubbard County Water Plan Extension Request** - Hubbard County submitted a resolution requesting a two-year extension of their County water plan on October 1, 2013. The Hubbard County Local Water Management Plan would expire on January 25, 2014. The North Region Committee met on October 9, 2013, and recommends approval of the Hubbard County water management plan extension. ***DECISION ITEM***
2. **Stearns County Five Year Plan Amendment** - On January 23, 2008, the Board of Water and Soil Resources approved Stearns County's Comprehensive Local Water Management Plan for a ten year period from 2008-2017 with a required amendment by 2013. On April 11, 2012; Stearns County passed a resolution to begin the amendment process. The amended plan was submitted to the BWSR Brainerd office on June 24, 2013. The Northern Region Committee met on October 9, 2013, reviewed the plan amendment and recommends approval of the update through December 2017. ***DECISION ITEM***
3. **Traverse County Water Plan Synchronization** - Traverse County wishes to synchronize their planning and implementation efforts with the three Watershed Restoration and Protection Strategies (WRAPS) and the two Watershed Districts efforts. Traverse County requests BWSR extend their Local Water Plan expiration date. ***DECISION ITEM***
4. **Wilkin County Local Water Plan Synchronization** - Wilkin County requests to synchronize their planning and implementation efforts with the three Watershed Restoration and Protection Strategies (WRAPS) and the two Watershed Districts efforts. Wilkin County requests BWSR to: 1) rescind the BWSR Order which extended the required five-year update of the local water management plan to December 31, 2014; 2) waives the five-year required plan update; and 3) extends the Wilkin County Local Water Plan expiration date. ***DECISION ITEM***
5. **Revised Watershed Management Plan Hearing for the Sauk River Watershed District** – The Northern Region Committee met on October 9, 2013 and recommended that a public hearing be held within 45 days after receiving the Department of Natural Resource's recommendation on the revised plan. The Northern Region Committee will preside over the public hearing and bring recommendations on the draft revised plan to the Board. The Executive Director will set the date, time and location of the public hearing after coordinating with the appropriate parties per the attached draft Order. ***DECISION ITEM***
6. **Public Hearing for Redistribution of Managers of the Middle-Snake-Tamarac Rivers Watershed District** - Public hearing date set for the petition for the redistribution of Managers of Middle-Snake-Tamarac River Watershed District submitted to BWSR by Polk County. Hearing date is Wednesday, November 13, 2013; 6:00 PM – 7:30 PM, at the Bremer Bank Community Room, 202 West Johnson Avenue, Warren, MN 56762. ***INFORMATION ITEM***

Grants Program & Policy Committee

1. **Targeted Watershed Demonstration Program** - Staff are requesting authorization to initiate the Targeted Watershed Demonstration Program as provided for in the 2013 Clean Water Fund appropriations. ***DECISION ITEM***
2. **Soil Erosion and Drainage Law Compliance Program** - The 2013 Minnesota Legislature appropriated Clean Water Funds to the Board of Water and Soil Resources (BWSR) to be

used for grants to local units of government to ensure compliance with Minnesota Statutes Chapter 103E (Drainage Law) and Sections 103F.401 to 103F.455 (state Soil Erosion Control provisions), including enforcement efforts. In response to this appropriation, BWSR created the Soil Erosion and Drainage Law Compliance Program. The purpose of this program is to restore and protect surface water quality, particularly impaired waters, by supplementing local efforts to apply existing soil erosion reduction and drainage statutes across Minnesota. **DECISION ITEM**

NEW BUSINESS

1. **2014 Proposed BWSR Board Meeting Schedule** – The Board meets the fourth Wednesday of the month (unless noted). The proposed meeting dates for 2014 will be considered for adoption. **DECISION ITEM**
2. **Status Report on MN Ag Water Quality Certification Program (MAWQCP)** – Matt Wohlman, Brad Redlin, Josh Stamper, MDA; will overview the status of the various program elements. **INFORMATION ITEM**

If you have any questions regarding the agenda, please feel free to call me at 651-296-0878. The Board meeting is expected to adjourn about noon. I look forward to seeing you on October 23rd!

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 23, 2013

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF SEPTEMBER 25, 2013 BOARD MEETING

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

CONFLICT OF INTEREST DECLARATION

INTRODUCTION OF NEW BWSR EMPLOYEES

- Mike Anderson, Engineering Technician, Willmar (Al Kean)
- Adam Beilke, Board Conservationist, New Ulm (Jeff Nielsen)
- Tom Gile, Board Conservationist, Rochester (Jeff Nielsen)
- Julie Krebs, Grants Compliance Specialist, Mankato (Jeff Nielsen)
- John Voz, Easement & Working Lands Specialist, Detroit Lakes (Bill Penning)
- Jason Beckler, Farm Bill Partnership Coordinator, Marshall (Bill Penning)
- Tara Ostendorf, Board Conservationist, Detroit Lakes (Ron Shelito)
- DeAnne Pierzinski, Grants Compliance Specialist, Brainerd (Ron Shelito)

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. Boundary Change for Coon Creek Watershed District – Mary Peterson – ***DECISION ITEM***
2. Ramsey-Washington Metro Watershed District Plan Amendment – Mary Peterson – ***DECISION ITEM***

COMMITTEE RECOMMENDATIONS

Northern Region Committee

1. Hubbard County Water Plan Extension Request – Brian Napstad – ***DECISION ITEM***
2. Stearns County Five Year Plan Amendment – Tom Schulz – ***DECISION ITEM***
3. Traverse County Water Plan Synchronization – Gerald VanAmburg – ***DECISION ITEM***
4. Wilkin County Local Water Plan Synchronization - Gerald VanAmburg – ***DECISION ITEM***
5. Sauk River Watershed District Revised Watershed Management Plan Hearing – Gene Tiedemann and Travis Germundson – ***DECISION ITEM***
6. Public Hearing for Redistribution of Managers of the Middle-Snake-Tamarac Rivers Watershed District – Gene Tiedemann – ***INFORMATION ITEM***

Grants Program & Policy Committee

1. Targeted Watershed Demonstration Program – Paul Langseth, Staff: Marcey Westrick and Dave Weirens – ***DECISION ITEM***
2. Soil Erosion and Drainage Law Compliance Program – Paul Langseth, Staff: Al Kean – ***DECISION ITEM***

NEW BUSINESS

1. 2014 Proposed BWSR Board Meeting Schedule – John Jaschke - ***DECISION ITEM***
2. Status Report on MN Ag Water Quality Certification Program (MAWQCP) – Matt Wohlman, Brad Redlin, Josh Stamper, MDA – ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Matthew Wohlman
- 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 Garletz
- Minnesota Association of Conservation District Employees – Matt Solemsaas
- Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Don Baloun

UPCOMING MEETINGS

- BWSR Academy, October 28–30, 2013, Cragun's, Brainerd
- MASWCD Annual Meeting, December 1-3, 2013, Bloomington
- MAWD Annual Meeting, December 5-7, 2013, Alexandria
- AMC Annual Meeting, December 9-11, 2013, Minneapolis
- BWSR Board Meeting – December 18, 2013, St. Paul

Noon **ADJOURN**

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 25, 2013**

BOARD MEMBERS PRESENT:

Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Tom Landwehr, DNR; Tom Loveall, Brian Napstad, Judy Ohly, Tom Schulz, Steve Sunderland, Gene Tiedemann, Gerald VanAmburg, Doug Wetzstein, MPCA; Matt Wohlman, MDA

BOARD MEMBERS ABSENT:

Faye Sleeper, MES

STAFF PRESENT:

Mary Jo Anderson, Angie Becker Kudelka, Don Buckhout, Matt Fischer, Travis Germundson, Tim Gillette, John Jaschke, Al Kean, Tim Koehler, Jen Maleitzke, Bill Penning, Mary Peterson, Ron Shelito, Dan Steward, Sarah Strommen

OTHERS PRESENT:

Dave Wall, MPCA
Jill Crafton, RPBCWD
Glenn Schafer, FSA

Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

****** **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Sandy Hooker, to adopt the
13-70 amended agenda as presented. *Motion passed on a voice vote.*

****** **MINUTES OF AUGUST 29, 2013 BOARD MEETING** – Moved by Judy Ohly, seconded by Christy Jo
13-71 Fogarty, to approve the minutes of August 29, 2013, as circulated. *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 Area II Minnesota River basins Projects Inc., FY 2014 & 2015 Biennial Work Plan and Grant. The Conflict of Interest Declaration forms need to be submitted.

REPORTS

Chair's Report – Brian Napstad reported that he attended the EQB meeting on September 18, 2013; discussion included the ongoing silica sand issue, and a brief discussion on the Governor's Institute on Community Design (GICD). Chair Napstad reported that Will Seuffert was recently hired as executive director of EQB; Will was formerly staff of Governor Dayton. Bob Patton has been working in a temporary assignment as acting executive director of EQB. Chair Napstad reported that he attended the AMC policy committee meetings in Alexandria on September 6. Doug Thomas attended to present the One Watershed One Plan (1W1P).

Administrative Advisory Committee (AAC) - Brian Napstad reported that the AAC met this morning, recommendations are on the agenda later today. The updated executive director's position description was discussed. New responsibilities and activities have been added to John Jaschke's position, the uniqueness of the position was noted, and the importance of 'Freedom to Act' on behalf of the full BWSR Board. Chair Napstad reported that the AAC approved the updated position description.

Executive Director's Report – John Jaschke reported that the executive director's position description is a public document, if board members would like a copy, contact Mary Jo Anderson. John reported that Sarah Strommen attended the Lessard Sams Outdoor Heritage Council (LSOHC) and LCCMR hearings; Sarah will distribute the summary of BWSR proposals to board members. John attended the House Legacy Committee tour in northeastern Minnesota, and also the Vermillion River tour in the southern metro area. John reported that BWSR, DNR, and PCA are working on the Clean Water Roadmap, and discussing the Clean Water Fund elements related to the fifth anniversary of the constitutional amendment, the effort will present the accomplishments, goals, and look to the future.

John reported that Doug Thomas and Don Buckhout continue to meet with the LGU Roundtable discussing 1W1P and preparing recommendations. John reported that the legislative initiatives process has started. John reviewed information in board members packets.

INTRODUCTION OF NEW BWSR EMPLOYEE – Ron Shelito introduced Matt Fischer, Board Conservationist in Bemidji; Matt started August 28. Matt was the District Manager at the Pope SWCD before coming to BWSR. Tom Schulz wished Matt well in his new position as Board Conservationist. Chair Napstad welcomed Matt to BWSR.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are presently 15 appeals pending; he provided a status report. Travis reported that a training workshop will be held for the DRC today immediately following adjournment of the Board meeting. The workshop will provide information on the Board and committee's roles in the dispute resolution process; all board members are welcome to attend.

Public Relations, Oversight & Strategic Planning (PROSP) Committee – Jack Ditmore reported that the PROSP Committee met last night; the Committee's recommendation is on the agenda later today. The Committee discussed the 1W1P initiative; the development of the guiding principles will continue and are currently planned to come before the Board for endorsement in December. The PROSP Committee will meet on October 22, 5:30-7:30 PM.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that RIM Reserve Management Planning Committee met yesterday, recommendations are on the agenda later today.

Drainage Work Group (DWG) – Tom Loveall reported that the Drainage Work Group met on September 12; discussion included: nitrogen in Minnesota surface waters study; status of DWG subgroup for drainage system assessments to road authorities; and continued discussion about Section 103E.015 considerations before drainage work is done. The next meeting of the Drainage Work Group is October 10.

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee

Addition of "Saturated Buffer" to the list of eligible practices for the Targeted Drainage Water Management Grant Program – Tim Gillette reported that the FY2013 Targeted Drainage Water Management Grant Program implements a Clean Water Fund appropriation by the 2012 Legislature to improve water quality of agricultural runoff, particularly from tile drainage. The appropriation language specified coordination with the USDA-NRCS for conservation practice standards. The grant program and allocations were approved by the BWSR Board in June 2012, including a list of eligible practices. At that time, Conservation Practice 739 – Vegetated Subsurface Drain Outlet (aka "Saturated Buffer") was not yet available. The interim conservation practice standard CP-739 was issued by NRCS in August 2012 as an effective drainage water management practice.

Tim reported that the Administrative Advisory Committee met this morning and recommends approval of the addition to the list of eligible practices for the Targeted Drainage Water Management Grant Program. Moved by Gerald VanAmburg, seconded by Sandy Hooker, that the Board hereby resolves that: 1) The Vegetated Subsurface Drain Outlet (CP-739) conservation practice be added to the eligible practices under the BWSR Targeted Drainage Water Management Grants; and 2) The Executive Director is given authority to adjust the list of eligible conservation practices for the BWSR Targeted Drainage Water Management Grants in coordination with applicable NRCS conservation practice

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13-72

standards and report any such changes to the Board at its next meeting following such an adjustment.
Motion passed on a voice vote.

Order a Public Hearing for the Petition for Redistribution of Managers of the Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) – Travis Germundson reported that Board authorization is needed to schedule and hold a public hearing regarding the petition to redistribute the managers of the Middle-Snake-Tamarac Rivers Watershed District. Travis reported that the Administrative Advisory Committee met this morning and recommends approval of the public hearing for redistribution of manager positions for the MSTRWD. Moved by Jack Ditmore, seconded by Sandy Hooker, to correct typos in the Order, and hereby orders a public hearing be held on the redistribution of manager positions for the Middle-Snake-Tamarac Rivers Watershed District presided over by the Northern Water Planning Committee at a date and location to be determined by the Executive Director.
Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION

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 stated that board members have submitted their completed Conflict of Interest Declaration forms. The Conflict of Interest Declaration documents will be filed for the grant decision item. All board members are eligible to vote.

Southern Region Committee

Area II Minnesota River Basins Projects Inc. FY2014 & FY2015 Biennial Work Plan & Grant – Paul Langseth reported that BWSR oversees the administrative funding related to the efforts of the Area II Minnesota River Basins Project Inc. (Area II). The 2013 Minnesota Legislature appropriated administrative funding for Area II Minnesota River Basins Project Inc., resulting in a fiscal year 2014 grant of \$120,000. The Southern Region Committee met on September 5, 2013 to review the Area II Work Plan and recommends approval of the plan and execution of the FY 2014 grant. Moved by Paul Langseth, seconded by Steve Sunderland, to approve the Area II FY2014 and 2015 Biennial Work Plan and FY2014 grant of \$120,000. **Motion passed on a voice vote.**

Brown County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Region Committee met on September 5, 2013, reviewed the Brown County Plan Amendment, and recommended conditional approval of the Brown County 2013 - 2018 Local Water Management Plan Amendment based on the Brown County Board holding a public hearing and submitting the hearing documents to BWSR prior to September 25, 2013. The Board received record of the public hearing and copies of all hearing documents on September 23, 2013. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the 2013 amendment of the Brown County Local Water Management Plan for August 2013 – August 2018. Gerald VanAmburg stated that climate change, high precipitation, and drainage needs to be considered in water plans in the future, and LGUs need to be educated. Discussion followed. **Motion passed on a voice vote.**

13-76 **
13-76 **Nicollet County Local Water Management Five-Year Plan Amendment** – Paul Langseth reported that the Southern Region Committee met on September 5, 2013, reviewed the recommendation of the state review agencies regarding final approval of the Nicollet County Local Water Management Plan 2013 Amendment, and recommends approval. Moved by Paul Langseth, seconded by Joe Collins, to approve the 2013 amendment of the Nicollet County Local Water Management Plan for August 2013 – August 2018. *Motion passed on a voice vote.*

13-77 **
13-77 **Upper Minnesota River Watershed District (UMRWD) Watershed Management Plan** – Paul Langseth reported that on March 20, 2013, the Board of Managers of the Upper Minnesota River Watershed District filed a proposed Revised Watershed Management Plan with the Board of Water and Soil Resources. The Southern Region Committee met on September 5, 2013, reviewed the revised Plan and recommends approval. Moved Paul Langseth, seconded by Steve Sunderland, to approve the revised Watershed Management Plan for the Upper Minnesota River Watershed District. *Motion passed on a voice vote.*

13-78 **
13-78 **Sibley County Local Water Management Plan Update** – Paul Langseth reported that the Southern Region Committee met on September 5, 2013, reviewed the Sibley County Local Water Management Plan Update, and recommended approval with the requirement that text is added to the Plan Update explaining why some farmers are returning to moldboard plowing in a corn-on-corn rotation. The required update of the Implementation Section was received by BWSR on September 16, 2013. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the update of the Sibley County Local Water Management Plan 2013-2023. *Motion passed on a voice vote.*

13-79 **
13-79 **Public Relations, Oversight, and Strategic Planning Committee Reauthorization of the PRAP Assistance Grants** – Don Buckhout reported that action by the Board is needed to reauthorize the grant program and the delegation of authority to the executive director for the current 2014-15 biennium. The Board made the original authorization and delegation in March 2012, for the 2012-13 biennium. The Public Relations, Oversight and Strategic Planning Committee met last night and recommend approval of the reauthorization of PRAP assistance grants to LGUs for FY14-15. A revised resolution was distributed. Moved by Jack Ditmore, seconded by Matt Wohlman, that the BWSR Board authorizes the Executive Director to expend up to \$10,000 per grant or contract for specialized assistance to local government water management entities to address operational or service delivery needs identified through a PRAP assessment during the 2014-2015 biennium, and the BWSR Board requires that all such funds awarded be cost shared by the grantee at a percentage dependent on the size of the grant and determined by the Executive Director, and that the aggregate amount of expenditures for the PRAP program and awards are consistent with any appropriation conditions set by the legislature. *Motion passed on a voice vote.*

Chair Napstad called for a break in the meeting at 10:36 a.m. The meeting reconvened at 10:55 a.m.

