



DATE: June 16, 2014  
 TO: Board of Water and Soil Resources' Members, Advisors, and Staff  
 FROM: John Jaschke, Executive Director  
 SUBJECT: BWSR Board Meeting Notice – June 25, 2014

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, June 25, 2014, 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:

**CONFLICT OF INTEREST DECLARATION**

- Conflict of Interest Training and Disclosure** – BWSR’s Fiscal Compliance Director will lead a training session for BWSR Board members on conflict of interest in grant reviewing.  
***INFORMATION ITEM***

**COMMITTEE RECOMMENDATIONS**

**Northern Region Committee**

- Aitkin County Water Management Plan Extension** – Aitkin County submitted a resolution requesting a two year extension of their County water plan on June 10, 2014. The Aitkin County Local Water Management Plan would expire on August 27, 2014. The Northern Region Committee met on June 11, 2014, and recommends approval of the Aitkin County extension request.  
***DECISION ITEM***
- Bois de Sioux Watershed District Plan Amendment** – The Amendment to the Bois de Sioux Watershed District’s Overall Plan (Plan) is intended to clarify the rational, basis and means to achieve the retention goals of the District via impoundments. The Amendment summarizes the District’s statutory authority, and planning work performed on a sub watershed basis. Along with the District’s property acquisition philosophy, common funding sources, establishment procedure, and means to maintain projects of the District. The Amendment will be inserted in PART V PROJECTS on page 99 of the Plan as C. LAND ACQUISTION; D. PROJECT FUNDING; E. PROCEDURE FOR ESTABLISHING PROJECTS; and F. FUNDING PROJECT MAINTENANCE. ***DECISION ITEM***
- Sauk River Watershed District Ten Year Plan Revision** – On May 7, 2014, the Brainerd office received the 10 year plan revision for the Sauk River Watershed District. Regional and State office staff review the plan for content and statutory requirements and found the plan to be ready for review by the Northern Region Committee. The Sauk River Watershed District staff presented their 10 year plan revision before the Northern Region Committee on June 11<sup>th</sup>. The 10 year plan revision focuses on four primary areas including monitoring, education and outreach, programs and

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 <sup>th</sup> Street NW Suite 350 Rochester, MN 55901 (507) 206-2889

projects, and regulation. In addition, the plan divides the watershed district into ten management units with the appropriate mechanisms to establish water management districts within each unit to raise additional revenue for enhancing water quality. The plan also includes report cards for each management unit, which will allow the watershed to target best management practices and annually evaluate progress. The Northern Region Committee reviewed the Department of Natural Resources comments, the record from the public hearing, and staff recommendations. Upon consideration of all the information presented, the Committee moved a unanimous recommendation for approval of the ten year plan revision for the Sauk River Watershed District. **DECISION ITEM**

### **Southern Region Committee**

- 1. Area II Minnesota River Basins Projects Inc. Biennial Work Plan and Grant** – 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 2015 grant of \$120,000. The overall budget objectives are included in the plan. Staff recommends approval of this plan update and execution of the administrative grant agreement for FY 2015. The Board's Southern Region Committee met on May 28, 2014 to review the Area II Work Plan and recommends approval of the plan and execution of the FY 2015 grant. **DECISION ITEM**
- 2. Buffalo Creek Watershed District (BCWD) Watershed Management Plan** - BCWD was established by BWSR Board Order on January 30, 1969. Minnesota Statutes 103D.401 states that a board of watershed district managers must adopt a plan for any or all reasons for which the district may be established. The BCWD has completed the planning process for its proposed ten-year plan: 2014 - 2024. The BCWD distributed its draft Watershed Management Plan as required for final review and comment. Comments received were considered by the BCWD, the plan was revised as needed, and submitted to BWSR for approval. BWSR provided proper Notice of Filing for the plan. This notice provided an invitation to submit written comments or a written request for a hearing if opposed to the plan. Written comments were received by BWSR and a public hearing was scheduled in anticipation of requests for a hearing.

On March 12, 2014, the Southern Region Committee (Committee) held a public hearing and received comments in opposition to the inclusion of BCWD's policy of a 3/8 inch drainage coefficient in the Plan from Renville County and several watershed residents. At their meeting on March 12, 2014, the Committee tabled action to allow additional comments and revisions to the Plan. A plan revision was drafted to include flexibility to the 3/8 inch drainage coefficient policy and to include additional information on priority subwatersheds and projects. The Committee met again on May 28, 2014. Based on the public hearing record, the Plan meeting the requirements of 103D.405, and BWSR staff recommendation to approve the Plan, the Committee voted to recommend approval of the revised Buffalo Creek Watershed District Watershed Management Plan to the full Board. **DECISION ITEM**

- 3. Watonwan County Local Water Management Plan Amendment** - By Board Order, the Board of Water and Soil Resources (Board) approved the Watonwan County 2008 - 2018 Local Water Management Plan (Plan) on December 17, 2008. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Watonwan County to update the Plan's implementation section by December 31, 2013. Watonwan County followed the amendment process guidelines established by the Board and submitted their 2014 - 2018 Local Water Management Plan Amendment on April 21, 2014. The Board's Southern Region Committee (Committee) met on May 28, 2014 to review the Watonwan

County Plan Amendment. The Committee recommends approval of the Watonwan County 2014 - 2018 Local Water Management Plan Amendment. **DECISION ITEM**

**Grants Program & Policy Committee**

1. **FY2015 Farm Bill Assistance Grant Awards** – The Farm Bill Assistance Program provides funds to SWCDs to hire staff to accelerate implementation of the Farm Bill as well as other state and federal conservation projects that involve grasslands and wetlands. The FY15 Farm Bill Assistance Program is expected to be funded from several revenue sources, chief among them, the Legislative-Citizens Commission on Minnesota Resources. The Board is being requested to authorize these grants in order to minimize the delay in getting funds to SWCDs following the enactment of a biennial budget. The Grants Program and Policy Committee met on June 12, 2014 to review documents associated with this resolution and recommends Board approval. **DECISION ITEM**
2. **Proposed FY15 SWCD Programs and Operations Grant Allocations** - The Grants Program & Policy Committee is forwarding their FY '15 allocation recommendations for the Conservation Delivery, Easement Delivery, Non Point Engineering Assistance, and Cost Share Grant Programs. **DECISION ITEM**
3. **Proposed FY2015 Natural Resources Block Grant Allocations** – The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Subsurface Sewage Treatment Systems. The Grants Program & Policy Committee recommends Board approval of the Proposed FY '15 Natural Resources Block Grant allocations. **DECISION ITEM**
4. **One Watershed, One Plan Pilot Selection** – Staff was authorized to finalize, distribute and promote a Request for Interest (RFI) for the One Watershed, One Plan Pilot Program at the December 18, 2013 Board meeting. This nomination period closed on April 21<sup>st</sup>. Nominations received were reviewed by BWSR staff and the Interagency WRAPS Implementation Team in May and June. Staff ratings, WRAPS Team recommendations, and nomination scores were reviewed by the Senior Management Team (SMT) on May 12<sup>th</sup> and a recommendation with three options was forwarded to the BWSR Executive Team. The Executive Team considered these options in the development of the final recommendation to select 5 watershed areas for piloting One Watershed, One Plan, using existing appropriations and a funding shift from unspent FY14 CWF SEDLC and Community Partners programs. Requested funding shift is \$458,710.

The review process and recommendation were reviewed with the Water Management and Strategic Planning Committee on May 27<sup>th</sup>. The Committee was not asked for a recommendation but discussion and comments at the Committee meeting supported the recommendation. The process and recommendation were also reviewed with the Grants Program and Policy Committee on June 12<sup>th</sup>; and recommends the actions to the full Board. **DECISION ITEM**

5. **FY2015 Targeted Watershed Demonstration Program Authorization** - The Targeted Watershed Demonstration Program is proposed to have a solicitation period from July 14 through August 29, 2014. The scoring process will be conducted by staff from the DNR, MDA, MDH, PCA, and BWSR and will operate under the FY2015 Clean Water Fund Policy. The Grants Program and Policy

Committee met on June 12, 2014 and reviewed the draft Request for Interest and recommends Board approval. **DECISION ITEM**

6. **FY2015 Clean Water Fund Competitive Grants Policy and Authorization** - The FY 15 Clean Water Fund Competitive Grants Program includes four BWSR grant programs and Minnesota Department of Agricultural AgBMP loans and is proposed to have an application period from August 18 to September 26. The application scoring process will be conducted by staff from DNR, MDA, MDH, PCA and BWSR as has been the case in previous years. The FY2014 Policy has been amended to ensure it is consistent with the proposed FY2015 appropriations. The Grants Program and Policy Committee met on June 12, 2014 and reviewed the draft Policy and Request for Proposals and recommends Board approval. **DECISION ITEM**
7. **Supplemental FY2014 Clean Water Fund Grant Awards** - Additional Clean Water Fund dollars were appropriated to the BWSR Clean Water Fund Projects and Practices competitive grant category under the Laws of Minnesota, Chapter 312, Article 14, Section 4. The Grants Program and Policy Committee met on June 12, 2014 and reviewed staff recommendations for allocating these supplemental funds and is recommending Board approval. **DECISION ITEM**

**Grants Program & Policy Committee and RIM Reserve & Soil Conservation Committee**

1. **Nonpoint Priority Funding Plan (NPFP)** – The Board is requested to approve the recommendation of the Grants Program & Policy and RIM Reserve & Soil Conservation Committees to accept the Nonpoint Priority Funding Plan for Clean Water Implementation Funding (NPFP) and to direct staff to post it on BWSR's website by July 1, 2014. **DECISION ITEM**

**RIM Reserve Management & Soil Conservation Committee**

1. **Tri-T Farms, Inc. – RIM Easement Alteration** – The RIM Reserve Management & Soil Conservation Committee met on June 12 to review the amendment of RIM easement 14-04-07-01, in Clay County. The alteration has been requested by the landowner of Tri-T Farms, Inc. The RIM Reserve Management & Soil Conservation Committee recommends approval of the amendment. **DECISION ITEM**

**Water Planning & Strategic Planning Committee**

1. **One Watershed, One Plan Implementation** – The Board's Water Management & Strategic Planning Committee (WMSP) is charged with assisting in the development of operating procedures and policies that will guide program development and implementation. Over the course of 6 meetings starting in 2013, the Committee has worked on a number of procedures and policies to support the development and implementation of One Watershed, One Plan including the pilot phase. At this time the Committee is advancing two work products for consideration by the Board. The first item is a policy for managing local water plan extensions in light of the current WRAPS development process and the One Watershed, One Plan Program. The second item is an operating procedures document which provides both policy and guidance for plan development during the pilot phase of the program for: 1) boundary framework; 2) plan types; 3) participation requirements; 4) formal agreement; and 5) plan development procedures. **INFORMATION ITEM**

If you have any questions regarding the agenda, please feel free to call me at 651-296-0878. The Board meeting will adjourn about 1:00 PM. I look forward to seeing you on June 25<sup>th</sup>!

BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD N.  
LOWER LEVEL CONFERENCE ROOM  
ST. PAUL, MINNESOTA 55155  
WEDNESDAY, JUNE 25, 2014

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MAY 28, 2014 BOARD MEETING

**CONFLICT OF INTEREST DECLARATION**

1. Conflict of Interest Training and Disclosure – Tim Dykstal – **INFORMATION ITEM**
  - Area II Minnesota River Basins Project, Inc. Work Plan and Grant
  - FY2015 Farm Bill Assistance Grant Awards
  - FY2015 SWCD Programs & Operations Grant Allocations
  - FY2015 NRBG Allocations
  - One Watershed One Plan Pilot Grants Awards
  - Supplemental FY2014 Clean Water Fund Grant Awards

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

**REPORTS**

- Chair & Administrative Advisory Committee – Brian Napstad
- Audit & Oversight Committee – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Gerald Van Amburg
- Grants Program & Policy Committee – Steve Sunderland
- RIM Reserve & Soil Conservation Committee – Gene Tiedemann
- Water Management & Strategic Planning Committee – Jack Ditmore
- Wetlands & Drainage Committee – Gerald Van Amburg
- Drainage Work Group – Tom Loveall/Al Kean

**COMMITTEE RECOMMENDATIONS**

***Northern Region Committee***

1. Aitkin County Water Management Plan Extension – Tom Schulz – **DECISION ITEM**
2. Bois de Sioux Watershed District Plan Amendment – Gerald VanAmburg - **DECISION ITEM**
3. Sauk River Watershed District Ten Year Plan Revision – Gene Tiedemann – **DECISION ITEM**

### ***Southern Region Committee***

1. Area II Minnesota River Basins Project, Inc. Work Plan and Grant – Steve Sunderland - ***DECISION ITEM***
2. Buffalo Creek Watershed District Watershed Management Plan – Steve Sunderland – ***DECISION ITEM***
3. Watonwan County Local Water Plan Amendment - Steve Sunderland – ***DECISION ITEM***

### ***Grants Program & Policy Committee***

1. FY2015 Farm Bill Assistance Grant Awards – Dave Weirens - ***DECISION ITEM***
2. Proposed FY15 SWCD Programs and Operations Grant Allocations – Wayne Zellmer - ***DECISION ITEM***
3. Proposed FY2015 Natural Resources Block Grant Allocations – Wayne Zellmer - ***DECISION ITEM***
4. One Watershed, One Plan Pilot Selection – Doug Thomas and Melissa Lewis - ***DECISION ITEM***
5. FY2015 Targeted Watershed Demonstration Program Authorization – Marcey Westrick - ***DECISION ITEM***
6. FY2015 Clean Water Fund Competitive Grants Policy and Authorization – Marcey Westrick - ***DECISION ITEM***
7. Supplemental FY2014 Clean Water Fund Grant Awards – Dave Weirens – ***DECISION ITEM***

### ***Grants Program & Policy Committee and RIM Reserve & Soil Conservation Committee***

1. Nonpoint Priority Funding Plan (NPFP) – Dave Weirens, Tim Koehler and Barbara Weisman - ***DECISION ITEM***

### ***RIM Reserve Management & Soil Conservation Committee***

1. Tri-T Farms, Inc. – RIM Easement Alteration – Tim Fredbo - ***DECISION ITEM***

### ***Water Planning & Strategic Planning Committee***

1. One Watershed, One Plan Implementation – Jack Ditmore and Melissa Lewis – ***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**

- Next BWSR Board Meeting – Board Tour/Meeting, August 27-28, 2014

**1:00 PM ADJOURN**

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD N.  
ST. PAUL, MINNESOTA 55155  
WEDNESDAY, MAY 28, 2014**

**BOARD MEMBERS PRESENT:**

Jill Crafton, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Douglas Erickson, Rebecca Flood, MPCA; Christy Jo Fogarty, Sandy Hooker, Kathryn Kelly, Tom Loveall, Brian Napstad, Tom Landwehr, DNR; Tom Schulz, Rob Sip, MDA; Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald VanAmburg,

**BOARD MEMBERS ABSENT:**

Judy Ohly  
Neil Peterson

**STAFF PRESENT:**

Mary Jo Anderson, Angie Becker Kudelka, Adam Beilke, Travis Germundson, John Jaschke, Al Kean, Melissa Lewis, Jeff Nielsen, Mary Peterson, Sarah Strommen, Doug Thomas, Dave Weirens

**OTHERS PRESENT:**

LeAnn Buck, Ian Cunningham, and Mark Zabel, MASWCD  
Ray Bohn, MAWD  
Stephanie Souter, Washington County

Chair Napstad called the meeting to order at 9:02 a.m.

## PLEDGE OF ALLEGIANCE

\*\*  
14-25 **ADOPTION OF AGENDA** – Moved by Sandy Hooker, seconded by Joe Collins, to adopt the agenda as presented. *Motion passed on a voice vote.*

\*\*  
14-26 **MINUTES OF APRIL 23, 2014 BOARD MEETING** – Jill Crafton stated that Angie Becker Kudelka should be added to the staff present at the April Board meeting. Moved by Tom Schulz, seconded by Sandy Hooker, to approve the minutes of April 23, 2014 as corrected. *Motion passed on a voice vote.*

## REPORTS

**Chair & Administrative Advisory Committee** – Brian Napstad reported that he attended the EQB meeting on May 21; discussion included silica sand mining; and environmental impact statements (EIS). EQB decided to take no action on the Minnesota Sands multi-site EIS.

Chair Napstad testified, representing Aitkin County, at a joint Committee hearing before Representative Dill and Representative Wagenius, regarding the challenges of mitigating wetland impacts due to mining in northeastern Minnesota. Meetings are being conducted with BWSR facilitation regarding solutions to enhance the conservation value of wetland mitigation.

Chair Napstad reported that EPA and the U.S. Army Corps of Engineers have jurisdiction related to the rulemaking process in refining navigable waters in the United States.

Chair Napstad reported that the Administrative Advisory Committee met this morning. Chair Napstad thanked board members who completed the executive director's performance evaluation. Chair Napstad and Vice-Chair VanAmburg will conduct John Jaschke's performance review this afternoon. Chair Napstad reported that John would like his review provided to board members. If approved by MMB, a confidential review will be mailed to board members.

Chair Napstad reported that the white-nose long-eared bats may be listed as endangered species, which impacts water management plans in forested counties potentially curtailing logging activities.

**Executive Director's Report** – John Jaschke reported that the Board tour will be held on August 26 in Anoka and Ramsey Counties; invitations and logistics will be sent out soon. John reviewed information in board members packets. John stated that a WCA stakeholder process will be developed for WCA legislative consideration next session; recommendations completed by fall. John stated that the EPA rule proposal is receiving much attention. Information is on EPA's website. John reported that staff have been spending considerable time on the draft Non-Point Priority Funding Plan (NPPF), copies will be available for board members later this week. Board Members asked to review the draft plan before it goes to Committees.

John stated that critical conservation areas in Minnesota were announced yesterday, including grassland areas of the county, including the Mississippi River basin; there may be an opportunity to apply for special farm bill funding.

John reported that he and Sarah Strommen have been meeting with DNR, PCA, MDA, MDH, and FSA leadership to discuss and review options and alternatives for a potential CREP proposal, an additional federal funding program with 100,000 acres that the State will enter into agreement with USDA-FSA.

John provided a brief PRAP grant status report.

**Dispute Resolution Committee** – Travis Germundson reported that 12 appeals are pending. There are two new appeals since last months' report; an appeal of an exemption determination in Kandiyohi County and an appeal of a restoration and replacement order in McLeod County.

**Grants Program & Policy Committee** – Steve Sunderland reported that the Grants Program & Policy Committee will meet jointly with the RIM Reserve & Soil Conservation Committee on June 12.

**Water Management & Strategic Planning Committee** – Jack Ditmore reported that the Water Management & Strategic Planning Committee met last night; the 1W1P pilot process was reviewed, and the plan content guidelines were discussed, recommendations will be presented at the June Board meeting. The next meeting of the Water Management & Strategic Planning Committee is June 24, at 5:30 PM.

**Wetlands & Drainage Committee** – Gerald Van Amburg reported that the Wetlands & Drainage Committee plan to meet in July.

**Drainage Work Group** – Al Kean reported that the Drainage Work Group will meet on June 12.

#### **COMMITTEE RECOMMENDATIONS**

##### ***Metro Region Committee***

**Boundary Changes for Brown's Creek and Rice Creek Watershed Districts** – Mary Peterson introduced Stephanie Souter from Washington County, who was instrumental in the boundary change process. Mary reported that Washington County filed a boundary change Petition for the Brown's Creek Watershed District and the Rice Creek Watershed District filed a boundary change Petition for the Rice Creek Watershed District. The proposed boundary changes encompass approximately 568 acres of land in the Cities of Grant and Hugo in Washington County. The boundary changes would bring approximately 548 acres of land into compliance with the Metropolitan Surface Water Management Act that requires all land within the seven county metropolitan area be included in a watershed management plan. Approximately 20 acres of land would be transferred from one district to the other.

The proposed boundary changes would benefit the public welfare and public interest because they would achieve a more accurate alignment between the hydrologic and legal boundaries of the two watershed districts based on more precise topographic data currently available. The public welfare and public interest would be benefitted further by the proposed boundary changes because they would assign several parcels that are bisected by a current watershed district boundary to one or the other of the two watershed districts. In response to the Notice of Filing of the Petitions published in area newspapers, no comments were received, no hearing was requested and no hearing was held. The Metro Region Committee met and unanimously recommends approval of the boundary changes as proposed in the Petitions and that the watershed management plans of each watershed district be amended to include the area of the boundary changes within one year of the draft Order.

\*\*  
14-27 Moved by Joe Collins, seconded Jill Crafton, that the Board hereby orders that the boundaries of the Brown's Creek Watershed District and the Rice Creek Watershed District are changed per the Petitions as identified in the parcel identification table, Exhibit A, of the Petitions and a map of the Petitioned Area dated February 20, 2014, Exhibit B, attached hereto and fully

incorporated herein. The watershed management plans for each of the two watershed districts must be amended to include the area of the boundary changes within one year of the date of this Order. *Motion passed on a voice vote.* Joe commended Jim Haertel on his excellent work on this process.

## **NEW BUSINESS**

### **FY14 CWF Update of the Minnesota Public Drainage Manual Contract Award**

**Recommendations** – Al Kean reported that the Clean Water Funds (\$235,000) were appropriated to BWSR in Laws of Minnesota 2013, Chapter 137, Article 2, Section 7(e) for grants to local government units and to update the Minnesota Public Drainage Manual and the Minnesota Public Drainage Law Overview for Decision Makers and to provide outreach to users. In accordance with the created a project RFP specifying expanded document objectives as well as a number of different types of updates that will be applied to the two documents cited in the appropriation. The RFP was open starting on February 3, 2014 and ending on March 19, 2014. Responses to the Update of the Minnesota Public Drainage Manual (UMPDM) project RFP established with funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(e) were evaluated based on the following criteria presented to the Board in January 2014.

Ranking was accomplished by an interagency ranking team made up of BWSR (4), MDNR (1), MPCA (1), and MDA (1). Initial ranking (Criteria 1-4) occurred on April 16, 2014. Interviews were held and ranked on May 8, 2014. Due to the language in the appropriation requiring the project to be handled as a grant to a local government, it was originally taken before the Grants Program and Policy Committee on January 10, 2014. However, the legislature corrected the language in LOM 2014, CHAPTER 312--H.F.No. 3172 Article 14 on May 16, 2014. Normally contracts are handled administratively with an appropriate comment by the Director to the Board. However, due to the fact that this project started out as a grant to a local government and is now a contract, it is being brought to the Board as an information item only.

In accordance with the requirements of MMD the RFP responders cannot be told of their rank until the contract has been executed. The Board will not be told of the number, names, cost proposals, or ranks of responders. Contract development is in process. Execution of the contract is expected no later than July 15, 2014. Discussion followed. Chair Napstad thanked Al for his informative report.

**Riparian Buffers** – Doug Thomas reported that he represents BWSR on the Clean Water Council (CWC); he provided the riparian buffer presentation to the CWC. Al Kean provided an overview of buffer requirements and common types of riparian buffers, current regulations and rules that require vegetated buffers, recent reports, compliance and incentive programs for lake, stream, wetland, and ditch buffers.

Al introduced Logan Tjossem, Olmsted County Planning Department; and Skip Langer, Olmsted County Soil and Water Conservation District. Logan and Skip provided an overview of the shoreland buffer ordinance, a cooperative compliance project in Olmsted County, educating and working with landowners to recognize violations and comply with ordinances. Chair Napstad thanked Skip and Logan for their informative presentation. Tom Landwehr appreciated their good efforts. Gerry Van Amburg thanked Skip and Logan and requested a copy of their valuable presentation. John stated that staff will provide a copy to board members upon request. Al noted the importance of partnership on this effort.

Chair Napstad called for a break in the meeting at 10:55 a.m. The meeting reconvened at 11:10 a.m.

**BWSR Legislative Update** – Sarah Strommen presented BWSR’s legislative update. Sarah reported that the Minnesota Legislature officially adjourned its 2013-2014 Session on Friday, May 16. The capital investment (bonding) bill was a focal point of legislative discussion this year, the second year of the biennium. The Legislature ultimately enacted both a capital investment bonding bill and a capital investment cash bill, made possible because of the general fund surplus. Another focal point this year was Governor Dayton’s “Unsession” agenda: an effort to make state government work better, faster, simpler, and more efficiently for Minnesotans. More than 1,100 Unsession provisions were enacted, including several brought forward by BWSR. As with every year, there were discussions and actions on a variety of other budget and policy issues. Below is a summary of the key items affecting BWSR:

*Capital Investment (Bonding) – Chapter 294 – H.F. 2490*

The final capital investment bonding bill funds \$846 million worth of projects throughout Minnesota. A significant portion (\$126 million) went for completion of the Capitol renovation. University of Minnesota and MnSCU campuses also received substantial support. Both BWSR programs for which we requested funds were funded, although at a lesser amount.

\$2M for Local Government Road Wetland Replacement Program. This program replaces wetlands lost as a result of local public road improvement projects as required by MN Statute 103G.222, consolidating the necessary technical and financial record-keeping to provide high quality, cost effective wetland replacement.

\$6M for Reinvest in Minnesota (RIM) Reserve. RIM Reserve restores wetlands and grasslands in agricultural watersheds through permanent conservation easements on private lands. The program uses science-based conservation methods that deliver multiple benefits.

*Unsession – Chapter 248 – S.F. 2454*

The Unsession agenda included reforms that improve government services, eliminate unnecessary and outdated statutes, and simplify language in state laws. BWSR, PCA, and DNR had a joint Unsession bill that included three BWSR components:

SWCD Voluntary Consolidation. This proposal simplifies the process for voluntary consolidation of districts by removing the requirement for a referendum and creating a process by which BWSR can make decisions on proposed consolidations.

Repeal of Star Lakes Board Language. Because the Star Lakes Board is now established as an independent 501(c)3 organization, the statutory language is no longer needed.

Repeal of Minnesota River Board Language. This language is no longer needed due to a recent decision by the Minnesota River Board to disband.

*Supplemental Budget – Chapter 312 – H.F. 3172*

The final supplemental budget includes \$262 million in additional spending for this biennium across all areas of state government. The bill contains a number of provisions of interest to BWSR:

Re-establishment of the Legislative Water Commission. The Commission will review water policy reports and recommendations from agencies and coordinate with the Clean Water Council. The House and Senate need to make initial appointments to the Commission by September 1, 2014.

\$1M to the University of Minnesota for the Forever Green Agricultural Initiative. The purpose of this program is to incorporate cover crops, potentially with some market value, into existing agricultural practices.

The Clean Water Fund article (Article 14) appropriates to BWSR \$1.4M from the Clean Water Fund. These appropriations include:

\$900K for Surface and Drinking Water Protection/Restoration. This program funds grants to LGUs for projects that protect, enhance, and restore water quality in lakes, rivers and streams and to protect groundwater and drinking water.

\$150K for Groundwater Protection in the North and East Metro Groundwater Management Area. BWSR will work with the Department of Health and LGUs.

\$250K for Groundwater Protection in the Bonanza Valley and Straight River Groundwater Management Areas. BWSR will work with the Department of Health and LGUs in conjunction with the One Watershed One Plan Initiative.

\$100K for Workshops for Public Officials. This appropriation is for work within the North and East Metro Groundwater Management Area.

#### *Environment and Natural Resource Trust Fund (ENRTF) – Chapter 226 – H.F. 1874*

BWSR has three programs that will receive funding from the ENRTF as recommended by the Legislative-Citizen Commission on Minnesota Resources (LCCMR):

\$335K for Northeast Minnesota White Cedar Restoration. This is Phase II of a project to assess the decline of northern white cedar plant communities, demonstrate restoration techniques, and provide restoration training.

\$392K for Minnesota Conservation Apprentice Academy. This program will fund 30 apprentice positions to mentor and train future conservation leaders by giving them real-world experience working with a local SWCD.

\$230K for Modernization of Drainage Records. This project will allow BWSR to develop a template and web-based GIS database portal to facilitate statewide modernization of public drainage records.

#### *Outdoor Heritage Fund (OHF) - Chapter 256 - H.F. 1926*

BWSR has five programs that will receive funding from the Outdoor Heritage Fund:

\$2.2M for Riparian Buffers. Phase IV of this successful program will continue to complement the Clean Water Fund riparian buffers by expanding buffer widths to enhance wildlife habitat.

\$9.71M for Wetland Restoration and Protection. This is Phase VI of this program to restore wetlands and associated upland. The program is implemented through a partnership with US Department of Agriculture farm bill programs (such as Wetlands Reserve Program), which leverages federal funding for every state dollar invested.

\$862K for Wild Rice Shoreland Protection. This is Phase III of a partnership with DNR and local SWCDs in north central Minnesota to permanently protect sensitive wild rice lake shoreland habitat in northern lakes.

\$1.2M for the Camp Ripley Partnership. This is Phase IV of the partnership with Morrison Co. SWCD, Camp Ripley, and DNR to protect high quality wildlife habitat and forest communities along the Mississippi River.

\$2.45M for Accelerated Protection of Grassland and Prairie Habitat. This is a partnership with the DNR to implement the Minnesota Prairie Conservation Plan through acquisition of permanent conservation easements to protect native prairie and grasslands.

#### *Other Policy and Funding Provisions*

There are a number of other provisions carried in a variety of bills that affect BWSR.

Drainage Work Group Bill (Chapter 164 – S.F. 2221). Consensus recommendations of the DWG that will enable multiple water management benefits from drainage projects and improved integration of public and private funding for water management involving drainage projects.

Sarah commended Al Kean and the Drainage Work Group for their efforts on this Bill.

Election of Metro SWCD Supervisors (Chapter 264 – H.F. 2390). Requires that SWCD supervisors in the seven-county metro area be elected by population-based districts.

Drainage Inspectors (Chapter 289 – H.F. 2733). Prohibits County Commissioners from serving as drainage inspectors.

Executive Branch Advisory Groups (Chapter 286 – H.F. 1863). Repeals the RIM Clean Energy Technical Advisory Committee (103F.518, subdivision 11).

AIS Prevention Aid to Counties (Chapter 308 – H.F. 3167). There is a provision in the Omnibus Supplemental Tax Bill that gives counties special AIS prevention aid, which they can in turn provide to an SWCD. The bill appropriates \$4.5M in 2014 and \$10M thereafter, distributed based on a county's share of watercraft trailer launches and a county's share of watercraft trailer parking spaces.

Agency Acquisition Procedure (Chapter 304 – S.F. 2175). This bill establishes a procedure for appraisals and prohibits agencies from paying more than 10 percent over appraised value. BWSR received an exemption due to having more specific procedures outlined for RIM under M.S. 103F.515.

Revisor's Bill (Chapter 275 – H.F. 2546). Fixes an outdated reference to the Commissioner of Agriculture in Minnesota Rules relating to soil loss.