RIM Reserve Management Planning Committee Disaster Recovery Assistance Program (DRAP) and Reinvest In Minnesota (RIM) Reserve Emergency Haying and Grazing – Bill Penning stated that Board approval is needed to amend the DRAP Policy that was just approved at the August Board Meeting. Due to recent appropriation changes and concerns about emergency haying and grazing it is being proposed to disallow this option with stand-alone

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13-80 RIM easements. Bill reported that the RIM Reserve Management Planning Committee met last night and recommends approval of the amended DRAP Policy 17.2 Stand Alone RIM Reserve Easements for lands with RIM easements only, emergency haying or livestock grazing is not allowed. Moved by Gene Tiedemann, seconded by Chris Elvrum, to approve the revised DRAP Policy as presented. **Motion passed on a voice vote.**

ACUB Easement Modification – Bill Penning explained that in 2004, the National Guard Bureau and the State of Minnesota, through BWSR, entered into a cooperative agreement to implement an Army Compatible Use Buffer (ACUB) Program for Camp Ripley. The Program was designed to minimize intensive residential and commercial development within a three-mile radius around Camp Ripley by purchasing the development rights through permanent conservation easements. Since 2004, BWSR has acquired 88 conservation easements through the ACUB Program with a federal investment of \$15,795,000 and a state investment of \$2,248,000 through the Outdoor Heritage Fund, as recommended by the Lessard Sams Outdoor Heritage Council. Bill provided background information, presented a proposed solution, and reported that the RIM Reserve Management Planning Committee met last night and unanimously recommend approval of the proposal, to address a mutual mistake in the easement documents and incorporate the modified language into all new ACUB easements going forward.

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13-81 Moved by Gene Tiedemann, seconded by Tom Schulz, to approve the ACUB easement modification, authorizing staff to: 1) Work with the National Guard Bureau, Morrison SWCD, the Minnesota Attorney General's Office, and other affected parties to develop new language that is consistent with achieving the intent and purpose of the ACUB program and the conservation purpose of the easement by limiting development and preserving open space within the Camp Ripley buffer area but not strictly prohibiting subdivision. 2) Modify all existing ACUB easements to reflect the change. 3) Incorporate modified language into all new ACUB easements. Discussion followed. **Motion passed on a voice vote.**

NEW BUSINESS

2013 Grants Monitoring Report – Tim Dykstal reported that on June 22, 2011, the Board adopted the Grant Monitoring, Reconciliation and Verification Policy, which calls for an annual report to be delivered to the Board on grants monitoring. Tim presented data on the formal monitoring of the 2012 grant activity before the old e-LINK shutdown, on March 14, 2013; data on the grant verification visits and looking ahead to the next steps with BWSR expectations in grants monitoring, reconciliation, and verification. Discussion followed. Chair Napstad thanked Tim for his report.

Nitrogen in Minnesota's Surface Waters - Dave Wall, MPCA Hydrologist, reported that in June 2013, the MPCA conducted a study of nitrogen in surface waters to better understand the nitrogen conditions in Minnesota's surface waters, along with the sources, pathways, trends and potential ways to reduce nitrogen in waters. The study was a collaborative effort led by Minnesota Pollution Control Agency, with assistance from the University of Minnesota and the U.S. Geological Survey. The report team used more than 50,000 water samples collected at 700 stream sites and used 35 years of monitoring data and findings from 300 published studies. Dave stated that MPCA will be presenting this information to the Legislature on October 7. Al Kean reported that he attended the Hypoxia Task Force meeting in Minneapolis yesterday and John Jaschke stated that Rebecca Flood offered to provide an update in the future. Chair Napstad thanked Dave for his presentation.

AGENCY REPORTS

Minnesota Department of Health – Chris Elvrum reported that the application period is open through September 30, 2103 for source water protection competitive grants. The source water protection transient grant application period will be open next month for statewide sources.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that due to the drought, there has been an increase in water permits issued; the Legislature has given DNR authority for groundwater usage. Tom stated that there will be intense media surrounding the five-year anniversary of the legacy amendment. DNR and BWSR need to announce the many accomplishments of the legacy funding, letting the general public know of all the achievements.

Minnesota Pollution Control Agency (MPCA) – Doug Wetzstein reported that the draft Minnesota Nutrient Reduction Strategy is available for public review and comment from October 7 – December 18, 2013; the document is located on MPCA's website. Doug stated that this is his last BWSR meeting serving as MPCA's alternate board member. Doug has been promoted to assistant director of the Industrial Division and Municipal Division. Chair Napstad thanked Doug for his participation at board meetings.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that the Minnesota Association of Township district meetings were held statewide from August 12 – September 4. Sandy reported that MAT's Annual Conference will be held November 21-23 at Jackpot Junction in Morton.

USDA Farm Service Agency – Glenn Schafer reported that Deb Crusoe was recently hired as the FSA Executive Director. Glenn stated that FSA appreciates BWSR's partnership.

UPCOMING MEETINGS

- DRC Workshop, today - immediately following adjournment
- PROSP Committee Meeting, October 22, 5:30 – 7:30 PM
- Next BWSR Board Meeting, October 23, 2013

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13-82 Moved by Christy Jo Fogarty, seconded by Jack Ditmore, to adjourn the meeting at 12:35 p.m.
Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: _____

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)

Travis Germundson/Gerald

Presented by: VanAmburg

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.

LINKS TO ADDITIONAL INFORMATION

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
October 11, 2013
By: Travis Germundson

There are presently **15** appeals pending. All of the appeals involve WCA except File 10-10. There have been no new appeals filed since the last report dated September 25, 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 13-9 (9-23-13) This is an appeal of a restoration order in Stearns County. The appeal regards drainage impacts to wetlands associated with a private drainage ditch project. No decision has been made on the appeal.

File 13-8 (9-5-13) This is an appeal of a restoration order in St. Louis County. The appeal regards the placement of approximately 2,076 square feet of fill in a Type 3 wetland within the shore impact zone of Coon Lake for lake access. *The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on the after-the-fact replacement plan application.*

File 13-7 (8-30-13) This is an appeal of several replacement plan decisions in Le Sueur County. The appeal involves the same project and local unit of government decisions as File 13-6. *The appeal has been combined with File 13-6 and remanded for further technical work and administrative proceedings.*

File 13-6 (8-28-13) This is an appeal of several replacement plan decisions in Le Sueur County. The appeal regards the approval of three wetland replacement plan applications for a silica sand mining operation. At issue is that the decisions allow for substantial wetland impacts to occur without replacement. *The appeal has combined with File 13-7 and remanded for further technical work and administrative proceedings*

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 13-3 (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 | 4 |
| Order Place Appeal in Abeyance | 1 | 2 |
| Negotiated Settlement | | |
| Withdrawn/Dismissed | 4 | |

COMMITTEE RECOMMENDATIONS

Metro Region Committee

1. Boundary Change for Coon Creek Watershed District – Mary Peterson – ***DECISION ITEM***
2. Ramsey-Washington Metro Watershed District Plan Amendment – Mary Peterson – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Boundary Change for Coon Creek Watershed District

Meeting Date: 10/23/13

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Metro

Contact: Mary Peterson

Prepared by: Jim Haertel

Reviewed by: Metro Region Committee(s)

Presented by: Mary Peterson

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 Boundary Change for Coon Creek Watershed District

LINKS TO ADDITIONAL INFORMATION

http://www.bwsr.state.mn.us/boardpackets/water_plans_for_bd_packet/DRAFT_Petition_Coon_Rapids_Boundary_Request.pdf

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

The Coon Creek Watershed District submitted a Petition to change the boundary of the District pursuant to Minn. Stat. § 103B.215. The proposed boundary change would expand the District into an approximate 290 acre area of the City of Coon Rapids. The subject area is currently in the Lower Rum River Watershed Management Organization. The remaining part of Coon Rapids is currently in the Coon Creek Watershed District. Approval of the Petition would result in the entire City of Coon Rapids being within the Coon Creek Watershed District. The City of Coon Rapids requested the District initiate the boundary change.

The Petition was accompanied by resolutions of concurrence from the City of Coon Rapids and the Lower Rum River Watershed Management Organization, as required by Minn. Stat. § 103B.215, Subd. 2c. A Legal Notice of Filing of the Petition was published once per week for two consecutive weeks in local newspapers, as required by Minn. Stat. § 103B.215, Subd. 3. Additionally, the legal notice was sent by mail to several

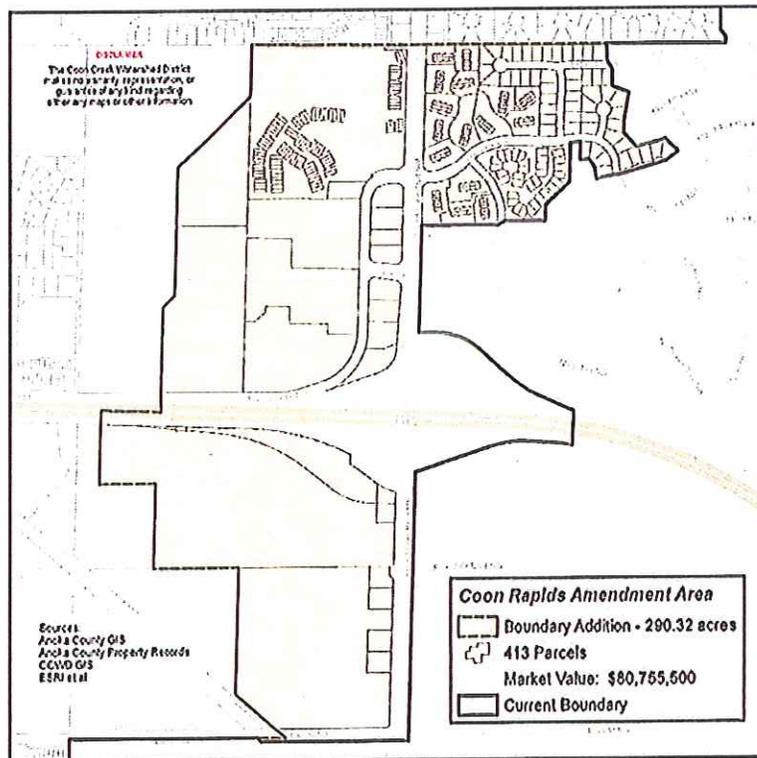
addressees including Anoka County, Anoka SWCD and affected local units of government. A public hearing was not requested in response to the legal notice of filing and no comments were received.

As stated in the Petition, approval of the Petition "...would allow for more efficient use of management resources and minimize the costs of public capital expenditures". The Petition states the proposed boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.

If the Petition is approved, the subject area would have to be released from the Lower Rum River Watershed Management Organization before the boundary change became effective.

The Metro Region Committee met on October 1, 2013, and found all the affected local units of government concur in the Petition, the proposed boundary change would be substantially consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255, the proposed boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages, and approval of the proposed boundary change must be contingent on the release of the Petitioned Area from the Lower Rum River Watershed Management Organization. The Committee decided with a unanimous vote to recommend to the full Board that the boundary change be approved as proposed in the Petition per the attached draft Order and the District's watershed management plan be amended to include the boundary change within one year of the date of the release of the Petitioned Area from the Lower Rum River Watershed Management Organization.

**Properties/
Parcels
Involved**



In the Matter of the Boundary Change of the
Coon Creek Watershed District in Anoka County
pursuant to Minnesota Statutes § 103B.215

**ORDER
WATERSHED DISTRICT
BOUNDARY CHANGE**

Whereas, a petition (Petition) for a boundary change of the Coon Creek Watershed District (District) was filed by the District with the Board of Water and Soil Resources (Board) on May 23, 2013, pursuant to Minn. Stat. § 103B.215, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petition to change the boundary of the Coon Creek Watershed District (District) was filed by the District on May 23, 2013.
2. **Property Description.** The territory included in the boundary change, the Petitioned Area, totals approximately 290.3 acres of land in the City of Coon Rapids, Anoka County, entirely within the seven county Twin Cities metropolitan area. The proposed boundary change seeks to transfer the Petitioned Area from the Lower Rum River Watershed Management Organization to the District.
3. **Reasons for Boundary Change.** The Petition states the proposed boundary change “would allow for more efficient use of management resources, and minimize the costs of public capital expenditures. All water management activities for the City of Coon Rapids would be contained within a single watershed; simplifying the planning and reporting

requirements, and creating a more uniform set of policies and controls. It would consolidate the official controls with regard to protection of groundwater, and its beneficial use.”

4. **Statements of Concurrence.** Statements of concurrence from the City of Coon Rapids and the Lower Rum River Watershed Management Organization were submitted with the Petition, as required by Minn. Stat. § 103B.215, Subd. 2c.
5. **Effect on Benefits and Damages.** The Petition states there are no capital improvements or financial obligations for the Petitioned Area, as required by Minn. Stat. § 103B.225.
6. **Notice of Filing.** A Legal Notice of Filing of the proposed boundary change, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published in the Anoka County Union on August 23 and 30, 2013, in the Blaine Spring Lake Park Life on August 23 and 30, 2013, in the Coon Rapids Herald on August 23 and 30, 2013, and in the Fridley Sun Focus on August 29 and September 5, 2013. Further, a copy of the Notice of Filing was mailed to several addressees including the Anoka County Board of Commissioners, the Anoka County Auditor, the Anoka Conservation District, the Lower Rum River Watershed Management Organization, the District, several cities affected by the proposed boundary change, and the Department of Natural Resources.
7. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103B.215, Subd. 3, which requires within 20 days of the last date of publication of the Notice of Filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing were received during the specified time period and no hearing was held.
8. **Metro Region Committee Meeting.** On October 1, 2013, the Board’s Metro Region Committee and staff met to review and discuss the Petition. Board staff in attendance were Board Conservationist Mary Peterson and Barbara Hogan, Office Administrative Assistant. Board staff recommended approval of the boundary change per the Petition. Board staff noted there was no opposition to the proposed boundary change, the affected city and watershed management organizations concur in the Petition, approval of the boundary change would not affect the benefits or damages for any improvement previously constructed, and approval of the boundary change would be substantially consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255. After discussion, the Committee found all the affected local units of government concur in the Petition, the proposed boundary change would be substantially consistent with the

purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255, the proposed boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages, and approval of the proposed boundary change must be contingent on the release of the Petitioned Area from the Lower Rum River Watershed Management Organization. The Committee decided with a unanimous vote to recommend to the full Board that the boundary change be approved as proposed in the Petition.

CONCLUSIONS

1. The Petition for a boundary change of the Coon Creek Watershed District is valid in accordance with Minn. Stat. § 103D.215.
2. All relevant substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.
4. The governing bodies of the City of Coon Rapids, the Lower Rum River Watershed Management Organization, and the Coon Creek Watershed District concur in the proposed boundary change.
6. No opposition to the Petition is contained in the record.
7. The proposed boundary change is substantially consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.
8. The proposed boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.
9. The proposed boundary change should be approved per the Petition contingent on the release of the Petitioned Area from the Lower Rum River Watershed Management

Organization and the watershed management plan for the Coon Creek Watershed District should be amended to include the Petitioned Area within one year of the date of the release of the Petitioned Area from the Lower Rum River Watershed Management Organization.