*Other Topics of Discussion:*

BWSR staff participated in a number of informational hearings, including:

Pollinators. Dan Shaw presented highlights from BWSR's Pollinator Plan to the House Environment and Natural Resources Finance Committee.

Wetland Mitigation Siting (WCA). Informational hearings were held in the Senate and the House to discuss the recommendations of the Interagency Northeast MN Wetland Mitigation Siting Report. BWSR and other agencies will continue to work with stakeholders on this topic over the summer in pursuit of likely legislation in 2015.

Clean Water Fund Outcomes. BWSR staff presented a comprehensive review of the outcomes achieved and expected to be achieved from the FY14 Clean Water Fund appropriations.

Legacy Funds – Supplement/Substitute. BWSR staff participated in a House Legacy Committee hearing exploring how Clean Water Funds are used.

Chair Napstad thanked Sarah for her informative legislative update.

**SWCD – Technical Capacity Summit & Funding Legislation** – Sarah Strommen introduced Mark Zabel, President of MASWCD; and Ian Cunningham, Vice-President of MASWCD; LeAnn Buck, Executive Director of MASWCD. LeAnn congratulated Kathryn Kelly on her appointment to BWSR.

LeAnn reported that the current levels of SWCD technical assistance and district capacity are not fully able to meet current demands and future expectations. State General Fund budget reductions, declining Federal funding and support from USDA, and inconsistent and often insufficient support from Counties collectively threatens the stability of this foundation for achieving MN's conservation and clean water goals. Finding ways to grow the local/state revenue options for SWCDs is needed if the state is going to be able to accelerate the pace of progress in addressing the major non-point pollution issues we are facing (excessive soil loss; riparian buffer, groundwater, sourcewater and wetland protection; stormwater and drainage system storage and treatment, etc.). These endeavors require practice and project funding, but they are not possible or will not last without highly capable local staff who possess technical credentials and can earn the trust of landowners. Legislation was introduced late in the 2014 Session that includes mechanisms for SWCDs to generate local revenue to achieve their local/state/federal mission. MASWCD and BWSR will be holding a summit to gather ideas on June 11th in St. Cloud. Among the discussion points will be:

- What are the barriers/challenges to the way technical assistance works?

- What's working? (the benefits/strengths of how technical assistance works in Minnesota?)
- What are the key technical assistance needs today and into the future?
- What technical services lend themselves best to coordinated efforts or shared services?
- How do we foster more of the right kinds of shared services?
- What kind of state and local structure is needed to accelerate or enhance technical assistance?

LeAnn acknowledged and appreciates the partnership with BWSR and the assistance provided by John Jaschke and Doug Thomas; and appreciates Angie Becker Kudelka's assistance on the technical capacity summit. Ian stated the importance of local delivery and base capacity, MASWCD is proposing SWCD funding options to resolve issues. Mark commented on local capacity and the amount of time staff are spending on RFPs without funding; this technical assistance expenditure is not reimbursed. Discussion followed. LeAnn distributed the MASWCD 'SWCD Funding Initiative'. Chair Napstad stated that BWSR supports MASWCD.

#### **AGENCY REPORTS**

**Minnesota Department of Agriculture (MDA)** - Rob Sip announced and distributed a flyer for the 'Agricultural Drainage and the Future of Water Quality Workshop' on June 26 in Mankato.

**Minnesota Department of Health (MDH)** – Chris Elvrum reported that MDH was awarded funding for protection of groundwater management areas.

**Minnesota Department of Natural Resources (DNR)** – Tom Landwehr commented on the challenges in Minnesota regarding water issues. He reported that \$1M was appropriated for an enhanced study of White Bear Lake; \$44M for the Lewis & Clark pipeline; and a good water initiative was in the recent budget for the Mississippi Headwaters Board. DNR received approval for three proposals: restoration of Marsh Lake; authorization for Fargo-Moorhead diversion to proceed; and first in history Congress authorized closure of the Upper St. Anthony lock in order to prevent the spread of Asian Carp, and was awarded funding for an electric barrier.

**Minnesota Pollution Control Agency (MPCA)** – Rebecca Flood reported that the Administrative Law Judge recommended approval of solid standards this will be on the PCA Board meeting in June.

#### **ADVISORY COMMENTS**

**Minnesota Association of Townships (MAT)** – Sandy Hooker reported that MAT officials went to Washington, D.C. in early May to meet with congressional delegation.

**Minnesota Association of Watershed Districts (MAWD)** – Ray Bohn provided a brief overview of MAWD legislative issues. Ray stated that MAWD appreciates BWSR assistance during the legislative session, he thanked John and Sarah for the great work they do during session. Ray thanked Al Kean for his great work on the Drainage Bill. Ray invited board members to attend the MAWD Annual Summer Tour in Stillwater, June 18-20. Board members interested in attending can contact Mary Jo Anderson. MAWD's annual meeting will be in early December. Ray congratulated Jill Crafton on her appointment to the BWSR Board. Chair Napstad thanked Ray for his report.

Chair Napstad announced the upcoming meetings:

- BWSR All Staff Meeting – June 18-19, 2014, St. John's University, Collegeville
- Next BWSR Board Meeting – June 25, 2014, in St. Paul
- RIM Reserve & Soil Conservation Committee and the Grants Program & Policy Committee meetings on June 12
- Water Management & Strategic Planning Committee meeting on June 24

Chair Napstad adjourned the meeting at 12:40 p.m.

Respectfully submitted,

Mary Jo Anderson  
Recorder

DRAFT

## **CONFLICT OF INTEREST DECLARATION**

### **1. Conflict of Interest Training and Disclosure – Tim Dykstal – *INFORMATION ITEM***

- Area II Minnesota River Basins Project, Inc. Work Plan and Grant
- FY2015 Farm Bill Assistance Grant Awards
- FY2015 SWCD Programs & Operations Grant Allocations
- FY2015 NRBG Allocations
- One Watershed One Plan Pilot Grants Awards
- Supplemental FY2014 Clean Water Fund Grant Awards



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Conflict of Interest Training and Disclosure<sup>L</sup>

Meeting Date: June 25, 2014  
Agenda Category:  Committee Recommendation  New Business  Old Business  
Item Type:  Decision  Discussion  Information  
Section/Region: \_\_\_\_\_  
Contact: Tim Dykstal  
Prepared by: Tim Dykstal  
Reviewed by: John Jaschke Committee(s)  
Presented by: Tim Dykstal

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

BWSR's Fiscal Compliance Director will lead a training session for BWSR Board members on conflict of interest in grant reviewing.

**SUMMARY** (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)  
The 06/18/12 revision of the Office of Grant's Management Conflict of Interest policy added a definition of a "potential" conflict of interest to the existing categories of "perceived" and "actual" conflicts. A "potential conflict ... may exist," the policy states, "if a grant reviewer has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests." This training session will stress the importance of guarding against conflict of interest and will explain how the OGM's policy and its three categories of conflict--actual, perceived, and potential--apply to BWSR's structure and mission. At the conclusion of the training, BWSR will encourage Board members to disclose potential and perceived conflicts of interest.

Link to OGM Policy 08-01, Conflict of Interest--  
[http://www.admin.state.mn.us/documents/grants\\_policy2012\\_08-01.pdf](http://www.admin.state.mn.us/documents/grants_policy2012_08-01.pdf)



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Dispute Resolution Committee Report

**Meeting Date:** June 25, 2014

**Agenda Category:**  Committee Recommendation  New Business  Old Business

**Item Type:**  Decision  Discussion  Information

**Section/Region:** Land and Water Section

**Contact:** Travis Germundson

**Prepared by:** Travis Germundson

**Reviewed by:** \_\_\_\_\_ Committee(s)

**Presented by:** Travis Germundson/Gerald Van Amburg

Audio/Visual Equipment Needed for Agenda Item Presentation

**Attachments:**  Resolution  Order  Map  Other Supporting Information

**Fiscal/Policy Impact**

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

**ACTION REQUESTED**

None.

**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

June 13, 2014

By: Travis Germundson

There are presently **13** appeals pending. All of the appeals involve WCA except File 10-10. There has been **1** new appeal filed since the last report (May 28<sup>th</sup> Board Meeting).

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 14-6 (5-28-14) This is an appeal of a replacement plan decision by DNR Land and Minerals involving the Hibbing Taconite Mine and Stockpile Progression and Williams Creek Wetland Mitigation. The appeal regards the approval of a wetland replacement plan application for mining related activities. A similar appeal was also filed simultaneously with DNR under procedures required for permit to mine. No decision has been made on the appeal.

File 14-5 (5-2-14) This is an appeal of an exemption determination in Kandiyohi County. The appeal regards the denial of a wetland exemption application. At issue is the wetland type determination. The appeal has been remanded for technical work and administrative proceedings.

File 14-4 (4-28-14) This is an appeal of a restoration and replacement order in McLeod County. The appeal regards alleged drainage improvements associated with the excavation of a private drainage system. At issue is a prior exemption determination. No decision has been made on the appeal.

File 14-3 (4-17-14) This is an appeal of a restoration order in Murray County. The appeal regards alleged drainage impacts to a wetland contained on a DNR Wildlife Management Area (Degroot). *The appeal was placed in abeyance and the Restoration Order stayed for the TEP to produce a revised written report adequately addressing the drainage modifications.*

File 14-1 (2-3-14) This is an appeal of a replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application. Previous appeals (File 12-19 and File 13-5) were remanded for further technical work and administrative proceedings, and now the current approval is being appealed. The appeal has been accepted and the pre-hearing conference proceedings have been placed on hold by mutual agreement.

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 12-12 (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. *As a result of court ordered mediation there is a pending verbal settlement agreement in place.*

### Summary Table

Type of Decision	Total for Calendar Year 2013	Total for Calendar Year 2014
Order in favor of appellant		1
Order not in favor of appellant	2	
Order Modified	1	
Order Remanded	4	1
Order Place Appeal in Abeyance	2	1
Negotiated Settlement	3	
Withdrawn/Dismissed		

**COMMITTEE RECOMMENDATIONS**

***Northern Region Committee***

1. Aitkin County Water Management Plan Extension – Tom Schulz – ***DECISION ITEM***
2. Bois de Sioux Watershed District Plan Amendment – Gerald VanAmburg -  
***DECISION ITEM***
3. Sauk River Watershed District Ten Year Plan Revision – Gene Tiedemann –  
***DECISION ITEM***



## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Aitkin County Water Plan Extension Request

**Meeting Date:** June 25, 2014

**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(s)

**Presented by:** Tom Schulz

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

Decision

### LINKS TO ADDITIONAL INFORMATION

<http://aitkincountyswcd.org/ACSWCD-Reports.html>

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

On August 27, 2009 the Minnesota Board of Water and Soil Resources (Board) approved the Aitkin County Comprehensive Local Water Management Plan (Plan). The Plan expires on August 27, 2014. The County is requesting a two year extension while the county completes the update. The North Region Committee reviewed the request on June 11, 2014.

**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 **Aitkin County** pursuant to M.S. 103B.311,  
Subdivision 4, Authorizing BWSR to Grant Extensions

---

**ORDER EXTENDING  
LOCAL WATER PLAN**

**Whereas**, Aitkin 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.3367.

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

**FINDINGS OF FACT**

1. On June 10, 2014, the Board received a resolution from Aitkin County requesting a two-year extension of their Comprehensive Local Water Plan to August 27, 2016.
2. On June 10, 2014, Board staff reviewed and recommended approval of the extension request by Aitkin County.
3. On June 11, 2014, the North Region Committee met and reviewed the Aitkin 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 Aitkin County pursuant to Minnesota Statute 103B.3367.

**ORDER**

The Board hereby approves the two-year extension of the Aitkin County Comprehensive Water Plan until August 27, 2016.

Dated at St. Paul, Minnesota, this 25th day of June 2014.

By: \_\_\_\_\_  
Brian Napstad, Chair

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED June 10, 2014

By Commissioner: Westerlund

061014-042

Revision of Aitkin County Comprehensive Local Water Plan – Special Extension Request

**WHEREAS**, Minnesota Session Law 2012 Chapter 103B.3367 gave the MN Board of Water and Soil Resources (BWSR) authority to extend the date of local water plans for a period not to exceed two (2) years; and

**WHEREAS**, Aitkin County has a current state approved and locally adopted Comprehensive Local Water Plan with an end date of August 27, 2014; and

**WHEREAS**, the public comment period has been conducted and results of the public survey have been prioritized for the extension of the 2014 water plan to August 27, 2016; and

**WHEREAS**, Aitkin County is an active participant in other major projects currently underway such as BWSR's One Watershed One Plan for the Snake River and Upper Mississippi (Brainerd) project which is scheduled to be completed in 2015 which could then be included in the Aitkin County LWP. Aitkin County is also participating in the Upper Mississippi River WRAP which is beginning its first year, and

**WHEREAS**, the Aitkin County Local Water Planner has created a model for Local Water Plans targeted at the minor watershed level and which coordinates with the Department of Natural Resources Fisheries Lake Protection and Restoration Strategy. Aitkin County would like to integrate both practices into the updated LWP to create a common methodology to prioritize, target and develop measurable outcomes for future projects.

**NOW THEREFORE, BE IT RESOLVED**, the Aitkin County Board of Commissioners request from MN Board of Water and Soil Resources (BWSR) a 24 month extension for a total extension of two (2) years (August 27, 2016) to include the work being completed on the BWSR's One Watershed One Plan for the Snake River and Upper Mississippi (Brainerd) project and the DNR Fisheries Lake Protection and Restoration model for minor watersheds to be added to the Aitkin County Comprehensive Water Plan.

**BE IT FURTHER RESOLVED**, that Aitkin County will ensure continued public participation in the form of a Water Plan Task Force and Public Information meetings.

Commissioner Niemi moved the adoption of the resolution and it was declared adopted upon the following vote

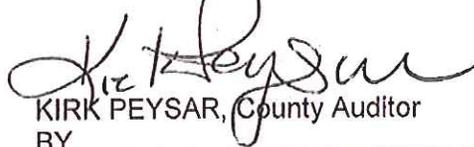
FIVE MEMBERS PRESENT

All Members Voting Yes

STATE OF MINNESOTA)  
County of Aitkin ) ss.  
Office of County Auditor,)

I, Kirk Peysar, Auditor, of the County of Aitkin, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 10<sup>th</sup> day of June A.D., 2014, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Aitkin, Minnesota, this 10<sup>th</sup> day of June A.D., 2014

  
KIRK PEYSAR, County Auditor

BY \_\_\_\_\_, Deputy



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Amendment-Bois de Sioux Watershed District Overall Plan

**Meeting Date:** June 25, 2014

**Agenda Category:**  Committee Recommendation  New Business  Old Business

**Item Type:**  Decision  Discussion  Information

**Section/Region:** North Region

**Contact:** Pete Waller or Travis Germundson

**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

Approval

## LINKS TO ADDITIONAL INFORMATION

The Bois de Sioux Watershed District Plan, which is being amended, can be found at <http://www.frontiernet.net/~bdswd/Files/Final%20Overall%20Plan%205-23-03.pdf>.

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

October 2, 2013, BWSR received the petition to amend the Bois de Sioux Watershed District Overall Plan (Plan) pursuant to M.S 103D.411. A brief summary regarding the petition is as follows:

The petition proposes to amend the Plan to clarify the rational, basis and means to achieve the retention goals of the District via impoundments. The Amendment summarizes the District’s statutory authority, and planning work performed on a sub watershed basis. Along with the District’s property acquisition philosophy, common funding sources, establishment procedure, and means to maintain projects of the District. The Amendment will be inserted in PART V PROJECTS on page 99 of the Plan as C. LAND ACQUISITION; D. PROJECT FUNDING; E. PROCEDURE FOR ESTABLISHING PROJECTS; and F. FUNDING PROJECT MAINTENANCE.

A notice of filing on the Plan Amendment was published. Several requests for a hearing to be held were received. On April 9th a hearing was held in Wheaton, Minnesota.

On June 11<sup>th</sup> the BDSWD Amendment was on the agenda of the North Region Committee. The North Region Committee decided to recommend approval of the BDSWD Plan Amendment to the full Board for their action June 25, 2014.

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

---

**In the Matter** of approving an Amendment of  
Watershed Management Plan for the  
Bois de Sioux Watershed District  
Pursuant to Minnesota Statutes Sections  
103D.411

---

ORDER  
APPROVING  
AMENDMENT OF  
WATERSHED MANAGEMENT  
PLAN

**Whereas**, the Board of Managers of the Bois de Sioux Watershed District (BDSWD) filed a petition for an amendment of the BDSWD Watershed Management Plan with the Board of Water and Soil Resources (Board) on October 2, 2013, and final revised amendment on April 23, 2014, pursuant to, 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.** On October 2, 2013, the Board received a petition from BDSWD for an amendment to the overall watershed management plan clarifying the basis and means to achieve retention goals through impoundments pursuant to Minn. Stat. §103D.411.
2. **District Establishment.** The BDSWD was initially established on May 11, 1988, by the Board.
3. **Amendment of Plan.** The purpose of the proposed Amendment is to clarify a process the BDSWD will use to assess, plan, pursue, and complete impoundment projects. The latest Water Management Plan of the District was prescribed by the Board on May 28, 2003.
4. **Nature of the Watershed.** The BDSWD encompasses an area of approximately 1,412 square miles in west-central Minnesota. The District includes the watershed of the Mustinka River and the Minnesota portion of the Bois de Sioux River. The BDSWD includes parts of the following counties; Traverse, Grant, Wilkin, Stevens, Big Stone and Otter Tail. Approximately 93% of the District is used for agricultural production.
5. **Local Review.** The BDSWD sent a copy of the proposed petition to local units of government for their review pursuant to Minn. Stat. § 103D.411.

6. **Board Review.** Board staff agreed that the proposed Amendment supports the water quantity, water quality, and natural resource goals of the District's Plan. The Amendment provides clarity to the District's rationale, basis and means to achieve its retention goals with impoundments. In addition to summarizing the District's statutory authority, planning on a subwatershed basis, property acquisition philosophy, commonly used sources of funding, project establishment procedure, and means to maintain District projects.
7. **Department of Natural Resources Review.** The DNR had no specific recommendations on changes need and look forward to continued collaboration on flood damage reduction and natural resource enhancement projects. A question was raised as to if the acquisition of property is an action that would prejudice the outcome of a project requiring environmental review under MN Rules Chapter 4410.4300 (Exhibit 2).
8. **Publish Notice of Filing.** The Legal Notice of Filing on the Petition, pursuant to Minn. Stat. § 103D.105 Subd. 2, was published in the Chokio Review on December 26, 2013, and January 2, 2014 (Exhibit 10), the Wheaton Gazette on December 24 and 31, 2013 (Exhibit 12), the Grant County Herald on December 25, 2013, and January 1, 2014 (Exhibit 9), the Herman Review on December 26, 2013, and January 2, 2014 (Exhibit 11), the Daily Journal on December 23 and 30, 2013 (Exhibit 8), the Daily News on December 24 and 31, 2013 (Exhibit 7), and the Northern Star on December 19 and 26, 2013 (Exhibit 6). Further, a copy of the notice of filing was mailed to several addresses notifying them of the legal notice of filing, including the Traverse, Grant, Stevens, Big Stone, Otter Tail and Wilkin Counties Auditor, Administrator, and Soil and Water Conservation Districts, all cities with the watershed district, and a representative for the Watershed District.
9. **Publish Notice of Hearing.** A letter dated January 28, 2014, was received January 31, 2014, from Linda Wanek, City of Doran (Exhibit 13) requesting a hearing be held. Also a packet of form letters was received January 30, 2013, from Patrick Haney (Exhibit 14) requesting that a hearing be held. Finally a letter dated January 24, 2014, from Kathryn Haney was received February 3, 2014, requesting a hearing be held (Exhibit 15). Legal Notice of Public hearing on the Petition was published in the Chokio Review on March 20 and 27, 2014 (Exhibit 23), the Wheaton Gazette on March 18 and 25, 2014 (Exhibit 19), the Grant County Herald on March 19 and 26, 2014 (Exhibit 20), the Herman Review on March 20 and 27, 2014 (Exhibit 22), the Daily Journal on March 17 and 24, 2014, the Daily News on March 18 and 25, 2014, and the Northern Star on March 20 and 27, 2014 (Exhibit 21). Further, a copy of the notice of hearing was mailed to several addresses notifying them of the legal notice of filing, including the Traverse, Grant, Stevens, Big Stone, Otter Tail, and Wilkin Counties Auditor, Administrator, and Soil and Water Conservation Districts, all cities with the watershed district, a representative for the Watershed District, Linda Wanek and Patrick Haney.

10. **Public Hearing.** A public hearing was held on the proposed Amendment on April 9, 2014, at 5:30 PM at the Wheaton American Legion located at 303 5<sup>th</sup> Street North, Wheaton Minnesota. The proceedings were recorded. The hearing panel consisted of Gerry Van Amburg, Gene Tiedemann, Tom Schulz, Keith Mykleseth, and Rob Sip. Board staff in attendance were Travis Germundson, Ron Shelito, Pete Waller, and Brett Arne. Travis Germundson entered Exhibits 1 through 22 into the record by reading a brief description of each exhibit. After all people present at the public hearing were given an opportunity to speak, the hearing record was left open for two weeks until 4:30 PM on April 23, 2014, for receipt of written comments.

The following list of exhibits comprises the hearing record:

**Exhibit 1.** Proposed Amendment to Bois de Sioux Watershed District Overall Plan.

**Exhibit 1A.** Petition to initiate an amendment from Jerome Deal, President of the Bois De Sioux Watershed District, dated September 20, 2013.

**Exhibit 2.** Letter dated December 2, 2013, from Pete Buesseler, DNR Division of Ecological and Water Resources to John Roeschlein, Bois de Sioux Watershed District providing comments on the proposed amendment.

**Exhibit 3.** Letter dated January 2, 2014, from Travis Germundson, Board of Water and Soil Resources to several addresses notifying them of the Notice of Filing, including list of addressees, and legal notice.

**Exhibit 4.** Letter dated January 2, 2014, from Pete Waller, Board of Water and Soil Resources to the Board's North Region Committee providing notification and summary of the Plan Amendment.

**Exhibit 5.** Draft North Region Committee Minutes of the January 8, 2014, Committee Meeting recommending conditional approval of the Plan Amendment barring any substantial comments or request for a hearing.

**Exhibit 6.** Affidavit of Publication dated December 26, 2013, of Legal Notice in the Northern Star on December 19 and 26, 2013.

**Exhibit 7.** Affidavit of Publication dated December 31, 2013, of Legal Notice in the Wahpeton Daily Newson December 24 and 31, 2013.

**Exhibit 8.** Affidavit of Publication dated December 31, 2013, of Legal Notice in the Fergus Falls Daily Journal on December 23, and 30, 2013.

**Exhibit 9.** Affidavit of Publication dated January 1, 2014, of Legal Notice in the Grant County Herald on December 25, 2014, and January 1, 2014.

**Exhibit 10.** Affidavit of Publication dated January 2, 2014, of Legal Notice in the Chokio Review on December 26, 2014, and January 2, 2014.

**Exhibit 11.** Affidavit of Publication dated January 13, 2014, of Legal Notice in the Herman-Hoffman-Tribune on December 26, 2014, and January 2, 2014.

**Exhibit 12.** Affidavit of Publication dated January 15, 2014, of Legal Notice in the Wheaton Gazette on December 24 and 31, 2013.

**Exhibit 13.** Letter dated January 28, 2014, from Linda Wanek, City of Doran to Travis Germundson with the Board of Water and Soil Resources objecting to the proposed amendment.

**Exhibit 14.** Packet of 23 form letters objecting to the Plan Amendment and requesting a hearing submitted by Patrick Haney received on January 30, 2014.

**Exhibit 15.** Letter dated January 24, 2014, from Kathryn Haney objecting to the Plan Amendment and requesting a hearing, received February 3, 2014.

**Exhibit 16.** Letter dated March 7, 2014, from Travis Germundson, Board of Water and Soil Resources to several addresses notifying them of the Public Hearing, including list of addressees, and legal notice.

**Exhibit 17.** Affidavit of Publication dated March 24, 2014, of Legal Notice in the Fergus Falls Daily Journal on March 17, and 24, 2014.

**Exhibit 18.** Affidavit of Publication dated March 25, 2014, of Legal Notice in the Wahpeton Daily Newson March 18 and 25, 2014.

**Exhibit 19.** Affidavit of Publication dated March 26, 2014, of Legal Notice in the Wheaton Gazette on March 14 and 25, 2014.

**Exhibit 20.** Affidavit of Publication dated March 26, 2014, of Legal Notice in the Grant County Herald on March 19 and 26, 2014.

**Exhibit 21.** Affidavit of Publication dated March 27, 2014, of Legal Notice in the Northern Star on March 20, and 27, 2014.

**Exhibit 22.** Affidavit of Publication dated April 4, 2014, of Legal Notice in the Herman-Hoffman-Tribune on March 20, and 27, 2014.

**Exhibit 23.** Affidavit of Publication dated April 16, 2014, of Legal Notice in the Chokio Review on March 20 and 27, 2014.

**Exhibit 24.** Letter dated March 27, 2014, from Pete Waller, Board of Water and Soil Resources to the Board's North Region Committee providing a revised staff report and summary of the Plan Amendment.

**Exhibit 25.** Committee Packet dated March 31, 2014, from Ron Shelito with the Board of Water and Soil Resources to the Board's North Region Committee notifying them of the public hearing, including Exhibits 1, 1A, 13, 14, 16, and 23.

The following exhibits were entered into the record after the hearing and submitted by April 23, 2014, when the record closed

**Exhibit 26.** Compact Disk of audio recording of the April 9, 2014, Bois de Sioux public hearing.

**Exhibit 27.** Draft North Region Committee minutes of the April 9<sup>th</sup> public hearing.

**Exhibit 28.** Letter dated April 16, 2014, from Thomas Athens with Svingen, Cline & Larson, P.A. to Travis Germundson, Board of Water and Soil Resources responding to issues raised at the April 9, 2014 public hearing and transmitting Exhibit 29 and 30.

**Exhibit 29.** Proposed final draft amendment to Bois de Sioux Watershed District Overall Plan, received April 23, 2014.

**Exhibit 30.** Copy of the Red River Basin Flood Damage Reduction Work Group Agreement, dated December 9, 1998

11. **Board Staff Report.** The Amendment will be inserted in PART V PROJECTS on page 99 of the Plan as C. LAND ACQUISITION; D. PROJECT FUNDING; E. PROCEDURE FOR ESTABLISHING PROJECTS; and F. FUNDING PROJECT MAINTENANCE. Staff determined that the proposed Amendment and goals of the District's Plan supports the water quantity, water quality, and natural resources of the state. The final proposed Amendment conforms to the requirements of Minnesota Statute 103D. Therefore, staff recommends approval of the April 23, 2014, proposed Amendment and look forward to assisting the District in its implementation.

12. **North Region Committee.** The committee met on Wednesday, June 11, 2014, at the Great River Regional Library, located at 1300 W St. Germain, St. Cloud. Committee members present were Gerald Van Amburg, Gene Tiedemann, Tom Schulz, Keith Mykleseth, Brian Napstad, Neil Peterson and Rob Sip. Board staff in attendance were Travis Germundson, Ron Shelito, Pete Waller, Doug Thomas, and Jason Weirnerman. Based on the public hearing record, the Amendment meeting the requirements of Minn. Stat. § 103D.411, and staff recommendation to approve the Amendment. The committee unanimously recommended approval of the BDSWD plan Amendment.

## CONCLUSIONS

1. The petition for an amendment to the BDSWD Plan is valid in accordance with Minn. Stat. § 103D.411.
2. Proper notice of hearing was given and one public hearing was held in accordance with applicable laws.
3. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
4. The Board has proper jurisdiction in the matter of approving an amendment of watershed management plan.
5. The attached Amendment to the Plan as proposed in the Petition would be for the public welfare and public interest and the purpose of Minn. Stat. Chapter 103D would be served.

## ORDER

The Board hereby approves the attached Plan Amendment received on April 23, 2014 as a formal amendment to the 2003 Plan for the BDSWD.

Dated at Saint Paul, Minnesota this 25<sup>th</sup> day of June, 2014.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: \_\_\_\_\_  
Brian Napstad, Chair



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Sauk River Watershed District 10 Year Plan Revision

**Meeting Date:** June 25, 2014

**Agenda Category:**  Committee Recommendation  New Business  Old Business

**Item Type:**  Decision  Discussion  Information

**Section/Region:** North Region

**Contact:** Jason Weirnerman

**Prepared by:** Ron Shelito

**Reviewed by:** North Region 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
- 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 10 year revision of the Sauk River Watershed District Management Plan

**LINKS TO ADDITIONAL INFORMATION**

[http://www.bwsr.state.mn.us/aboutbwsr/resolutions/Sauk\\_River\\_WD\\_Mgmt\\_Plan.pdf](http://www.bwsr.state.mn.us/aboutbwsr/resolutions/Sauk_River_WD_Mgmt_Plan.pdf)

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

On May 7<sup>th</sup>, 2014, the Brainerd office received the final revision of the Sauk River Watershed District 10 year management plan revision. The regional staff and Travis Germundson reviewed the plan to ensure the plan followed statutory requirements and BWSR recommendations for watershed district plans. When field staff confirmed the plan met the appropriate requirements, the document, along with the DNR comments and the public meeting record, was forwarded to the Northern Region Committee for review. The North Region Committee met on June 11<sup>th</sup>, 2014 to review the plan. Staff from the Sauk River WD presented the plan and explained the high points of the new revision. The North Region Committee made and passed a motion for a recommendation to the full board for approval of the 10 year revision of the Sauk River Watershed District Plan.

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

---

**In the Matter** of prescribing a Revised Watershed Management Plan that establishes water management for the **Sauk River Watershed District** pursuant to Minnesota Statutes Sections 103D.405 and 103D.729

---

ORDER  
PRESCRIBING  
WATERSHEDMANAGEMENT  
PLAN

**Whereas**, the Board of Managers of 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 and final revised Plan dated March 2014, received on April 10, 2014, pursuant to Minn. Stat. §§ 103D.405, and 103D.729, 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 water management districts 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. **Local Review.** SRWD sent a copy of the draft Plan to local units of government for their review pursuant to Minn. Stat. § 103D.405.
6. **Department of Natural Resources Review.** The Department of Natural Resources stated that overall the revised Plan is put together very well. It was recommended that the Plan promote water conservation measures for irrigation particularly in the Ground Water Management Area in the Bonanza Valley. Along with encouraging the District to incorporate tile drainage conservation controls and stream bank stabilization projects into the Plan. They also provided some suggestions on Curly-leaf pondweed control, Alum treatment, Lake IBI, and Natural Resource Heritage Review. Finally, it was recommended that the Plan include goals and polices to address the protection of rare and native plan communities located within the District (Exhibit 3).

7. **Minnesota Board of Water and Soil Resources.** Comments provide by the BWSR stated that the Plan is very comprehensive and meets BWSR's standards for a watershed management plan except for the establishment of watershed management districts pursuant to Minn. Stat. §103D.729. While the Plan provides details on the management units and general course of action; additional information is needed to formally establish these districts and avoid future Plan amendments. Changes to the Water Management District Section of the Plan need to be addressed to meet BWSR's guidelines and to formally establish and institute charges (Exhibit 5).
  
8. **Hearing Notice.** Legal notice of the public hearing on the Plan, pursuant to Minn. Stat. § 103D.405 Subd. 5, was published in the St. Cloud Time on February 5 and 12, 2014, in the Eden Valley Watkins Voice on February 5, and 12, 2014, in the Echo Press on February 5 and 12, 2014, in the Long Prairie Leader on February 5 and 12, 2014, in the Sauk Center Herald on February 20, 2014, and Pope County Tribune February 17, 2014. Further, a copy of the hearing notice was mailed to several addresses notifying them of the public hearing, including the Stearns, Todd, Pope, Douglas, and Meeker County Auditors, Administrators, and Soil and Water Conservation Districts; all cities within the watershed district; and representative for the Watershed District.
  
9. **Public Hearing.** A public hearing was held on the Plan on February 20, 2014 at 5:30PM at the Melrose City Center, 225 1<sup>st</sup> Street NE, Melrose MN. The proceedings were recorded. The hearing panel consisted of North Region Committee Board members Brian Napstad, Gerald Van Amburg, Tom Schulz and DNR designee Keith Mylkeseth. Board staff in attendance was Travis Germundson, Jason Weirnerman, and Ron Shelito. Travis Germundson entered Exhibit 1 through Exhibit 9 into the record by reading a brief description of each exhibit. After all people present at the public hearing were given an opportunity to speak, the hearing record was left open for two weeks until 4:30 on March 6, 2014 for receipt of written comments.

The following list of exhibits comprises the hearing record.

**Exhibit 1.** Draft Revised Watershed Management Plan for the Sauk River Watershed District dated July 2013, received July 18, 2013.

**Exhibit 2.** Board Order for a public hearing to be held on the revised watershed management plan for the Sauk River Watershed District, dated October 23, 2013.

**Exhibit 3.** Letter dated January 3, 2014 from John Gleason with the Minnesota Department of Natural Resources to Rebecca Kluckohn with Wenck Associates and Jason Weirnerman with the Board of Water and Soil Resources providing comments on the draft plan.

**Exhibit 4.** Letter dated February 3, 2014 from Travis Germundson with the Board of Water and Soil Resources to several addresses notifying them of the public hearing, including list of addressees, and legal notice.

**Exhibit 5.** Letter dated February 12, 2014 from Jason Weinerman with the Board of Water and Soil Resources to Larry Kuseske President Sauk River Watershed District providing comments on the draft plan.

**Exhibit 6.** Committee Packet dated February 14, 2014 from Ron Shelito with the Board of Water and Soil Resources to the Board's North Region Committee notifying them of the public hearing, including map, staff memorandum and comment letter, along with contents of the revised plan.

**Exhibit 7.** Affidavit of Publication dated February 12, 2014 of Legal Notice in the St. Cloud Times on February 5 and 12, 2014.

**Exhibit 8.** Affidavit of Publication dated February 12, 2014 of Legal Notice in the Eden Valley Watkins Voice on February 5 and 12, 2014.

**Exhibit 9.** Affidavit of Publication dated February 17, 2014 of Legal Notice in the Pope County Tribune on February 17, 2014.

The following exhibit was received during the February 20, 2014 public hearing.

**Exhibit 10.** GUS PLUS Management Unit Demonstration binder, distributed by the District to the North Region Committee.

*The following exhibits were entered into the record after the hearing and submitted by March 6, 2014 when the record closed.*

**Exhibit 11.** Compact Disk of audio recording of the February 20, 2014 Public Hearing

**Exhibit 12.** Letter dated March 1, 2014 from Bob Mostad with Mostad Farms to Travis Germundson, Board of Water and Soil Resources in support of the revised Plan and asking for better cooperation among the member counties.

10. **Board Staff Report.** The Plan development and revision process provided opportunity for public input, comment, and review. The Plan identifies quantifiable goals, objects, and actions needed to accomplish these goals. The managers of the Sauk River Watershed District have included four district wide activities that will be addressed over the next decade including:
  - a. Monitoring
  - b. Education, Outreach, and Public Relations
  - c. Programs and Capital Projects
  - d. Regulatory

The final revised Plan meets the requirements of Minn. Stat. §§ 103D.405, and 103D.729, and complies with the guidelines for water management district provided by Board of Water and Soil Resources.

1. **North Region Committee.** The committee met on Wednesday, June 11, 2014, at the Great River Regional Library, located at 1300 W St. Germain, St. Cloud. Committee members present were Gerald Van Amburg, Gene Tiedemann, Tom Schulz, Keith Mykleseth, Brian Napstad, Neil Peterson and Rob Sip. Board staff in attendance were Travis Germundson, Ron Shelito, Doug Thomas, and Jason Weinerman. Based on the public hearing record, the Plan meeting the requirements of Minn. Stat. §§ 103D.405 and 103D.729 and staff recommendation to approve the Plan. The committee unanimously recommended approval of the SRWD Revised Plan.

### CONCLUSIONS

1. The proposed Revised Plan including the establishment of water management districts is valid in accordance with Minn. Stat. §§ 103D.405 and 103D.729.
2. Proper notice of hearing was given and one public hearing was held in accordance with applicable laws.
3. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
4. The Board has proper jurisdiction in the matter of approving a Revised Plan that establishes water management districts for the SRWD.
5. The attached Revised Plan of the SRWD dated March 2014 would be for the public welfare and public interest and the purpose of Minn. Stat. Chapter 103D would be served.

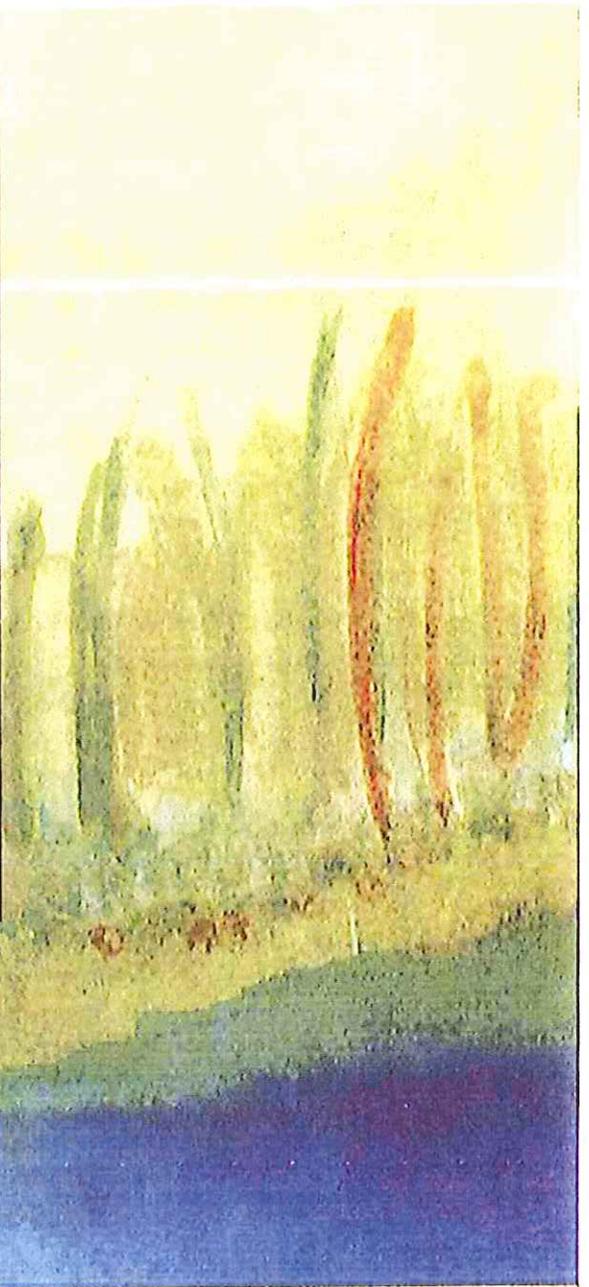
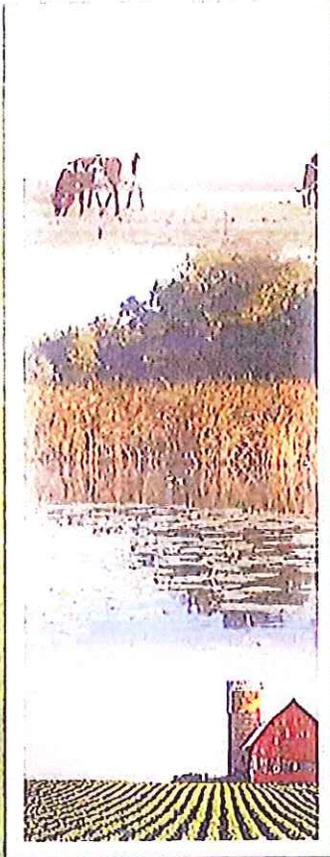
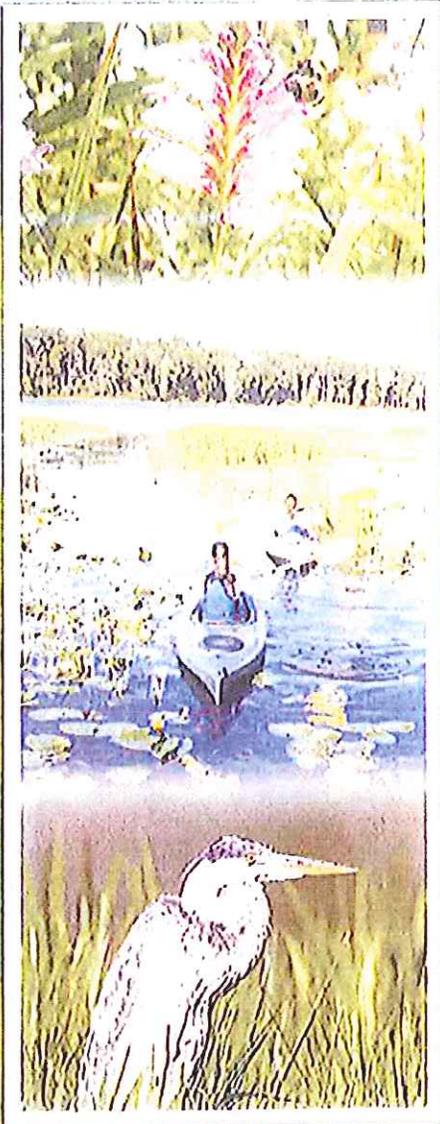
**ORDER**

The Board hereby prescribes the attached Plan dated March 2014 as the Revised Watershed Management Plan for the Sauk River Watershed District to establish water management districts. The Sauk River Watershed District must include an evaluation of the use and effectiveness of the water management districts in the next ten year plan revision.

Dated at Saint Paul, Minnesota this 25 day of June, 2014.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: \_\_\_\_\_  
Brian Napstad, Chair



RECEIVED

MAY 07 2014

BD OF WATER & SOIL  
RESOURCES-BRAINERD



*Sauk River*  
Watershed District

Comprehensive Watershed Management Plan  
2014-2023

# TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	ii
<b>1 INTRODUCTION .....</b>	<b>1-1</b>
1.1 Introduction.....	1-1
1.2 Plan Organization .....	1-1
<b>2 PLAN FRAMEWORK AND USE .....</b>	<b>2-1</b>
2.1 Plan Framework & Use.....	2-1
2.1.1 Mission and Vision.....	2-1
2.1.2 Management Goals and Strategies .....	2-2
<b>3 DISTRICT CORE ACTIVITIES.....</b>	<b>3-1</b>
3.1 Study and Monitoring.....	3-1
3.2 Education, Outreach, and Public Relations .....	3-2
3.3 Capital Projects and Programs .....	3-3
3.4 Regulatory Program .....	3-7
<b>4 MANAGEMENT UNIT TARGETED ACTIVITIES .....</b>	<b>4-1</b>
4.1 Osakis Lake MU Targeted Activities .....	4-1
4.2 Sauk Lake MU Targeted Activities .....	4-4
4.3 Adley Creek MU Targeted Activities.....	4-6
4.4 Center Sauk MU Targeted Activities .....	4-8
4.5 GUS Plus MU Targeted Activities .....	4-10
4.6 St. Roscoe MU Targeted Activities .....	4-12
4.7 Chain of Lakes MU Targeted Activities.....	4-14
4.8 Grand Pearl MU Targeted Activities.....	4-16
4.9 Cold Spring MU Targeted Activities.....	4-18
4.10 Mini Metro MU Targeted Activities .....	4-20
4.11 Implementation Plan Summary .....	4-22
<b>5 PROCESS FOR INITIATING AND SELECTING CAPITAL PROJECTS.....</b>	<b>5-1</b>
5.1 Petitioned Projects .....	5-1
5.2 District-Initiated Projects.....	5-2
5.3 Project Selection Criteria.....	5-2
5.4 Project Development Process .....	5-3
5.5 Financing Options.....	5-3
5.5.1 General Levy .....	5-3
5.5.2 Assessment of Benefit .....	5-3
5.5.3 Water Management District (WMD) .....	5-4
5.5.4 Cost Share and Grants .....	5-5
<b>6 PLAN REVIEW, UPDATE AND AMENDMENT PROCESS.....</b>	<b>6-1</b>
<b>7 MANAGEMENT UNIT REPORT CARDS.....</b>	<b>7-1</b>
<b>8 REFERENCES .....</b>	<b>8-1</b>

9	MASTER TABLE OF CONTENTS .....	9-1
---	--------------------------------	-----

**MANAGEMENT UNIT REPORT CARDS**

Report Card 1 – District-Wide Management Unit Report Card .....	vi
Report Card 2 – Lake Osakis Management Unit .....	7-1
Report Card 3 – Sauk Lake Management Unit.....	7-3
Report Card 4 – Adley Creek Management Unit .....	7-5
Report Card 5 – Center Sauk Management Unit .....	7-7
Report Card 6 – GUS Plus Management Unit .....	7-9
Report Card 7 – St. Roscoe Management Unit .....	7-11
Report Card 8 – Chain of Lakes Management Unit .....	7-13
Report Card 9 – Grand Pearl Management Unit .....	7-15
Report Card 10 – Cold Spring Management Unit .....	7-17
Report Card 11 – Mini Metro Management Unit .....	7-19

**LIST OF TABLES**

Table 4-1. 2013-2023 planned Implementation actions by priority, responsible party(ies), and estimated cost...	4-22
--	------

**LIST OF FIGURES**

Figure Ex Sum-1. Watershed Wide Strategies .....	iv
Figure 3-1. District core activities, 2013-2023 .....	3-1
Figure 3-2. District organizational chart, 2013-2023 .....	3-3
Figure 4-1. Osakis Lake MU priority implementation actions .....	4-3
Figure 4-2. Sauk Lake MU priority implementation actions .....	4-5
Figure 4-3. Adley Creek MU priority implementation actions.....	4-7
Figure 4-4. Center Sauk MU priority implementation actions.....	4-9
Figure 4-5. GUS Plus MU priority implementation actions.....	4-11
Figure 4-6. St. Roscoe MU priority implementation actions .....	4-13
Figure 4-7. Chain of Lakes MU priority implementation actions .....	4-15
Figure 4-8. Grand Pearl MU priority implementation actions.....	4-17
Figure 4-9. Cold Spring MU priority implementation actions.....	4-19
Figure 4-10. Mini-Metro MU priority implementation actions .....	4-21

**LIST OF APPENDICES**

- Appendix A: Inventory and Condition Assessment
- Appendix B: Watershed Organization and Operations
- Appendix C: Management Unit Charge Basis

# ABOUT THIS PLAN

This Comprehensive Plan is rooted in the scientific evidence brought about by over 25 years of water quality monitoring and investigative studies. It guides our efforts to protect and enhance our watershed's waters and natural resources for today and tomorrow.



The Sauk River Watershed District has identified and prioritized actions based on science. This plan guides the application of our unique abilities and authorities. We will work in harmony with the expertise and resources of our citizen and government partners to forge the most cost effective, efficient path to achieving our water resources goals.

The Plan is intended for use by the District, its agency and local government partners and the many citizens who petitioned its formation, to provide a framework for management of the water resources of the Sauk River Watershed District over the next 10 years.

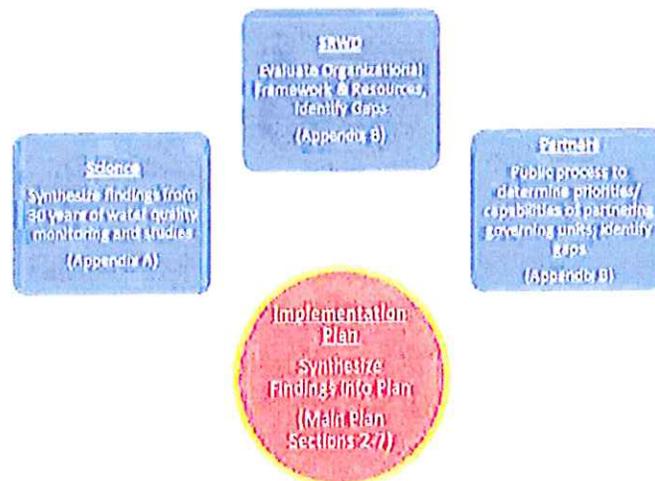
## THIS PLAN CONTAINS:

### EXECUTIVE SUMMARY

1. INTRODUCTION
2. PLAN FRAMEWORK AND USE
3. DISTRICT CORE ACTIVITIES
4. MANAGEMENT UNIT TARGETED ACTIVITIES
5. PROCESS FOR INITIATING AND SELECTING CAPITAL PROJECTS
6. PLAN REVIEW, UPDATE AND AMENDMENT PROCESS
7. MANAGEMENT UNIT REPORT CARDS
8. REFERENCES
9. MASTER TABLE OF CONTENTS

### APPENDICES:

- A INVENTORY AND CONDITION ASSESSMENT
- B WATERSHED ORGANIZATION AND OPERATIONS
- C MANAGEMENT UNIT CHARGE BASIS



## Executive Summary

---

This watershed management plan describes how the Sauk River Watershed District (SRWD) will manage activities in the watershed between 2013 and 2023.

The Sauk River Watershed District is a special purpose unit of local government established by popular citizen petition to protect water resources. A non-profit organization formed in 1982 to address water quality issues in the Sauk River Chain of Lakes. Following intensive study by scientists from St. Cloud State University and the Minnesota Pollution Control Agency, this organization concluded that remedial work and additional study would require more resources than the organization could support. In January 1986, a petition for the establishment of the Sauk River Watershed District was signed by 400 landowners. It was joined by four additional petitions in February. Following public hearings, the Minnesota Water Resources Board established the District under the authority of the 1955 Watershed Act set forth in Minnesota Statutes 103D. The statutory purpose of Watershed Districts is:

*"To conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources..."(MS 103D.201).*

Since its founding, the District has continued to implement programs and improvements to benefit the water resources and the citizens of the District. In 2012 the Board of Managers celebrated the 25<sup>th</sup> anniversary of the Sauk River Watershed District by highlighting many significant accomplishments. The Board continues to operate the District as it has from its initial establishment: *by relying on sound science to guide management actions.*

This is the District's third Comprehensive Watershed Management Plan. It is the culmination of years of water quality monitoring, scientific analysis, and experience and was prepared in consultation and cooperation with the District's many partners. State, county, and local governments, lake associations, sportsman's clubs, agricultural organizations, students, and private citizens participated in this planning process through active participation in meetings or by responding to an on-line survey. All these partners will have a role to play in implementing the actions identified in this Plan.

The defining principal of this Third Generation Watershed Management Plan is protecting and improving water resources in the watershed. To accomplish this, the District will:

- Prioritize efforts to implement the *load reductions* identified in current and future Total Maximum Daily Load studies (TMDLs);
- Establish each Management Unit as a *Water Management District* under the authority of Minnesota Statutes 103D.729 to finance water management activities in the respective Unit.
- Continue to provide *financial and technical incentives* to undertake projects and other activities with agency and private partners;
- Manage the *regulatory program* to protect water quality;
- *Collaborate* with other agencies to maximize cost-effectiveness and reduce perceived and actual duplication;
- *Protect resources* with good water quality; and
- *Inform and educate* the public about the District and ways to work as a partner to protect and improve water resources in the watershed.

The District assessed the available scientific data and studies and gathered stakeholder input in preparation of this plan. It also assessed its existing organizational structure, programs, resources, abilities and authorities and those of our partners. A formal Performance Review by the Minnesota Board of Water and Soil Resources (BWSR) conducted at the same time validated the District's assessment of needs to meet water resources goals over the next ten years. Strategies to meet those needs were identified on two levels:

1. Watershed-Wide
2. Management Unit Specific Needs

***Watershed Wide Strategies:***

Though the District and its partners have aggressively pursued projects and programs to improve water quality, some lakes and streams are still not fishable and swimmable. This plan calls for a major shift in how the District funds programs and projects and where they will be implemented. As it stands, projects and program participation are largely driven by landowner willingness to participate. However, science shows that sometimes projects and programs will be most effective in areas where landowners are not yet willing to participate.

This plan lays out a process to:

- Identify the barriers to landowner participation in areas where projects are most needed to improve water quality and
- Develop solutions to improve participation in programs and projects.

The District will facilitate Technical Advisory Committees (TAC) formed of local, state and federal governmental project partners, as well as agricultural producers, lake associations, and other land owners. The TACs will be formed regionally, based on the needs within the management unit and will meet regularly. Input from the committees will drive solutions. For example, project partners identified that many landowners in critical areas are unwilling to participate in Conservation Reserve Program (CRP) because they are not allowed to hay their CRP lands. The CRP program limit protects wildlife habitat, but is not necessary to achieve the water quality benefit. The District's purview is water quality. Improvement in water quality requires only perennial vegetation, hayed or not. The District could offer a program similar to CRP, but with an allowance for haying. In this way the District may achieve buffers in critical areas that have previously been unavailable for conservation. Solutions to issues like these will be the primary focus of the TAC.

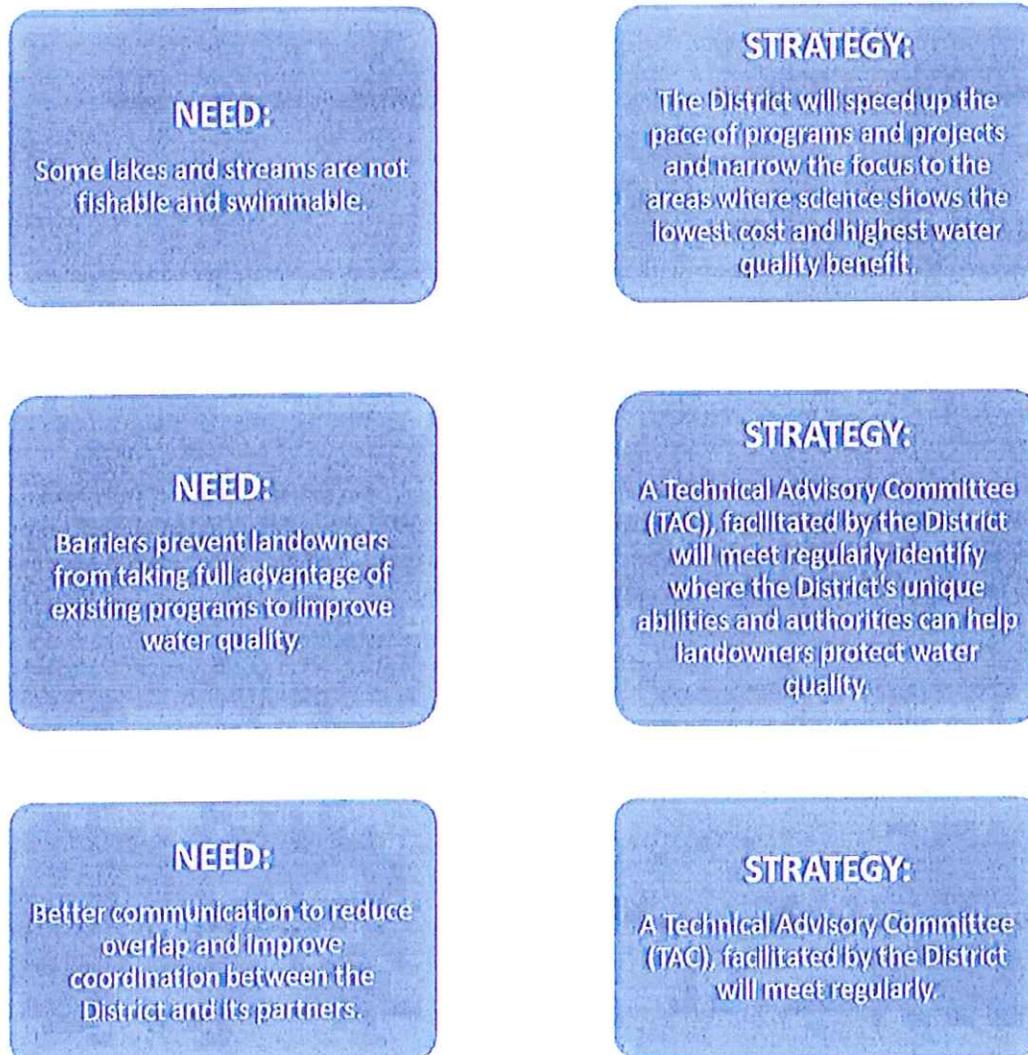
Many federal, state and local government agencies share regulatory authority over land uses that impact water resources within their borders. This presents coordination opportunities which, in the Sauk River Watershed District can surface as a perceived overlap in regulatory oversight and a lack of coordination among project partners. The District will address this by improving communication between local government agencies through the TAC. The TACs establish a process and a timeline for communication. This will be the secondary focus of the TAC.

This plan also hones the District's process of annual self-evaluation. Each year the District staff and project partners will tally up successes, identify needs and make course corrections as needed going forward based on the science and lessons learned to date.

Achieving plan objectives when grant funding is in decline will mean the District needs to seek alternative funding sources. One of the first actions the Board of Managers will take is to execute the Management Unit so that levy authority will be available to Board to fund the programs and projects.

The watershed wide strategies can be broken down into four categories, all driven by a specific need as shown in Figure Ex Sum-1:

Figure Ex Sum-1. Watershed Wide Strategies



**NEED:**

More projects and programs will require additional funding.

**STRATEGY:**

Execute Water Management Districts so that levy authority will be available to the Board of Managers to fund projects and programs.

***Management Unit-Specific Strategies:***

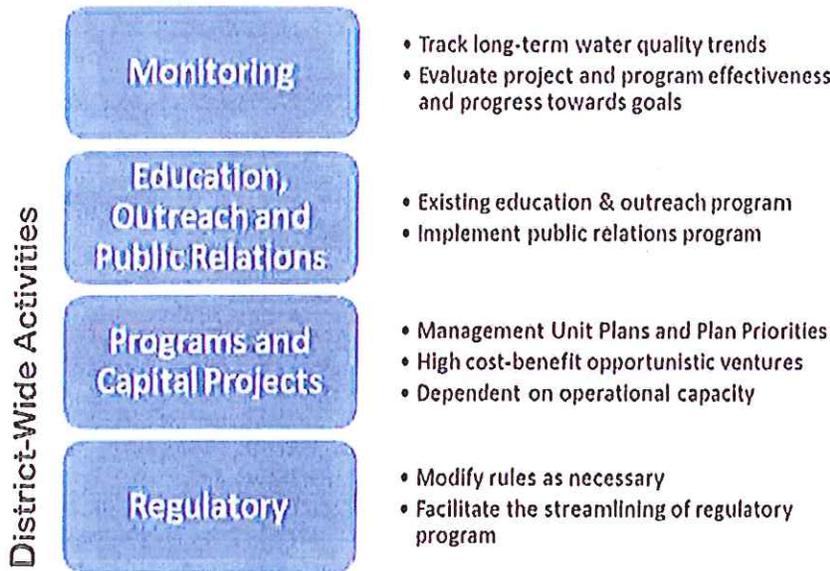
The ten Management Units, or sub-watershed areas, reflect the varied terrain, land cover, and drainage patterns in the watershed. While there are similarities between the Management Units, each faces a unique set of management issues affecting water resources in the drainage area. Each Management Unit's specific needs are guided by the water quality, hydrologic and hydraulic data collected during the past 25 years as well as scientific studies and modeling efforts.

Report Cards were prepared to summarize watershed-wide and Management Unit specific strategies. The watershed wide report card is included in the Executive Summary, the remaining Report Cards are included in the Report Card section. The Report Cards are a management tool for district staff and partners to track progress towards goals and adjust schedules, rules and budgets as needed. The report cards will be updated annually as new information is available.

Report Card 1 – District-Wide Management Unit Report Card

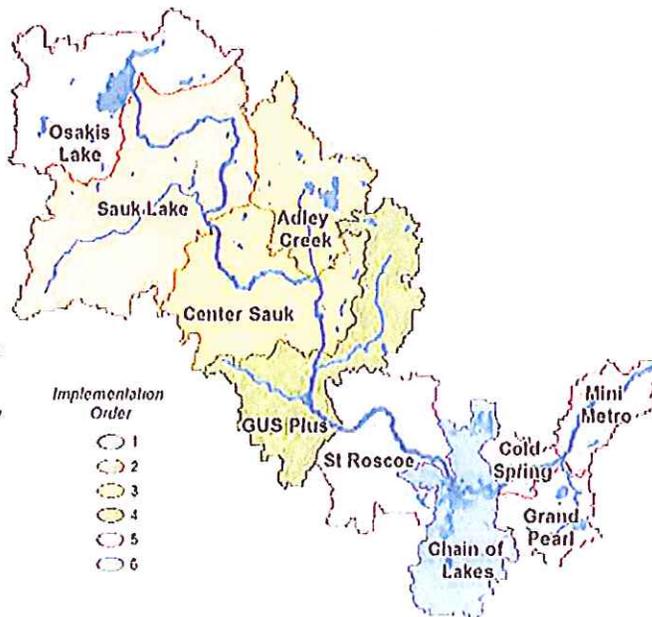
**Sauk River Watershed District:  
Implementation of the Comprehensive  
Watershed Management Plan (Pg 1)**

Water management activities in the District's Comprehensive Management Plan are detailed by management units and prioritized based on cost/benefit. District-wide activities are also identified, Monitoring for example.



**Sequencing Implementation of Management Unit Plans**

Comprehensive regional and site-specific nutrient management in high priority areas and urban stormwater management are the highest priority elements of the plan. Specific project details (Section 4 of the Plan) are based on 30-years of monitoring data, and the latest studies available. The order of implementation of the specific MU plans is shown to the right.