ORDER

The Board hereby orders that the boundary of the Coon Creek Watershed District is changed per the Petition and as depicted on the two maps contained in the Petition on pages 4 and 8, attached hereto and made a part of this Order hereof, including the data sets the maps were created from, contingent upon the release of the Petitioned Area from the Lower Rum River Watershed Management Organization. The Board further orders that the Coon Creek Watershed District amend its watershed management plan to include the Petitioned Area within one year of the date of the release of the Petitioned Area from the Lower Rum River Watershed Management Organization.

Dated at Saint Paul, Minnesota this 23rd day of October, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Ramsey-Washington Metro Watershed District Plan Amendment

Meeting Date: October 23, 2013

Agenda Category: X Committee Recommendation New Business Old Business

Item Type: X Decision Discussion Information

Section/Region: Metro

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 Other Supporting Information

Fiscal/Policy Impact

- X 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 Amendment to the Ramsey-Washington Metro Watershed District Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

http://www.bwsr.state.mn.us/boardpackets/water_plans_for_bd_packet/2013_Final_Amendment_marrkup.pdf

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

The Ramsey-Washington Metro Watershed District (RWMWD) was established on February 24, 1975, by the Minnesota Water Resources Board, now the Minnesota Board of Water and Soil Resources (BWSR) pursuant to the Minnesota Watershed Act, to effect the protection and provident use of water resources. The RWMWD is located in eastern Ramsey County and western Washington County. The RWMWD spans a 65-square-mile area and includes all or part of 12 communities, including White Bear Lake, Vadnais Heights, Gem Lake, Little Canada, Maplewood, Landfall, North St. Paul, St. Paul, Shoreview, Roseville, Oakdale, and Woodbury. Approximately 53.4 square miles of the area lie within Ramsey County; the remaining 11.6 are within Washington County

The current watershed management plan was approved by the Board on April 25, 2007. In June 2012, by Board Order, the RWMWD boundaries were enlarged to include the area of the former Grass Lake WMO (GLWMO) and the RWMWD was furthered ordered to amend this watershed management plan to include the new area in the Plan.

This Amendment incorporates the former GLWMO into the RWMWD's Watershed Management Plan and makes minor plan text and map changes to reflect the portion of the Cities of Shoreview and Roseville that are now part of the RWMWD. The lakes and drainage areas in the former GLWMO are currently being studied and a new subwatershed section that addresses the land use, drainage patterns and water resources within this area will be included in the planned 2015 Watershed Management Plan revision officially underway. The Amendment also reflects recent changes in the lakes and creeks listed by the MPCA as impaired acknowledging the planning efforts currently underway or being planned to address these impairments.

The Metro Region Committee met on October 1, 2013. After review of the information, the Committee unanimously voted to recommend approval of the Amendment per the attached draft Order.

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

In the Matter of the review of the
Watershed Management Plan for the
**Ramsey-Washington Metro 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 Ramsey-Washington Metro Watershed District (RWMWD) submitted a Watershed Management Plan Amendment dated August, 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. **RWMWD Establishment.** The Ramsey-Washington Metro Watershed District (RWMWD) was established on February 24, 1975, by the Minnesota Water Resources Board, now the Minnesota Board of Water and Soil Resources (Board) pursuant to the Minnesota Watershed Act, to effect the protection and provident use of water resources. The following Board actions have previously been made regarding the RWMWD Plan.

1977 – Overall Plan – Ramsey-Washington Metro Watershed District

1986 – Stormwater Runoff and Water Quality Management Plan

1997 – Ramsey-Washington Metro Watershed District Watershed Management Plan

2007 – Ramsey-Washington Metro Watershed District Watershed Management Plan

2012 - Ramsey-Washington Metro WD Enlargement (former Grass Lake WMO)

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 watershed management plan was approved by the Board on April

25, 2007. In June 2012, by Board Order, the RWMWD boundaries were enlarged to include the area of the former Grass Lake WMO and the RWMWD was further ordered to amend the watershed management plan to include the new area in the Plan.

3. **Nature of the Watershed.** The RWMWD is located in eastern Ramsey County and western Washington County. The RWMWD spans a 65-square-mile area and includes all or part of 12 communities, including White Bear Lake, Vadnais Heights, Gem Lake, Little Canada, Maplewood, Landfall, North St. Paul, St. Paul, Shoreview, Roseville, Oakdale, and Woodbury. Approximately 53.4 square miles of the area lie within Ramsey County; the remaining 11.6 are within Washington County.
4. **Amendment Development and Local Review.** The RWMWD circulated a copy of the draft Amendment to the Board, other state agencies, the Metropolitan Council, and local governments for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. The Board received a table of all comments received and responded to by the RWMWD on July 18, 2013. A public hearing on the final Amendment was held on August 7, 2013. No comments were received. The final draft of the Amendment was received by the Board on August 12, 2013.
5. **Metropolitan Council Review.** The Council commented that the plan amendment is consistent with Council policies and the Council's Water Resources Management Policy Plan and commends the RWMWD for its willingness to accept these additional areas, and its promptness in amending the plan to reflect the changes.
6. **Department of Agriculture Review.**
MDA did not provide comments on the RWMWD Amendment.
7. **Department of Health Review.**
MDH did not provide comments on the RWWD Amendment.
8. **Department of Natural Resources Review.**
MDNR did not provide comments on the RWWD Amendment.
9. **Pollution Control Agency Review.**
MPCA did not provide comments on the RWWD Amendment.
10. **Department of Transportation Review.**
MDOT did not provide comments on the RWWD Amendment.
11. **Board of Water and Soil Resources Review.** Board staff completed the 60-day review and the 90 day final review of the Amendment and found the Amendment to be consistent with Minnesota Statutes and Rule.

12. **Amendment Summary.** In 2012 the boundaries of the RWMWD were expanded to include the land area of the former Grass Lake Water Management Organization (GLWMO). The Amendment incorporates the former GLWMO into the RWMWD's current Watershed Management Plan. The lakes and drainage areas in the former GLWMO are currently being studied and a new subwatershed section that addresses the land use, drainage patterns and water resources within this area will be included in the planned 2015 Watershed Management Plan revision officially underway.

The effects of the Amendment are:

- To officially incorporate the new 8 square mile land area into the RWMWD.
- To apply the District's programs to land development activities in the new area.
- To apply the District's rules and permit program to the new area.
- Provide for administration of the Minnesota Wetland Conservation Act and District buffer requirements.
- To allow the District to apply grant programs to the new land area for habitat management and runoff volume reduction.

The Amendment also corrected or updated some background information related to water resources.

13. **Metro Region Committee Meeting.** On October 1, 2013, the Board's Metro Region Committee and staff met to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Jack Ditmore, Faye Sleeper, Christy Jo Fogarty, and Joe Collins, chair. Board staff in attendance were Metro Region Board Conservationist Mary Peterson and Office Administrative Assistant Barbie Hogan. Board staff recommended approval of the Amendment. After discussion, the committee unanimously voted to recommend approval of the RWMWD 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 Ramsey-Washington Metro Watershed District pursuant to Minnesota Statutes Sections 103B.231, Subd. 11.
3. The Ramsey-Washington Metro Watershed District's Amendment attached to this Order incorporates the former Grass Lake Watershed Management Organization areas into the District's Watershed Management Plan.
4. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

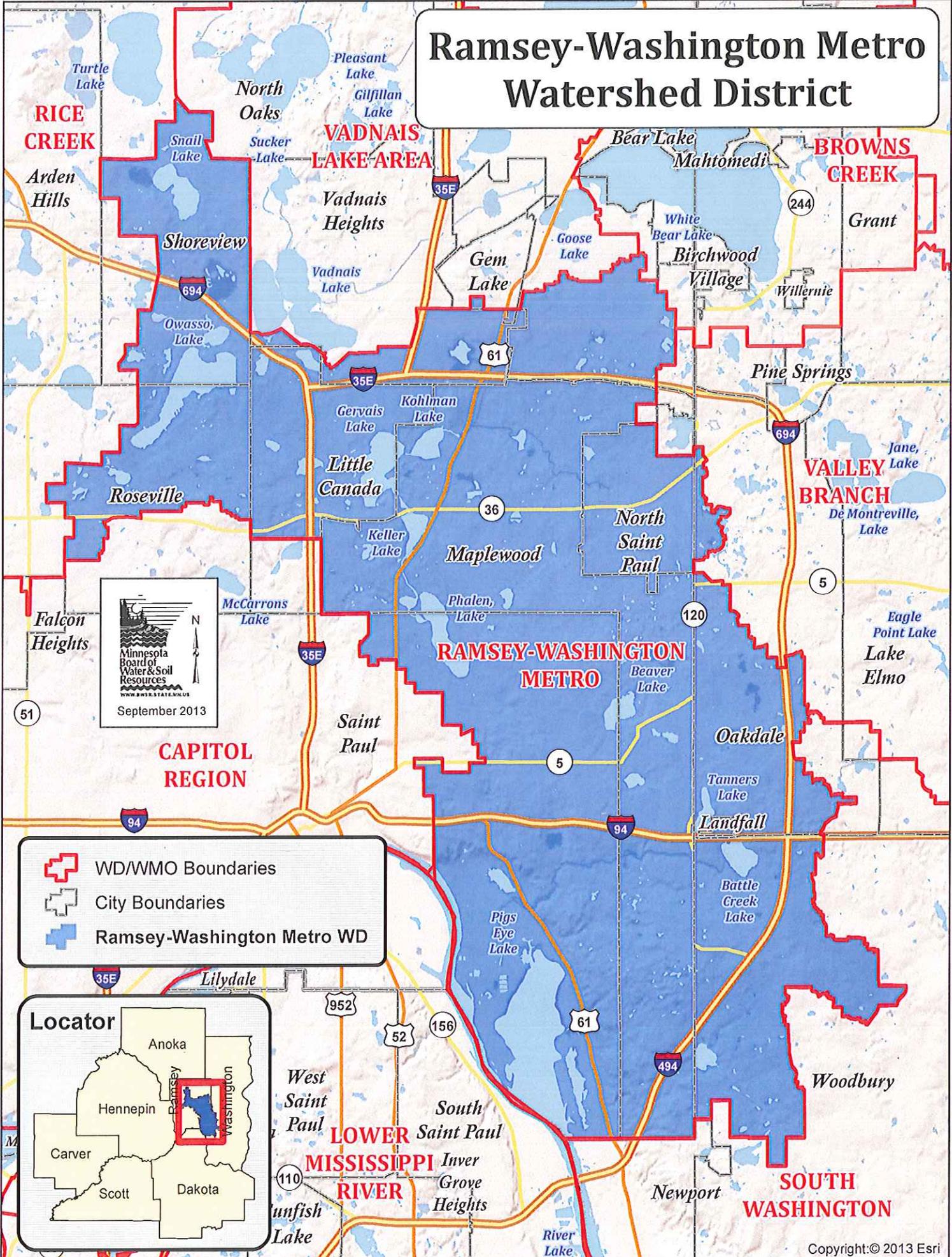
The Board hereby approves the attached Amendment dated August 2013 to the Watershed Management Plan for the Ramsey-Washington Metro Watershed District.

Dated at Saint Paul, Minnesota this 23rd Day of October 2013.

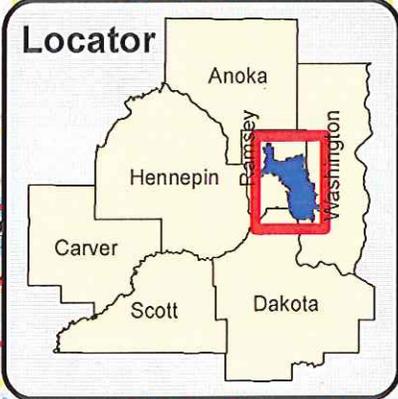
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Ramsey-Washington Metro Watershed District



-  WD/WMO Boundaries
-  City Boundaries
-  Ramsey-Washington Metro WD



COMMITTEE RECOMMENDATIONS

Northern Region Committee

1. Hubbard County Water Plan Extension Request – Brian Napstad – ***DECISION ITEM***
2. Stearns County Five Year Plan Amendment – Tom Schulz – ***DECISION ITEM***
3. Traverse County Water Plan Synchronization – Gerald VanAmburg – ***DECISION ITEM***
4. Wilkin County Local Water Plan Synchronization - Gerald VanAmburg – ***DECISION ITEM***
5. Sauk River Watershed District Revised Watershed Management Plan Hearing – Gene Tiedemann and Travis Germundson – ***DECISION ITEM***
6. Public Hearing for Redistribution of Managers of the Middle-Snake-Tamarac Rivers Watershed District – Gene Tiedemann – ***INFORMATION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Hubbard County Water Plan Extension Request

Meeting Date: October 23, 2013

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: North Region

Contact: Dan Steward

Prepared by: Dan Steward

Reviewed by: North Region Committee Committee(s)

Presented by: Brian Napstad

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

Decision

LINKS TO ADDITIONAL INFORMATION

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

On January 25, 2012, the Board of Water and Soil Resources (Board) approved an extension of the Hubbard County Comprehensive Local Water Management Plan (Plan). The extension expires on January 25, 2014. The County wishes to take advantage of the opportunity to strengthen their plan with the inclusion of new watershed data and methodology consistent with other plans in the Upper Mississippi River Basin.

**Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155**

In the Matter of Extending the Local Water Plan
For **Hubbard County** pursuant to M.S. 103B.311,
Subdivision 4, Authorizing BWSR to Grant Extensions

**ORDER EXTENDING
LOCAL WATER PLAN**

Whereas, Hubbard County has a state approved Local Water Plan that is effective until January 25, 2014, pursuant to M.S. 1990, Section 103B.301, and

Whereas, the Board has authorization to grant extensions pursuant to M.S. 103B.311, Subdivision 4.

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

FINDINGS OF FACT

1. On October 8, 2013, the Board received a resolution from Hubbard County requesting a two-year extension of their Comprehensive Local Water Plan to October 23, 2015.
2. On October 8, 2013, Board staff reviewed and recommended approval of the extension request by Hubbard County.
3. On October 9, 2013, the North Region Committee met and reviewed the Hubbard County request for an Extension. The Committee recommended approval of the request.

CONCLUSIONS

All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Hubbard County pursuant to Minnesota Statute 103B.311, Subdivision 4.

ORDER

The Board hereby approves the two-year extension of the Hubbard County Comprehensive Water Plan until October 23, 2015.

Dated at St. Paul, Minnesota, this 23rd day of October 2013.

By: _____
Brian Napstad, Chairperson



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Stearns County CLWMP 5 Year Amendment

Meeting Date: October 23, 2013

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Northern

Contact: Jason Weirnerman

Prepared by: Jason Weirnerman

Reviewed by: Northern Plan Review Committee(s)

Presented by: Tom Schulz

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 the Five Year Amendment of the Stearns County Comprehensive Local Water Management Plan

LINKS TO ADDITIONAL INFORMATION

<http://www.co.stearns.mn.us/Portals/0/docs/Department%20Files/EnvironmentalSvs/CLWP2013DraftAmend.pdf>

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

On January 23, 2008, the Board of Water and Soil Resources approved the Stearns County Comprehensive Local Water Management Plan with a date range from 2008 to 2017. The Board required a five year update of the plan by 2013.

The County passed a resolution to amend the plan on April 11, 2012 and submitted the updated plan to the Brainerd field office on June 24, 2013. Additions to the amendment include an addition of a water clarity trend analysis, enhanced clarification of the areas of focus that should lead to improved targeting and prioritization, reference to municipal storm water plans, and language revisions that move toward a more activist plan. As part of the submission, the Stearns County Water Planner included documentation of the required public hearing. Agency comments and recommendations for approval were received from the Department of Health, Pollution Control Agency, Department of Natural Resources, and the Department of Agriculture.

The five year plan update was presented to the northern water planning committee on October 9, 2013. As the plan update met state statutes, was recommended for approval by state agency partners, and is non-controversial, the committee recommended forwarding the plan to the full board for approval.