# Sauk River Watershed District: Implementation of the Comprehensive Watershed Management Plan (Pg 2)

## Schedule:

Schedule	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Long-Term Goal
<b>Administrative Activities</b>											
Establish management unit charge basis by June 2013											Provide funding for implementation activities
Public hearing for MU's by August 2013											
MU charges adopted											
Establish criteria for exemption from MU charge											Provide incentives for residents to reduce nutrient loading
Evaluate and adjust staffing levels											Ensure adequate resources to implement plan
<b>District-Wide Activity</b>											
<b>Monitoring</b>											Track WQ trends and progress towards goals
<b>Education, Outreach and Public Relations</b>											Instill environmental ethics and increase community involvement in protection of natural resources
											Establish regional and site-specific programs to manage fertilizer and manure application to reduce nutrient export. Execute capital projects and programs to mitigate mobilized pollutants.
<b>Programs and Capital Projects;</b>											Provide a regulatory baseline to protect water quality. Evaluate regulatory programs with considerations listed in Section 3.4 of the plan.
<b>Regulatory Management Unit Activity</b>											
OSAKIS	X										
SAUK LAKE		X									
ADLEY CREEK			X								
CENTER SAUK			X								
GUS PLUS				X							Reduce nutrient, sediment and bacterial loading to lakes and streams.
ST. ROSCOE				X							
CHAIN OF LAKES				X							
COLD SPRING	X										
GRAND PEARL	X										
MINI METRO	X										

Note: X= MU Funding to begin, Shading marks programs begin.

**COMMITTEE RECOMMENDATIONS**

***Southern Region Committee***

1. Area II Minnesota River Basins Project, Inc. Work Plan and Grant – Steve Sunderland - ***DECISION ITEM***
  
2. Buffalo Creek Watershed District Watershed Management Plan – Steve Sunderland – ***DECISION ITEM***
  
3. Watonwan County Local Water Plan Amendment - Steve Sunderland – ***DECISION ITEM***



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Area II Minnesota River Basins Project Inc. Work Plan and Grant

**Meeting Date:** June 25, 2014

**Agenda Category:**  Committee Recommendation     New Business     Old Business

**Item Type:**  Decision     Discussion     Information

**Section/Region:** Southern Region

**Contact:** Jeff Nielsen

**Prepared by:** David Sill

**Reviewed by:** Southern Region Committee(s)

**Presented by:** Steve Sunderland

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 work plan and execution of fiscal year 2015 grant agreement

**LINKS TO ADDITIONAL INFORMATION**

Area II Minnesota River Basin Projects, Inc. Biennial Plan – FY 2014 & 2015 with Fiscal 2015 Update:  
[http://www.bwsr.state.mn.us/boardpackets/water\\_plans\\_for\\_bd\\_packet/AreaII\\_FY14\\_15\\_BIENNIAL\\_PLAN\\_Update.pdf](http://www.bwsr.state.mn.us/boardpackets/water_plans_for_bd_packet/AreaII_FY14_15_BIENNIAL_PLAN_Update.pdf)

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

Legislative appropriation to Area II Minnesota River Basins Project Inc. to assist its nine member counties flood control projects in southwestern Minnesota. Area II receives a cost share rate of 75% state funding and 25% local funding for office administration and project implementation; oversight is provided by BWSR.



DATE: June 2, 2014

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: David Sill, Board Conservationist, Marshall

RE: Area II MN River Basins Project Inc., FY 2014 & 2015 Biennial Plan and Budget (FY2015 Update)

I have reviewed the Area II MN River Basins Project Inc., Biennial Plan – FY 2015 Update. I find all information in order and recommend approval. The FY 2015 Plan Update and budget provides information and direction for the second year of the biennial plan. The funding provided to the Area II Board via specific legislation is targeted at administration of this nine county joint powers board. For Fiscal Year 2015 this amount is \$120,000. This grant requires a 25% local match.

The Update also provides information concerning a summary of completed and planned projects from their FY 2012 Bonding Projects grant. Area II was granted an extension to this grant until 12/31/2015.

Again I recommend approval of this Plan and Budget (FY 2015 Update). Should you have questions, please contact me. Thank you.



Board Resolution # \_\_\_\_\_

**Area II Minnesota River Basins Project Inc. Biennial Work Plan and Grant**

WHEREAS, the Area II Minnesota River Basins Inc. (Area II) is eligible to receive a \$120,000 FY 2015 grant from the Minnesota Board of Water and Soil Resources (BWSR). This grant is available for administrative and implementation efforts of Area II within their nine county project area. This grant is available with a 25% local match requirement; and

WHEREAS, Area II has developed a Biennial Work Plan to cover activities for FY 2014 and 2015 with a Fiscal 2015 Update; and

WHEREAS, Area II has secured their 25 percent match requirement.

THEREFORE BE IT RESOLVED, the BWSR hereby approves the Area II FY 2014 and 2015 Biennial Work Plan with Fiscal 2015 Update; and

BE IT FURTHER RESOLVED, the Board of Water and Soil Resources enter into a grant agreement with the Area II Minnesota River Basins Project Inc. for these funds.

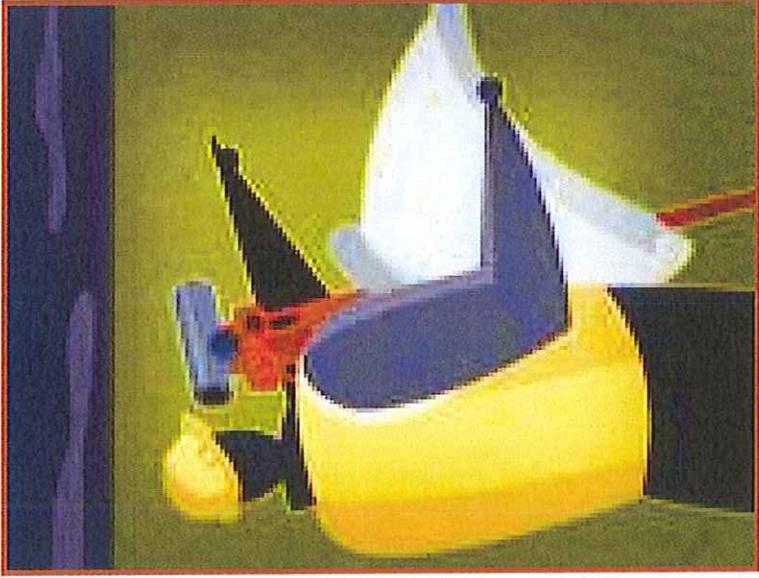
Date: \_\_\_\_\_

\_\_\_\_\_  
Brian Napstad, Chair  
Minnesota Board of Water and Soil Resources

# BIENNIAL PLAN – FY 2014 & 2015

JULY 1, 2013 – JUNE 30, 2015

**FISCAL 2015 UPDATE – MAY 2014**  
(Changes/Additions noted in RED)



**Member Counties**

- Brown • Cottonwood • Lac qui Parle
- Lincoln • Lyon • Murray • Pipestone
- Redwood • Yellow Medicine

## AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

1400 EAST LYON STREET MARSHALL, MN 56258

[WWW.AREA2.ORG](http://WWW.AREA2.ORG)



# CONTENTS

BIENNIAL PLAN – FY 2014 & 2015

**2014 BOARD OF DIRECTORS - PAGE 1**

**WORK PLAN NARRATIVE- PAGES 2 & 3**

**OTHER PROJECT ENDEAVORS - PAGE 4 & 5**

**POTENTIAL PROJECTS - PAGE 6**

**FY 2015 TECHNICAL OFFICE BUDGET - PAGE 7**

## ATTACHMENTS:

**A – SUMMARY OF 2012 BONDING PROJECTS AND FY2014 COMPLETED PROJECTS**

**B – FY 2014 ADMINISTRATIVE SERVICES GRANT REPORT**



# 2014 BOARD OF DIRECTORS

BIENNIAL PLAN – FY 2014 & 2015

## BROWN COUNTY

*DENNIS POTTER*

*ANDREW LOCHNER / JIM BERG (ALTERNATE)*

## MURRAY COUNTY

*ROBERT MOLINE – CHAIR*

*JOHN GIESE (ALTERNATE)*

## COTTONWOOD COUNTY

*NORMAN HOLMEN*

*JIM SCHMIDT (ALTERNATE)*

## PIPESTONE COUNTY

*LUKE JOHNSON*

*BRUCE KOOIMAN (ALTERNATE)*

## LAC QUI PARLE COUNTY

*ROY MARIHART*

*TODD PATZER (ALTERNATE)*

## REDWOOD COUNTY

*JOHN SCHUELLER – VICE CHAIR*

*AL KOKESCH (ALTERNATE)*

## LINCOLN COUNTY

*CURT BLUMEYER - SECRETARY/TREASURER*

*DON EVERS (ALTERNATE)*

## YELLOW MEDICINE COUNTY

*LOUIS SHERLIN*

*RON ANTONY (ALTERNATE)*

## LYON COUNTY

*RODNEY STENSRUD*

*RICK ANDERSON (ALTERNATE)*

PAGE - I -

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



# WORK PLAN NARRATIVE

## BIENNIAL PLAN – FY 2014 & 2015

Area II, formed in 1978 as a non-profit organization, works to alleviate the recurrent flood problems which plague this area of southwestern Minnesota. This organization is recognized as a leader in flood damage reduction by the installation of dams, reservoirs, grade stabilizations and road retentions. Area II assists its member counties with the engineering design, hydrologic and hydraulic modeling, construction and inspection, and finance of flood damage reduction projects. Due to the unique landforms of this region, particularly the Coteau de Prairies (the Buffalo Ridge), Area II receives a 75/25 cost-share rate for office administration and project implementation. Oversight of this grant-in-aid program is provided by the Minnesota Board of Water & Soil Resources.

This Biennial Plan provides direction for a 2-year period while the Technical Office Budget is for one fiscal year. By May 30, 2014, updates to the Biennial Plan as well as to the Technical Office Budget for FY2015 will be provided for BWSR staff review.

### 1) Initiative: **FY 2014 & FY2015 – ADMINISTRATIVE SERVICES**

**Description:** Provide administrative and coordination oversight for the AREA II Minnesota River Basin Projects, Inc. Board of Directors. Provide financial reports and records that meet State accounting and auditing standards, prepare budgets, provide supervision and management of staff, evaluate employee job performance, draft agenda and minutes of monthly board meetings. Conduct local government and citizen outreach and education.

#### Actions:

- Maintain a complete Board of Directors of 9 delegates and 9 alternates.
- Maintain adequate staffing to address the goals of AREA II. Evaluate job performance of all employees yearly.
- Conduct 10 monthly board meetings, 2 Executive Board teleconferences and 1 Annual Legislative Gathering.
- Utilize engineering consultant services to assist with engineering, hydrologic and planning/prioritization issues.
- Maintain policies and procedures. Review Operating Policies, Joint Powers Agreement and Articles of Incorporation annually.
- Maintain a public outreach and information program. Accomplish by maintaining the AREA II web site; conduct tours as necessary to highlight projects completed; prepare an annual report. Complete website reporting requirements by March 15 of each year.
- Strive for fiscal accountability. Accomplish by preparing and adopting an annual budget; reviewing monthly financial reports, conducting an annual audit of the financial records.
- Actively pursue new funding sources with local partners through Clean Water Fund and federal programs (EQIP, MRBI, and WHIP).
- Continue administrative/operational efficiency discussions with RCRCA. Schedule board meetings for the same day and same location to lessen per diems and expenses paid to board members. Future discussions may include sharing technical resources.
- Meet and communicate with member county commissioners, engineers, water planners, watershed districts, SWCD/NRCS, watershed project staff regarding technical services and potential projects.
- Serve on technical committees (as requested) for watershed projects, TMDL project assessment and implementation efforts.
- Provide input to USDA Environmental Quality Incentive Program (EQIP) local work group committees.

**2) Initiative: FY 2014 & FY2015 – ENGINEERING SERVICES**

**Description:** Employ senior engineering technician and consultant registered engineer to provide design services which include planning, hydrologic and hydraulic design, construction and inspection of flood damage reduction projects to the member counties of AREA II. Provide engineering services for projects funded through outside sources involving USDA Environmental Quality Incentive Program (EQIP), Clean Water Funds acquired by SWCDs, RCRCA and member counties.

**Actions:**

- Continue contracting professional engineering services through Bolton & Menk, Inc.
- Schedule and complete annual inspections and reports for 9 reservoirs.
- Ensure annual inspection of road retention projects by owners and keep inspection reports on file. Follow up on noted concerns.
- Provide wetland monitoring and annual reporting for mitigation sites associated with constructed project.
- Provide project management and coordination with local/state/federal permitting authorities.
- **Coordinate with local/State/Federal agencies for early project review and coordination regarding wetland impacts.**
- Process payment requests in a timely manner and provide as-built plans and construction documentation.
- Assist in securing the local matching funds for projects which may include: owner(s), township(s), counties, watershed district, or special interest groups (Ducks Unlimited, Minnesota Waterfowl Association, Wild Turkey Federation and others).

**3) Initiative: FY 2014 & FY2015 – OPERATIONAL & SUPPORT EXPENSES**

**Description:** Use funding for operational and support expenses of Area II Minnesota River Basin Projects Inc., for such things as: payroll, consultant engineering fees, field and office supplies, telephone / internet and computer services, training and certification, vehicle and equipment expenses, liability / business / auto insurance, and general business expenses.

**4) Initiative: FY 2014 & FY2015 – PROJECT IMPLEMENTATION VIA ADMINISTRATIVE GRANT**

**Description:** See Potential Project List for FY2014 & FY2015 – Page 6.

**5) Initiative: FY2012 BONDING APPROPRIATION**

**Description:** Provide project management and engineering services to construct flood damage reduction structures to meet the 3:1 match requirement and provide the most floodwater storage as practicable. Highest priority will be given to Road Retention structures which lack other funding resources which dams and grade stabilizations can secure.

**Actions:**

- Administer the \$1,000,000 appropriation and report project outcomes annually to BWSR Board. (See Attachment B)
- Complete fiscal expenditure report due at end of grant period listing total costs and cost-sharing by all partners.
- Facilitate wetland mitigation/creation if required for proposed projects.
- Provide project management and coordination with local/state/federal permitting authorities.
- Process payment requests in a timely manner and provide as-built Plans and construction documentation.
- Assist in securing the local matching funds for projects which may include: owner(s), township(s), counties, watershed district, or special interest groups (Ducks Unlimited, Minnesota Waterfowl Association, Wild Turkey Federation and others).

# AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



## OTHER PROJECT ENDEAVORS

BIENNIAL PLAN – FY 2014 & 2015

### ● LAKE YANKTON FLOODWATER RETENTION (*Des Moines River Watershed*)

**ISSUE:** This 400-acre lake located in southern Lyon County is a recreational and aesthetic asset, offering great fishing and boating opportunities. Fluctuating water levels are problematic and solutions to stabilize the fluctuations have been sought for many years. After a significant rainfall event in September 2010, the lake level rose over 2' above the ordinary high water level causing shore erosion and flooding of buildings in the City of Balaton. This high water level persisted through the winter and for several months into 2011. Significant flows from the southern watershed in Murray County causes water to flow backwards into Lake Yankton, creating an impediment for the lake to discharge after significant rainfall events. Water levels have continued to be problematic every year since 2010.

**ACTION:** A coalition of Lyon County, Murray County, and the City of Balaton funded a study of the hydraulic connections between these watershed systems and to determine if floodwater storage could effectively reduce backflows into Lake Yankton and aid in discharge.

**RECOMMENDATION:** The engineering analysis found positive impacts of upstream retention in terms of downstream flow reductions and water quality improvements. Installation of a pump would be cost prohibitive to construct as well as maintain and operate.

**PLAN:** Two landowners have voluntarily offered their lands for two of the seven retention structures identified. The 2013 Minnesota Legislature considered a request for \$425,000 in bonding, to be matched 25% by the local funds. This legislation would allow Area II to provide the engineering design services and construction inspection. The request was heard in the Senate, but not in the House. No funding was included in the 2013 Bonding Bill. **Senate file 1542 / House file 1760 have not been included in either version of the 2014 Bonding Bill.**

### ● SHARED ADMINISTRATION WITH REDWOOD-COTTONWOOD RIVERS CONTROL AREA

**ISSUE:** With the resignation of the RCRCA Executive Director in December 2013, the RCRCA and Area II Boards of Directors felt this was an opportunity to explore shared administration of both joint powers organizations. RCRCA is comprised of 8 of Area II's 9 member counties.

**ACTION:** Establish a Contract for Service agreement for Executive Director duties.

**PLAN:** Area II will provide administrative duties to RCRCA while further exploring the opportunity to house both entities out of the same office location. RCRCA will provide bookkeeping/accounting services to Area II to lessen duties of the Executive Director. Cost savings to the budgets of both organizations are envisioned by the Boards. Changes to the agreement can be made at any time as well as other staffing arrangements. Both organizations continue to meet on the same day and at the same location to reduce administrative costs.



# OTHER PROJECT ENDEAVORS

BIENNIAL PLAN – FY 2014 & 2015

- **ONE WATERSHED, ONE PLAN (Yellow Medicine River Watershed)**

**ISSUE:** A Request for Interest for **One Watershed, One Plan** pilot project proposals was desired by the Board of Water and Soil Resources. At a MASWCD Area 5 meeting, it was communicated that a pilot plan with a regional approach would be unique and desirable. Upon further discussion with BWSR staff, Area II was recommended for this regional approach as: 1) many commonalities between the watersheds exist due to the Buffalo Ridge, and 2) the established and active joint powers board. Although the watersheds have unique issues of their own, the topography and flooding are the ties that bind these southwestern watersheds together.

**ACTION:** Acting upon this recommendation, Area II Minnesota River Basin Projects, Inc. agreed to be the umbrella organization which would oversee this regional **One Watershed, One Plan** approach. Several meetings were held to discuss the regional approach and to start drafting the Request for Interest. Area II will support this endeavor by hosting meetings, providing facilitation, entering into contract with consultants, and providing financial administration of the grant funding.

**RECOMMENDATION:** Of the five major watersheds within Area II (Yellow Bank, Lac qui Parle, Yellow Medicine, Redwood, and Cottonwood), the Yellow Medicine River is in an advanced state compared to the others due to the completion of the Watershed Restoration and Protection Strategies (WRAPS) which is expected late summer 2014. With the WRAPS results, stressors will be identified and scenarios developed to help target the conservation efforts by partnering entities.

**PLAN:** Working cooperatively, a pilot **One Watershed, One Plan** Request for Interest was developed and submitted for the Yellow Medicine River watershed with formal support from all partnering SWCDs and watershed districts. All partners await decision on which pilot proposals are accepted.



# POTENTIAL PROJECTS

BIENNIAL PLAN – FY 2014 & 2015

KEY: **BOLD** – Completed in FY2014, **BLUE** – FY2015 Construction Planned

**COTTONWOOD COUNTY**

▪ Stately 9 Road Retention

**LINCOLN COUNTY**

▪ **Royal 10 Road Retention**

▪ **Shaokatan 32 Grade Stabilization Repair (2)**

**LYON COUNTY**

▪ Amiret 32 Grade Stabilization Repair

▪ **Coon Creek 11 Grade Stabilization Repair**

▪ Custer 10 SE Grade Stabilization

▪ Lynd 33 Grade Stabilization Repair

▪ **Monroe 17 Grade Stabilization Repair**

▪ **Nordland 15 Grade Stabilization**

▪ Sodus 24 Grade Stabilization

**MURRAY COUNTY**

▪ Holly 22 Road Retention

**REDWOOD COUNTY**

▪ Charlestown 28 Grade Stabilization

▪ **Charlestown 29 Grade Stabilization**

▪ Gales 17 Grade Stabilization

▪ **Honner 32 Grade Stabilization**

▪ North Hero 34 Road Retention

▪ **Redwood Falls 10 Grade Stabilization**

▪ **Redwood Falls 18 Grade Stabilization Repair**

▪ **Sherman 9 Grade Stabilization**

▪ Sherman 18 Grade Stabilization Repair

▪ Springdale 24 Grade Stabilization

▪ Swede's Forest 35 Grade Stabilization Repair

▪ **Springdale 21 Road Retention**

**YELLOW MEDICINE COUNTY**

▪ Norman 10 Grade Stabilization

▪ Storden 10 Grade Stabilization Repairs (3)

▪ **Limestone 11 Grade Stabilization Repair**

▪ Limestone 26 Grade Stabilization Repair

▪ Custer 10 NE Grade Stabilization

▪ Sodus 22 Grade Stabilization

▪ Lynd 17 Grade Stabilization Monroe 17 Road Retention

▪ **Monroe 2 Grade Stabilization Repair**

▪ Nordland 6 Road Retention

▪ Sodus 21 Grade Stabilization Repair

▪ Sodus 36 Grade Stabilization

▪ Holly 10 Grade Stabilization

▪ **Lowville 36 Dam Repair**

▪ Charlestown 30 Grade Stabilization

▪ Lambertton 16SW Grade Stabilization Repair

▪ Lambertton 29 Grade Stabilization

▪ North Hero 7 Grade Stabilization

▪ **North Hero 25 Grade Stabilization Repair**

▪ Redwood Falls 17 Grade Stabilization

▪ **Redwood Falls 7 Grade Stabilization Repair**

▪ Sherman 17 Grade Stabilization Repair

▪ Sherman 27 Grade Stabilization

▪ Springdale 28 Grade Stabilization

▪ Springdale 22 Grade Stabilization

▪ Underwood 17 Grade Stabilization

▪ **Sioux Agency 3 Dam Repair**

▪ **Wergeland 5 Streambank Stabilization**



# FY 2015 TECHNICAL OFFICE BUDGET

BIENNIAL PLAN – FY 2014 & 2015

**OFFICE OPERATIONS  
PERSONAL SERVICES:**

*Directors' Compensation.....	\$ 2,250.00*
*Directors' FICA.....	172.12*
Employees' Salaries.....	123,741.20
Employees' FICA.....	9,466.20
Employees' Medical Insurance.....	20,403.84
Employees' Retirement.....	8,971.24
Employee' Flex Plan.....	420.00
<b>Total Personal Services.....</b>	<b>\$ 165,424.60</b>

**SUPPLIES:**

Office.....	\$ 2,000.00
Field.....	500.00
Capital Outlay.....	0.00
<b>Total Supplies.....</b>	<b>\$ 2,500.00</b>

**OTHER SERVICES AND COSTS:**

*Directors' Expenses.....	\$ 1,000.00*
Employees' Expenses.....	2,000.00
Contract Services.....	7,000.00
Professional Services.....	30,000.00
Maintenance & Repairs.....	2,200.00
Telephone.....	950.00
Postage.....	1,850.00
Vehicle Expense.....	3,548.95
*Director's Insurance.....	2,005.00*
Other Insurance.....	10,540.00
Rent.....	9,511.68
Utility Expenses.....	1,000.00
Miscellaneous Expenses.....	2,000.00
<b>Total Other Services and Costs.....</b>	<b>\$ 73,605.63</b>

**TOTAL OFFICE OPERATIONS.....**

Total Ineligible for Cost-Share by the State.....	\$ 241,530.23
Total Eligible for Cost-Share by the State.....	5,427.13*
<b>Total Eligible for Cost-Share by the State.....</b>	<b>\$ 236,103.10</b>

*\* These items not cost-shared by the State*

**STATE SHARE OF ELIGIBLE OFFICE COSTS.....**

Income from Contract Services/Shared Administration.....	\$ 120,000.00
Local Share of Eligible Office Costs.....	\$ 36,000.00
<b>Total Share of Eligible Office Costs.....</b>	<b>\$ 85,530.23</b>

**AREA II MINNESOTA RIVER BASIN PROJECTS, INC.**

# ***ATTACHMENTS***

BIENNIAL PLAN – FY 2014 & 2015

*ATTACHMENT A – SUMMARY OF FY2012 BONDING &  
FY2014 COMPLETED PROJECTS*

*ATTACHMENT B – FY2014 ADMINISTRATIVE GRANT SUMMARY*

# ATTACHMENT A

## SUMMARY OF FY2012 BONDING PROJECTS

AMIRET 18/19 ROAD RETENTION – Lyon	\$ 94,490.81
AMIRET 32/33 ROAD RETENTION – Lyon	\$ 71,605.55
LYND 17 GRADE STABILIZATION – Lyon County	\$ 22,995.07
HOLLY 4 DAM REPAIR -- Murray County	\$ 4,547.38
LAKE MARSHALL 31 DAM REPAIR – Lyon County	\$ 6,790.51
LYND 8 GRADE STABILIZATION – Lyon County	\$ 24,390.29
NORLAND 15 GRADE STABILIZATION – Lyon County	\$ 18,402.11
COON CREEK 11 DAM REPAIR – Lyon County	\$ 35,528.63
ISLAND LAKE 4 DAM -- Lyon County	\$ 994.24
LIMESTONE 1 ROAD RETENTION – Lincoln County	\$117,118.93
SPRINGDALE 29 DAM REPAIR – Redwood County	\$ 25,815.08
LAMBERTON 18 DAM REPAIR – Redwood County	\$ 1,421.25
GERMANTOWN 1 DAM REPAIR – Cottonwood County	\$ 690.00
STORDEN 4 GRADE STABILIZATION – Cottonwood Co.	\$ 1,981.88
AMIRET 27 DAM REPAIR – Lyon County	\$ 15,837.42
NORTH HERO 25 DAM REPAIR – Redwood County	\$ 393.09
MONROE 2 DAM REPAIR – Lyon County	\$ 21,344.63
HONNER 32 GRADE STABILIZATION – Redwood Co.	\$ 740.62
ROYAL 10 ROAD RETENTION – Lincoln County	\$ 9,120.13
REDWOOD FALLS 7 DAM REPAIR – Redwood County	\$ 20,947.73
CHARLESTOWN 29 STABILIZATION – Redwood County	\$ 18,432.60
SIoux AGENCY 3 DAM REPAIR – Yellow Medicine Co.	\$ 26,948.40

*NOTE: \$1,000,000 grant extended to 12/31/2015* **TOTAL \$ 540,563.35**

<b>GRANT SUMMARY</b> <i>(as of May 1, 2014)</i>	
Total Project Costs =	\$1,216,381.58
Local Match Provided =	\$278,481.17
Other State/Federal Funds =	\$397,364.07
State/Local Cost-Share Ratio =	1.94 : 1
Acre-Feet of storage created=	348.6
Total Acre-Feet of storage =	462.9