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

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

ORDER
APPROVING
LOCAL
WATER MANAGEMENT
PLAN AMENDMENT

Whereas, the **Stearns County** Board of Commissioners submitted a Local Water Management Plan Amendment (Plan Amendment) to the Board on **June 24, 2013** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

- 1) On **January 23, 2008**, the Board of Water and Soil Resources approved the Stearns County Comprehensive Local Water Management Plan from 2008 to 2017 with a requirement for an update by 2013.
- 2) On **April 11, 2012**, the Stearns County Commissioners passed a resolution to begin the five year amendment of their Comprehensive Local Water Management Plan.
- 3) The priority concerns of the local water management plan remained the same and include:
 - A. Source Water Protection
 - B. Development Impacts
 - C. Impaired Waters
- 4) On **June 24, 2013**, the BWSR received the **Stearns County** Plan Amendment, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.
- 5) On **October 9, 2013**, the North Region Committee of the Board reviewed the recommendations of the state review agencies regarding the five year update of the **Stearns County** Plan Amendment. The North Region Committee forwarded the plan to Board with a recommendation for approval with the following recommendations for additional action items:
 - The MDA would like to see a discussion of wetland drainage with the following inclusion on page 46:
Page 46 discusses wetland drainage with the following statement being made.

“It appears that there are numerous factors in the environment that may be having significant changes on hydrology, e.g. increased agricultural drainage, increased impervious surfaces, increased irrigation, wetland drainage and climate change.”

The MDA recommends a discussion about existing wetland laws and a discussion about why farmers install pattern tile or commence drainage activities.

http://www.eorinc.com/documents/AG-BMPHandbookforMN_09_2012.pdf

- The DNR would like to be included as a partner on Goal 3, Objective B, Concerns, 4, 8, 9, 14, 20, 21, 222, 23, 24 and to evaluate the creation of a Sanitary Service District for Pearl Lake as part of Concern 23.

6) This update will be in effect until **December 31, 2017**.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of **Stearns County** Local Water Management Plan pursuant to Minnesota Statutes , 103B.315, Subd. 5.
2. The **Stearns County** Plan Amendment attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Amendment is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached five year amendment of the **Stearns County** Local Water Management Plan **January 23, 2008 to December 31, 2017**.

Dated at **St. Paul**, Minnesota, this **twenty-third day of October, 2013**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Executive Summary

Background

The *Stearns County Local Water Management Plan 2008-2017* is the fourth Local Water Management Plan to be developed and adopted in Stearns County. The current *Plan* was updated in accordance with Minnesota Statutes 103B and will be in effect until December 31, 2017. The *Plan* was developed through involvement with the Water Management Advisory Committee, local citizens, representatives from local organizations and agency staff.

After a Local Water Management Plan has been in effect for five years, the Minnesota Board of Water and Soil Resources requires the local government to review and amend its Plan. The development of this amended plan was guided by three Task Forces, one for each of the Priority Concerns. The Task Forces reviewed and amended the Objectives and Action Items to reflect current issues and concerns. The Priority Concerns remain the same as in the current Plan. The Stearns County Planning Commission reviewed and approved this Amendment.

The amended *Stearns County Local Water Management Plan 2008-2017* will remain in effect until it is updated in 2018. The Task Forces will be reconvened on an annual basis to review progress in achieving Plan objectives and to identify emerging issues that should be incorporated into the Plan through the amendment process.

Purpose of Local Water Management Planning

The goal of Local Water Management Planning is to guide natural resource protection and restoration on the local level. The Plan seeks to identify and address existing and potential problems and opportunities for the protection and management of water and land resources within the County. An essential part of local water management planning is the identification of goals, objectives and action items to protect, improve and manage the natural resources of the County.

Watersheds in Stearns County

All the drainage in Stearns County ultimately flows to the Mississippi River. There are five major watersheds in Stearns County. The descriptions and a map of the watersheds are as follows:

Chippewa River watershed covers approximately 88 acres in the western part of Crow Lake Township. Approximately twelve acres of unnamed PWI lake 61-1P is located within Stearns County. The rest of the watershed is in cultivated agriculture.

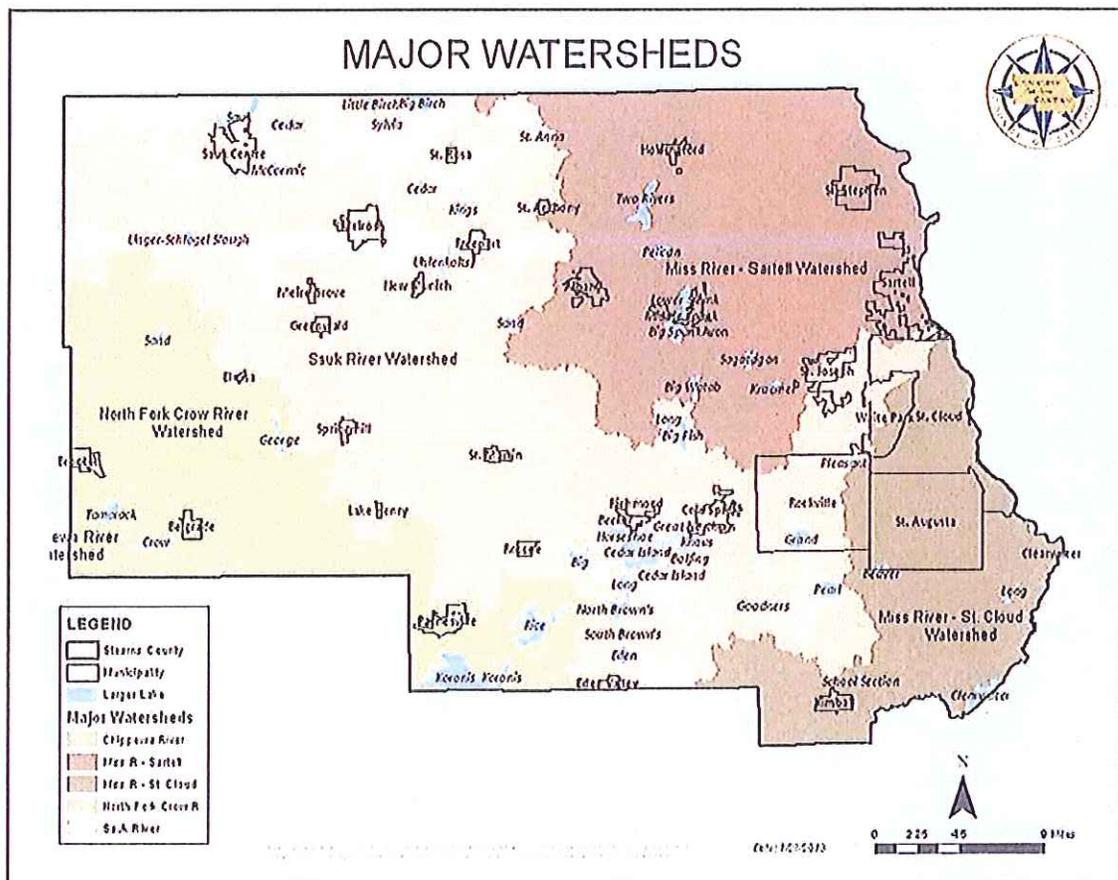
Mississippi River - St. Cloud watershed is in southeast Stearns County and covers approximately 160 square miles within Stearns County. Approximately 72 percent is agricultural land (including pasture and open areas) and 16 percent is forest. Major water bodies are Beaver Lake and the Clearwater Chain of Lakes. Kimball, St. Augusta and parts of Waite Park, Rockville and St. Cloud are located in this watershed.

Mississippi River --Sartell watershed covers approximately 280 square miles in Stearns County. The watershed is located in northeastern Stearns County and contains the major water bodies of Pelican Lake, Two Rivers Lake, Big Watab Lake and Big, Middle and Lower Spunk Lakes. Land cover in the watershed is

comprised of approximately 75 percent agricultural land (including pasture and open areas) and 18 percent forest. Municipal areas of Avon, Albany, Holdingford, Sartell and some of St. Cloud are located in this watershed.

North Fork Crow River watershed is located in the southwestern portion of the County, with 254 square miles in Stearns County. Land cover is approximately 88 percent agricultural land (including pasture and open areas) and 5 percent forests. Municipal areas include Paynesville, Brooten and Belgrade. Major water bodies are Rice Lake and Koronis Lake.

The Sauk River watershed is the largest watershed in Stearns County, covering approximately 640 square miles of the County. The Sauk River enters the County at Sauk Lake and flows southeast to the Sauk River Chain of Lakes, then flows northeast to its confluence with the Mississippi River between Sartell and St. Cloud. The land use is primarily agricultural, although the Cities of Sauk Centre, Melrose, Richmond, Cold Spring, St. Joseph and part of St. Cloud are in the watershed. Major water bodies in the watershed include Sauk Lake, Big Birch Lake, the Sauk Chain of Lakes, Grand Lake, Pearl Lake and Big Fish Lake.



Description of Priority Concerns

The identification of the Priority Concerns in the *Stearns County Local Water Management Plan 2008-2017* reflects input from public surveys and public meetings. The Priority Concerns are intended to encompass the natural resource issues that local citizenry and local agencies regard as the most critical for the health of our environment and are subject to local control.

Source Water Protection; Description from *Plan 2008-2017*

Providing safe drinking water to its citizens is a primary responsibility of government. A number of public water suppliers in Stearns County are providing drinking water to the residents from vulnerable aquifers.

The City of St. Cloud obtains its drinking water from the Mississippi River. The St. Cloud Source Water Protection – Priority Area A (determined by an eight hour time-of-travel for water to reach the surface intake) comprises about 89 square miles within Stearns County. Management in this area is designed to address potential sources of contamination that present an acute health concern to water users. The St. Cloud Source Water Protection – Priority Area B comprises an area of approximately 2,432 square miles. Management of this area is designed to protect water users from chronic health effects related to low levels of chemical contamination. There are many challenges to the inventory and management of potential contaminant sources in Area B due to the large geographic area and the numerous governing agencies.

The goal is to cooperate with and assist public water suppliers who are developing and implementing Source Water Protection Plans. “Public wells” include wells that serve water to municipalities, manufactured housing developments, businesses, schools and other facilities that serve water to more than 25 people on a regular basis. The following is a partial list of the identified Action Items taken from the original *Plan 2008-2017*:

- Promote and participate in the education of the community about the importance of drinking water protection.
- Focus inspection and enforcement of feedlot and land application rules within shoreland and Drinking Water Supply Management Areas (DWSMA's).
- Explore development of planning and zoning tools, such as an overlay district, which promote proactive land use planning to protect drinking water supplies.
- Explore development of additional protective measures for aggregate mining in wellhead protection areas overlying geologically sensitive aquifers.
- Cooperate with cities to inventory Subsurface Sewage Treatment Systems (SSTS) located within vulnerable areas of the DWSMA and support innovative approaches towards inspection programs.
- Explore the possibility of supplemental incentive funding to existing programs for vegetative buffers, set aside programs and Best Management Practices (BMP's).

| | |
|-------------------------|-------------|
| Previous Estimated Cost | \$1,400,000 |
| Amended Estimated Cost | \$1,242,500 |

Development Impacts: Description from *Plan 2008-2017*

Stearns County is experiencing strong residential and commercial development pressures. The construction of buildings, roads and parking lots increases the amount of impervious cover. The resulting increased stormwater runoff and erosion can cause a number of negative changes to stream flow, aquatic habitat and water quality.

The goal is to minimize the impact of new development and redevelopment on surface and ground water resources. The following is a partial list of the identified Action Items taken from the original *Plan 2008-2017*:

- Encourage low impact development and better design strategies on all new and redevelopment projects.
- Promote land and water best management practices in shoreland, such as vegetative buffers and routing rainwater off roofs away from surface water.
- Seek to have a detailed Natural Resource Inventory completed for the purpose of identifying sensitive natural areas.
- Seek to require that any proposed project in shoreland that will increase the total suspended solids or total phosphorus loading will be required to establish a Best Management Practice to mitigate the increased loading
- Improve quality of stormwater runoff and manage flow, volume and direction.
- Improve coordination of the Water Management Plan with the National Pollutant Discharge Elimination System (NPDES) permit requirements of Stearns County and the Municipal Separate Storm Sewer System (MS4) communities within the county.

| | |
|-------------------------|-------------|
| Previous Estimated Cost | \$1,390,000 |
| Amended Estimated Cost | \$1,927,200 |

Impaired Waters; Description from *Plan 2008-2017*

Stearns County has a number of water resources that have been listed by the Minnesota Pollution Control Agency (MPCA) as impaired, which means that the water resource does not meet its designated use. Prior to the writing of the *Stearns County Local Water Management Plan 2008-2017* much of the water resources in the County had not been monitored to MPCA standards to determine whether impairments exist.

The goal was to determine the water quality status of at least the larger, more publicly used water resources in the County, protect those water resources that currently support their designated uses and, where needed, improve those that do not. The following is a partial list of the identified Action Items taken from the original *Plan 2008-2017*:

- Annually review the sampling data and determine continuing monitoring needs.
- Coordinate and implement monitoring and analysis.
- Provide assistance to County landowners implementing agricultural Best Management Practices on working lands to reduce soil erosion, protect stream banks and improve water resources.

- Educate landowners about proper land application of nutrients and pesticides.
- Develop/support workshops for volunteer monitors
- Establish and maintain vegetative buffers in the shore and bluff impact zones.

| | |
|-------------------------|--------------|
| Previous Estimated Cost | \$9,365,000 |
| Amended Estimated Cost | \$10,501,000 |

Accomplishments toward Original Implementation Plan (2008-2012)

The *Stearns County Local Water Management Plan 2008-2017*, containing the original Goals, Objectives and Action Items, is located in the Appendix. A detailed summary of the some of the progress made in the period 2008 to 2012 towards meeting the *Plan 2008-2017* goals can also be found in the Appendix. The following is a brief summary of the accomplishments made towards the original goals.

Source Water Protection, Accomplishments 2008-2012

The ability of public water supplies to provide clean, healthy drinking water continues to be of the highest importance. There were twelve Stearns County public water suppliers with approved Wellhead Protection Plans in 2008. Since that time six more public water suppliers have developed Wellhead Protection Plans (Holdingford, St. Martin, Rockville, Kimball, Roscoe and St. Joseph) and six are in the process of developing Wellhead Protection Plans (Albany, Avon, Freeport, Belgrade, Brooten and Wildwood Manor (St. Joseph apartment building)).

To be effective, the Wellhead Protection Plans must be implemented and many of the public water suppliers with Wellhead Protection Plans have struggled with implementation. The ability of the Stearns County Soil and Water Conservation District to better respond to the needs of public water suppliers in the development and implementation of their Wellhead Protection Plans was increased tremendously by the addition to staff of an Urban Conservationist in 2007. The Urban Conservationist has been able to assist with implementation of the Wellhead Protection Plans by securing grants for the public water suppliers for initiatives such as well sealing, assisting with well inventories, developing and overseeing numerous programs for agricultural producers, and organizing nitrate clinics.

The Central Minnesota Water Education Alliance is a coalition of central Minnesota cities, Stearns County and other organizations formed to provide educational outreach to promote water quality stewardship. It was formed in 2006 to assist NPDES permit holders meet the civic engagement requirements of their permits in a cost-effective and efficient manner. The coalition was expanded to include public water suppliers implementing Wellhead Protection and assist them with the civic engagement requirements of their Wellhead Protection Plans. The educational campaign has resulted in many high-quality products and activities, including a rain barrel and compost bin sale, a video contest for high school students, representation at six to seven community events each year, digital outdoor advertising, and radio and newspaper ads. The best measurement of the success of the campaign is its website traffic. The number of "unique hits" to the website continues to increase, with 159,833 in 2012.

The most frequently visited page on the website is the blog, which is written by the CMWEA members. The website is <http://www.mnwaterconnection.com/>

The Stearns County SWCD spearheaded a successful initiative to secure funding for conservation easements in DWSMA's from the Clean Water Fund. Perennial crops and/or native vegetation can reduce nitrate leaching losses by a factor of 30 to 50 times less than conventional row crop systems. This conservation easement program will leverage local, state and federal resources (similar to CREP) to protect drinking water supplies. The conservation easement program will target public water suppliers with elevated nitrate concentrations, especially suppliers approaching or exceeding health standards.

The Stearns County Land Use and Zoning Ordinance has been modified to provide better protection for drinking water with stricter requirements for wet detention basins in areas of high groundwater vulnerability. The Ordinance was amended to include consideration of DWSMA's when processing land use or structure permit applications.

Non-compliant Subsurface Sewage Treatment Systems can potentially negatively impact the quality of drinking water. Stearns County, the North Fork of the Crow Watershed District, the Sauk River Watershed District and several lake associations have partnered in inspection initiatives of SSTS in shoreland areas and throughout the NFCR watershed district. Approximately 3,000 systems were surveyed and those that were not compliant either have been upgraded or are in the process. Stearns County secured funding from Clean Water Fund to upgrade 98 systems in low-income households.

Household hazardous waste (HHW) that is improperly disposed of can negatively impact drinking water. Stearns County continues to conduct a comprehensive HHW collection program at communities and in 2009 constructed a state-of-the-art facility to receive, process, and ship household hazardous waste. Stearns County also established three pharmaceutical drop boxes for citizens to dispose of unused and unwanted medications, thus keeping them out of water supplies.

Development Impacts, Accomplishments 2008-2012

One of the priorities of the *Plan 2008-2017* was to place in ordinance incentives and/or requirements that land use changes are done in such a way that natural resources are impacted to the least extent possible. The Stearns County Land Use and Zoning Ordinance was amended to contain provisions for Natural Resources Conservation Overlay Design. This allows townships to identify overlay areas with specific natural resource value, within which development is allowed only by carefully siting houses in clusters and preserving large portions of the development site that have conservation value. The allowance of additional lots is the incentive. The Land Use and Zoning Ordinance was also modified to include provisions for a density bonus if residential open space developments in shoreland are done following low-impact design principles.

The Land Use and Zoning Ordinance was modified to include protection of the native plant communities identified in the DNR's Native Plant Communities and Rare Species map by placing restrictions on development if native plant communities are present.

The Land Use and Zoning Ordinance was amended to require mitigation with the approval of after-the-fact shoreland alteration permits. The Governor's Alternative Shoreland Standards as pertains to resorts were adopted in ordinance.

Numerous lakescaping projects and rain gardens have been installed in already-developed areas. The SWCD was awarded a Clean Water Assistance grant for a watershed-based stormwater infiltration project near Middle Spunk Lake. There should be installation of approximately 30 infiltration practices (rain gardens, infiltration swales and infiltration basins). A Clean Water Assistance grant and two Clean Water Partnership grants enabled the SRWD to address stormwater runoff concerns in the cities of Cold Spring, St. Cloud, St. Joseph and Rockville. In 2011-2012 the SRWD's projects in Stearns County included 55 rain gardens, 24 shoreland/riparian projects, and 13 stormwater projects. The SWCD instituted the requirement for a permanent Shoreland Preservation Agreement on property which has received financial and/or technical assistance from the SWCD for shoreland projects.

CMWEA has run an effective educational campaign on the negative effects of stormwater runoff and uncontrolled erosion. The MS4 communities have benefited by belonging to CMWEA and thus meeting educational requirements contained in their NPDES permits. The success of the campaign is discussed further in the section on Source Water Accomplishments.

Permanent stormwater practices can be required as part of the platting process, a variance, conditional use or construction site permit request. The long-term operation and maintenance of these practices can be an issue. Stearns County inventoried all the industrial and residential storm water ponds that have been approved by the County since 2000 and now does regularly scheduled inspections.

Impaired Waters, Accomplishments 2008-2012

Objective A of Impaired Waters Priority Concern was primarily focused on reviewing the monitoring results from STORET, determining from the monitoring results which lakes, rivers and streams of the County needed further monitoring to allow a determination of impaired status, and developing and carrying out a monitoring plan such that the major water bodies could be assessed as either impaired or unimpaired. "Major" lakes were defined as those of greater than 200 acres and having significant population density. Monitoring was completed through funding from the County's Water Management Plan fund, a Surface Water Assessment Grant, and monitoring by the watershed districts. As a result of the monitoring conducted by the County and the watershed districts in 2008-2010, all the major lakes in the County had enough monitoring data by 2010 to be assessed for impairment status.

SSTS were inspected within the riparian area along the segments of the Sauk River that are impaired for *E.coli* and those that did not meet State standards were upgraded.

The *Plan 2008-2017* put a priority on offering environmental education to all the students in the County. Through a number of partners, including the Sauk River watershed District, Paynesville and ROCORI Wellhead Protection communities and the City of St. Cloud, the water festival program was expanded so that all fourth graders in the County have an opportunity to attend a water fest.

The SWCD has hosted a number of civic engagement events promoting agricultural BMP's, new technology and better land stewardship, e.g. a Methane Digester Field Day, a Field Day on Woodchip Bio-filters for the Treatment of Runoff, a Wildlife Habitat Management on Working Agricultural Lands Field Day and Certified Crop Advisor training events.

SWCD, Pheasants Forever, the Rice Lake Association, Koronis Lake Association, North Fork Crow River Watershed District and USDA partnered to promote CRP and shoreline restoration on the lakes.

Stearns County is the sponsor and fiscal agent for the Pelican Lake of St. Anna Clean Water Partnership Project. After the sampling results are compiled, modeling of the nutrient inputs will identify the amounts of nutrient loading that the subwatersheds are contributing and a plan will be developed, with the assistance of the Stearns County SWCD, to get the optimum benefit from installation of BMP's.

The SWCD continues to partner to establish the Conservation Marketplace Midwest. One of the reasons that this is significant is the continuing conversion of marginal agricultural land from programs such as CRP into production. An active Conservation Marketplace can potentially supplement the current incentive levels so that they more adequately compete with high crop prices.

The following table shows some of the conservation structures and practices implemented by the SWCD and NRCS since the *Plan* was adopted.

| Conservation Structures and Practices Implemented by Stearns Soil and Water Conservation District and Natural Resources Conservation Service | | | | | |
|--|-------|-------|-------|--------|-------|
| Practices | 2008 | 2009 | 2010 | 2011 | 2012 |
| Nutrient Management Planning (# of acres) | 26307 | 16767 | 17992 | 20,698 | 18192 |
| Waste Management Systems | 23 | 15 | 25 | 15 | 23 |
| Lakescaping Projects (# of projects) | 7 | 7 | 8 | 15 | 8 |
| Unpermitted Manure Basin Investigations | 34 | 13 | 14 | 13 | 8 |
| Environmental Quality Assurance Assessments | 23 | 18 | 10 | 9 | 3 |
| Continuous Conservation Reserve Program (# of CCRP contracts) | 113 | 120 | 52 | 17 | 11 |
| CCRP (# of acres) | 1885 | 2020 | 647 | 151 | 187 |
| Conservation Reserve Program (General) (# of CRP contracts) | | 59 | 49 | 24 | 59 |
| CRP General (# of acres) | | 2337 | 1689 | 461 | 1449 |
| Total Active Contracts (# of CRP & CCRP acres) | 29971 | 27928 | 28442 | 28866 | 28440 |

| | | | | | |
|--|-------|-------|-------|-------|-------|
| Environmental Quality Incentives Program Contracts (# of EQIP contracts) | 53 | 54 | 70 | 72 | 73 |
| Total Active EQIP Contracts (of contracts) | 128 | 139 | 137 | 108 | 94 |
| Conservation Security Program (# of contracts) | 110 | 58 | 47 | 135 | 169 |
| Conservation Security Program (# of acres) | 30600 | 15846 | 23011 | 51998 | 65069 |
| Sealing of unused wells | | 9 | 6 | 5 | 3 |
| Raingardens | | | | 49 | 6 |

Unfulfilled Action Items

Source Water Protection, Unfulfilled Action Items 2008-2012

Action Item 1. B.3 calls for inspection of areas within DWSMA's and shoreland for proper application of nutrients and review of land application records. This has not been accomplished for a number of reasons. Feedlots with less than 100 Animal Units are not required to keep manure land application records and most don't have written records. The Environmental Services Department reviews whether or not manure land application records are kept during compliance or construction inspections at feedlots with 100 AU or more. However, a determination of correct application from a review of records and inspections of manure application to crop land have not been a feedlot work plan goal due to constraints on staff time. It has been determined that one-on-one education is often the most effective means of achieving compliance.

Action Item 1. B.4 calls for inspection of NPDES II Construction Permits in the area of St. Cloud Priority Area A DWSMA. This was accomplished when there was an agreement between the ESD, SWCD and the MPCA to have an employee of Stearns County doing the inspections. This agreement expired in June 2009 and since that time inspections outside the municipal boundary of St. Cloud are conducted by an MPCA inspector on a complaint basis. The City of St. Cloud stormwater technician continues to inspect within the municipal boundaries and the County enforces the erosion control provisions of its Land Use and Zoning Ordinance.

Some of the public water suppliers with Wellhead Protection Plans have wanted inspections done of the SSTS in the vulnerable areas of their Drinking Water Supply Management Areas. Conducting SSTS inspections in the non-municipal areas of DWSMA's is an unresolved issue. The households which would be subject to an otherwise unrequired inspection are not necessarily the same households that will directly benefit from the protection of the public drinking water supply, and the municipality has no jurisdiction beyond its boundaries.

Development Impacts, Unfulfilled Action Items 2008-2012

The Natural Resources Conservation Design Overlay (Action Item 2.A.1) was put into Ordinance and has been utilized but its adoption has only been in a somewhat limited area. At this point only areas within the Avon Hills, which includes parts of four townships, have chosen the Natural Resources Conservation Design Overlay option.

A goal of the original Plan was the adoption of the Governor's Alternative Shoreland Standards (Action Item 2.A.9). The Standards were partially adopted at the County level, and the plan was to wait until it was adopted at the State level before proceeding further. This initiative is stalled at the State level and hasn't proceeded further at the local level.

Stearns County and SWCD had participated with the MPCA in a pilot program to have an employee at the local level ensure compliance with NPDES stormwater and erosion regulations construction permits. This program was terminated in June 2009. Since then the NPDES construction permits are inspected by MPCA on a complaint basis. A goal of the original *Plan* (Action Item 2.C.5) was to carry on the local NPDES inspections if the pilot program ceased, but there is not funding for this.

Impaired Waters, Unfulfilled Action Items 2008-2012

Objective A is concerned primarily with assessment of the waters of the County. In 2007 the MPCA initiated Intensive Watershed Monitoring, an approach that includes a 10-year rotation for assessing waters of the state on the level of Minnesota's major watersheds. The assessment of the North Fork Crow River was initiated in 2007, Sauk River watershed in 2008, Mississippi-St. Cloud watershed in 2009, and Mississippi-Sartell watershed will be in 2016. The monitoring objectives of the County have been largely suspended since the MPCA initiative will effectively replace much of the County's intended monitoring initiative.

Action Item 3.B.11 calls for inspection of areas within watersheds of impaired waters for proper application of nutrients and review of records of land application. This has not been accomplished for the reason stated above under Source Water Protection.

The establishment and maintenance of 50-foot permanently vegetated buffers in areas of agricultural use along public waters' shores was a goal of the *Plan 2008-2017* (Action Item 3.B.13). A grant from Clean Water Assistance Funds was requested to finance this initiative but was not funded. This initiative will continue to be part of the Implementation Plan.

Amended Implementation Plan

Stearns County is blessed with 201 Public Waters Basins and 326 Public Waters Wetlands. All the Waters of the State that are located within Stearns County merit restoration, if impaired, or protection, if not impaired. The County will implement appropriate initiatives to attain the goal of every water body and water course meeting the State's water quality standards.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Traverse County LWP Synchronization

Meeting Date: October 23, 2013

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: North Region

Contact: Pete Waller

Prepared by: Pete Waller

Reviewed by: North Region 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

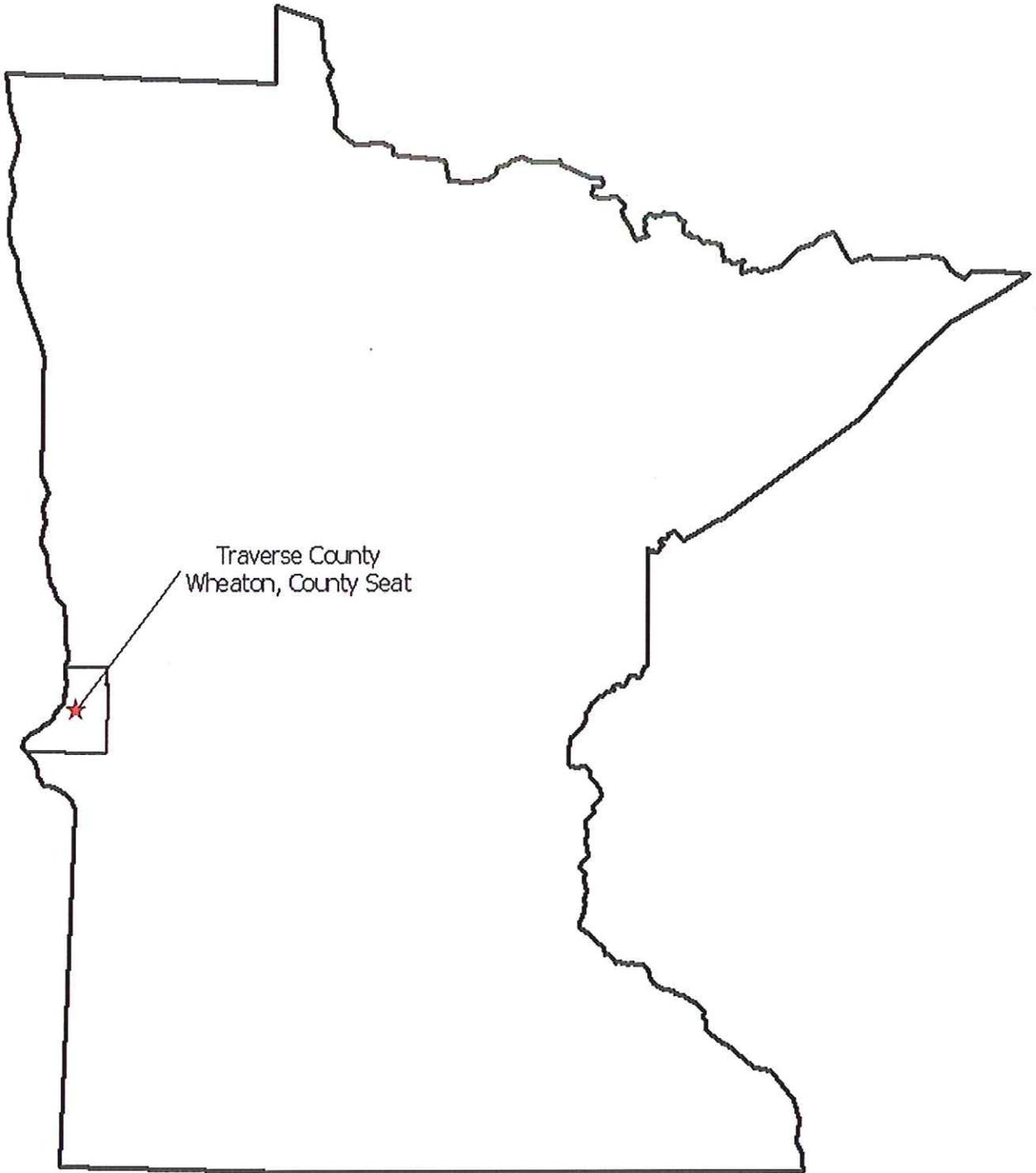
1. Traverse County requests BWSR extend the required ten-year amendment of the Traverse County Local Water Management Plan until the end of the calendar year following the Bois de Sioux Watershed District Plan amendment or December 31, 2017, as per BWSR Resolution #12-85 dated September 26, 2012.

LINKS TO ADDITIONAL INFORMATION

N/A

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

2. The request is based on the following:
 - The 2012 Legislative changes, 103B.101 Subd. 14, approving BWSR's local water management authorities under 103B, 103C and 103D creating the One Watershed One Plan campaign.
 - Also recognizes the value of WRAPS.
 - Along with synchronizing local water management planning and implementation with WRAPS is to ensure active participation by Counties, SWCDs and Watershed Districts in all efforts. Managing the current water planning update and revision requirements and deadlines in relationship to the recognizing this necessary commitment of time and resources by our local government partners is needed to accomplish a successful transition to the One Watershed One Plan along with using WRAPS to inform local water management plans and implementation.