## FY2014 COMPLETED PROJECTS (AS OF MAY 1, 2014)

<table border="0"> <tr><td><b>Charlestown 29 Dam – RW</b></td><td style="text-align: right;"><b><u>\$112,878.09</u></b></td></tr> <tr><td>2012 Bonding Funds</td><td style="text-align: right;">\$ 18,432.60</td></tr> <tr><td>Landowner</td><td style="text-align: right;">\$ 22,906.96</td></tr> <tr><td>EQIP Federal Funds</td><td style="text-align: right;">\$ 21,388.47</td></tr> <tr><td>RCRCA- CWF</td><td style="text-align: right;">\$ 49,252.56</td></tr> <tr><td>Area II Counties</td><td style="text-align: right;">\$ 897.50</td></tr> </table>	<b>Charlestown 29 Dam – RW</b>	<b><u>\$112,878.09</u></b>	2012 Bonding Funds	\$ 18,432.60	Landowner	\$ 22,906.96	EQIP Federal Funds	\$ 21,388.47	RCRCA- CWF	\$ 49,252.56	Area II Counties	\$ 897.50	<table border="0"> <tr><td><b>Royal 10 Road Retention – Lincoln</b></td><td style="text-align: right;"><b><u>\$ 19,297.19</u></b></td></tr> <tr><td>2012 Bonding Funds</td><td style="text-align: right;">\$ 9,120.13</td></tr> <tr><td>Landowner</td><td style="text-align: right;">\$ 4,689.76</td></tr> <tr><td>Lincoln County</td><td style="text-align: right;">\$ 507.92</td></tr> <tr><td>Clean Water Funds (for 2 upstream WASCBs)</td><td style="text-align: right;">\$ 3,900.00</td></tr> <tr><td>Area II Counties</td><td style="text-align: right;">\$ 1,079.38</td></tr> </table>	<b>Royal 10 Road Retention – Lincoln</b>	<b><u>\$ 19,297.19</u></b>	2012 Bonding Funds	\$ 9,120.13	Landowner	\$ 4,689.76	Lincoln County	\$ 507.92	Clean Water Funds (for 2 upstream WASCBs)	\$ 3,900.00	Area II Counties	\$ 1,079.38
<b>Charlestown 29 Dam – RW</b>	<b><u>\$112,878.09</u></b>																								
2012 Bonding Funds	\$ 18,432.60																								
Landowner	\$ 22,906.96																								
EQIP Federal Funds	\$ 21,388.47																								
RCRCA- CWF	\$ 49,252.56																								
Area II Counties	\$ 897.50																								
<b>Royal 10 Road Retention – Lincoln</b>	<b><u>\$ 19,297.19</u></b>																								
2012 Bonding Funds	\$ 9,120.13																								
Landowner	\$ 4,689.76																								
Lincoln County	\$ 507.92																								
Clean Water Funds (for 2 upstream WASCBs)	\$ 3,900.00																								
Area II Counties	\$ 1,079.38																								
<table border="0"> <tr><td><b>Nordland 15 Dam - Lyon</b></td><td style="text-align: right;"><b><u>\$ 85,732.81</u></b></td></tr> <tr><td>2012 Bonding Funds</td><td style="text-align: right;">\$ 18,402.11</td></tr> <tr><td>Landowner</td><td style="text-align: right;">\$ 2,275.13</td></tr> <tr><td>Area II Counties</td><td style="text-align: right;">\$ 2,811.07</td></tr> <tr><td>EQIP Federal Funds</td><td style="text-align: right;">\$ 61,244.50</td></tr> </table>	<b>Nordland 15 Dam - Lyon</b>	<b><u>\$ 85,732.81</u></b>	2012 Bonding Funds	\$ 18,402.11	Landowner	\$ 2,275.13	Area II Counties	\$ 2,811.07	EQIP Federal Funds	\$ 61,244.50	<table border="0"> <tr><td><b>North Hero 25 Dam Repair - Redwood</b></td><td style="text-align: right;"><b><u>\$ 32,613.38</u></b></td></tr> <tr><td>Clean Water Funds</td><td style="text-align: right;">\$ 23,361.29</td></tr> <tr><td>2012 Bonding Funds</td><td style="text-align: right;">\$ 393.09</td></tr> <tr><td>Landowner</td><td style="text-align: right;">\$ 4,037.09</td></tr> <tr><td>Area II Counties</td><td style="text-align: right;">\$ 4,821.91</td></tr> </table>	<b>North Hero 25 Dam Repair - Redwood</b>	<b><u>\$ 32,613.38</u></b>	Clean Water Funds	\$ 23,361.29	2012 Bonding Funds	\$ 393.09	Landowner	\$ 4,037.09	Area II Counties	\$ 4,821.91				
<b>Nordland 15 Dam - Lyon</b>	<b><u>\$ 85,732.81</u></b>																								
2012 Bonding Funds	\$ 18,402.11																								
Landowner	\$ 2,275.13																								
Area II Counties	\$ 2,811.07																								
EQIP Federal Funds	\$ 61,244.50																								
<b>North Hero 25 Dam Repair - Redwood</b>	<b><u>\$ 32,613.38</u></b>																								
Clean Water Funds	\$ 23,361.29																								
2012 Bonding Funds	\$ 393.09																								
Landowner	\$ 4,037.09																								
Area II Counties	\$ 4,821.91																								
<table border="0"> <tr><td><b>Redwood Falls 7 Repair – RW</b></td><td style="text-align: right;"><b><u>\$ 27,930.30</u></b></td></tr> <tr><td>2012 Bonding Funds</td><td style="text-align: right;">\$ 20,947.73</td></tr> <tr><td>Redwood County</td><td style="text-align: right;">\$ 6,597.07</td></tr> <tr><td>Area II Counties</td><td style="text-align: right;">\$ 385.50</td></tr> </table>	<b>Redwood Falls 7 Repair – RW</b>	<b><u>\$ 27,930.30</u></b>	2012 Bonding Funds	\$ 20,947.73	Redwood County	\$ 6,597.07	Area II Counties	\$ 385.50	<table border="0"> <tr><td><b>Monroe 2 Dam Repair – Lyon</b></td><td style="text-align: right;"><b><u>\$ 28,459.50</u></b></td></tr> <tr><td>2012 Bonding Funds</td><td style="text-align: right;">\$ 21,344.63</td></tr> <tr><td>Landowner</td><td style="text-align: right;">\$ 6,859.87</td></tr> <tr><td>Area II Counties</td><td style="text-align: right;">\$ 255.00</td></tr> </table>	<b>Monroe 2 Dam Repair – Lyon</b>	<b><u>\$ 28,459.50</u></b>	2012 Bonding Funds	\$ 21,344.63	Landowner	\$ 6,859.87	Area II Counties	\$ 255.00								
<b>Redwood Falls 7 Repair – RW</b>	<b><u>\$ 27,930.30</u></b>																								
2012 Bonding Funds	\$ 20,947.73																								
Redwood County	\$ 6,597.07																								
Area II Counties	\$ 385.50																								
<b>Monroe 2 Dam Repair – Lyon</b>	<b><u>\$ 28,459.50</u></b>																								
2012 Bonding Funds	\$ 21,344.63																								
Landowner	\$ 6,859.87																								
Area II Counties	\$ 255.00																								
<table border="0"> <tr><td><b>Honner 32 Stabilization - RW</b></td><td style="text-align: right;"><b><u>\$ 36,000.50</u></b></td></tr> <tr><td>2012 Bonding Funds</td><td style="text-align: right;">\$ 740.62</td></tr> <tr><td>Area II Counties</td><td style="text-align: right;">\$ 246.88</td></tr> <tr><td>EQIP Federal Funds</td><td style="text-align: right;">\$ 11,620.30</td></tr> <tr><td>State Cost Share</td><td style="text-align: right;">\$ 14,134.00</td></tr> <tr><td>Landowner</td><td style="text-align: right;">\$ 9,258.70</td></tr> </table>	<b>Honner 32 Stabilization - RW</b>	<b><u>\$ 36,000.50</u></b>	2012 Bonding Funds	\$ 740.62	Area II Counties	\$ 246.88	EQIP Federal Funds	\$ 11,620.30	State Cost Share	\$ 14,134.00	Landowner	\$ 9,258.70	<table border="0"> <tr><td><b>Sioux Agency 3 Dam Repair – YM</b></td><td style="text-align: right;"><b><u>\$ 70,876.96</u></b></td></tr> <tr><td>2012 Bonding Funds</td><td style="text-align: right;">\$ 26,948.40</td></tr> <tr><td>Landowner</td><td style="text-align: right;">\$ 22,849.79</td></tr> <tr><td>EQIP Federal Funds</td><td style="text-align: right;">\$ 19,153.51</td></tr> <tr><td>Area II Counties</td><td style="text-align: right;">\$ 1,925.26</td></tr> </table>	<b>Sioux Agency 3 Dam Repair – YM</b>	<b><u>\$ 70,876.96</u></b>	2012 Bonding Funds	\$ 26,948.40	Landowner	\$ 22,849.79	EQIP Federal Funds	\$ 19,153.51	Area II Counties	\$ 1,925.26		
<b>Honner 32 Stabilization - RW</b>	<b><u>\$ 36,000.50</u></b>																								
2012 Bonding Funds	\$ 740.62																								
Area II Counties	\$ 246.88																								
EQIP Federal Funds	\$ 11,620.30																								
State Cost Share	\$ 14,134.00																								
Landowner	\$ 9,258.70																								
<b>Sioux Agency 3 Dam Repair – YM</b>	<b><u>\$ 70,876.96</u></b>																								
2012 Bonding Funds	\$ 26,948.40																								
Landowner	\$ 22,849.79																								
EQIP Federal Funds	\$ 19,153.51																								
Area II Counties	\$ 1,925.26																								

<b>SUMMARY OF FY2014 COMPLETED PROJECTS</b>	
2012 Bonding Funds	\$ 116,329.31
EQIP Federal Funds	\$ 113,406.78
Clean Water Funds	\$ 76,513.85
State Cost Share	\$ 14,134.00
YMRWD	\$ 1,000.00
Counties	\$ 507.92
Area II Counties	\$ 12,422.50
Landowners	\$ 79,474.37
<b>TOTAL</b>	<b><u>\$413,788.73</u></b>

# ATTACHMENT B

## AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



### GRANT PERIOD:

(Incl. extensions)  
From: July 1, 2013  
To: June 30, 2014

### AREA II STATUTORY AUTHORITY:

MN Statutes, Sections  
103F.171-103F.187

### Administrative Services Grant Expenditures

*NOTE: Totals from  
Treasurer's Report for  
Month Ended April 30, 2014  
(subject to audit)*

Personal Services	\$124,941.65
Other Services	\$ 76,830.77
Supplies	\$ 1,352.06
Investigation & Testing	\$ 15,000.00
Capitol Outlay	\$ 314.55
<b>TOTAL EXPENDITURE year to date</b>	<b>\$218,439.03</b>

### PROJECT CONTACT:

Kerry Netzke, Executive Director  
(507) 537-6369  
area2@starpoint.net

Project Title: FY'14 ADMINISTRATIVE SERVICES GRANT  
CONTRACT NO. P14-9020 \$120,000.00



Area II Minnesota River Basin Watershed Boundary

### Member Counties:

Brown  
Cottonwood  
Lac qui Parle  
Lincoln  
Lyon  
Murray  
Pipestone  
Redwood  
Yellow Medicine

### Overall Project Description

Minnesota Statutes establish a grant-in-aid program administered by BWSR for providing financial and technical assistance to local government units (counties, SWCDS, and watershed districts) located in Area II for project and construction costs of floodwater retarding and retention structures within a general plan for floodplain management.

Nine counties within Area II have entered into a Joint Powers Agreement since 1978 to coordinate the implementation of such floodwater retarding and retention projects, and for this purpose, established Area II Minnesota River Basin Projects, Inc.

Statute authorizes BWSR to supervise the program and provide individual project grants not to exceed 75% of total project costs where federal funds are not utilized, or 50% of the nonfederal costs where federal funds are utilized.

Area II has an established office which houses Area II personnel and equipment to provide the engineering and other technical services of projects cost-shared through this program.

Costs eligible for cost-sharing under this Grant Agreement include technical office costs and associated costs, but do not include Area II Directors' compensation, expenses, insurance and bonding costs. The combination of the nine member counties provide \$87,000.00 to the Administrative Services Grant of \$120,000. This is well beyond the required 25% local match.



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Buffalo Creek WD Watershed Management Plan

**Meeting Date:** June 25, 2014

**Agenda Category:**  Committee Recommendation  New Business  Old Business

**Item Type:**  Decision  Discussion  Information

**Section/Region:** Southern Region

**Contact:** Jeff Nielsen, Regional Supervisor

**Prepared by:** Adam Beilke, Board Conservationist

**Reviewed by:** Southern Region Committee(s)

**Presented by:** Steve Sunderland

**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 Buffalo Creek Watershed District Watershed Management Plan

## LINKS TO ADDITIONAL INFORMATION

<http://www.bcwatershed.org/pdf/BCWD%20Overall%20Plan%202014-2023%20%5BFinal%205-7-14%5D.pdf>

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

The Buffalo Creek Watershed District (BCWD) is located in south-central Minnesota. There are 5 counties, 6 cities, and 28 townships that are wholly or partially encompassed with the BCWD. The counties are Carver, Kandiyohi, McLeod, Renville, and Sibley, with the majority of the BCWD’s land being located within McLeod and Renville counties. The cities of Brownnton, Buffalo Lake, Glencoe, Hector, Plato, and Stewart are all located within the BCWD, with Glencoe being the largest city within the BCWD.

BCWD was established on January 30, 1969, under the order of the Minnesota Water Resources Board. The BCWD adopted its first Watershed Management Plan (Plan) on February 8, 1974, and revised this plan in 1991 and in 2003. The current revision of the Plan will serve the years 2014-2024.

There has been one boundary adjustment since the formation of the BCWD, which occurred in January of 1999. This adjustment involved a small tract of land in the City of Stewart being transferred to the High Island Watershed District after it was determined that the area was part of that watershed.

The BCWD was formed with a mission to 1) help alleviate water problems, 2) enhance the living conditions of the area and 3) maintain or improve the economic wellbeing of the residents of the District. The District strives to accomplish this mission by serving as a link between residents and governmental agencies; providing technical assistance to citizens and governmental agencies; providing a means of financial assistance for the implementation of environmental projects; and coordinating intergovernmental efforts.

The 2014-2024 Plan emphasizes seven priority issues for the BCWD:

- **Conservation Drainage Practices.** Objectives include the promotion of conservation drainage practices and obtaining grant funds for education, demonstration, and implementation.
- **Drainage Coefficients.** Objective is to maintain up to 3/8 inch drainage coefficient, except when drainage system was designed to accommodate smaller or larger coefficients, or if mitigation is implemented for larger coefficients.
- **Conservation Buffers.** Objectives include maintaining vegetative cover on ditch banks and slopes, and filtration or avoidance of overland flow into ditches.
- **Erosion and Sediment Control.** Objectives include incorporating erosion control measures into project designs, holding all contractors accountable for minimizing runoff and erosion, preventing erosion during and after construction and ditch maintenance, supporting LGUs with performance standards, and filling or removing abandoned storage tanks.
- **Feedlots.** Objectives include preventing unrestricted livestock access to waterways, informing stakeholders on nutrient and sediment reduction issues, and encouraging BMPs along all waterways.
- **Subsurface Sewage Treatment Systems (SSTS).** Objectives include working with landowners on SSTS issues and requirements, and providing cost-share to assist with upgrading noncompliant SSTS.
- **Multi-Purpose Corridors.** Objectives include: supporting stakeholders in identifying and protecting conservation corridors; protecting and enhancing fish and wildlife habitat through partnerships; promoting fish and wildlife habitat through voluntary conservation programs; supporting the development of management plans for lakes and streams; removing stream impediments based on ecological principles; incorporating native biotic diversity into projects; providing technical and financial support to application of grants; and encouraging DNR and others to provide public use of all navigable public waters.

The 2014 – 2024 Plan updates and supplements the existing hydrological and other statistical data of the BCWD. Water-related problems and possible solutions are described, as well as past activities and projects completed by the BCWD and overall goals and objectives for current and future water resource management within the watershed. The Plan also includes a list of priority projects for implementation in Table 6A and Chapter 6, with specific projects identified by the BCWD.

The BCWD has had a 3/8 inch drainage coefficient level as their tile system evaluation maximum standard since their formation. Several comments and correspondence letters were received before, during, and after the March 12, 2014 public hearing expressing concerns regarding the inclusion of this policy in the Plan. On May 7, 2014, BCWD submitted the Revised Plan, dated May 7, 2014, which addressed these concerns by revising their objective addressing drainage coefficients to include flexibility to account for drainage system design and mitigation measures. BWSR comments on the Plan have focused on the inclusion of priority areas/subwatersheds within the BCWD. To address these comments, BCWD has adjusted Map 6A to include not only Judicial Ditches 4 and 15 as priority subwatersheds, but also the top five high priority projects for the BCWD from Table 6A.

The Southern Region Committee met on May 28, 2014. After review of the information, the Committee voted to recommend approval of the Revised Plan per the attached draft Order.

---

**In the Matter** of prescribing a Revised  
Watershed Management Plan for the  
Buffalo Creek Watershed District  
Pursuant to Minnesota Statutes Section 103D.405

---

**ORDER  
PRESCRIBING  
WATERSHED MANAGEMENT  
PLAN**

**Whereas**, the Buffalo Creek Watershed District (BCWD) filed a proposed Revised Watershed Management (Plan) dated November 1, 2013 with the Board of Water and Soil Resources (Board) on December 9, 2013 and a final revised Plan dated May 7, 2014, 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 January 30, 1969 by Order of the Minnesota Water Resource Board. The District is located in south-central Minnesota and includes parts of Carver, Kandiyohi, McLeod, Renville, and Sibley counties. The mission of the District is to: 1) help alleviate water problems, 2) enhance the living conditions of the area, and 3) maintain or improve the economic well-being of the residents of the District.
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, Subd. 1 (a). The latest Watershed Management Plan of the District was prescribed by the Board on January 28, 2004. This is the fourth 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.
3. **Nature of the Watershed.** Majority of the land cover falls within cultivated land, grass land, or deciduous forest. BCWD is located in the southern-most portion of the South Fork of the Crow River Watershed, which is a part of the larger Upper Mississippi River Drainage Basin. There are 42 sub-watersheds within the District. The general direction of flow for these sub-watersheds is to the east, where the Buffalo Creek joins the South Fork of the Crow River near Lester Prairie. There are six cities within the watershed district's boundaries including Hector, Buffalo Lake, Stewart, Brownton, Glencoe, and Plato. An extensive network of public drainage ditches has been established throughout the BCWD to increase agricultural production in areas where natural drainage is limited. There are 24 public ditches within the District, with a combined length of approximately 800 miles. Currently, the District only exercises jurisdiction over two Judicial Ditches (79-2 and 75-2). All other public drainage ditches are regulated under the authority of their respective county(s).

4. **Territory.** The BCWD is approximately 422 square miles in size and is located in south-central Minnesota. Lands within the District are distributed in Carver (<1%), Kandiyohi (2%), McLeod (38%), Renville (55%), and Sibley (4%) counties.
5. **Local Review.** The BCWD sent a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes § 103D.405.
6. **Department of Natural Resource Resources Review.** Comments received from the DNR generally pertain to utilizing updated data and references throughout the Plan, along with providing some suggested changes for accuracy. They also encouraged the District to tap into DNR's resources, including tools like the Watershed Health and Assessment Framework (WHAF) and staff.
7. **Highlight of the Plan.** The Buffalo Creek Watershed District Management Plan updates and supplements the existing hydrological and other statistical data of the District. The plan has identified seven priority issues, including Conservation Drainage, Drainage Coefficients, Conservation Buffers, Erosion & Sediment Control, Feedlots, Subsurface Sewage Treatment Systems, and Multi-Purpose Corridors. The Plan also includes a list of priority projects for implementation in chapter six, with specific projects identified by the Buffalo Creek Watershed District.
8. **Hearing Notice.** Legal notice of the public hearing on the Plan, pursuant to Minnesota Statutes §103D.405 Subd. 5, was published in the McLeod County Chronicle on February 26 and March 5, 2014 (Exhibit 7), in the Carver County News on February 27, and March 6, 2014 (Exhibit 8), in the Norwood Young America Times on March 6, 2014 (Exhibit 9), in the Hector News - Mirror on February 26, and March 5, 2014, in the Gaylord Hub on February 27, and March 6, 2014, and in the Lakes Area Review on March 1, and 8, 2014. Further, a copy of the hearing notice was mailed to several addressees notifying them of the public hearing, including the McLeod, Renville, Sibley, Carver, and Kandiyohi County Auditors, Administrators, and Soil and Water Conservation Districts; all of the cities within the watershed district; and representatives for the Watershed District (Exhibit 5).
9. **Public Hearing.** A public hearing was held on the Plan on March 12, 2014, at the Glencoe City Center, 1107 11<sup>th</sup> Street East, Glencoe, Minnesota. The proceedings were recorded. The hearing panel consisted of the Southern Region Committee Board members Judy Ohly, Tom Loveall, Rob Sip, Chris Elvrum, Steve Sunderland, and Paul Langseth as chair. Board staff in attendance were Travis Germundson, Jeff Nielsen, Mark Hiles, and Adam Beilke. Travis Germundson entered Exhibit 1 through Exhibit 9 into the record by reading a brief description of each exhibit.

The following list of exhibits comprises the hearing record.

**Exhibit 1.** Draft Revised Watershed Management Plan for the Buffalo Creek Watershed District dated November 1, 2013, received December 9, 2013.

**Exhibit 2.** Letter dated January 9, 2014 from Adam Beilke with the Board of Water and Soil Resources to Donald Belter, President, Buffalo Creek Watershed District providing comments on the draft plan.

**Exhibit 3.** Board Order for a public hearing to be held on the revised watershed management plan for the Buffalo Creek Watershed District, dated January 22, 2014.

**Exhibit 4.** Letter providing comments on the draft plan dated January 31, 2014 from Robert Collett with the Minnesota Department of Natural Resources to Jeff Nielsen and Adam Beilke with the Board of Water and Soil Resources.

**Exhibit 5.** Letter dated February 24, 2014 from Travis Germundson with the Board of Water and Soil Resources to several addresses notifying them of the public hearing, including list of addressees and legal notice.

**Exhibit 6.** Committee Packet dated February 25, 2014 from Jeff Nielsen with the Board of Water and Soil Resources to the Board's Southern Region Committee notifying them of the public hearing, including BWSR and DNR comment letters, along with excerpts of the revised plan.

**Exhibit 7.** Affidavit of Publication dated March 6, 2014 of Legal Notice in the McLeod County Chronicle on February 26, and March 5, 2014.

**Exhibit 8.** Affidavit of Publication dated March 6, 2014 of Legal Notice in the Carver County News on February 27, and March 6, 2014.

**Exhibit 9.** Affidavit of Publication dated March 6, 2014 of Legal Notice in the Norwood Young America Times on March 6, 2014.

Legal Notices were also run in the following papers: Hector News – Mirror, Gaylord Hub, Long Prairie Leader, and Lakes Area Review.

*The following exhibits were entered into the record after the hearing and submitted by March 26, 2014 when the record closed.*

**Exhibit 10.** Compact disk of an audio recording of the March 12, 2014 Public Hearing.

**Exhibit 11.** Letter dated March 24, 2014 from Robert Sip with the Department of Agriculture to Donald Belter President, Buffalo Creek Watershed District providing written comments on the draft Plan.

**Exhibit 12.** Letter dated March 20, 2014 from John Stahl, Chairman with the Renville County Board of Commissioners to Travis Germundson, Board of Water and Soil Resources providing written comments on the Plan, specifically in regards to the drainage coefficient.

**Exhibit 13.** Letter dated March 26, 2014 from Adam Beilke, Board of Water and Soil Resources to Travis Germundson, Board of Water and Soil Resources providing additional written comments on the Plan.

10. **Board Staff Report.** Staff participated with the District and its consultant through the revision process, providing guidance, comments, and recommendations. The final revised Plan does conform to the requirements of Minnesota Statute 103D and guidance developed by BWSR. Therefore, staff recommends approval of the 2014 – 2023 Buffalo Creek Watershed District Watershed Management Plan and look forward to assisting the District in its implementation.

11. **Southern Region Committee.** The committee met on Wednesday, May 28, 2014, in the lower level Board Room at 520 Lafayette Road North, in St. Paul. Committee members present were Kathryn Kelly, Tom Loveall, Doug Erickson, Sandy Hooker, Rob Sip, Chris Elvrum, and Steve Sunderland. Board staff present were Jeff Nielsen, Adam Beilke, and Travis Germundson. Based on the public hearing record, the Plan meeting the requirements of 103D.405, and staff recommendation to approve the Plan. The committee unanimously recommended approval of the BCWD Revised Plan.

## CONCLUSIONS

1. The proposed Revised Plan is valid in accordance with Minnesota Statutes § 103D.405.
2. Proper notice of hearing was given and one public hearing was held in accordance with applicable laws.
3. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
4. The Board has proper jurisdiction in the matter of prescribing a Revised Plan for the BCWD pursuant to Minnesota Statutes § 103D.405.
5. The attached Revised Plan of the BCWD dated May 7, 2014 would be for the public welfare and public interest and the purpose of Minnesota Statutes, Chapter 103D would be served.

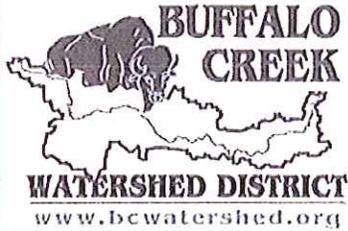
**ORDER**

The Board hereby prescribes the attached Plan dated May 7, 2014 as the Revised Watershed Management Plan for the Buffalo Creek Watershed District.

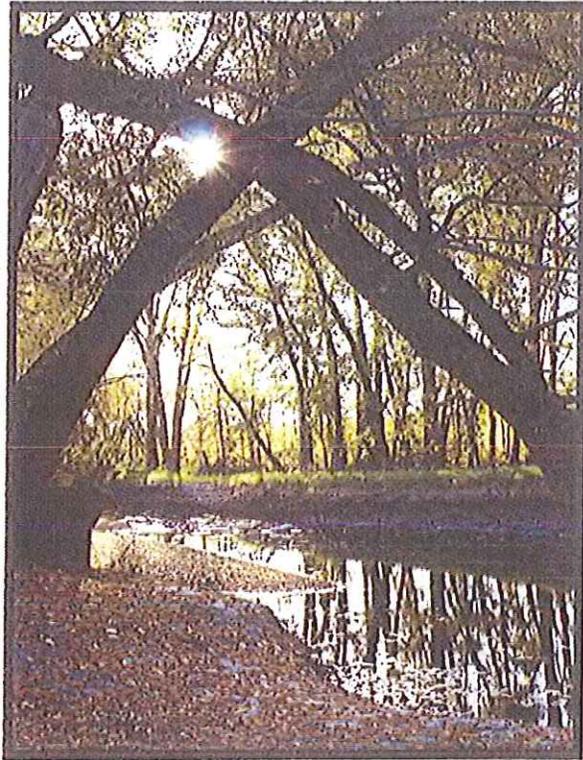
Dated at Saint Paul, Minnesota this 25<sup>th</sup> day of June, 2014.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: \_\_\_\_\_  
Brian Napstad, Chair



# Buffalo Creek Watershed District Overall Plan (2014-2023)

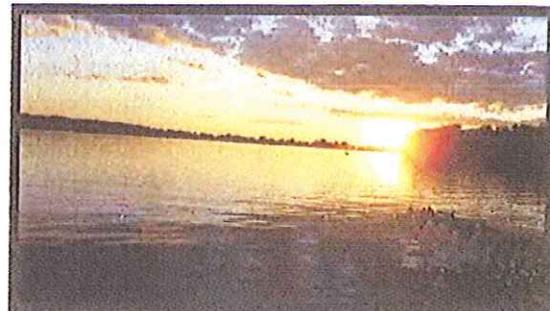


*1st Place ~ Melody Ruehling*

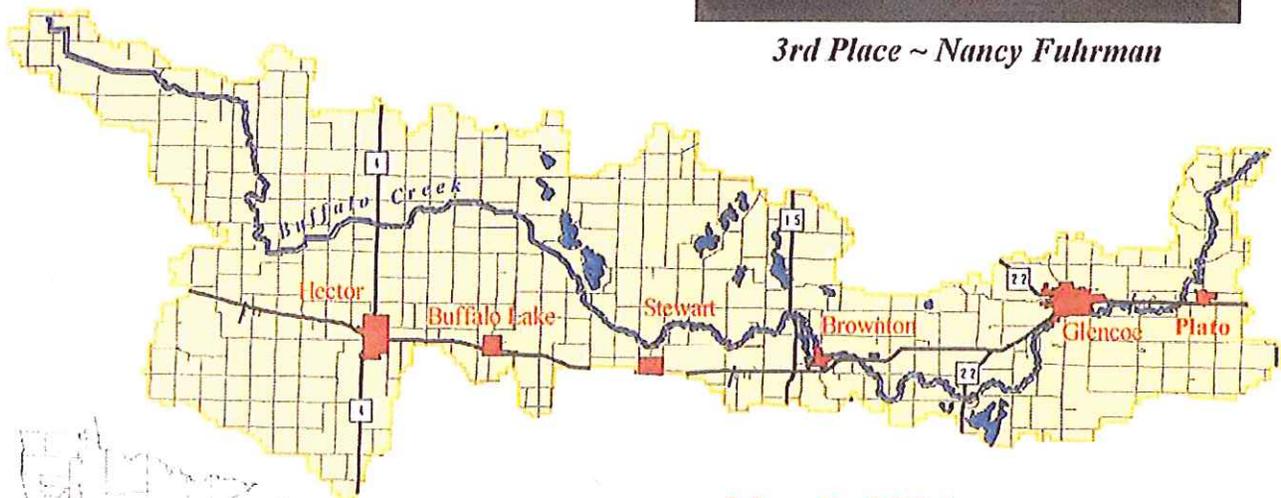
## *2013 Photo Contest Winners*



*2nd Place ~ Justin Selle*



*3rd Place ~ Nancy Fuhrman*



**May 7, 2014**

*Prepared by the*

**Buffalo Creek Watershed District**

**and the Mid-Minnesota Development Commission**

## Common Acronyms

ACE	Army Corps of Engineers
BCWD	Buffalo Creek Watershed District
BMP	Best Management Practice
BWSR	Minnesota Board of Water and Soil Resources
CD	County Ditch
CLMP, CSMP	Citizen Lake (Stream) Monitoring Program
CLWP	Comprehensive Local Water Plan
CROW	Crow River Organization of Water
CRP	Conservation Reserve Program
CWP	Clean Water Partnership
DA	Ditch Authority
DNR	Minnesota Department of Natural Resource
E&CD	Environment and Community Development
EM	Emergency Management
EPA	U.S. Environmental Protection Agency
EQIP	Environmental Quality Incentive Program
ES	Environmental Services
FEMA	Federal Emergency Management Agency
LAP	Lake Assessment Project
LGU	Local Governmental Unit
MDA	Minnesota Department of Agriculture
MDH	Minnesota Department of Health
MGS	Minnesota Geological Survey
MPCA	Minnesota Pollution Control Agency
NRCS	Natural Resource Conservation Service
OHWL	Ordinary High Water Level
PH	Public Health Department
PW	Public Works Department
PZ	Planning and Zoning
RIM	Reinvest in Minnesota Program
SFCR	South Fork Crow River Watershed
SSTS	Subsurface Sewage Treatment System
SW	Solid Waste Department
SWCD	Soil and Water Conservation District
TMDL	Total Maximum Daily Load
UMES	University of Minnesota Extension Service
USFWS	U.S. Fish and Wildlife Service
WCA	Wetland Conservation Act
WMA	Wildlife Management Area
WP	County Water Planner
WPA	Waterfowl Production Area

For more information on the Buffalo Creek Watershed District, please visit

[www.bcwatershed.org](http://www.bcwatershed.org)

# Buffalo Creek Watershed District Overall Plan Table of Contents

<b>Buffalo Creek Watershed District Overall Plan Executive Summary .....</b>	<b>v</b>
<b>Chapter One: General Profile of the District .....</b>	<b>1-1</b>
A: Location of the BCWD .....	1-1
B: History and Organizational Structure .....	1-2
C: Mission Statement.....	1-2
D: District Rules & Regulations .....	1-4
E: BWCD Completed Projects .....	1-8
F: Profile of District Stakeholders.....	1-10
G: BCWD Population Profile .....	1-19
H: Physical Characteristics Profile .....	1-21
 <b>Chapter Two: Water Quantity Management.....</b>	 <b>2-1</b>
A: Water Quantity Management Overview .....	2-1
B: Flow Monitoring Data.....	2-2
C: Drainage Management .....	2-7
<i>BCWD Priority Issue 1: Conservation Drainage Practices .....</i>	<i>2-19</i>
<i>BCWD Priority Issue 2: Drainage Coefficients.....</i>	<i>2-21</i>
D: Stormwater Management.....	2-23
E: Flooding and Water Retention.....	2-26
 <b>Chapter Three: Reducing Priority Pollutants .....</b>	 <b>3-1</b>
A: Profile of Priority Pollutants .....	3-1
B: <i>BCWD Priority Issue 3: Conservation Buffers .....</i>	<i>3-24</i>
C: <i>BCWD Priority Issue 4: Erosion and Sediment Control .....</i>	<i>3-31</i>
D: <i>BCWD Priority Issue 5: Feedlots .....</i>	<i>3-35</i>
E. <i>BCWD Priority Issue 6: Subsurface Sewage Treatment Systems.....</i>	<i>3-37</i>
 <b>Chapter Four: Multi-Purpose Corridors.....</b>	 <b>4-1</b>
A: Profile of Multi-Purpose Corridors.....	4-1
B: BCWD Priority Issue 7: Multi-Purpose Corridors.....	4-12

**Chapter Five: Goals, Objectives and Policy Guidelines..... 5-1**

- GOAL 1: *TO IMPROVE STAKEHOLDER PARTICIPATION, COOPERATION AND COORDINATION IN IMPLEMENTING THE DISTRICT'S INITIATIVES* ..... 5-2
- GOAL 2: *TO ENSURE THAT AN ADEQUATE SUPPLY OF SURFACE WATER IS AVAILABLE FOR AGRICULTURAL, COMMERCIAL/INDUSTRIAL, NATURAL RESOURCES AND RECREATIONAL PURPOSES, WHILE MINIMIZING FLOOD RELATED DAMAGE*..... 5-3
- GOAL 3: *INCREASE THE USE OF BEST MANAGEMENT PRACTICES (BMPS) TO MINIMIZE WATER POLLUTION*..... 5-6
- GOAL 4: *TO PROTECT AND ENHANCE THE BIOLOGICAL RESOURCES AND RECREATIONAL AMENITIES OF THE BUFFALO CREEK CORRIDOR* ..... 5-8

**Chapter Six: Plan Administration..... 6-1**

- A: Plan Administration ..... 6-1
- B: Implementation Plan ..... 6-1
- C: Implementation Plan Priority Projects and Priority Subwatersheds ..... 6-5
- D: Plan Coordination and Amendment Procedures ..... 6-12

**List of Maps**

- Map 1A: Buffalo Creek Watershed District Location..... 1-3
- Map 1B: Buffalo Creek Watershed District Hydrology ..... 1-23
- Map 1C: Buffalo Creek Watershed District Minor Watersheds ..... 1-25
- Map 1D: Buffalo Creek Watershed District Soil Associations ..... 1-27
- Map 1E: Buffalo Creek Watershed District Presettlement Vegetation..... 1-31
- Map 1F: Buffalo Creek Watershed District Land Use (1990)..... 1-33
- Map 2A: Buffalo Creek Watershed District Public Drainage Systems..... 2-9
- Map 2B: Buffalo Creek Watershed District FEMA Floodplain..... 2-28
- Map 4A: Buffalo Creek Watershed District Recreational Lands ..... 4-7
- Map 6A: Buffalo Creek Watershed District Priority Projects/Subwatersheds (2014-2023)..... 6-3
- Map 6B: Marsh Water Project..... 6-6
- Map 6C: Brownton Erosion Project..... 6-8
- Map 6D: Judicial Ditch 15 in Renville County ..... 6-9
- Map 6E: Eagle Lake Project..... 6-10

## List of Tables

Table 1A: BCWD Area per County.....	1-1
Table 1B: BCWD Major Projects and Expenses (2002-2013).....	1-9
Table 1C: Population of Cities and Counties in the BCWD since 1979 .....	1-19
Table 1D: City, County and State Population and Household Projections.....	1-20
Table 1E: BCWD Subwatersheds.....	1-24
Table 1F: Land Use Analysis .....	1-36
Table 2A: BCWD Flow Monitoring Summary.....	2-2
Table 2B: USGS Station 05278930 Buffalo Creek near Glencoe, MN.....	2-3
Table 2C: Mean Stream Exceedence Value Ranges.....	2-6
Table 2D: Public Drainage Systems in BCWD .....	2-8
Table 3A: MPCA Water Quality Management Classifications .....	3-4
Table 3B: Average Summer Water Quality Characteristics.....	3-6
Table 3C: Lake Allie Trophic State Index Data (2003-2012) .....	3-7
Table 3D: Lake Marion Trophic State Index Data (2003-2012) .....	3-8
Table 3E: Lake Preston Trophic State Index Data (2003-2012) .....	3-8
Table 3F: 2012 Section 303(d) List of Impaired Waters for the BCWD .....	3-9
Table 3G: Bacteria Data Collected at each Buffalo Creek Monitoring Station.....	3-12
Table 3H: Impairment Assessment Data .....	3-13
Table 3I: CROW Phase 1 Monitoring Sites in BCWD .....	3-16
Table 3J: Citizens Stream Monitoring Program Sites in BCWD and 2012 Results.....	3-22
Table 3K: 2006-2012 Average Transparency Results for Buffalo Creek at CSAH-15 Site....	3-22
Table 3L: Kandiyohi, Renville, McLeod, Carver, and Sibley County's Conservation Lands Summary .....	3-26
Table 4A: Wildlife Management Areas.....	4-5
Table 4B: Waterfowl Production Areas.....	4-6
Table 4C: Public Water Accesses.....	4-10
Table 4D: DNR Fisheries Surveys and Assessments Conducted on the Buffalo Creek .....	4-13
Table 6A: BCWD Project Implementation Priorities and Estimated Costs .....	6-2
Table 6B: Marsh Water Project Projected Construction Costs .....	6-7

## List of Figures

Figure 1: Crow River Organization of Waters (CROW) .....	1-13
Figure 1A: Normal Precipitation Annual (1981-2010).....	1-21
Figure 1B: Minnesota's Topography.....	1-29
Figure 2A: Buffalo Creek Stream Flow near Glencoe, MN .....	2-4
Figure 2B: Buffalo Creek Stream Flow at Brownton, MN .....	2-5
Figure 2C: Two-Stage Ditch Design .....	2-19
Figure 2D: Tow Wood-Sod Mat.....	2-19
Figure 3A: Minnesota's Seven Ecoregions .....	3-5
Figure 3B: Trophic Levels.....	3-7
Figure 3C: Buffalo Creek Bacterial TMDL Study .....	3-11
Figure 3D: BCWD Summary of Total Phosphorus Monitoring.....	3-14
Figure 3E: BCWD Summary of Total Nitrogen Monitoring .....	3-15
Figure 3F: BCWD Summary of Total Suspended Solids Monitoring .....	3-15
Figure 3G: CROW Phase 1 FWM Ortho Phosphorus Concentrations.....	3-17
Figure 3H: CROW Phase 1 FWM Total Phosphorus Concentrations.....	3-18
Figure 3I: CROW Phase 1 TSS Concentrations.....	3-19
Figure 3J: CROW Phase 1 Nitrate N Concentrations .....	3-20
Figure 4A: Projected Recreational Demand in 2025 .....	4-4
Tile #75: Minnesota Walk-In Access (WIA) Program .....	4-8
Tile #76: Minnesota Walk-In Access (WIA) Program .....	4-9

## Appendices

Rules and Regulations of the Buffalo Creek Watershed District .....	Appendix A
Public Review Comments.....	Appendix B
Miscellaneous Engineering Reports and Project Descriptions .....	Appendix C

# **Buffalo Creek Watershed District Overall Plan Executive Summary**

## *Chapter One Highlights*

### *Location*

The Buffalo Creek Watershed District (BCWD) is located in south-central Minnesota, approximately 30 miles west of the Minneapolis-St. Paul Metropolitan Area (refer to Map 1A). The Buffalo Creek watershed is the southern-most subwatershed of the larger South Fork of the Crow River Watershed, which eventually outlets to the Mississippi River near Dayton, Minnesota. There are five counties (Kandiyohi, Renville, McLeod, Sibley, and Carver) and six cities (Brownton, Buffalo Lake, Glencoe, Hector, Plato and Stewart) that are wholly or partially located within the District. The City of Glencoe, which is the County Seat of McLeod County, is the largest city in the District.

### *History and Organizational Structure*

The BCWD was established under the order of the Minnesota Water Resources Board (now known as the Minnesota Board of Water and Soil Resources) on January 30, 1969. Soon after its formation, the District developed its first Overall Plan in accordance with Minnesota Statutes. The Plan, which was adopted on February 8, 1974, provided the District with a basis for making decisions on the management of its water resources. The District's Plan was revised in 1991 and again in 2003. This fourth generation Plan shall serve the years 2014-2023 or until amended.

### *Mission Statement*

The BCWD was formed with the mission to: 1) help alleviate water problems, 2) enhance the living conditions of the area and 3) maintain or improve the economic wellbeing of the residents of the District. The District has in the past and will continue to strive towards the realization of this mission by:

- Serving as a link between residents and governmental agencies;
- Providing technical assistance to citizens and governmental agencies;
- Providing a means of financial assistance for the implementation of environmental projects; and
- Coordinating intergovernmental efforts.

### ***Rules and Regulations***

On January 25, 2011, the BCWD Board of Managers adopted a revision to the District's Rules and Regulations, effectively replacing the Rules and Regulations that were in effect since 1993. The Rules and Regulations establish a permitting process for the guidance of activities that have the potential to impact water resources throughout the District (BCWD Rules and Regulations can be viewed online at [www.bcwatershed.org](http://www.bcwatershed.org)).

### ***BCWD Completed Projects***

Table 1B in the Plan lists the BCWD's major projects and expenses from 2002 to 2013 (only the large-scale projects are included). Table 1B includes the year it was initiated, project status (complete or ongoing) and the project's total cost. The 10-year total of major projects equaled \$898,611. The projects can be grouped into the following categories (not ranked in order of significance or expenditure):

1. Tree & Dam Clearing
2. Aerial Research & LiDAR
3. Lake Allie Land Acquisition & Basin Project
4. Stream Restoration & Buffer Projects
5. Septic and Open Tile Intake BMP incentives
6. Water Quality BMPs

### ***BCWD Stakeholders and Planning Process***

The BCWD has several stakeholders, including the residents of the District, State and Federal agencies, local governmental units, special interest groups and an Advisory Committee. The ten-member Advisory Committee is appointed by the BCWD Board of Managers and meets as necessary to provide direction on BCWD issues, projects, and priorities. The Advisory Committee also met three times throughout the planning process to provide insight on the contents of the District's updated Overall Plan.

*Note: Chapter Ones also contains a population profile and an extensive profile of the District's Physical Characteristics, including subsections on hydrology, subwatersheds, soils, topography, and land use.*

## *Chapter Two Highlights*

### *Water Quantity Management Overview*

Balancing the need for water quantity management and its associated environmental and social impacts was one of the key issues that led to the formation of the BCWD. The District has the authority to regulate the management of water resources through its adopted rules (contained in Appendix A of the Plan or online at [www.bcwatershed.org](http://www.bcwatershed.org)). These rules are believed to be adequate to balance the need for and impacts of water quantity management.

### *Drainage Management*

There is an extensive drainage system throughout the BCWD, consisting of approximately 800 miles of public drainage ditches. A majority of these ditches were installed in the early part of the last century and were designed to remove large quantities of water rapidly. As a result of their design, several water quality and quantity problems, such as nonpoint source pollutant loading and flooding, commonly arise. An effective means to mitigate many of these impacts would be to increase upland water storage and riparian buffering, which would reduce the overall volume of water transported by the drainage systems and provide filtration of nonpoint source pollutants.

#### *BCWD Priority Issue 1: Conservation Drainage Practices*

**Issue Overview:** Open surface tile intakes serve as direct conduits for nonpoint source pollutants, such as sediment and nutrients, to enter subsurface drainage systems, which eventually outlet to surface water resources. Conservation drainage practices offer landowners an option to replace existing open intakes with more environmentally conscious practices, while preserving drainage benefits. As a priority issue, the Overall Plan Taskforce recommended that the District review possible funding sources to assist landowners in the implementation of conservation drainage practices.

#### *BCWD Priority Issue 2: Drainage Coefficients*

**Issue Overview:** Under the District's Rules and Regulations, a permit is required for any tiling of 8" or larger or any size tile where an easement is required (i.e., for projects potentially affecting adjacent landowner's property). Generally, this size requirement is in excess of the size of tile landowners are currently installing.

## *Flooding*

Map 2B in the Plan identifies the FEMA 100-year floodplain for the BCWD. The majority of the designated floodplain is found east of the City of Stewart (note: the 100-year floodplain west of Stewart has not been officially mapped). Flooding within the District generally occurs on flat agricultural land that is adjacent to waterways. The City of Glencoe is the only urbanized area that is found within the floodplain and the community frequently experiences flooding. Presently, the cities of Hector, Buffalo Lake, and Stewart do not participate in the National Flood Insurance Program (NFIP), however, these communities are not considered High Risk Areas according to FEMA. The District should continue to coordinate activities with governmental units to ensure that the existing 100-year floodplain elevations of the Buffalo Creek and its tributaries are preserved.

## *Chapter Three Highlights*

### *Profile of Priority Pollutants*

Improving the quality of surface water resources is a major concern of the BCWD. In many areas of the District surface water is being impaired by sediment and nutrients, as well as by biological pollutants, such as bacteria. Sources of these pollutants are generally tied to land usage and associated management. According to the 1989 Minnesota Land Use-Agricultural and Transition Areas Inventory, agricultural land comprises 88.4 percent of the BCWD, much of which is considered to be erosion prone. Another potential source of pollution is from urban and rural developments. Although not as large in composition as agricultural land, urban and rural developments present pollution potential in the form of contaminated stormwater, soil erosion, failing SSTSs and wastewater treatment facilities.

### **BCWD Priority Issue 3 - Conservation Buffers**

**Issue Overview:** Generally, the Buffalo Creek and its floodplain, from the City of Stewart to the South Fork of the Crow River, remains in its natural state, providing an adequate riparian buffer. West of Stewart, the Buffalo Creek has been channelized and has very little vegetative buffering. The lack of buffers has led to erosion and overall degradation of the Creek's banks.

### **BCWD Priority Issue 4 - Erosion and Sediment Control**

**Issue Overview:** Management of erosion and sedimentation has been an important objective of the BCWD since its creation. With additional growth and

development projected to occur in the District, the need for erosion and sediment control will become increasingly important in order to prevent the degradation of water resources. As a priority issue, the Overall Plan Taskforce recommended that the District profile practices that can be used to control various forms of erosion and associated sedimentation.

#### **BCWD Priority Issue 5 - Feedlots**

**Issue Overview:** Each of the counties within the BCWD are delegated to administer the State Feedlot Program. While the District is not directly involved with this Program, feedlots pose a potential pollution hazard to the water resources of the District.

#### **BCWD Priority Issue 6 - Subsurface Sewage Treatment Systems (SSTS)**

**Issue Overview:** Subsurface Sewage Treatment Systems (SSTSs) within the District are failing to properly treat sewage, thus posing a threat to the quality of water resources. As a priority issue, the BCWD shall continue to provide cost-share assistance, when funds are available, to upgrade non-compliant systems.

*Note: Chapter Three also contains a vast amount of water quality information.*

### ***Chapter Four Highlights***

#### ***Profile of Multi-Purpose Corridors***

The Buffalo Creek is the largest and most important multi-purpose corridor within the BCWD. A multi-purpose corridor is defined as a stream and/or contiguous tracts of land that serves multiple functions, including protection of water quality, conservation of habitat and facilitation of recreational opportunities. The unchannelized portion of the Buffalo Creek, from approximately the City of Stewart to the South Fork of the Crow River, provides the most multi-purpose functions. This portion of the Creek and its associated floodplain remains nearly in its natural state. The portion of the Buffalo Creek west of Stewart has been channelized for drainage and has very few associated multi-purpose benefits.

## **BCWD Priority Issue 7 - Multi-Purpose Corridors**

**Issue Overview:** Buffalo Creek is only used marginally for canoing and fishing. Interest in developing trails has grown steadily and is anticipated to do so more over the next ten years. Finally, protecting rare biological resources has become increasingly more challenging as development pressures continue throughout the District.

### ***Chapter Five Highlights***

Chapter Five of the BCWD Overall Plan establishes the District's goals, objectives and policy guidelines. Collectively, they will be used to help guide future management activities and funding decisions. More importantly, the objectives and policy guidelines provide a framework for the District's Board of Managers to use on a day-to-day basis to help guide land use and permitting decisions. The following four goal areas each have corresponding objectives and policy guidelines:

- GOAL 1: *TO IMPROVE STAKEHOLDER PARTICIPATION, COOPERATION AND COORDINATION IN IMPLEMENTING THE DISTRICT'S INITIATIVES.*
- GOAL 2: *TO ENSURE THAT AN ADEQUATE SUPPLY OF SURFACE WATER IS AVAILABLE FOR AGRICULTURAL, COMMERCIAL/INDUSTRIAL, NATURAL RESOURCES AND RECREATIONAL PURPOSES, WHILE MINIMIZING FLOOD RELATED DAMAGE.*
- GOAL 3: *INCREASE THE USE OF BEST MANAGEMENT PRACTICES (BMPS) TO MINIMIZE WATER POLLUTION.*
- GOAL 4: *TO PROTECT AND ENHANCE THE BIOLOGICAL RESOURCES AND RECREATIONAL AMENITIES OF THE BUFFALO CREEK CORRIDOR.*

### ***Chapter Six Highlights***

Chapter Six contains information on plan administration. Key sections include an Implementation Plan with identified implementation priorities; Implementation Plan Highlights and Priority Subwatersheds information; and information on the Plan's Coordination and Amendment Procedures. Table 6A highlights the BCWD's Project Implementation Priorities and Estimated Costs.

**Table 6A:  
BCWD Project Implementation Priorities and Estimated Costs**

<b>Priority</b>	<b>Project Overall Rank, Name and Brief Description ~ Please refer to the text for a full description ~</b>	<b>Target Year(s)</b>	<b>Estimated Costs</b>								
High	<p><b>1. Marsh Ditch Water Project.</b> This project is detailed in the March Water Project Engineering Report (2012) and consists of the following four components:</p> <table border="0"> <tr> <td>A. West Branch Stormwater Wetland</td> <td>\$399,000</td> </tr> <tr> <td>B. Main Trunk Biofiltration Basin</td> <td>\$521,000</td> </tr> <tr> <td>C. Stormsewer Repairs</td> <td>\$99,000</td> </tr> <tr> <td>D. System-wide Easements &amp; Maintenance</td> <td>\$141,000</td> </tr> </table>	A. West Branch Stormwater Wetland	\$399,000	B. Main Trunk Biofiltration Basin	\$521,000	C. Stormsewer Repairs	\$99,000	D. System-wide Easements & Maintenance	\$141,000	2014	\$1,159,000
A. West Branch Stormwater Wetland	\$399,000										
B. Main Trunk Biofiltration Basin	\$521,000										
C. Stormsewer Repairs	\$99,000										
D. System-wide Easements & Maintenance	\$141,000										
High	<b>2. Brownton Erosion Site.</b> Stabilizing 600 feet of severely eroding shoreland along Buffalo Creek adjacent to residential development in the City of Brownton.	2015	\$100,000								
High	<b>3. JD 15 Enhanced Drainage Management Plan.</b> The BCWD would like to target JD 15 for an enhanced Drainage Management Plan. Best Management Practices (BMPs) and cost-share incentives will also be targeted to JD 15, which encompasses 105 square drainage miles.	2016	\$75,000								
High	<b>4. JD 4 Evaluation of Downstream Impacts Due to Tile Improvements.</b> This project is intended to serve as a pilot project for a District-wide study that will evaluate the short- and long-term effects of improvements to the public drainage systems tiles.	2014	\$16,500								
High	<b>5. Eagle Lake Project.</b> Replacing needed water control structure and making system improvements.	2014	\$160,000								
High	<b>6. Conservation Drainage Cost-Share Program.</b> Develop a cost-share program to enhance conservation drainage management activities. Target the District's priority subwatersheds (Map 6A). Establish two conservation drainage demonstration sites.	2015-19	\$450,000								
High	<b>7. BCWD Tile Study.</b> This project is similar in nature to the JD 4 Evaluation Project, however, a hydrologic analysis of the remaining District would be completed.	2017	\$250,000								
High	<b>8. SWCD Incentives.</b> Work with the McLeod and Renville County SWCDs to establish an accelerated cost-share BMP program for the District's priority issues. Target the District's priority subwatersheds (refer to Map 6A).	2015-19	\$500,000								
Medium	<b>9. Best Management Practices (BMP) Program.</b> Continue to offer cost share incentives for BMPs addressing priority issues.	2014-23	\$150,000								

*Table 6A continued...*

Table 6A continued...

Priority	Project Overall Rank, Name and Brief Description ~ Please refer to the text for a full description ~	Target Year(s)	Estimated Costs
Medium	<b>10. Local County Water Plan Implementation.</b> Partner with the various counties on properly implementing the projects identified within the BCWD.	2014-23	\$100,000
Medium	<b>11. BCWD Local Drainage Management Guide.</b> This project would produce a local guide to drainage management.	2015	\$15,000
Medium	<b>12. Glencoe East Drainage Ditch Project.</b> Feasibility Engineering Study for the Glencoe East Drainage System. This project is similar in nature to the Marsh Water Project.	2018	\$30,000
Medium	<b>13. Drainage Management Workshop.</b> BCWD would like to facilitate a number of local drainage stakeholder meetings to assist with identifying issues and opportunities	2015	\$7,500
Medium	<b>14. BCWD Rules and Regulations.</b> Update the District's Rules and Regulations as needed.	2014-15	\$7,500
Medium	<b>15. BCWD Hydrologic Flood Analysis.</b> Conduct a District-wide analysis of flooding problems.	2017	\$150,000
Medium	<b>16. WRAPS and WHAF.</b> Partner with the DNR to ensure the District's information is properly included and used in the Watershed Restoration and Protection Strategy and Watershed Health and Assessment Framework projects.	2014-18	\$25,000
Medium	<b>17. Mud Lake Project.</b> Water quality and quantity project including a new culvert and cleaning the channel.	2015	150,000
Medium	<b>18. Livestock BMPs.</b> Develop a cost-share incentive program for exclusionary fencing for livestock located near water resources.	2016	\$15,000
Medium	<b>19. State of Buffalo Creek Watershed Report.</b> Work to produce a publication that summarizes water quality and quantity studies and key BCWD activities.	2014-23	\$5,000
Medium	<b>20. Buffalo Creek Bacterial TMDL.</b> Cost-share with landowners who are impacted by TMDL implementation activities.	2014-23	\$250,000
Medium	<b>21. BCWD Funding.</b> Appropriate financing mechanisms should be utilized to finance all District activities, including but not limited to mechanisms and procedures outlined in Minnesota Statutes 103B (Water Planning and Project Implementation) and 103D (Watershed Districts).	2014-23	N/A

Table 6A continued...

*Table 6A continued...*

Low	22. Expand the BCWD's Administrative Boundaries. <i>Upon request</i> , the BCWD is prepared to expand its administrative boundaries in order to address water quality and quantity issues.	N/A	N/A
<b>Ten-Year Cost Estimate for BCWD Implementation Priorities</b>			<b>\$3,615,500</b>

## CHAPTER SIX PLAN ADMINISTRATION

Chapter Six contains information on overall plan administration. Key sections include an Implementation Plan, which lists the District's priority projects, target years, and estimated costs; a description of the high priority projects and priority subwatersheds; and a section on the Plan's coordination and amendment procedures.

### A: Plan Administration

Coordination of the Overall Plan's initiatives will commence with the Board of Managers' adoption of the Plan. The District recognizes the importance of water resource management and the role citizens and local units of government play in decision making. The Overall Plan's goals, objectives, policy guidelines and action items are a reflection of the water related concerns in the BCWD. Implementation will be based on current needs and availability of funding. The District's annual report will detail measurable criteria for action items to be carried out.

The District will ensure coordination and implementation of its Overall Plan through its Advisory Committee. The committee will meet to review progress and to identify emerging problems and issues. The Board of Managers shall coordinate the activities of the Advisory Committee and direct the overall administration of the Plan. Initiatives will be carried out throughout the lifetime of the Plan, when it is adopted in 2014 to ten years later (approximately by the end of 2023). Section B of this Chapter outlines BCWD's Implementation Plan.

### B: Implementation Plan

Table 6A lists specific projects and ranks them in order of implementation priority (i.e., high, medium, low). Please note that many of the Action Steps will need to secure grant and/or stakeholder funding in order to be accomplished. Target implementation years are also listed, which will also be dependent upon securing project funding. In addition, the major projects and priority subwatersheds are shown in Map 6A. Each of the high priority items listed in Table 6A and shown on Map 6A are briefly described in Section C of this Chapter.

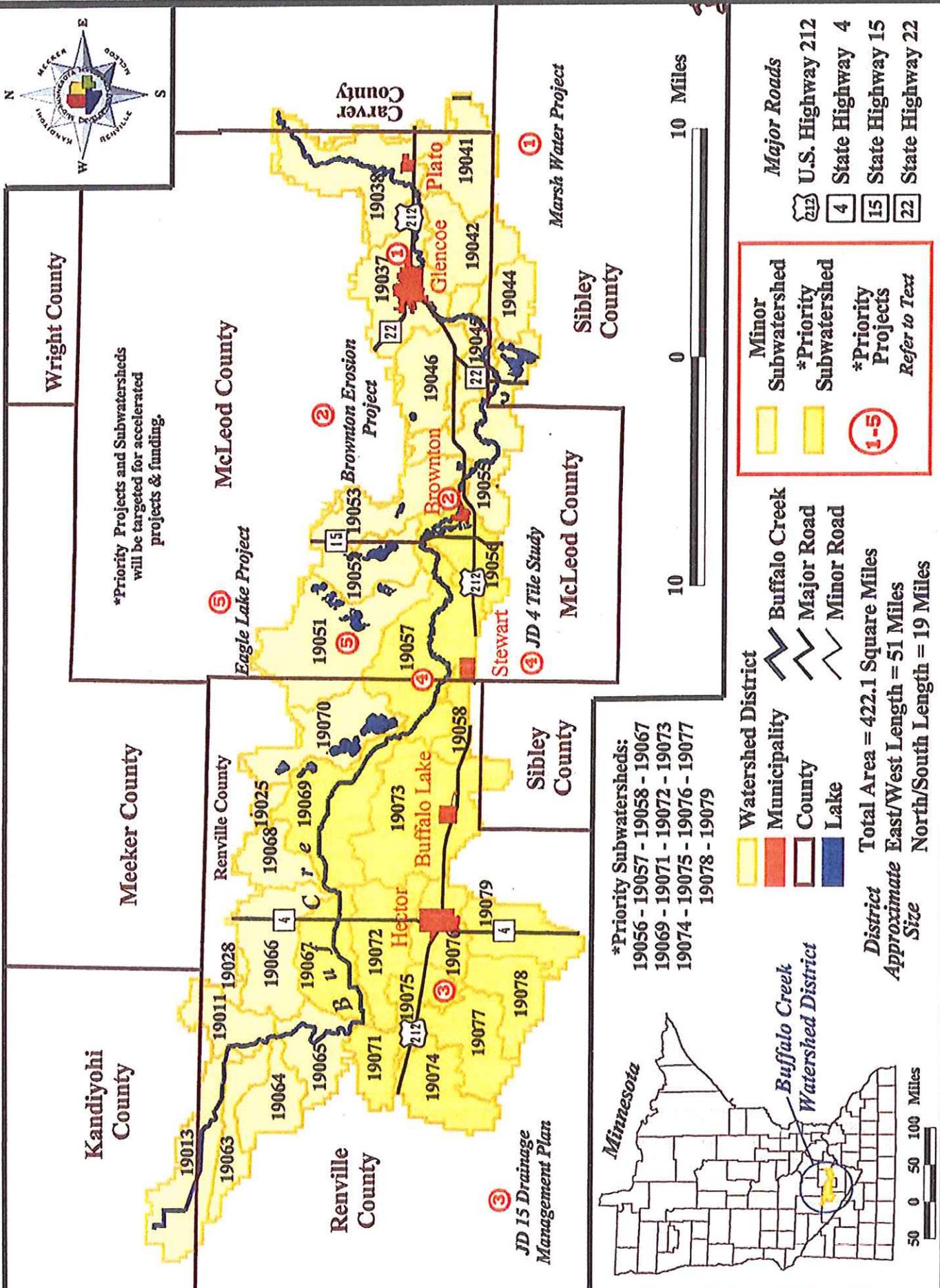
**Note:** BCWD's main water planning priorities are represented in the Goals, Objectives and Policy Guidelines outlined in Chapter Five. Many of the Policy Guidelines prescribe activities that should be accomplished on an ongoing basis, however, the key action items are also listed in Table 6A.

**Table 6A:  
BCWD Project Implementation Priorities**

<b>Priority</b>	<b>Project Overall Rank, Name and Brief Description ~ Please refer to the text for a full description ~</b>	<b>Target Year(s)</b>	<b>Estimated Costs</b>								
High	<p><b>1. Marsh Ditch Water Project.</b> This project is detailed in the March Water Project Engineering Report (2012) and consists of the following four components:</p> <table border="0"> <tr> <td>A. West Branch Stormwater Wetland</td> <td>\$399,000</td> </tr> <tr> <td>B. Main Trunk Biofiltration Basin</td> <td>\$521,000</td> </tr> <tr> <td>C. Stormsewer Repairs</td> <td>\$99,000</td> </tr> <tr> <td>D. System-wide Easements &amp; Maintenance</td> <td>\$141,000</td> </tr> </table>	A. West Branch Stormwater Wetland	\$399,000	B. Main Trunk Biofiltration Basin	\$521,000	C. Stormsewer Repairs	\$99,000	D. System-wide Easements & Maintenance	\$141,000	2014	\$1,159,000
A. West Branch Stormwater Wetland	\$399,000										
B. Main Trunk Biofiltration Basin	\$521,000										
C. Stormsewer Repairs	\$99,000										
D. System-wide Easements & Maintenance	\$141,000										
High	<b>2. Brownton Erosion Site.</b> Stabilizing 600 feet of severely eroding shoreland along Buffalo Creek adjacent to residential development in the City of Brownton.	2015	\$100,000								
High	<b>3. JD 15 Enhanced Drainage Management Plan.</b> The BCWD would like to target JD 15 for an enhanced Drainage Management Plan. Best Management Practices (BMPs) and cost-share incentives will also be targeted to JD 15, which encompasses 105 square drainage miles.	2016	\$75,000								
High	<b>4. JD 4 Evaluation of Downstream Impacts Due to Tile Improvements.</b> This project is intended to serve as a pilot project for a District-wide study that will evaluate the short- and long-term effects of improvements to the public drainage systems tiles.	2014	\$16,500								
High	<b>5. Eagle Lake Project.</b> Replacing needed water control structure and making system improvements.	2014	\$160,000								
High	<b>6. Conservation Drainage Cost-Share Program.</b> Develop a cost-share program to enhance conservation drainage management activities. Target the District's priority subwatersheds (Map 6A). Establish two conservation drainage demonstration sites.	2015-19	\$450,000								
High	<b>7. BCWD Tile Study.</b> This project is similar in nature to the JD 4 Evaluation Project, however, a hydrologic analysis of the remaining District would be completed.	2017	\$250,000								
High	<b>8. SWCD Incentives.</b> Work with the McLeod and Renville County SWCDs to establish an accelerated cost-share BMP program for the District's priority issues. Target the District's priority subwatersheds (refer to Map 6A).	2015-19	\$500,000								
Medium	<b>9. Best Management Practices (BMP) Program.</b> Continue to offer cost share incentives for BMPs addressing priority issues.	2014-23	\$150,000								

Table 6A continued...

# Map 6A: Buffalo Creek Watershed District Priority Projects & Subwatersheds (2014-2023)



Buffalo Creek Watershed District Overall Plan

Table 6A continued...

Priority	Project Overall Rank, Name and Brief Description ~ Please refer to the text for a full description ~	Target Year(s)	Estimated Costs
Medium	<b>10. Local County Water Plan Implementation.</b> Partner with the various counties on properly implementing the projects identified within the BCWD.	2014-23	\$100,000
Medium	<b>11. BCWD Local Drainage Management Guide.</b> This project would produce a local guide to drainage management.	2015	\$15,000
Medium	<b>12. Glencoe East Drainage Ditch Project.</b> Feasibility Engineering Study for the Glencoe East Drainage System. This project is similar in nature to the Marsh Water Project.	2018	\$30,000
Medium	<b>13. Drainage Management Workshop.</b> BCWD would like to facilitate a number of local drainage stakeholder meetings to assist with identifying issues and opportunities	2015	\$7,500
Medium	<b>14. BCWD Rules and Regulations.</b> Update the District's Rules and Regulations as needed.	2014-15	\$7,500
Medium	<b>15. BCWD Hydrologic Flood Analysis.</b> Conduct a District-wide analysis of flooding problems.	2017	\$150,000
Medium	<b>16. WRAPS and WHAF.</b> Partner with the DNR to ensure the District's information is properly included and used in the Watershed Restoration and Protection Strategy and Watershed Health and Assessment Framework projects.	2014-18	\$25,000
Medium	<b>17. Mud Lake Project.</b> Water quality and quantity project including a new culvert and cleaning the channel.	2015	150,000
Medium	<b>18. Livestock BMPs.</b> Develop a cost-share incentive program for exclusionary fencing for livestock located near water resources.	2016	\$15,000
Medium	<b>19. State of Buffalo Creek Watershed Report.</b> Work to produce a publication that summarizes water quality and quantity studies and key BCWD activities.	2014-23	\$5,000
Medium	<b>20. Buffalo Creek Bacterial TMDL.</b> Cost-share with landowners who are impacted by TMDL implementation activities.	2014-23	\$250,000
Medium	<b>21. BCWD Funding.</b> Appropriate financing mechanisms should be utilized to finance all District activities, including but not limited to mechanisms and procedures outlined in Minnesota Statutes 103B (Water Planning and Project Implementation) and 103D (Watershed Districts).	2014-23	N/A

Table 6A continued...