Traverse County
Wheaton, County Seat

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

In the Matter of Extending the Comprehensive Local
Water Management Plan for **Traverse County**
(pursuant to Minnesota Statutes, 103B.3367,
authorizing BWSR to grant extensions)

ORDER SYNCHRONIZING
LOCAL WATER
MANAGEMENT PLAN

Whereas, Traverse County has a State approved Comprehensive Local Water Plan (CLWP) pursuant to Minnesota Statute, Section 103B.301, that is effective until December 31, 2014.

Whereas, the Board has authorization to grant extensions pursuant to Minnesota Statute 103B.3367;

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

FINDINGS OF FACT

1. On October 1, 2013, pursuant to Minnesota Statute, Section 103B.3367, the Board of Water and Soil Resources received a resolution from Traverse County requesting BWSR extend the required ten-year amendment of the Traverse County Local Water Management Plan until the end of the calendar year following the Bois de Sioux Watershed District Plan amendment or December 31, 2017, as per BWSR Resolution #12-85 dated September 26, 2012.
2. The following are resource planning efforts currently underway within Traverse County:
 - Watershed Restoration and Protection Strategy (WRAPS) in progress:
 - i. Mustinka River, anticipated completion 2015;
 - ii. Bois de Sioux River, anticipated completion 2016,
 - iii. Minnesota River – Headwaters Watershed, anticipated completion 2017.
 - Watershed District Overall Plans via 103D status:
 - i. Bois de Sioux Watershed District Overall Plan, anticipated completion 2017;
and
 - ii. Upper Minnesota River Watershed District approved for 2013 to 2023.
3. The extension of the Plan expiration date until the end of the calendar year following the Bois de Sioux Watershed District Plan amendment or December 31, 2017, as per BWSR Resolution #12-85 dated September 26, 2012, is based on the following:
 - The 2012 Legislative changes, 103B.101 Subd. 14, approving BWSR's local water management authorities under 103B, 103C and 103D creating the One Watershed One Plan campaign.
 - Also recognizes the value of WRAPS.

- Along with synchronizing local water management planning and implementation with WRAPS is to ensure active participation by Counties, SWCDs and Watershed Districts in all efforts. Managing the current water planning update and revision requirements and deadlines in relationship to the recognizing this necessary commitment of time and resources by our local government partners is needed to accomplish a successful transition to the One Watershed One Plan along with using WRAPS to inform local water management plans and implementation.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Traverse County pursuant to Minnesota Statute 103B.3367.

ORDER

The Board hereby extends the Plan expiration date until the end of the calendar year following the Bois de Sioux Watershed District Plan amendment or December 31, 2017, as per BWSR Resolution #12-85 dated September 26, 2012.

Date at St. Paul, Minnesota, this 23rd day of October 2013.

By: _____
Brian Napstad, Chairperson



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Wilkin County LWP Synchronization

Meeting Date: October 23, 2013

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: North Region

Contact: Pete Waller

Prepared by: Pete Waller

Reviewed by: North Region 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

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Wilkin County requests BWSR:

- Rescind its prior order dated September 26, 2012, which extended the required five-year update of the local water management plan to December 31, 2014;
- Waive the five-year required plan update; and
- Extend the Plan expiration date until one year following the last Watershed District Plan Amendment or December 31, 2018, as per BWSR Resolution #12-85 dates September 26, 2012.

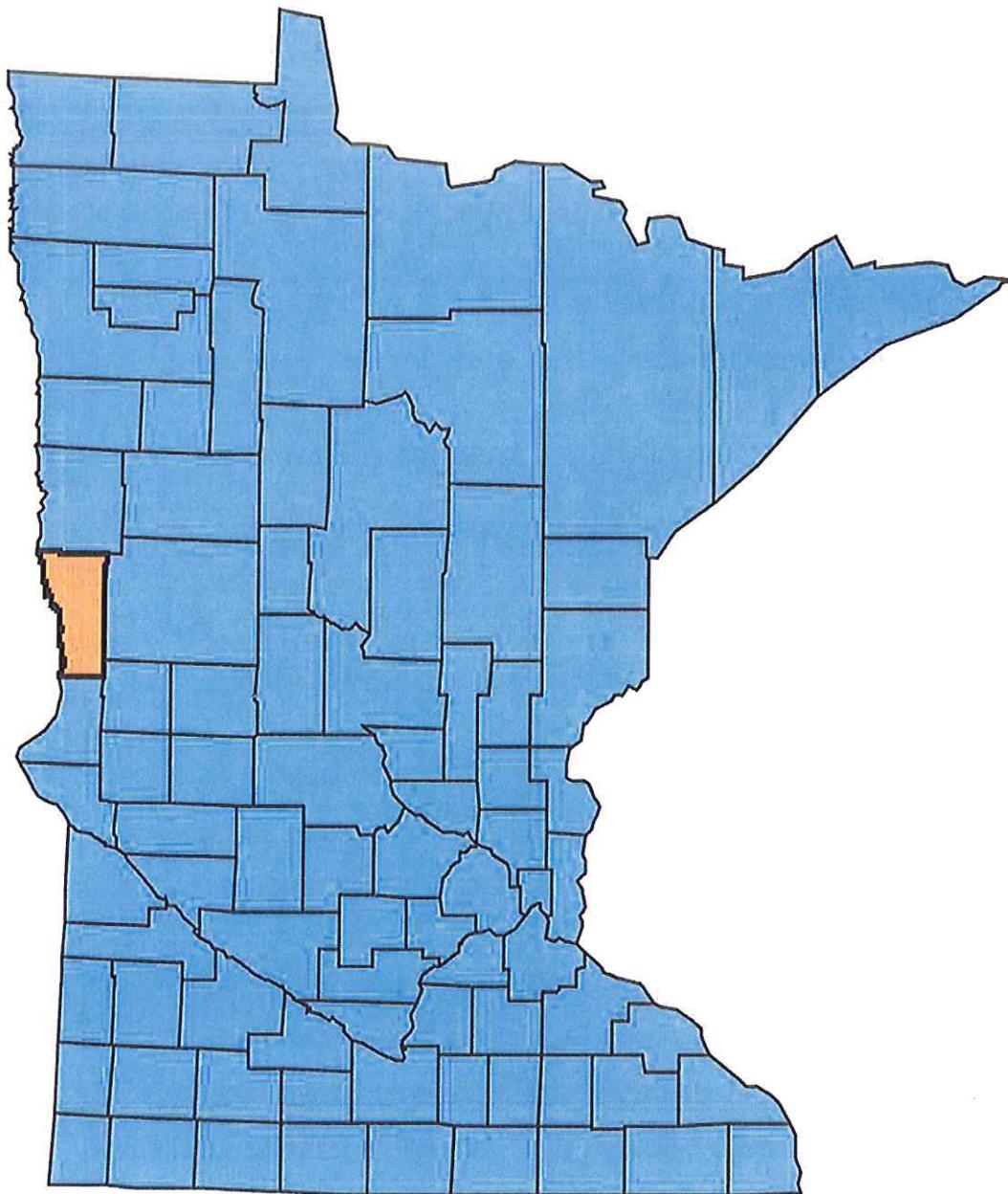
LINKS TO ADDITIONAL INFORMATION

N/A

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

1. The request is based on the following:
 - The 2012 Legislative changes, 103B.101 Subd. 14, approving BWSR's local water management authorities under 103B, 103C and 103D creating the One Watershed One Plan campaign.
 - Also recognizes the value of WRAPS.
 - Along with synchronizing local water management planning and implementation with WRAPS is to ensure active participation by Counties, SWCDs and Watershed Districts in all efforts. Managing the current water planning update and revision requirements and deadlines in relationship to the recognizing this necessary commitment of time and resources by our local government partners is needed to accomplish a successful transition to the One Watershed One Plan along with using WRAPS to inform local water management plans and implementation.

WILKIN COUNTY LOCATION MAP



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

In the Matter of Extending the Comprehensive Local
Water Management Plan For **Wilkin County**
(pursuant to Minnesota Statutes, 103B.3367,
authorizing BWSR to grant extensions)

ORDER SYNCHRONIZING
LOCAL WATER
MANAGEMENT PLAN

Whereas, Wilkin County has a State approved Comprehensive Local Water Plan (CLWP) pursuant to Minnesota Statute, Section 103B.301, that is effective until December 31, 2017, with the Implementation Section to be updated by December 31, 2014, as per the BWSR order dated September 26, 2012, and

Whereas, the Board has authorization to grant extensions pursuant to Minnesota Statute 103B.3367.

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

FINDINGS OF FACT

1. On September 10, 2013, pursuant to Minnesota Statute, Section 103B.3367, the Board of Water and Soil Resources received a resolution from Wilkin County requesting BWSR:
 - Rescind its prior order dated September 26, 2012, which extended the required five-year update of the local water management plan to December 31, 2014;
 - Waive the five-year required plan update; and
 - Extend the Plan expiration date until one year following the last Watershed District Plan Amendment or December 31, 2018, as per BWSR Resolution #12-85 dated September 26, 2012.

2. The following are resource planning efforts currently underway within Wilkin County:
 - Total Maximum Daily Load (TMDL) for the Lower Otter Tail River was completed in 2007.
 - Watershed Restoration and Protection Strategy (WRAPS) in progress:
 - i. Bois de Sioux River, anticipated completion 2016,
 - ii. Upper Red River, anticipated completion 2014,
 - iii. Buffalo River, anticipated completion 2014.
 - WRAPS yet to begin:
 - i. Otter Tail River anticipated start in 2017 and completion in 2022.
 - Watershed District Overall Plans via 103D in progress:
 - i. Bois de Sioux Watershed District Overall Plan, anticipated completion 2017; and
 - ii. Buffalo Red River Watershed District Overall Plan, anticipated completion 2014.

3. The request rescinding of the Order which extended the required five-year update of the local water management plan to December 31, 2014, waiving the five-year required plan update, and extending the Plan expiration date until one year following the last Watershed District Plan Amendment or December 31, 2018, as per BWSR Resolution #12-85 dated September 26, 2012 is based on the following:
 - The 2012 Legislative changes, 103B.101 Subd. 14, approving BWSR's local water management authorities under 103B, 103C and 103D creating the One Watershed One Plan campaign.
 - Also recognizes the value of WRAPS.
 - Along with synchronizing local water management planning and implementation with WRAPS is to ensure active participation by Counties, SWCDs and Watershed Districts in all efforts. Managing the current water planning update and revision requirements and deadlines in relationship to the recognizing this necessary commitment of time and resources by our local government partners is needed to accomplish a successful transition to the One Watershed One Plan along with using WRAPS to inform local water management plans and implementation.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Wilkin County pursuant to Minnesota Statute 103B.3367.

ORDER

The Board hereby rescinds its September 26, 2012, Order which extended the required five-year update of the Local Water Management Plan to December 31, 2014, waives the five-year required Plan update, and extends the Plan expiration date until one year following the last Watershed District Plan Amendment or December 31, 2018, as per BWSR Resolution #12-85 dated September 26, 2012 .

Date at St. Paul, Minnesota, this 23rd day of October 2013.

By: _____
Brian Napstad, Chairperson



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Revised Watershed Management Plan Hearing
Sauk River Watershed District

Meeting Date: October 23, 2013

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: North Region

Contact: Travis Germundson/ Jason Weinerman

Prepared by: Travis Germundson

Reviewed by: Northern Region Committee Committee(s)

Presented by: Gene Tiedemann or Travis Germundson

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

Board authorization is needed to schedule and hold a public hearing on the revised watershed management plan for the Sauk River Watershed District (SRWD).

LINKS TO ADDITIONAL INFORMATION

Link to Map of Watershed <http://srwdmn.org/pdf/maps/saukriverbasemap.pdf>

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

The SRWD filed a draft revised watershed management plan dated July 2013 with the Board of Water and Soil Resources on July 18, 2013 in accordance with Minn. Stat. § 103D.405. The plan was sent out for review to multiple local, state, and federal agencies. The Board must give notice and hold a hearing on the revised plan within 45 days after receiving the Department of Natural Resource’s recommendations on the revised plan unless the Board finds the plan noncontroversial (103D.105 Subd 2.). The Plan proposes to establish a water management district pursuant to Minn. Stat. 103D.729 for the purpose of collecting revenues and paying cost for projects. BWSR staff has recommended that a public hearing be held.

A watershed district is required to revise their watershed management plan at least once every ten years. The latest water management plan for the SRWD was prescribed by the Board on August 28, 2002.

The Northern Region Committee met on October 9, 2013 and recommended that a public hearing be held within 45 days after receiving the Department of Natural Resource’s recommendation on the revised plan. The Northern Region Committee will preside over the public hearing and bring recommendations on the draft revised plan to the Board. The Executive Director will set the date, time and location of the public hearing after coordinating with the appropriate parties per the attached draft Order.

In the Matter of a Revised Watershed Management
Plan for the Sauk River Watershed District
pursuant to Minnesota Statutes 103D.405

**ORDER
REVISED WATERSHED
MANAGEMENT PLAN
HEARING**

Whereas, the Sauk River Watershed District (SRWD) filed a proposed Revised Watershed Management (Plan) dated July 2013 with the Board of Water and Soil Resources (Board) on July 18, 2013, pursuant to Minn. Stat. § 103D.405, 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. **District Establishment.** The District was established on July 22, 1986 by Order of the Water Resource Board. The District is located in central Minnesota and includes parts of Stearns, Todd, Pope, Douglas, and Meeker Counties. The mission of the District is to apply unique abilities and authorities in ways that protect and enhance our watershed's resources for today and tomorrow.
2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Sudd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board on August 28, 2002. This is the third generation Plan of the District. The Plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resource management. The plan also establishes a water management district pursuant to Minn. Stat. § 103D.729 for the purpose of collecting revenues and paying cost for projects initiated under Minn. Stat. §§ 103D.601, 103D.605, 103D.611 or 103D.730.

3. **Nature of the Watershed.** The SRWD is approximately 1,042 square miles in size and is located in central Minnesota. Lands within the District are distributed in Stearns (64.4%), Todd (20.6%), Douglas (8.8%), Pope (4.8%), and Meeker (1.4%). Majority of the land cover falls within cultivated crop and pasture or grassland. Drainage is primarily south east from Lake Osakis to the Mississippi River by way of the main stem of the Sauk River. There are several cities at least partially within the watershed district's boundaries including Osakis, Sauk Centre, Waite Park, and St. Cloud. Six major streams and their tributaries flow through the watershed district for a total length of approximately 1,682 miles. Several of these streams are identified as impaired and are listed on the state's 303(d) list of impaired waters. There are 28 public drainage systems with about 179 miles of ditches. The Watershed District is the drainage authority for about 92 miles of ditches in Stearns and Pope Counties.
4. **Highlight of the Plan.** The Sauk River Watershed District management plan identifies core district activities which include: monitoring, education, outreach and public relations, programs and capital projects, and regulatory. The plan divides the watershed into ten Water Management Districts. Each management district has activities that will be led by the watershed district and recommends activities for partner organizations. The management plan indicates that there is a watershed management district charge that will be levied on landowners within the management unit to accomplish the identified management activity. This levy authority is based upon Minn. Stat. § 103D.729. The plan identifies a calendar of predicted timeframes within which the management district charges will be initiated and then an estimated time frame for the suspension of the charges. In addition, the plan calls for specific pollution reductions within each management unit to bring these units into compliance with state water quality standards. The plan strikes a balance between serving as an overarching strategic framework for the next ten years and providing specific actionable recommendations that will allow for annual measurement of plan accomplishment.
5. **Filing.** The SRWD sent a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103D.405.
6. **Public Hearing.** The Board must give notice and hold a hearing on the proposed Plan within 45 days after receiving the Department of Natural Resources' recommendation on the revised Plan pursuant to Minn. Stat. § 103D.405 Subd.5 (a).
7. **Hearing Panel.** Board members of the Northern Regional Committee should preside over the hearing and bring a recommendation to the Board.
8. **Hearing Time.** The Executive Director should determine the date of the hearing after coordinating with the appropriate parties.
9. **Hearing Location.** The public hearing should be held at the Sauk Centre City Hall in Stearns. If scheduling conflicts arise the Executive Director should choose another suitable location.

CONCLUSIONS

1. The proposed Revised Plan is valid in accordance with Minn. Stat. § 103D.405.
2. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a watershed district Revised Plan hearing.
4. The hearing on the Revised Plan for the SRWD should be presided over by the Northern Regional Committee.
5. The Executive Director shall make a decision on the date of the public hearing after coordinating with the appropriate parties.
6. The public hearing shall be held at the Sauk Centre City Hall in Stearns County.
7. If scheduling conflicts arise the Executive Director shall choose another suitable location.