Table 6A continued...

Low	22. <b>Expand the BCWD's Administrative Boundaries.</b> Upon request, the BCWD is prepared to expand its administrative boundaries in order to address water quality and quantity issues.	N/A	N/A
<b>Ten-Year Cost Estimate for BCWD Implementation Priorities</b>			<b>\$3,615,500</b>

### C: Implementation Plan Priority Projects and Priority Subwatersheds

Table 6A identifies a number of aggressive and optimistic implementation priorities for the District to pursue over the next ten years (2014-2023). The District's top priority project is briefly described below and is fully described in Appendix C. Most of other listed projects will be outlined in full detail once the project moves forward to be implemented. Chapters Two, Three and Four of this Plan, however, have profiled priority issues with priority subwatersheds. Map 6A shows the location of the District's priority subwatersheds for the duration of this Plan. It should be noted the BCWD fully intends to provide technical and financial assistance outside of the priority subwatersheds (as funding is available), however, the District will target the priority subwatersheds with accelerated BMP funding once grant assistance is secured.

#### *A Description of Map 6A...*

The purpose of Map 6A is to show the Buffalo Creek Watershed District's priority projects and subwatersheds. The approximately location of the priority projects (numbered 1-5) are labeled on the Map and are described in detail in this Chapter. The priority subwatersheds on displayed on Map 6A show where the BCWD would like to establish accelerated cost-share funding to implement Best Management Practices. They were selected based upon the District's priority issues related TMDL concerns.

#### 1. Marsh Water Project

The Buffalo Creek Watershed District's top priority project consists of addressing water resource concerns along a private ditch on the west side of the City of Glencoe, referred to as the "Marsh Water Project." Map 6B shows the project's noted water quality/quantity deficiencies. Appendix C contains the main portion of the project's Engineering Report. The following primary technical objectives were established for this project:



Figure 3: Not

1. Reduction in sediment and nutrient loading to Buffalo Creek;
2. Reduction in peak flows to Buffalo Creek;
3. Reduction in damages to flood prone areas along Marsh Ditch; and
4. Improved maintainability of the drainage system.

Table 6B outlines the project's projected construction costs, which total \$1,159,000. The Buffalo Creek Watershed District unsuccessfully applied to BWSR for Clean Water Funds in 2012 and 2013. The BCWD is considering breaking up the project into two phases: one to deal with the flooding components and another to address the project's water quality components.

**Table 6B:  
Marsh Water Project Projected Construction Costs**

Project Component	West Branch Stormwater Wetland	Main Trunk Biofiltration Basin	Stormsewer Repairs	System-Wide Easements and Maintenance
Construction	\$236,000	\$373,000	\$56,000	\$38,000
Easements	\$52,000	\$6,000	\$0	\$50,000
Engineering/Legal/Admin	\$64,000	\$67,000	\$31,000	\$45,000
Contingency	\$47,000	\$75,000	\$11,000	\$8,000
<b>TOTAL</b>	<b>\$399,000</b>	<b>\$521,000</b>	<b>\$98,000</b>	<b>\$141,000</b>

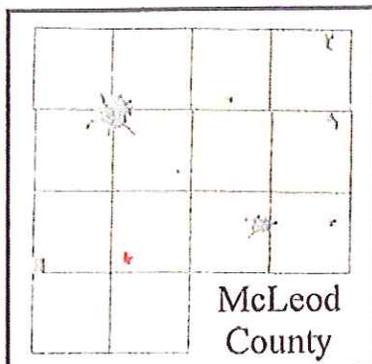
## 2. Brownton Erosion Site

The Brownton Erosion Site consists of stabilizing 600 feet of severely eroding shoreland along Buffalo Creek adjacent to residential development in the City of Brownton. The project is considered a high priority project and is highlighted in Map 6C. The estimated project costs are \$100,000, however, the Buffalo Creek Watershed District will be putting out a Request for Proposal (RFP) to qualified shoreland restoration companies prior to applying for grant assistance. The BCWD would like to move forward with the project in 2015.

# Map 6C: Brownton Erosion Project



8-Digit HUC #07010205



**Legend**

- Weir
- Riverbank
- McLeod County Roads
- Brownton Parcels
- +— Railroad

Prepared By  
Mid-Minnesota  
Development Commission

0 25 50 100 150  
Feet

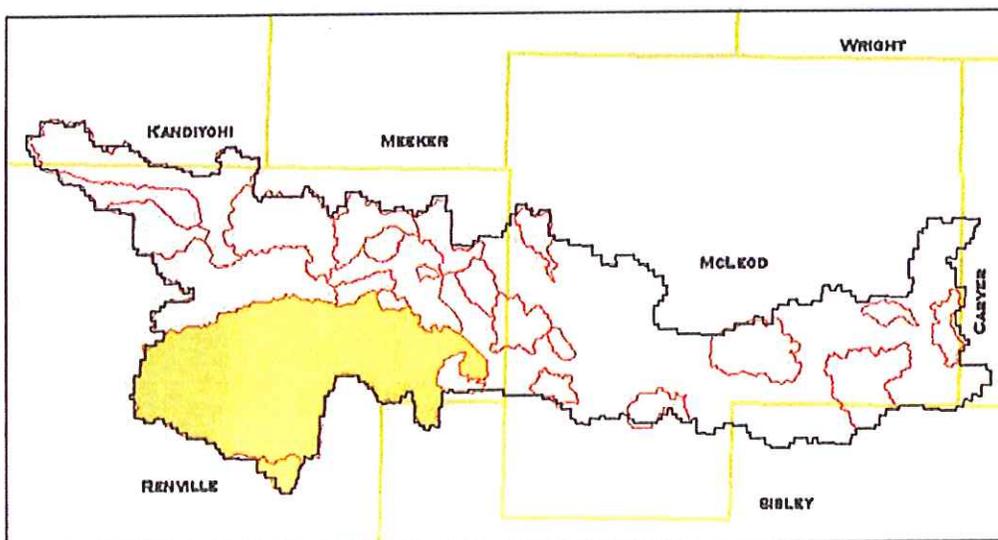


### 3. JD 15 Enhanced Drainage Management Plan

The BCWD would like to target Judicial Ditch 15 (JD 15) for an enhanced Drainage Management Plan (refer to Map 6D). JD 15 was established in 1923 and is the second largest drainage ditch system located in the District by surface area (105 square miles). The system contains approximately 56 miles of open drainage ditch, however, which makes JD 15 by far the largest drainage system by open ditch miles (Note: JD 2 contains 30 open ditch miles). In addition, the system has approximately 430 miles of known drainage tiles. The purpose of the enhanced Drainage Management Plan would be to:

- A. Profile JD 15 with updated physical drainage system characteristics (i.e., tiling, improvements, etc.); and
- B. Profile JD 15 with known water quality data and identify gaps; and
- C. Determine drainage coefficients; and
- D. Identify problem areas and potential solutions (target major projects for implementation); and
- E. Work with landowners to identify potential wetland restoration and/or stormwater holding pond sites; and
- F. Establish a targeted Best Management Practices (BMPs) program for the drainage system, establishing enhanced cost-share incentives to install BMPs.

**Map 6D:  
Judicial Ditch 15 in Renville County**



#### 4. JD 4 Evaluation of Downstream Impacts due to Tile Improvements

The Judicial Ditch 4 (JD 4) Evaluation of Downstream Impacts due to Tile Improvements project is intended to serve as a pilot project for a District-wide study that will evaluate the short- and long-term effects of improvements to public drainage systems tiles. The review of impacts will be focused on the downstream open channel systems, in particular Buffalo Creek. The potential impacts may include increased erosion in the channels, increase in flood stage, or damage to existing roadways. The intent of the pilot project will be to evaluate the potential for impacts on a single public drainage system, and assess the need for further evaluation on a watershed-wide scale. A copy of a similar evaluation for JD 15 Branch M appears in Appendix C. The results show the drainage coefficients for JD 15 Branch M are less than or equal to  $\frac{1}{4}$  inch.

#### 5. Eagle Lake Project

The purpose of this project is to replace the lake's water control structure along County Ditch 33 with a new sheet pile weir for the purposes of variable level water management. Work includes embankment construction, channel clean out, and downstream culvert modification (refer to Map 6E). The main project partners are Ducks Unlimited, Inc., the Minnesota Department of Natural Resources, and the Buffalo Creek Watershed District. The project is expected to cost approximately \$160,000.

Map 6E: Eagle Lake Project



## **6. Conservation Drainage Cost-Share Program**

This action item represents the Buffalo Creek Watershed District being involved with strongly promoting conservation drainage throughout the District as one way to mitigate flooding and to lessen drainage systems from being over capacity. The BCWD would like to apply for funds to establish the program, which would include providing cost-share to landowners for implementing conservation drainage Best Management Practices (BMPs) and for money to create two conservation drainage demonstration sites. The BCWD would like this project to commence in 2015 for a period of five years. It is estimated the District will apply for approximately \$375,000 of the estimated \$450,000 costs over the five-year period. Shorter grant requirements may force the District to reduce the scope of the project over a two- to three-year timespan.

## **7. Buffalo Creek Watershed District Tile Study**

This project is similar in nature to the Judicial Ditch 4 (JD 4) Evaluation of Downstream Impacts Project, however a hydrologic analysis of the remaining District would be completed. This study would greatly assist the District moving forward with addressing drainage issues and properly issuing drainage tile permits. The project is anticipated to cost \$250,000 and is targeted to begin in 2017.

## **8. SWCD Incentives**

This priority action step item refers to partnering with the McLeod and Renville County Soil and Water Conservation Districts (SWCDs) to establish an accelerated cost-share Best Management Practices (BMPs) Program for the District's priority issues. SWCD would provide the staffing while the BCWD would provide the required match. The project would be implemented throughout the portions of the District within both McLeod and Renville Counties, however, Map 6A shows the priority subwatersheds due to the presence of impaired waters. The BCWD and both SWCDs would like to have the project set up to be implemented beginning in 2015 for a five-year period.

## **D: Plan Coordination and Amendment Procedures**

### **Stakeholder Cooperation**

Managing the water resources of the BCWD is a cooperative effort, involving many local, State and Federal agencies, as well as private citizens and special interest groups. For any water management activity to be successful, stakeholder cooperation is needed. The BCWD is committed to working with all of its stakeholders to ensure proper management of its water resources.

### **Recommendations for State Programs**

To implement the initiatives set forth in the Overall Plan, continued cooperation between the District and various State agencies is necessary. In an effort to increase coordination in this effort, the District respectfully makes the following recommendations regarding State agency programs.

- The District would like to be notified of State agency program changes and the availability of funding.
- Data collected by State agencies should be readily shared with the District to avoid duplicative efforts.
- State agencies should continue to provide local and/or regional staff to assist local officials with agency programs.
- State agencies should provide greater flexibility to districts in setting annual work plan priorities. Priorities should be based upon current needs and the availability of funding.

### **Intergovernmental Conflicts/Resolution Process**

In the event of an intergovernmental conflict, the Board of Managers shall request a work session with the local governmental unit to identify possible solutions. The Advisory Committee may also be asked to informally negotiate resolution of the conflict. If either the work session or the Advisory Committee does not resolve the conflict, the District shall petition the BWSR for a contested case hearing.

## **Plan Evaluation**

To successfully implement the Overall Plan, periodic review is necessary. The District should review the plan at least once every two years in order to ensure that the BCWD's "vision" remains both accurate and constructive. Any changes can be documented as an amendment to the plan. The plan can be amended by the recommendation of the Advisory Committee to the Board of Managers, or the Board of Managers can propose an amendment to the plan by resolution to the Advisory Committee.

## **Major Plan Amendment Procedure**

The Overall Plan is intended to expire ten years from adoption by the BCWD, however, the District may propose amendments to the plan prior to that. The following procedures will be used by the District for major amendment proposals to the Overall Plan.

1. When issues are brought to the attention of the District with regard to the need for amendments to its adopted Overall Plan, the District will refer that person, group, local unit of government, or agency to the District's Advisory Committee.
2. The District's Advisory Committee will review the issue and may, if necessary, undertake studies relating to the issue. After review, the committee will determine whether the Overall Plan should be amended.
3. If the District's Advisory Committee determines that the Overall Plan should be amended, it will make recommendations to the Board of Managers. The Board of Managers shall approve or disapprove the proposed amendment.

After development, a proposed amendment to the Overall Plan must be submitted for local review and comment in the following manner. The District must submit the proposed plan amendment to all local units of government wholly or partly within the District, the applicable regional development commission (if any) and other counties or watershed management organizations within the same watershed unit and groundwater system that may be affected by the proposed plan amendment. Each local unit of government must review the proposed amendment, along with its own water and land-related land resources plans and/or official controls, and comment on the fiscal and policy ramifications of the amendment. Comments from local review must be submitted to the Board of Managers within 60 days after receiving a proposed plan amendment for comment, unless the Board of Managers determines that good cause exists for an extension of this period and grants an extension. The Board of Managers must conduct a public hearing on the proposed plan amendment after the 60-day period is completed, but before it is submitted to the State.

After conducting the public hearing, the Board of Managers must submit the proposed plan amendment, all written comments and a record of the public hearing to the BWSR for review. The BWSR must complete the review within 90 days after receiving the proposed Overall Plan amendment and supporting documentation. The BWSR must consult with the Departments of Agriculture, Health, Natural Resources, Pollution Control, Planning Agency, Environmental Quality and other appropriate State agencies during the review.

The BWSR may disapprove a proposed amendment if it determines the amendment is not consistent with State law or the principles of sound hydrologic management, effective environmental protection or efficient management. If the amendment is disapproved, the BWSR must provide a written statement of its reasons for disapproval. The disapproved Overall Plan amendment may be revised by the Board of Managers and resubmitted for approval by the BWSR within 120 days after receiving notice of disapproval, unless the BWSR extends the period for good cause. The decision of the BWSR to disapprove the amendment may be appealed by the Board of Managers to District Court. The Board of Managers must adopt and begin implementation of its amended Overall Plan within 120 days after receiving notice of approval of the amendment from the BWSR.

#### **Minor Plan Amendment Procedure**

If an amendment to the Overall Plan is considered to be minor in nature, the following process will be followed:

1. The Board of Managers will receive a recommendation for an amendment to the Overall Plan. Recommendations can be introduced by the Advisory Committee, a resident of the District, or a Board of Manager.
2. At the Board of Manager's meeting, where the amendment is introduced, the District will hold a vote on the proposed amendment. If the proposed amendment passes with a simple majority, the District will hold a public hearing to explain the amendment(s) and publish a legal notice of the hearing at least ten (10) days before the date of the hearing in the official District newspaper.
3. After the Public Hearing is closed, the amendment(s) shall pass with either a 4/5<sup>th</sup> or 3/4<sup>th</sup> vote from the Board of Managers.
4. The District will send copies of the amendment to BWSR for review and comment.



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Watonwan County Local Water Plan Amendment

**Meeting Date:** June 25, 2014

**Agenda Category:**  Committee Recommendation  New Business  Old Business

**Item Type:**  Decision  Discussion  Information

**Section/Region:** Southern

**Contact:** Jeff Nielsen

**Prepared by:** Chris Hughes

**Reviewed by:** Southern Region Committee(s)

**Presented by:** Steve Sunderland

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**

<http://www.co.watonwan.mn.us/DocumentCenter/View/776>

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

On December 17, 2008 the Board of Water and Soil Resources (BWSR), by board order, approved the Watonwan County July 2008 – December 31, 2018 ten-year Comprehensive Local Water Plan Update (Plan). The Plan contained an implementation section with goals, objectives, and action steps covering a five-year period of 2008-2013. The Board Order stipulated that Watonwan County was required to revise/update this implementation section by December 31, 2013.

On March 5, 2013, the Watonwan County Board of Commissioners resolved to amend its five-year implementation section as directed by BWSR. The County followed the process for amending as described within the Comprehensive Local Water Management guidance document developed by BWSR.

On April 21, 2014, the BWSR regional staff received the final required documentation and 2013 Amendment to the Watonwan County Comprehensive Local Water Plan. The 2013 Amendment contains an Executive Summary and the new January 1, 2014–December 31, 2018 implementation section. The amendment has prioritized action items in the implementation section that address water problems by county and in the context of watershed units and groundwater systems. The implementation section addresses the following priority concerns: Surface Water Quality protection and Improvement, Groundwater Protection, Drainage Management, and Sediment Control and Stream Protection.

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 **Watonwan County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

---

ORDER  
APPROVING  
LOCAL WATER  
MANAGEMENT PLAN  
AMENDMENT

**Whereas**, on December 17, 2008, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Watonwan County 2008 – 2018 Local Water Management Plan Update (Plan), which contained a 2008 – 2013 five-year Implementation section; and

**Whereas**, this Board Order stipulated that Watonwan County was required to update the implementation section by December 31, 2013; and

**Whereas**, the Watonwan County Board of Commissioners submitted the Watonwan County Plan 2014 Amendment to the Board on April 21, 2014; and

**Whereas**, this 2014 Amendment contains the updated five-year implementation section as ordered by the Board; and

**Whereas**, the Board has completed its review of the 2014 Amendment.

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

**FINDINGS OF FACT**

1. On March 5, 2013, Watonwan County passed a resolution stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.
2. On March 12, 2013, Board staff sent information on the amendment process to Watonwan County.
3. On January 2, 2014, Watonwan County provided proper notice to local units of government and state agencies of the County's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.
4. On January 15, 2014, January 29, 2014, and February 19, 2014, Watonwan County convened its water plan task force and held public update information meetings to develop the five-year implementation update.

5. Watonwan County received written comments from the Minnesota Department of Agriculture, the Minnesota Board of Water and Soil Resources, the Minnesota Pollution Control Agency, and the City of St. James. The Minnesota Board of Water and Soil Resources and Department of Natural Resources attended the water plan task force meeting(s) and provided comments.
6. No other state agency or local government unit provided written comments to Watonwan County.
7. On March 18, 2014, after providing for proper public notice, Watonwan County conducted a public hearing on the proposed 2014 Amendment. No additional written comments were submitted at the hearing.
8. On March 26, 2014 the BWSR received a record of the public hearing, and copies of all written comments pertaining to the 2013 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.
9. On April 21, 2014, the BWSR received the Watonwan County 2014 Amendment.
10. The final document developed by Watonwan County, which includes the revised five-year implementation section 2013 – 2018 is entitled the Watonwan County Local Water Management Plan 2014 Amendment, a 10-year plan with a five-year implementation schedule 2008-2018..
11. On May 28, 2014, the Board's Southern Region Committee (Committee) reviewed the Watonwan County 2014 Amendment, pursuant to 103B.301 and guidelines established by the Board. Board regional staff provided its recommendation of approval to the Committee. The Committee voted to recommend approval to the full Board at its next scheduled meeting.
12. This 2014 Amendment will be in effect until **December 31, 2018**.

### CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Local Water Management Plan Amendment of Watonwan County pursuant to Minnesota Statutes, 103B.314, Subd. 6.
2. The Watonwan County 2014 Amendment attached to this Order states goals, objectives and actions the County will address in the five-year implementation section 2013–2018. The 2014 Amendment, as well as the previously approved Watonwan County 2008 – 2018 Local Water Management Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

**ORDER**

The Board hereby approves the attached 2014 Amendment of the Watonwan County Local Water Management Plan for 2013 –2018. Watonwan County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2018.

**Dated at St. Paul, Minnesota, this 25th day of June 2014.**

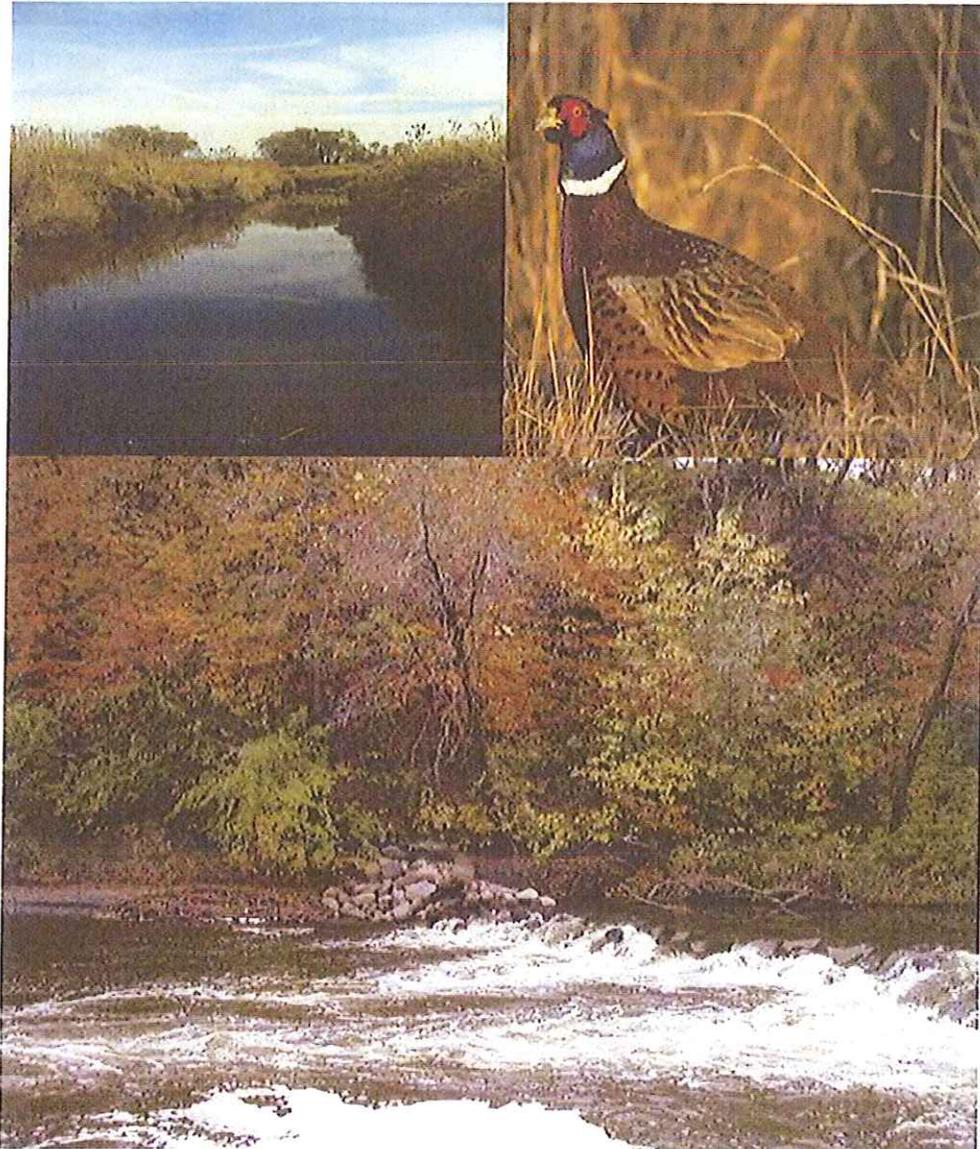
**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

---

BY: Brian Napstad, Chair

# WATONWAN COUNTY LOCAL WATER MANAGEMENT PLAN 2014 Amendment

10-Year plan with a 5-Year implementation Schedule-2008-2018



Submitted by:

Watonwan County Land Management/SWCD with assistance from the Watonwan  
County Water Plan Taskforce and the Minnesota Board of Soil and Water Resources

<b><u>ACRONYMS</u></b> .....	<b>IV</b>
<b><u>ACKNOWLEDGEMENTS</u></b> .....	<b>V</b>
<b><u>EXECUTIVE SUMMARY</u></b> .....	<b>1</b>
PURPOSE & INTRODUCTION.....	1
DESCRIPTION OF PRIORITY CONCERNS.....	6
SUMMARY OF GOALS, ACTIONS AND PROJECTED COSTS.....	7
CONSISTENCY WITH LOCAL, STATE AND REGIONAL PLANS.....	10
SUMMARY OF RECOMMENDED AMENDMENTS TO OTHER PLANS AND OFFICIAL CONTROLS.....	11
<b><u>PRIORITY CONCERNS</u></b> .....	<b>12</b>
IDENTIFICATION OF PRIORITY CONCERNS.....	12
ASSESSMENT OF PRIORITY CONCERNS.....	13
<b><u>ONGOING ACTIVITIES</u></b> .....	<b>22</b>
<b><u>IMPLEMENTATION SCHEDULE</u></b> .....	<b>23</b>
<b><u>APPENDIX</u></b> .....	<b>40</b>

## Acronyms

ACEP	Agricultural Conservation Easement Program
AU	Animal Units
BMP	Best Management Practices
BWSR	Board of Water and Soil Resources
CREP	Conservation Reserve Enhancement Program
CRP	Conservation Reserve Program
CWL	Clean Water Legacy
CWP	Clean Water Partnership Grant
MNDNR	Minnesota Department of Natural Resources
DWSMA	Drinking Water Supply Management Area
EPA	Environmental Protection Agency
EQIP	Environmental Quality Incentives Program
GIS	Geographic Information System
GPM	Gallons per Minute
LGU	Local Governmental Unit
LM/SWCD	Land Management/Soil and Water Conservation District
LWMP	Local Water Management Plan
MDA	Minnesota Department of Agriculture
MDH	Minnesota Department of Health
MGY	Millions of Gallons per Year
MINNFARM	Minnesota Feedlot Annualized Runoff Model
MMP	Manure Management Plan
MPCA	Minnesota Pollution Control Agency
MS4	Municipal Separate Storm Sewer System
NRCS	Natural Resources Conservation Service
PB	Parks Board
PW	Public Works Department
RIM	Reinvest in Minnesota
SSTS	Subsurface Sewage Treatment System
SWCD	Soil and Water Conservation District
TMDL	Total Maximum Daily Load
U of M	University of Minnesota
WCA	Wetland Conservation Act
WHPA	Wellhead Protection Area
WRAPS	Watershed Restoration and Protection Strategies
WRP	Wetlands Reserve Program

ACKNOWLEDGEMENTS

**Watonwan County Board of  
Commissioners**

*Raymond Gustafson - District 1*

*Mark Rentz - District 2*

*Dave Holmgren - District 3*

*Scott Sanders - District 4*

*Kathleen Svalland - District 5*

**Watonwan County Water Planners**

**Land Management/SWCD Department:**

*David Haler - Director*

*Bridgett M. Winkels - Assistant Director*

**Watonwan County Water Plan Task Force**

Bridgett Winkels	Land Management/SWCD/Water Planner
David Haler	Land Management/SWCD
Noren Durheim	Watonwan SWCD Supervisor
Chris Hughes	BWSR Board Conservationist
Roger Risser	Watonwan County Public Works
Betsy Norland	NRCS District Conservationist
Becky Alexander	Watonwan Watershed Technician
Aaron Finke	Pheasants Forever/Watonwan SWCD
Chelsea Hussong	Watonwan Feedlot officer
Dave Bucklin	Cottonwood SWCD Technician
Scott Bohling	MNDNR Hydrologist
Brady Swanson	MNDNR Watershed Specialist
Mark Rentz	Watonwan County Commissioner
Mark Sturm	St. James Water Superintendent
Joe McCabe	St. James City Manager

A special thank you is extended to all individuals who were involved in the preparation and development of this document.

## EXECUTIVE SUMMARY

Watowan County is located in Southwestern Minnesota surrounded by the Counties of Martin, Jackson, Cottonwood, Brown and Blue Earth. The county seat of Watowan County is St. James, with a population of 4,587 at the 2012 census. The 2012 census estimated Watowan County's population to be approximately 11,187.

Watowan County is unique in that it is almost completely within a single watershed, the Watowan Watershed. It also contains a small section, approximately 0.26%, of the Blue Earth River watershed located in the Southwestern corner of the county and approximately 0.05 % of the Middle Minnesota Watershed in the Northeastern corner of the county.

### **PURPOSE & INTRODUCTION**

The Watowan County Local Water Management Plan is intended to identify existing and potential water related issues in the context of watershed units and groundwater systems. With the cooperation of all local government units this plan identifies specific implementation activities and goals for sound hydrological management of water and related resources within Watowan County.

This LWM Plan is designed to satisfy all requirements specified in current state statutes (Minnesota Statute 103B.311, Subd 4), which is to:

- (1) cover the entire area within a county;*
- (2) address water problems in the context of watershed units and groundwater systems;*
- (3) be based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management;*
- (4) be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system.*

The Comprehensive Local Water Management Act, Statutes, Chapter 103B.301, gives the authorization to Minnesota Counties to develop and implement a local water management plan. In order to receive financial assistance from the Board of Water and Soil Resources (BSWR) a current plan is required and must be updated and revised on a periodic basis which assists counties in funding projects specified by their LWMP.

This LWMP is a ten-year management plan with a five year implementation docket and schedule. The county adopted by resolution on March 5, 2013 to amend the current LWMP. This is the amendment to the third edition of the LWMP for Watowan County. The original plan was adopted in 1989 and first updated in 1998.

Throughout the duration of the previous plans a Local Water Plan Task Force has met on a regular quarterly basis to discuss ongoing activities and address budget issues. Task Force members were informed at the September 11, 2006 meeting of the need for an update of the Water Plan. Survey forms were then sent out to a wide range of organizations, units of government, agencies and individuals seeking comment on priorities that should be addressed in an updated plan. Comments were submitted and compiled and were subsequently presented on December 11, 2006, upon which a discussion was held. Priority concerns were selected by staff based on those comments and discussions; and was presented to the Task Force on March 19<sup>th</sup>, 2007 for approval. The Task Force met on January 29, 2014 to discuss the amendment process. During this meeting the Task Force decided to keep the same priority concerned and associated goals and focus on updating the action statements to achieve those goals.