ORDER

The Board hereby orders a public hearing be held within 45 days after receiving the Department of Natural Resources' recommendation on the revised Plan for the SRWD to be presided over by the Northern Regional Committee at a date and location to be determined by the Executive Director.

Dated at Saint Paul, Minnesota this 23th day of October, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Public Hearing for Redistribution of Managers of the Middle-Snake-Tamarac Rivers Watershed District

Meeting Date: November 13, 2013

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: North

Contact: Brian Dwight

Prepared by: Brian Dwight

Reviewed by: Northern Region Committee Committee(s)

Presented by: Gene Tiedemann

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

None General Fund Budget

Amended Policy Requested Capital Budget

New Policy Requested Outdoor Heritage Fund Budget

Other: Clean Water Fund Budget

ACTION REQUESTED

Information only

LINKS TO ADDITIONAL INFORMATION

N/A

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

At the September 25, 2013 BWSR Board Meeting the Board approved an order to hold a public hearing in accordance with Minnesota Statute 103D.301 regarding a petition from Polk County requesting the redistribution of Managers for the Middle-Snake-Tamarac Rivers Watershed District. In the conclusions of this order the Board stated the BWSR Executive Director shall decide on the date and suitable location if scheduling conflicts arise at the Warren City Offices Building. The Northern Region Committee (based on availability to attend) determined November 13, 2013 at 6:00 pm to 7:30 pm is the date and time to hold the hearing. Due to the anticipated attendance the location is changed from the Warren City Offices Building, to the Bremer Bank Community Room, Warren MN.

Grants Program & Policy Committee

1. Targeted Watershed Demonstration Program – Paul Langseth, Staff: Marcey Westrick and Dave Weirens – ***DECISION ITEM***
2. Soil Erosion and Drainage Law Compliance Program – Paul Langseth, Staff: Al Kean – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Targeted Watershed Demonstration Program

Meeting Date: 10-23-2013

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Land and Water Section

Contact: Marcey Westrick

Prepared by: Marcey Westrick

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Marcey Westrick and 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

The Board is requested to authorize the FY2014 CWF Targeted Watershed Demonstration Program.

LINKS TO ADDITIONAL INFORMATION

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

The Targeted Watershed Demonstration Program is proposed to have a solicitation period from October 28 to December 13 and will operate under the FY2014 Clean Water Fund Policy that was adopted by the Board on August 29, 2013. The scoring process will include staff from the DNR, MDA, MDH, PCA, and BWSR. The Grants Program and Policy Committee will be meeting on October 22, 2013 to review the draft Request for Interest and generate a recommendation for Board consideration.



Board Resolution # 13-

**TARGETED WATERSHED DEMONSTRATION PROGRAM
AUTHORIZATION**

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, Article 2, Section 7; 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 Board has previously adopted the FY 2014 Clean Water Fund Policy on August 29, 2013, and,

WHEREAS, the Targeted Watershed Demonstration Program will operate under the FY 2014 Clean Water Fund Policy with the exception of match, 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(a) will be evaluated and watersheds will be selected according to the following process:

- 1) All nominated watersheds submitted for consideration will first be screened by BWSR staff based on the following criteria:
 - A. Suitability of the watershed for this program (20 points);
 - B. Extent of water quality and quantity monitoring (20 points);

- C. Knowledge of the applicant organization regarding pollution sources and pathways (20 points);
 - D. The level of landowner/occupier interest and willingness to participate in water quality implementation actions (20 points); and
 - E. The availability of financial and technical resources available to the proposed watershed (20 points).
- 2) The highest screened applicants will be invited for an interview with an interagency Selection Committee. The Selection Committee will consist of representatives of the Board of Water and Soil Resources, Pollution Control Agency, Department of Natural Resources, Minnesota Department of Agriculture, and the Minnesota Department of Health. The criteria that will be used during the interview process are:
- A. The amount of existing local effort occurring within the watershed;
 - B. The significance of the water resource;
 - C. Efforts of the applicant to address the long-term sustainability of soil and water resources within their jurisdiction;
 - D. The applicant has a systematic way to address non-point water quality issues; and
 - E. Commitment of other agencies, non-profits, and private interests.
- 3) 3-6 watersheds will be selected by the Board of Water and Soil Resources based on recommendations of the Selection Committee.

WHEREAS, the Grants Program and Policy Committee reviewed the Targeted Watershed Demonstration Program as proposed by staff on October 22, 2013.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

Authorizes staff to finalize, distribute and promote a Request for Information (RFI) for the Targeted Watershed Demonstration Program consistent with the provisions of appropriations enacted in 2013, Minn. Stat. 103B.3369 and this Board resolution.

 Brian Napstad, Chair
 Board of Water and Soil Resources

Date: _____



Targeted Watershed Demonstration Program

Request for Interest

October 28, 2013

DRAFT – Pending Committee Approval

About the program

In 2013, legislation was passed that requires the Minnesota Board of Water and Soil Resources (BWSR) to award grants to local government units organized for the management of water in a watershed or subwatershed that have multiyear plans that will result in a significant reduction in water pollution in a selected subwatershed. Priority in making grants must be given to the three to six best designed plans each year.

Based on this legislation, BWSR created the **Targeted Watershed Demonstration Program** and is seeking nominations for three to six project watersheds to participate. Eligible watersheds are those where the change required achieve a water quality improvement is known, the types of actions required to achieve those results have been identified, and a significant number of those actions can be implemented within a four-year timeframe.

Priority will be given to watersheds where there are current water quality impairments or priority water resources near the tipping point of becoming impaired. Proposed watersheds should have the threat to the water resource clearly identified, a thorough understanding of the pollution sources and pathways within the watershed, and baseline water quality data against which change can be assessed. Preference will be given to watersheds that are 10 or 12-digit Hydrologic Unit Codes. While protection of high quality resources is important and a critical part of the Clean Water effort, this program focuses on demonstrating water quality improvements, not on sustaining high quality systems.

Clean Water Funding Amount

Up to \$12,000,000

General Requirements

25% cash match: Match includes cash from landowners, non-profits, non-state units of government, or private entities. In-kind landowner services are not considered match for this program.

Applicant Eligibility

Eligible applicants include Watershed Districts, Watershed Management Organizations, and Watershed-based Joint Power Organizations. Counties, Soil and Water Conservation Districts and formal partnerships of these organizations with a hydrologic watershed contained wholly within the partnership boundary are also eligible to apply. Applicants must be working under a current state approved and locally adopted water management plan.

This is a demonstration program, and as a result, watersheds that are participating in the Minnesota Department of Agriculture's Water Quality Certification Program are not eligible for this initial FY2014 funding request.

Targeted Watershed Nominations

To nominate a watershed in your area, provide a written response to the following questions. Written responses are subject to a five-page limit (watershed maps are not included in the page limit).

- 1) Why would the proposed watershed and its associated water resource be a good candidate for this demonstration program?
 - a. Define the water quality concern to be addressed.
 - b. Describe land use/land cover, hydrologic connections, soils, topography and ownership patterns within the watershed, and,
 - c. Provide a map that outlines the proposed watershed and all jurisdictional boundaries.
- 2) Describe the extent to which water quality and quantity monitoring has occurred to date in the proposed watershed.
 - a. Include a table that details the monitoring location(s) along with the year(s), month(s) and parameters monitored.
 - b. Describe any plans to monitor this watershed in the future.
- 3) Describe the breadth of knowledge your organization has about the pollution sources and pathways within this watershed.
 - a. Describe the methods, results of inventory and source targeting done to date, or that are in progress, to identify the most critical pollution sources or risks within the watershed that are responsible for causing impairments or threats to the surface water quality.
- 4) Describe the level of landowner/occupier interest and willingness to participate in implementing known actions.
 - a. What evidence supports the conclusion?
- 5) Describe the expected financial and technical resources available to the proposed watershed (local, state, and federal) and your organization's experience within the watershed area to successfully demonstrate a significant reduction in water pollution.
 - a. Describe what additional technical resources would be needed locally to implement this project.

Submittal

All responses must be electronically delivered to: BWSR.Grants@state.mn.us and must be received no later than 4:30 p.m. on December 13, 2013. Late responses will not be considered. The burden of proving timely receipt is upon the applicant.

Evaluation

- 1) All nominated watersheds submitted for consideration will first be screened by BWSR staff based on responses to questions #1-5. The screening range for the response to each question will be 0 -20 points. The maximum score per request is 100 points.
- 2) Applicants that submit a watershed that are deemed candidates for final selection (as recommended by BWSR staff) will then be invited for an interview with the Selection Committee to answer additional questions (to be provided to applicants ahead of time). The criteria that will be used during the interview process includes 1) the amount of existing local effort occurring within the watershed, 2) the significance of the water resource, 3) efforts of the applicant to address the long-term sustainability of soil and water resources within their jurisdiction, 4) the applicant has a systematic way to address non-point water quality issues and 5) commitment of other agencies, non-profits, and private interests.

- 3) 3-6 watersheds will be selected by the Board of Water and Soil Resources based on recommendations of the Selection Committee.

*The Selection Committee will be made up of representatives of the Minnesota Board of Water and Soil Resources, Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Minnesota Department of Agriculture, and the Minnesota Department of Health.

Timeline

- October 28, 2013 - Nomination period begins
- December 13, 2013 - Nomination deadline at 4:30 PM
- March 27, 2014 - BWSR Board selects watersheds
- May 23, 2014 - Work plan submittal deadline
- June 1, 2014 - Grant execution deadline

Questions

Questions concerning submittal of a watershed will be taken via a webinar on November 5, 2013 from 10:00 a.m. to 11:00 a.m. Additional questions may also be submitted by email to cwfquestions@state.mn.us. Responses will be posted on the BWSR website weekly.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Soil Erosion and Drainage Law Compliance Program

Meeting Date: October 23, 2103

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: _____

Contact: Al Kean

Prepared by: Tim Gillette

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Al Kean

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

Approve the **Soil Erosion and Drainage Law Compliance Program** and associated RFP for distribution and use.

LINKS TO ADDITIONAL INFORMATION

Attached: RFP

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

See Attached

The 2013 Minnesota Legislature appropriated Clean Water funds to the Board of Water and Soil Resources (BWSR) to be used *for grants to local units of government to ensure compliance with Minnesota Statutes Chapter 103E (Drainage Law) and Sections 103F.401 to 103F.455 (state Soil Erosion Control provisions), including enforcement efforts.*

In response to this appropriation, BWSR created the **Soil Erosion and Drainage Law Compliance Program**. The purpose of this program is to restore and protect surface water quality, particularly impaired waters, by supplementing local efforts to apply existing soil erosion reduction and drainage statutes across Minnesota.

The appropriation language follows:

Session Laws of 2013, Chapter 137, HF-1183, Article 2, Section 7(e)

(e) \$1,700,000 the first year and \$1,700,000 the second year are for grants to local units of government to ensure compliance with Minnesota Statutes, chapter 103E, and sections 103F.401 to 103F.455, including enforcement efforts. Of this amount, \$235,000 the first year is to update the Minnesota Public Drainage Manual and the Minnesota Public Drainage Law Overview for Decision Makers and to provide outreach to users.

The appropriation language has three key elements:

1. The appropriation is for grants to local government units.
2. Compliance and enforcement are to be the focus of the grants.
3. The basis of compliance and enforcement will be the entirety of *Chapter 103E Drainage* along with Sections 103F.401 to 103F.455 of *Chapter 103F Protection of Water Resources*; the latter dealing with Soil Erosion and soil loss ordinances.

The **Soil Erosion and Drainage Law Compliance Program (SEDLCP)** was defined and encapsulated in the attached RFP. To address compatibility issues with eLINK related to local match, the SEDLCP was divided into three subprograms in the RFP.

Subprogram 1 – Soil Erosion

| Eligible Activity | | Description | Match Required |
|-------------------|--|--|----------------|
| 1a. | Compliance spot checks and enforcement of an existing County soil loss ordinance. | Check for average annual cropland soil loss less than the maximum allowed by County ordinance. | 25% |
| 1b. | Compliance spot checks of USDA Highly Erodible Land (HEL) Plans and identification of corrective actions needed. | Compliance spot checks for existing USDA Highly Erodible Land (HEL) plans. A proposal to conduct compliance spot checks for HEL plans will require clear definition of partnering with NRCS and FSA. | |
| 1c. | Development and adoption of County soil loss ordinance. | Planning and technical assistance for adoption of a county soil loss ordinance or augmented implementation of a county soil loss ordinance. This activity must result in the adoption of a county soil loss ordinance within the grant period. | |

Subprogram 2 – Drainage Ditch Inventory and Inspection

| Eligible Activity | | Description | Match Required |
|-------------------|---|--|----------------|
| 2a. | Inventory Chapter 103E drainage ditches <u>that are public waters</u> . | Determine the status of compliance with the Section 103E.021 buffer strip requirement and the 50-ft. Shoreland Buffer Rule 6120.3300, Subpart 7 requirement for all drainage ditches in the drainage authority's jurisdiction that are public waters. Develop a plan to enforce the applicable requirements. | 25% |
| 2b. | Inventory Chapter 103E drainage ditches where erosion and sediment contribute substantially to impaired waters and/or excess sediment accumulation and prioritize the sites for implementation. | Identify priority side inlet control and buffer strip needs for which the following authorities apply (<u>grant funding for inventory(ies) only, not for practice establishment</u>): a. Section 103E.021, Subd. 6 Incremental Implementation of Vegetated Ditch Buffer Strips and Side Inlet Controls; and b. Section 103E.011, Subd. 5 Use of External Sources of Funding. | |
| 2c. | Inventory Chapter 103E drainage systems where sediment and/or nutrients contribute substantially to impaired waters, and identify opportunities for wetland restoration, drainage water storage and treatment. | Inventory drainage systems and identify wetland restoration or other drainage water storage and treatment opportunities within the watershed of the drainage system for which either of the following provisions apply: a. Section 103E.701 Repairs, Subd. 6. Wetland Restoration and Mitigation; and b. Section 103E.011, Subd. 5 Use of External Sources of Funding. | |
| 2d. | Develop an <u>inspection plan</u> and <u>database</u> for all Chapter 103E drainage ditch systems under the drainage authority's jurisdiction to enhance drainage ditch inspection. (<u>Does not include funding for drainage records scanning or data creation, nor for a drainage inspector.</u>) | Facilitate compliance with the following provisions: a. Section 103E.705 Repair Procedure, Subd. 1 Inspection, which requires inspection at a minimum every 5 years, and annually if there is a violation of Section 103E.021 until the violation is resolved. b. Section 103E.705 Repair Procedure, Subd. 2 Permanent Strip of Perennial Vegetation Inspection and Compliance Notice, which requires the drainage authority to inspect applicable drainage ditches for violations of Section 103E.021. c. Section 103E.067 Ditch Buffer Strip Annual Reporting, which is due from drainage authorities to BWSR by February 1 for data from the previous calendar year. | |

Subprogram 3 – Redetermination of Benefits and Drainage Ditch Buffer Strips

| | Eligible Activity | Description | Match Required |
|-----|--|---|----------------|
| 3a. | <p>Redetermine benefits and damages on Chapter 103E drainage ditch(es) and establish buffer strips <u>for ditch systems with more than 80% of the drainage area within the current benefited lands of the ditch system and where there are impaired waters and/or excess sediment accumulations. (Does not include funding for buffer strip right-of-way and establishment.)</u></p> | <p>Redetermination of benefits and damages for Chapter 103E drainage ditch(es) not already having Section 103E.021 buffer strips, and associated establishment of ditch buffer strips in accordance with the following provisions:</p> <ul style="list-style-type: none"> a. Section 103E.351 Redetermination of Benefits and Damages; b. Section 103E.021 Ditches Must Be Planted with Perennial Vegetation. <p>This activity must result in the redetermination being accomplished within the grant period.</p> | 50% |



Board Resolution # 13-

FY 2014 CLEAN WATER FUND COMPETITIVE SOIL EROSION AND DRAINAGE LAW COMPLIANCE GRANT PROGRAM - 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, Article 2, Section 7(e) for grants to local government units to ensure compliance with *Chapter 103E Drainage*, and *Chapter 103F Protection of Water Resource; Sections 103F.401 to 103F.455* (state soil erosion provisions); 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 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 a Soil Erosion and Drainage Law Compliance Program established with funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(e) will be evaluated based on the following criteria:

Ranking Criteria

| Subprogram 1 - Soil Erosion | |
|---|-------------------------|
| Ranking Criteria | Maximum Points Possible |
| Anticipated water quality benefits relative to cost. | 30 |
| Relationship to a Plan: The proposal is clearly based on priority protection or restoration actions listed in or derived from an eligible water management plan. | 15 |
| % of LGU lands impacted by the eligible activity based on an accepted definition of high priority areas (e.g. map of highly erodible lands, definition of erosion problem areas via a | 20 |

| | |
|--|------------|
| TMDL, WRAPS, or other study) (i.e. definition of critical erosion areas and % to be addressed by the activity) | |
| Staffing plan sufficient to accomplish the activities applied for | 10 |
| Connection to program purposes. | 25 |
| Total Points Available | 100 |

| Subprogram 2 – Drainage Ditch Inventory and Inspection | |
|--|--------------------------------|
| Ranking Criteria | Maximum Points Possible |
| Anticipated water quality benefits relative to cost. | 30 |
| Relationship to a Plan: The proposal is clearly based on priority protection or restoration actions listed in or derived from an eligible water management plan. | 15 |
| Miles of Chapter 103E ditches to be inventoried compared to total Chapter 103E ditch miles in the jurisdiction (2b., 2c.), or total miles of Chapter 103E drainage ditches under the drainage authority's jurisdiction (2a., 2d.). | 15 |
| Staffing plan sufficient to accomplish the activities applied for | 10 |
| Connection to program purposes. | 30 |
| Total Points Available | 100 |

| Subprogram 3 – Redetermination of Benefits and Drainage Ditch Buffer Strips | |
|--|--------------------------------|
| Ranking Criteria | Maximum Points Possible |
| Anticipated water quality benefits relative to cost. | 40 |
| Relationship to a Plan: The proposal is clearly based on priority protection or restoration actions listed in or derived from an eligible water management plan. | 20 |
| Total miles of Chapter 103E buffer strips to be established. | 20 |
| Connection to program purposes. | 20 |
| Total Points Available | 100 |

WHEREAS, the Grants Program and Policy Committee reviewed the Soil Erosion and Drainage Law Compliance Program Request for Proposals developed by staff, on October 22, 2013.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

Authorizes staff to finalize, distribute and promote a Request For Proposals (RFP) for the FY2014 Clean Water Fund Competitive Soil Erosion and Drainage Law Compliance Grants Program consistent with the provisions of appropriations enacted in 2013, Minn. Stat. 103B.3369, and this Board resolution.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: _____

Attachment: FY2014 Clean Water Fund Soil Erosion and Drainage Law Compliance Competitive Grants Request for Proposals



Soil Erosion and Drainage Law Compliance Program



Request for Proposal

October 28, 2013

About the program

The 2013 Minnesota Legislature appropriated Clean Water Funds to the Board of Water and Soil Resources (BWSR) to be used *for grants to local units of government to ensure compliance with Minnesota Statutes Chapter 103E (Drainage Law) and Sections 103F.401 to 103F.455 (state Soil Erosion Control provisions), including enforcement efforts.* In response to this appropriation, BWSR created the **Soil Erosion and Drainage Law Compliance Program**. The purpose of these grants is to restore and protect surface water quality, particularly impaired waters, and to supplement local efforts to sustain clean water in Minnesota, by applying existing soil erosion reduction and drainage ditch statutes.

Type of Program

Competitive

Clean Water Funding Available

\$1,355,000

General Requirements

- The proposal should demonstrate significant, measurable project outputs that will help achieve water quality objectives. Proposals should include outputs such as location of riparian buffers needed or required along Chapter 103E drainage ditches that are public waters, prioritized inventories of Chapter 103E drainage ditch incremental buffer strip and side inlet control needs, spot checks for soil loss ordinance and/or highly erodible land plan compliance, soil loss ordinance written and adopted, and /or drainage system inspection plan and database developed.
- The primary purpose of activities funded with grants associated with the Clean Water Fund is to restore, protect, and enhance water quality. Eligible activities must be consistent with a watershed management plan that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy document, surface water intake plan, or well head protection plan. Local governments may use a connection 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.
- Depending on the Subprogram of eligible activities proposed, either a 25% or 50% non-state match is required. NOTE: Subprogram applications must be submitted separately.

Applicant Eligibility

Eligible applicants include Chapter 103E County and Watershed District Drainage Authorities, Counties, and Soil and Water Conservation Districts working in partnership with one or more eligible Counties or Watershed Districts.

Eligible Activities and Local Match Requirements

Subprogram 1 – Soil Erosion

| Eligible Activity | | Description | Match Required |
|-------------------|--|--|----------------|
| 1a. | Compliance spot checks and enforcement of an existing County soil loss ordinance. | Check for average annual cropland soil loss less than the maximum allowed by County ordinance. | 25% |
| 1b. | Compliance spot checks of USDA Highly Erodible Land (HEL) Plans and identification of corrective actions needed. | Compliance spot checks for existing USDA Highly Erodible Land (HEL) plans. A proposal to conduct compliance spot checks for HEL plans will require clear definition of partnering with NRCS and FSA. | |
| 1c. | Development and adoption of County soil loss ordinance. | Planning and technical assistance for adoption of a county soil loss ordinance or augmented implementation of a county soil loss ordinance. This activity must result in the adoption of a county soil loss ordinance within the grant period. | |

Subprogram 2 – Drainage Ditch Inventory and Inspection

| Eligible Activity | | Description | Match Required |
|-------------------|--|--|----------------|
| 2a. | Inventory Chapter 103E drainage ditches <u>that are public waters</u> . | Determine the status of compliance with the Section 103E.021 buffer strip requirement and the 50-ft. Shoreland Buffer Rule 6120.3300, Subpart 7 requirement for all drainage ditches in the drainage authority's jurisdiction that are public waters. Develop a plan to enforce the applicable requirements. | 25% |
| 2b. | Inventory Chapter 103E drainage ditches where erosion and sediment contribute substantially to impaired waters and/or excess sediment accumulation and prioritize the sites for implementation. | Identify priority side inlet control and buffer strip needs for which the following authorities apply (<u>grant funding for inventory(ies) only, not for practice establishment</u>): a. Section 103E.021, Subd. 6 Incremental Implementation of Vegetated Ditch Buffer Strips and Side Inlet Controls; and b. Section 103E.011, Subd. 5 Use of External Sources of Funding. | |
| 2c. | Inventory Chapter 103E drainage systems where sediment and/or nutrients contribute substantially to impaired waters, and identify opportunities for wetland restoration, drainage water storage and treatment. | Inventory drainage systems and identify wetland restoration or other drainage water storage and treatment opportunities within the watershed of the drainage system for which either of the following provisions apply: a. Section 103E.701 Repairs, Subd. 6. Wetland Restoration and Mitigation; and b. Section 103E.011, Subd. 5 Use of External Sources of Funding. | |

| | | | |
|-----|--|--|--|
| 2d. | <p>Develop an <u>inspection plan</u> and <u>database</u> for all Chapter 103E drainage ditch systems under the drainage authority's jurisdiction to enhance drainage ditch inspection. <u>(Does not include funding for drainage records scanning or data creation, nor for a drainage inspector.)</u></p> | <p>Facilitate compliance with the following provisions:</p> <ul style="list-style-type: none"> a. Section 103E.705 Repair Procedure, Subd. 1 Inspection, which requires inspection at a minimum every 5 years, and annually if there is a violation of Section 103E.021 until the violation is resolved. b. Section 103E.705 Repair Procedure, Subd. 2 Permanent Strip of Perennial Vegetation Inspection and Compliance Notice, which requires the drainage authority to inspect applicable drainage ditches for violations of Section 103E.021. c. Section 103E.067 Ditch Buffer Strip Annual Reporting, which is due from drainage authorities to BWSR by February 1 for data from the previous calendar year. | |
|-----|--|--|--|

Subprogram 3 – Redetermination of Benefits and Drainage Ditch Buffer Strips

| | Eligible Activity | Description | Match Required |
|-----|--|---|----------------|
| 3a. | <p>Redetermine benefits and damages on Chapter 103E drainage ditch(es) and establish buffer strips <u>for ditch systems with more than 80% of the drainage area within the current benefited lands of the ditch system and where there are impaired waters and/or excess sediment accumulations. (Does not include funding for buffer strip right-of-way and establishment.)</u></p> | <p>Redetermination of benefits and damages for Chapter 103E drainage ditch(es) not already having Section 103E.021 buffer strips, and associated establishment of ditch buffer strips in accordance with the following provisions:</p> <ul style="list-style-type: none"> a. Section 103E.351 Redetermination of Benefits and Damages; b. Section 103E.021 Ditches Must Be Planted with Perennial Vegetation. <p>This activity must result in the redetermination being accomplished within the grant period.</p> | 50% |

Ranking Criteria

| Subprogram 1 - Soil Erosion | |
|--|--------------------------------|
| Ranking Criteria | Maximum Points Possible |
| Anticipated water quality benefits relative to cost. | 30 |
| Relationship to a Plan: The proposal is clearly based on priority protection or restoration actions listed in or derived from an eligible water management plan. | 15 |
| % of LGU lands impacted by the eligible activity based on an accepted definition of high priority areas (e.g. map of highly erodible lands, definition of erosion problem areas via a TMDL, WRAPS, or other study) (i.e. definition of critical erosion areas and % to be addressed by the activity) | 20 |
| Staffing plan sufficient to accomplish the activities applied for | 10 |
| Connection to program purposes. | 25 |
| Total Points Available | 100 |

| Subprogram 2 – Drainage Ditch Inventory and Inspection | |
|--|--------------------------------|
| Ranking Criteria | Maximum Points Possible |
| Anticipated water quality benefits relative to cost. | 30 |
| Relationship to a Plan: The proposal is clearly based on priority protection or restoration actions listed in or derived from an eligible water management plan. | 15 |
| Miles of Chapter 103E ditches to be inventoried compared to total Chapter 103E ditch miles in the jurisdiction (2b., 2c.), or total miles of Chapter 103E drainage ditches under the drainage authority's jurisdiction (2a., 2d.). | 15 |
| Staffing plan sufficient to accomplish the activities applied for | 10 |
| Connection to program purposes. | 30 |
| Total Points Available | 100 |

| Subprogram 3 – Redetermination of Benefits and Drainage Ditch Buffer Strips | |
|--|--------------------------------|
| Ranking Criteria | Maximum Points Possible |
| Anticipated water quality benefits relative to cost. | 40 |
| Relationship to a Plan: The proposal is clearly based on priority protection or restoration actions listed in or derived from an eligible water management plan. | 20 |
| Total miles of Chapter 103E buffer strips to be established. | 20 |
| Connection to program purposes. | 20 |
| Total Points Available | 100 |

Initial ranking will be accomplished by BWSR Board Conservationists and Clean Water Specialists to screen the proposals to be ranked by BWSR drainage and soils staff. Final award decisions will be made by the BWSR Board.

BWSR Grant Administration

The BWSR reserves the right to partially fund any and all grant proposals based on the number of eligible proposals submitted and the amount of funding available.

Application Deadline and Timeline

Late submissions or incomplete applications will not be considered for funding.

- October 28, 2013 Application period begins
- December 13, 2013 Application deadline at 4:30 PM*
- January 22, 2014 BWSR Board authorizes grant awards (proposed)
- February 2014 BWSR grant agreements sent to recipients
- March 17, 2014 Work plan submittal deadline
- April 1, 2014 Grant execution deadline

*The application must be submitted by 4:30 PM.

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 and work plan approval provided the grant applicant is in compliance with all BWSR website and eLINK reporting requirements for previously awarded BWSR grants. The second payment of 40% of the grant amount will be paid once the grantee has provided BWSR with notification and BWSR has reconciled expenditures of the initial payment. The last 10% will be paid after all final reporting requirements are met, the grantee has provided BWSR with a final financial report, and BWSR has reconciled these expenditures.

Incomplete Applications and Partial Funding

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

- Components of the application are incomplete or missing;
- Any required documentation is missing; and
- The match amount does not meet grant requirements

Applications may receive partial funding for the following reasons:

- An absence of clear definition of specific use of grant funds;
- Activities that were not discussed in the application or have no connection to the central purpose of the application were included by an applicant; and
- Concerns about unreasonable requests for technical assistance and administration funding.

CWF Project Reporting Requirements

- All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. 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 go to <http://www.bwsr.state.mn.us/outreach/eLINK/index.html>.
- BWSR Clean Water 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.
- When practicable, grant recipients shall prominently display on their website the legacy logo. Grant recipients must display on their website either a link to their project from the Legislative Coordinating Commission Legacy Site (<http://legacy.leg.mn>) or a clean water project summary that includes a description of the grant activities, including expenditure of grant funds and measurable outcomes according to the format specified by the BWSR.

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 grantee, and the amount requested becomes public. All other data is nonpublic until the negotiation of the grant agreement with the selected grantee is completed. After the application evaluation process is completed, all data (except trade secret data) becomes public. Data created during the evaluation process is nonpublic until the negotiation of the grant agreement with the selected grantee(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.

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 Browser Requirements for eLINK

The applicant must use Microsoft (MS) Internet Explorer 9 or Mozilla Firefox to enter elink data for applications and works plans.

Proposal Questions

This RFP and the 2014 Clean Water Fund Competitive Grants Policy adopted by the BWSR provide the framework for funding and administration of the 2014 Clean Water Fund Competitive Grant Programs can be found on the BWSR website (www.bwsr.state.mn.us/grants/apply/index.html).

Questions regarding grant applications should be directed to your area Board Conservationist or Clean Water Specialist; a map of work areas and contact information is available at (www.bwsr.state.mn.us/contact/BC_areas.pdf).

NEW BUSINESS

1. 2014 Proposed BWSR Board Meeting Schedule – John Jaschke - ***DECISION ITEM***
2. Status Report on MN Ag Water Quality Certification Program (MAWQCP) –
Matt Wohlman, Brad Redlin, Josh Stamper, MDA – ***INFORMATION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2014 Proposed BWSR Board Meeting Schedule

Meeting Date: October 23, 2013

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: _____

Contact: _____

Prepared by: Mary Jo Anderson

Reviewed by: John Jaschke Committee(s)

Presented by: John Jaschke

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 the proposed 2014 BWSR Board Meeting dates.

LINKS TO ADDITIONAL INFORMATION

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

The BWSR Board meets the fourth Wednesday of each month unless noted on the attached 2014 BWSR Board Meeting Schedule.



Board Resolution # _____

2014 Proposed BWSR Board Meeting Schedule

(Fourth Wednesday of the month unless noted)

January 22

February – no meeting

March 26

April 23

May 28

June 25

July – no meeting

August 27 - 28 Tour and Meeting

September 24

October 22

November – no meeting

December 17

Date _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Status Report on MN Ag Water Quality Certification Program (MAWQCP)

Meeting Date: October 23, 2013

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: _____

Contact: _____

Prepared by: John Jaschke

Reviewed by: John Jaschke Committee(s)
Matt Wohlman, Brad Redlin, and

Presented by: Josh Stamper, MDA

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Status Report on MN Ag Water Quality Certification Program (MAWQCP)

LINKS TO ADDITIONAL INFORMATION

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

The Minnesota Agricultural Water Quality Certification Program (MAWQCP) is a voluntary program designed to accelerate adoption of on-farm conservation practices that protect Minnesota’s lakes and rivers. Producers who implement and maintain approved farm management practices will be certified and in turn assured that their operation meets the state’s water quality goals and standards for a period of 10 years.

- Through this program, certified producers receive:
- Regulatory certainty: certified producers will not be subject to new water quality regulations during the period of certification
 - Priority for technical assistance and cost share dollars for practices that protect water quality

- Through this program, the public receives:
- Assurance that certified producers are accelerating conservation practices to protect Minnesota’s lakes, rivers and streams
 - Greater duration for water quality project and practices as the adopted projects and practices are sustained without additional public investment to retain them when the certification is renewed

The [4 pilot areas have been selected](#), an evaluation tool is nearing completion and the logistics of local government program support and a certainty contract are underway via an MDA team with support from BWSR, MPCA, DNR and NRCS. The MDA team members Matt Wohlman, Brad Redlin and Josh Stamper will overview the status of the various program elements.