### **Accomplishments**

Activities and events achieved from 2008 -2013 under Watonwan County's current Water Management Plan include the following:

- Sponsored Environmental Awareness Day activities
- Provided conservation themed booth at the county fair
- Sponsored Prairie Ecology Bus at the county fair
- Provided water related informational materials to area churches
- Supported local Envirothon educational event
- Supported Green Saturday educational event
- Sponsored 1st grade Arbor Day program
- Supported SWCD annual newsletter
- Sponsored Science Museum visit for 720 students- presentation entitled "Three Rivers"
- Sponsored Poster/Essay contest which emphasized importance of local SWCDs
- Sponsored local habitat workshop
- Sponsored local 4-H environmental education workshops
- Supported rain gauge and well monitoring activities
- Provided cost- share funds for 20 township erosion control projects
- Provided cost- share funds for 2 township Streambank & shoreline protection projects
- Provided cost- share funds for 1 township obstruction removal project to protect water monitoring equipment
- Provided cost-share funds for 6 county waterway clearing projects
- Provided cost-share funds to Watonwan Public Works for 3 sediment control projects
- Provided cost-share funds to Watonwan Public Works for 1 erosion control project
- Provided cost-share funds for sediment cleanout in St. James and Butterfield creeks
- Provided cost-share funds for the sealing of 81 abandoned wells in the county
- Over 130 failing septic systems in Watonwan County have been brought into compliance.

**Under Watonwan County's previous Water Management Plan, these accomplishments and achievements have taken place:**

- ▶ The replacement of 414 non-compliant septic systems from 1998-2008
- ▶ Delegated county in the state feedlot program, working with the MPCA and the Minnesota Association of County Feedlot Officers.
- ▶ Worked with local feedlot owners and developers with permitting, registration and securing manure management plans.
- ▶ Provided funds for collection of manure samples by county livestock producers.
- ▶ Provided cost share for feedlot repairs and compliance issues.
- ▶ Supported and participated in the South Central Minnesota County Comprehensive Water Planning Project, informally known as the 13 County organization.
- ▶ Through the 13 County organization, we worked with the Water Resource Center at the University of Minnesota Mankato in the development of GIS capabilities for Watonwan County and Watonwan SWCD.
- ▶ Participated in the Blue Earth River Basin Initiative joint powers organization.
- ▶ Participated, along with other counties in the Greater Blue Earth River Watershed in the creation of the Greater Blue River Basin Alliance, a joint powers of counties and Soil and Water Districts in the Greater Blue Earth River Watershed, upon the cessation of the activities of 13 County organization and of BERBI.
- ▶ Participated in the Water Implementation at the Local Level process and from 2000 through early 2008 provided administration and served as county representative for a Phase 2 Clean Water Partnership for the Watonwan River Watershed.
- ▶ Provided support to the Watonwan County Friends of the Library in the 2005 celebration of Mary Ellen Lewis Day, which entailed an environmental education field day for county residents held at the Meadowlark Learning Center near St. James.
- ▶ Provided support funds for the improvement of the Meadowlark Learning Center.
- ▶ Provided funding and staff support for highly successful Green Saturday events as they were put on by the Watonwan SWCD.
- ▶ Supported Watonwan County Townships with annual grant funding opportunities for water quality improvement projects as determined by township officials.
- ▶ Supplied county residents with drinking water testing kits.
- ▶ Provided technical support and advice to the Watonwan County Planning Commission and Watonwan County Board of Commissioners as land use projects were proposed and considered.
- ▶ Watonwan County and SWCD worked with the small communities in the county on their wastewater needs. Utilized a BWSR challenge grant to help fund the procurement of preliminary engineering reports for the four remaining unsewered small communities in Watonwan County. Out of the four, two are in the construction phase and two are in the final design phase as this plan is being written.

- ▶ Supported sealing of 168 abandoned wells.
- ▶ Utilization of Zone 10 engineers for construction projects.
- ▶ Installation of 130 rock tile intakes and intake buffers.
- ▶ Planting of shelterbelts, field windbreaks and living snow fences.
- ▶ Maintenance and upkeep of the Meadowlark Learning Center
- ▶ Administered the volunteer rain gauge reader program (SWCD)
- ▶ Citizens Stream Monitoring Program
- ▶ Annual Arbor Day Tree Program
- ▶ Bi-annual Habitat Workshops
- ▶ Bi-annual Green Saturday Program
- ▶ Conduct transect survey
- ▶ Stewardship Week program with area churches
- ▶ Environmental Poster Contest in county schools
- ▶ Environmental Awareness Day with county 6<sup>th</sup> graders.
- ▶ Reclamation and improvement of Long Lake Public Beach.
- ▶ Streambank survey conducted on North Fork of the Watonwan River and Perch Creek.
- ▶ Three wetland banking sites established
- ▶ Established one wildlife area
- ▶ Goose Lake Basin (440 acres) restored in Fieldon Township
- ▶ Ag waste lagoon closure demonstration for area engineers and state and county feedlot staff.
- ▶ Published and distributed news articles and brochures to inform public on programs.
- ▶ \$1,100,497.04 were spent on EQIP projects
- ▶ Mitigation – 3 sites/10 acres
- ▶ 14 Streambank repairs were completed which included 4,137 feet

### Task Force Process

The Watonwan County Land Management/SWCD Department administers local water management in Watonwan County, which includes the convening of the local Task Force. The Task Force membership currently includes those individuals who have participated in the amendment process in 2013-2014:

---

Bridgett Winkels	Assistant LM Director/SWCD/Water Planner
David Haler	Land Management Director
Noren Durheim	Watonwan SWCD Supervisor
Chris Hughes	BWSR/New Ulm Board Conservationist
Roger Risser	Watonwan County Public Works
Betsy Norland	NRCS-District Conservationist
Becky Alexander	Watonwan Watershed Technician
Aaron Finke	Pheasants Forever/Watonwan SWCD
Chelsea Hussong	Watonwan Feedlot officer
Dave Bucklin	Cottonwood SWCD Technician
Scott Bohling	MNDNR Hydrologist
Brady Swanson	MNDNR Watershed Specialist
Mark Rentz	Watonwan County Commissioner
Mark Sturm	St. James Water Superintendent
Joe McCabe	St. James City Manager

### Public & Internal Forum

November 27 <sup>th</sup> 2012	Water Planner met with BWSR in regards to LWP amendment (Mark Hiles and Bruce Johnson)
March 5 <sup>th</sup> 2013	Watonwan County Commissioners approve resolution of intent to amend the Local Water Management Plan
January 2 <sup>nd</sup> 2014	Notice of intent to amend water plan to Task Force and local agencies
January 15 2014	Open House for public input
January 29, 2014	Task Force initial meeting
February 19, 2014	Task Force review meeting
March 6, 2014	Notice for public hearing displayed
March 18, 2014	Public Hearing
March 26, 2014	Date the revised plan was sent to BWSR
TBD	Approval by BWSR
TBD	County Commissioners adopted new water plan

### ***DESCRIPTION OF PRIORITY CONCERNS***

The 2008 Water Plan Task Force members selected the priority concerns listed below after reviewing the comments and concerns received. These concerns were selected as a result of information on implementation activities and program over time, a history of degrees of success in implementation and evaluation of a balance of need for further implementation with an assessment of what can realistically be achieved within the local economic and civic climate and culture. The 2013-2014 Task Force came to the consensus to maintain the current priority concerns and focus on the improvement of action statements associated with each associated goal.

#### **Priority Concern 1: Surface Water Quality Protection & Improvement**

The county's economy is dominated by agricultural production and food processing industries. The high number of crop fields and feedlots that directly contribute to local water bodies makes surface water quality a high propriety for the county and its residents. This concern focuses on a wide variety of areas including the decrease of impairments for phosphorus, nitrogen, fecal coliform bacteria, and turbidity as well as considering the Biological Fish Index of Biological Integrity. This concern will address the steps the county can take to assure residents are utilizing BMP's and proper land uses practices to protect and improve water quality throughout the County.

#### **Priority Concern 2: Groundwater Protection**

Groundwater protection is a main concern for the county to assist in the protection of drinking water supplies of individual, municipal and rural well systems. This concern will focus on the need for Wellhead Protection Areas receiving priority for funding BMP projects and Conservation Easement enrollment. Septic system upgrades and abandoned well sealing, which all effect drinking water quality, will also be treated with precedence.

#### **Priority Concern 3: Drainage Management**

Drainage management is a must in areas with high concentrations of agricultural practices. This concern will address the need for establishing water retention areas and wetland restorations. These and other drainage decisions will be coordinated with the local drainage authority to protect against water erosion and associated water quality/quantity practices. It will also address the need for an expanded local drainage inventory for improved targeting of priority areas.

#### **Priority Concern 4: Sediment Control & Stream Protection**

Comprehensive sediment control efforts will be focusing on the promotion of tillage and residue practices to reduce sedimentation in local water bodies. This concern will augment the water quality concerns by focusing on the protection of water quality associated with stream bank erosion. This concern will also address water bodies listed as impaired and the steps needed to improve the quality and quantity of the water as well as associated habitats.

### ***SUMMARY OF GOALS, ACTIONS AND PROJECTED COSTS***

Based upon the four priority concern areas identified by the Scoping document the Watonwan County Water Management Task Force has established the following goals in which efforts will be focused upon. Each goal has a series of measurable objectives of which have a sequence of actions that Watonwan County will attempt to achieve throughout the time frames expressed in the plan. While it may not be possible to accomplish every action documented, it will be the focus of funding needs and department duties.

The costs associated with each objective are estimates only, and actual direct and/or indirect costs may be more or less than indicated. The implementation schedule provides this information in further detail.

#### **PRIORITY CONCERN 1: Surface Water Quality Protection & Improvement**

Watonwan County lies almost exclusively within the Watonwan River Watershed and nearer to its entirety within the Greater Blue Earth River Watershed. There is a need to protect and reduce further impairment of the Watonwan River, its tributaries, lakes and wetlands in the watersheds.

Consideration will be made to any high priority water quality problems. "High priority water quality problems" means areas where sediment, nutrients, chemicals, or other pollutants discharge to Department of Natural Resources designated waters or to any high priority waters as identified in a comprehensive local water plan or the conservation districts comprehensive plan, or discharge to a sinkhole or ground water. The pollutant delivery rate to the water source is in amounts that will impair the quality or usefulness of the water resource.

Desired objectives will be a continuation of local efforts to bring individual onsite septic systems into compliance with local and state rules, to continue efforts to bring community wastewater treatment facilities within the county into compliance with state and federal regulations and continue to bring feedlot operations into full compliance with an emphasis on manure management practices. The 51 feedlots located with 1,000 feet and the 13 feedlots located within 300 feet of protected waters are a priority to ensure proper management is being conducted and to receive financial assistance, when possible, for the implementation of BMP's.

Implementation actions include the review and revision of county ordinances, promoting and educating property owners on the operation and maintenance of onsite septic systems, providing technical assistance to feedlot operators and owners in determination of needs for site improvements and provide financial assistance for the improvement of feedlots and replacement of noncompliant septic systems. Maintenance of information systems to track implementation activities is seen as an important objective.

GOAL: Prevention of further impairment of stream and lake water quality in the waters of Watonwan County.

➤ OBJECTIVE A: Agricultural Runoff	\$456,000
➤ OBJECTIVE B: TMDL Assessment	\$28,000
➤ OBJECTIVE C: Shoreland Management	\$28,000
➤ OBJECTIVE D: Feedlots & Nutrient Management	\$152,000
➤ OBJECTIVE E: Wastewater Treatment	\$113,000
➤ OBJECTIVE F: Wetland Restoration	\$141,000
➤ OBJECTIVE G: Community Education	\$6,300

**Total Cost: \$924,300**

### **PRIORITY CONCERN 2: Ground Water Protection**

Groundwater protection will be addressed for the purpose of protecting both quality and quantity. Drinking Water Supply Management Areas and private and community wells will be a focus of implementation efforts, with the objective of protecting long-term supplies from contamination and depletion.

Implementation actions include working with municipal and rural water providers on land use activities within supply and management areas, provision of assistance to owners of abandoned wells in the sealing of those wells, maintenance of well sealing records, supporting drinking water well screening and testing programs and supporting well owner and water user education efforts.

GOAL: Assure protection of the quality and safety of drinking water supply that is drawn from aquifers that serve the county and its residents and assure a vigilant approach is taken and maintained in assuring the sustainability of groundwater.

➤ OBJECTIVE A: Rural Water	\$In-kind
➤ OBJECTIVE B: Wellhead Protection	\$75,000
➤ OBJECTIVE C: Landuse	\$10,000
➤ OBJECTIVE D: Pesticide Application	\$2,000
➤ OBJECTIVE E: Well Sealing	\$30,000

**Total Cost: \$117,000**

### **PRIORITY CONCERN 3: Drainage Management**

This concern will be addressed through the promotion of the restoration of wetlands, the establishment of water retention areas and the continued development of an accurate inventory of drainage infrastructure within the county.

Objectives include supporting the continuation of existing development of modernized drainage information systems and encouraging landowners to consider alternatives such as controlled drainage, restoration and other retention BMP's

through promotional and educational efforts. An additional objective will be to seek financial assistance for the purpose of supplementing traditional cost share sources for easements and costs that may be required to achieve meaningful implementation.

GOAL: Creation and maintenance of files containing accurate information on drainage infrastructure in Watonwan County involving rectification of existing systems and modernization of maps, profiles and records of repair and maintenance, with the goal of developing resources that will be of use as alternatives to conventional drainage. A priority goal will be to see this information is used to evaluate alternatives and ultimately lead to the design and implementation of water storage and wetland restorations.

- |  |          |
|--|----------|
| ➤ OBJECTIVE A: Drainage Inventory & Information Base | \$24,000 |
| ➤ OBJECTIVE B: Wetland Restoration & Water Retention | \$86,000 |

**Total Cost: \$110,000**

#### **PRIORITY CONCERN 4: Sediment Control & Stream Protection**

This concern will be addressed to reduce the delivery of sediment over surface features to surface waters and to create restorations and structures that will slow delivery of precipitation waters, with emphasis on waters designated as TMDL impaired.

The Watonwan SWCD work plan indicates erosion problems as high priority. "High priority erosion problems" means areas where erosion from wind or water is occurring equal to, or in excess of, 2 x T tons per acre per year or is occurring on any area that exhibits active gully erosion or is identified as high priority in the comprehensive local water plan or the conservation district's comprehensive plan.

Implementation actions include the promotion of BMP's, providing technical assistance in the selection and design of practices, providing financial incentives for implementation of BMP's. It will also be an objective through this plan to work with state and federal agencies in the implementation of TMDL's as they continue to be set and as plans are developed.

GOAL: To reduce sedimentation to streams and lakes and reduction of the effects that sediment has on habitats, stream courses, transfer of pollutants and impaired downstream conditions.

- |   |          |
|---|----------|
| ➤ OBJECTIVE A: TMDL's                         | \$25,000 |
| ➤ OBJECTIVE B: Watersheds                     | \$6,000  |
| ➤ OBJECTIVE C: Streambank Repair & Protection | \$33,000 |

**Total Cost: \$64,000**

**Total projected annual costs \$1,215,300**

### ***CONSISTENCY WITH LOCAL, STATE AND REGIONAL PLANS***

Watonwan County Land Management/SWCD and the Watonwan County Public Works Department administer the county's land use ordinances. The Watonwan County Zoning Ordinance is reviewed on an ongoing basis for reflection of the goals of this plan. The Watonwan County Board of Commissioners is open to recommendations from county staff and citizens for consideration of amendments. It is deemed at the time of the creation of this implementation plan that it is consistent with county land use requirements.

The MNPCA is in the process of developing a WRAPS report for the Watonwan Watershed. Every attempt will be made to assist the department in this process and incorporate recommendations of the final report into the County objectives. The MNDNR, as part of the WRAPS report, will be submitting the geomorphologic chapter that will be taken into consideration for prioritized areas for project implementation in order to achieve the county goals.

The City of St. James Drinking Water Supply Management Plan was submitted for review during the preparation of the original plan and was given consideration in the objectives of the original plan and the current actions items to be achieved. The City of St. James drinking water quality, as well as other city and townships within the Watonwan Watershed, was taken into consideration during the amendment and will always be a priority when in the best interest of the residents of Watonwan County.

***SUMMARY OF RECOMMENDED AMENDMENTS TO OTHER PLANS AND OFFICIAL CONTROLS***

The Mining and Extraction section of the Watonwan County Zoning Ordinance has been, and will continue to be, reviewed and updated as the County Commissioners see necessary.

During 2014 the SSTS sections of the Watonwan County Zoning Ordinance will be updated and amended per the requirements of the State of Minnesota. During these revisions the Water Plan and the associated goals will be considered and incorporated as necessary.

The Planning and Zoning board will also review the shoreland ordinance and others to see if they can be updated to better reflect the goals of the Local Water Plan. They will also review the Mining and Extraction section of the Watonwan County Zoning Ordinances that is in the process of being developed at the time of this publication.

**COMMITTEE RECOMMENDATIONS**

***Grants Program & Policy Committee***

1. FY2015 Farm Bill Assistance Grant Awards – Dave Weirens - ***DECISION ITEM***
2. Proposed FY15 SWCD Programs and Operations Grant Allocations – Wayne Zellmer - ***DECISION ITEM***
3. Proposed FY2015 Natural Resources Block Grant Allocations – Wayne Zellmer - ***DECISION ITEM***
4. One Watershed, One Plan Pilot Selection – Doug Thomas and Melissa Lewis - ***DECISION ITEM***
5. FY2015 Targeted Watershed Demonstration Program Authorization – Marcey Westrick - ***DECISION ITEM***
6. FY2015 Clean Water Fund Competitive Grants Policy and Authorization – Marcey Westrick - ***DECISION ITEM***
7. Supplemental FY2014 Clean Water Fund Grant Awards – Dave Weirens – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Farm Bill Assistance Program Grant Awards<sup>L</sup>

Meeting Date: June 25, 2014
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Land and Water Section
Contact: Dave Weirens
Prepared by: Dave Weirens
Reviewed by: Grants Program and Policy Committee(s)
Presented by: Dave Weirens

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

The Board is requested to authorize the use of year two funds from the current Legislative Citizen Commission on Minnesota Resources (LCCMR) grant and DNR funds for Farm Bill Assistance Grants.

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

The Farm Bill Assistance Program provides funds to SWCDs to hire staff to accelerate implementation of the Farm Bill as well as other state and federal conservation projects that involve grasslands and wetlands. The FY15 Farm Bill Assistance Program is expected to be funded from several revenue sources, chief among them, the Legislative-Citizens Commission on Minnesota Resources. The Board is being requested to authorize these grants in order to minimize the delay in getting funds to SWCDs following the enactment of a biennial budget.

The Grants Program and Policy Committee met on June 12, 2014 to review documents associated with this resolution and is recommending Board approval.

**FY '15 MN Conservation Assistance Program Authorization**

**WHEREAS**, the MN Board of Water and Soil Resources (BWSR), in partnership with the MN Department of Natural Resources (DNR), Soil and Water Conservation Districts (SWCD), Natural Resources Conservation Service (NRCS) and Pheasants Forever (PF), have been implementing a program called the MN Farm Bill Assistance Project to accelerate staffing efforts at the local level for implementation of the Federal Farm Bill programs and other clean water, grassland and wetland programs; and,

**WHEREAS**, BWSR acting as fiscal agent for the program, has been appropriated funds recommended by the MN Legislative Citizen Commission on Minnesota Resources (LCCMR) through the Environmental Natural Resources Trust Fund (ENRTF) in Laws of Minnesota 2013, Chapter 52, Section 2, subd. 4(f) and DNR funds to grant SWCD's for staff employment; and,

**WHEREAS**, BWSR, DNR and PF have conducted a Solicitation of Interest from SWCD's for funding; and,

**WHEREAS**, BWSR has adopted the following grant and allocation policy based upon the partnership recommendations:

Eligible SWCD's will be competitively selected to receive a 90% state funded contribution towards employment of a staff position. The staff budget is established at \$50,000 per full-time-equivalent. The SWCD will provide 10% cash match to the position budget.

**NOW THEREFORE BE IT RESOLVED**, the BWSR authorizes staff to allocate up to \$3,000,000 in ENRTF, \$150,000 in DNR funds, and any rollover or slippage from this program according to these policies.

\_\_\_\_\_

Date: \_\_\_\_\_

Brian Napstad, Chair  
Board of Water and Soil Resources

# MN FARM BILL ASSISTANCE PARTNERSHIP

## Staffing Guidance

The purpose of the MN Farm Bill Assistance Partnership is to accelerate the implementation of conservation programs in Minnesota by adding capacity to consult with landowners in the delivery of habitat programs on private land. The end result is more acres of grass and wetlands for water quality and wildlife habitat. The following is a listing of general requirements and activities relating to the work priorities of the FBAP committee (DNR, BWSR, NRCS and Pheasants Forever). Should you have any specific questions about eligible duties, please contact Jason Beckler at 507-537-6615 or [jason.beckler@state.mn.us](mailto:jason.beckler@state.mn.us).

### **GENERAL REQUIREMENTS:**

- Staff employed through this funding should possess experience and/or education in wildlife science or natural resource conservation related field.
- This is added capacity designed to proactively outreach/consult with private landowners regarding resource priorities and programs that work to address concerns related to wildlife, water, soil.
- Oversight will be provided by the FBA Coordinator (Jason Beckler) who will work with local partners and individual staff on hiring, reporting, training, and work load priorities.

### **DUTIES ELIGIBLE FOR FUNDING:**

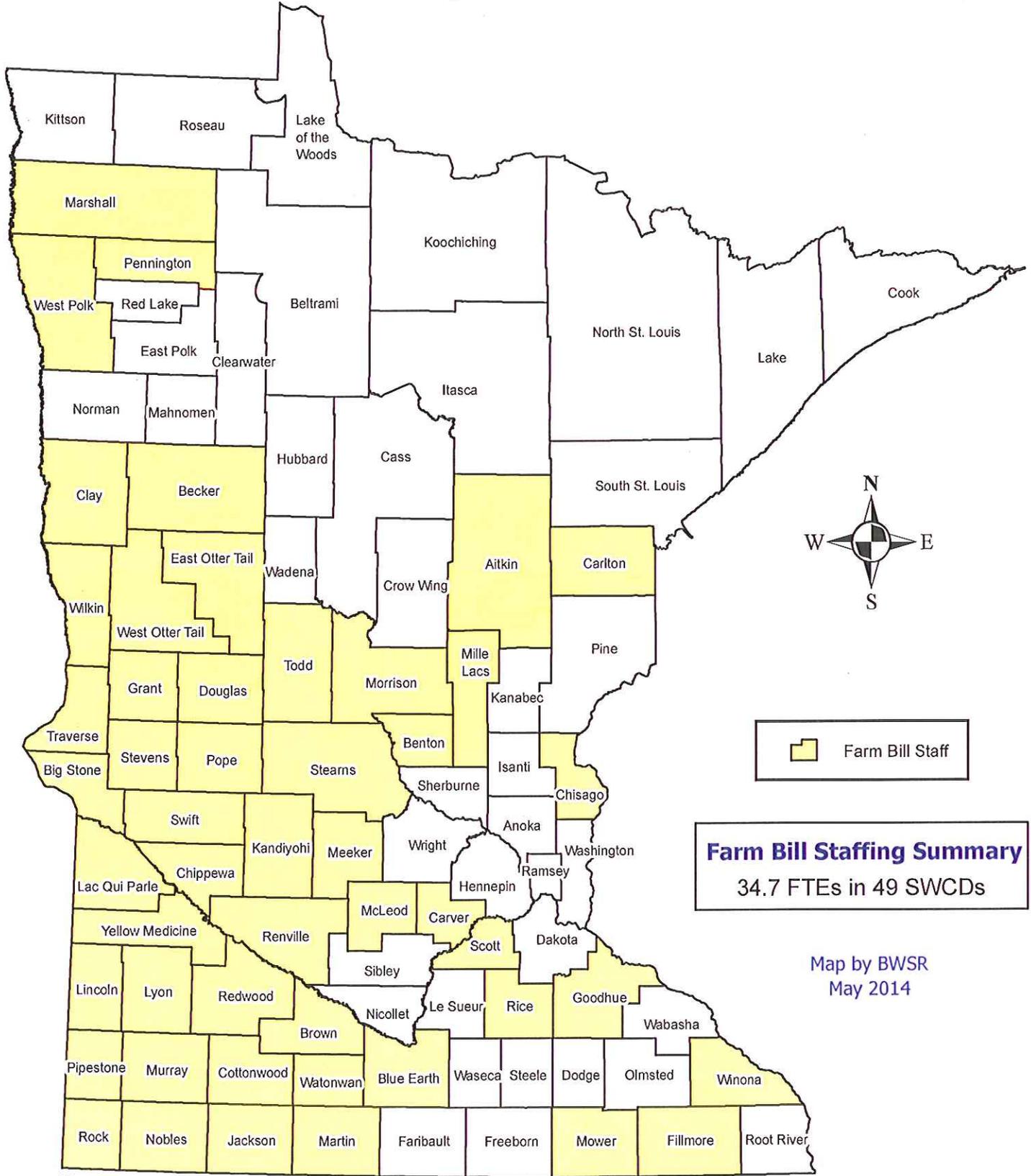
- Marketing and consultation with farmers and landowners on conservation programs that achieve clean water, grass and wetland cover: Programs such as RIM, RIM-WRP, CRP, CCRP, WRP, WLI, WHIP, CRP Re-enrollment, MN Clean Water Funding, MN Prairie Conservation Plan, Prairie Bank, FWS Habitat Easements
- Contracts, Easements and Conservation plans for these programs
- Practice implementation via vendors
- Mid-contract management planning/consulting or vegetation enhancement activities (with less habitat, can we produce more wildlife yield on our remaining acres!)
- Guidance of landowners on non-FBA activities to appropriate staff/programs
- Attendance at training events and meetings necessary to stay up to date on private lands program offerings.

### **DUTIES NOT ELIGIBLE FOR FUNDING:**

- Non-wetland/grassland CCRP practices (waterways, windbreaks etc.)
- Tree planting/matting-SWCD tree program
- Grass planting-SWCD drill program
- Conducting a prescribed burn
- Construction management of general conservation practices

# Farm Bill Assistance Positions

## Phase XIV – July 1, 2014-June 30, 2015



**FY 2015 PHASE XIV MN CONSERVATION ASSISTANCE**

COUNTIES	FTE	TOTAL BUDGET \$	LOCAL SHARE MATCH (10%)	STATE SHARE (90%)	STATE BREAKDOWN	
					LCCMR	DNR
Becker/PF	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Aitkin/Carlton w/PF	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Benton/Mille Lacs/Morrison	75%	\$37,500	\$3,750	\$33,750	\$33,750	
Big Stone	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Blue Earth w/PF	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Carver	50%	\$25,000	\$2,500	\$22,500	\$22,500	
Chippewa	50%	\$25,000	\$2,500	\$22,500	\$22,500	
Chisago	25%	\$12,500	\$1,250	\$11,250	\$11,250	
Cottonwood	50%	\$25,000	\$2,500	\$22,500	\$22,500	
Fillmore	50%	\$25,000	\$2,500	\$22,500	\$22,500	
Goodhue	50%	\$25,000	\$2,500	\$22,500	\$22,500	
Grant	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Jackson	85%	\$42,500	\$4,250	\$38,250	\$38,250	
Lac Qui Parle	60%	\$30,000	\$3,000	\$27,000	\$27,000	
Lincoln	85%	\$42,500	\$4,250	\$38,250	\$38,250	
Martin	50%	\$25,000	\$2,500	\$22,500	\$22,500	
Meeker/McLeod w/PF	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Mower	75%	\$37,500	\$3,750	\$33,750	\$33,750	
Nobles	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Ottertail East	50%	\$25,000	\$2,500	\$22,500	\$22,500	
Ottertail West w/PF	175%	\$87,500	\$8,750	\$78,750	\$78,750	
Pennington w/PF	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Pipestone/Rock	50%	\$25,000	\$2,500	\$22,500	\$22,500	
Pope	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Redwood	75%	\$37,500	\$3,750	\$33,750	\$33,750	
Renville	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Rice	50%	\$25,000	\$2,500	\$22,500	\$22,500	
Scott	25%	\$12,500	\$1,250	\$11,250	\$11,250	
Stearns w/PF	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Stevens	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Swift w/PF	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Todd w/PF	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Traverse	100%	\$50,000	\$5,000	\$45,000	\$45,000	
Wilkin	75%	\$37,500	\$3,750	\$33,750	\$33,750	
Winona	25%	\$12,500	\$1,250	\$11,250	\$11,250	
Yellow Medicine	85%	\$42,500	\$4,250	\$38,250	\$38,250	
<b>SUBTOTALS</b>		<b>\$1,407,500</b>	<b>\$140,750</b>	<b>\$1,266,750</b>	<b>\$1,266,750</b>	<b>\$0</b>
<b>Murray</b>	<b>50%</b>	<b>\$34,500</b>	<b>\$2,500</b>	<b>\$32,000</b>	<b>\$32,000</b>	
<b>GRAND TOTAL</b>		<b>\$1,442,000</b>	<b>\$143,250</b>	<b>\$1,298,750</b>	<b>\$1,298,750</b>	<b>\$0</b>

 Murray dollars are not a grant agreement but rather an IPA with DNR.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Fy '15 Swcd Programs And Operations Grants Allocations

Meeting Date: June 25, 2014

Agenda Category:  Committee Recommendation     New Business     Old Business  
 Item Type:  Decision     Discussion     Information

Section/Region: LAND & WATER

Contact: Wayne Zellmer

Prepared by: Wayne Zellmer

Reviewed by: GRANTS PROGRAM & POLICY Committee(s)

Presented by: Wayne Zellmer

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 proposed FY '15 SWCD Programs and Operations Grants Allocations.

**LINKS TO ADDITIONAL INFORMATION**

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

The 2013 Legislature has appropriated funding for the FY '15 SWCD Programs and Operations Grants; Conservation Delivery, Easement Delivery, and Non Point Engineering Assistance, and Cost Share Program. The Grants Program & Policy Committee forwards recommendations for individual SWCD allocations.



Board Resolution # \_\_\_\_\_

**FISCAL YEAR '15 SWCD PROGRAMS AND OPERATIONS  
GRANTS ALLOCATIONS**

WHEREAS, Fiscal Year '15 Soil and Water Conservation District (SWCD) Programs and Operations Grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and conservation delivery grants allocations to SWCDs through its State Cost Share Grants, Conservation Delivery Grants, Easement Delivery Grants, and Non Point Engineering Assistance Grant Programs, and;

WHEREAS, Laws of Minnesota 2013, in Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated cost share and conservation delivery grant funds to BWSR, and;

WHEREAS, as required by the appropriation, all SWCDs that have BWSR approved plans and reports are eligible to receive these grants, and;

WHEREAS, the Grants Program & Policy Committee reviewed the proposed SWCD grants allocations on June 12, 2014.

**NOW THEREFORE BE IT RESOLVED**, the Board authorizes:

1. Staff to allocate grant funds to individual SWCDs up to the amounts listed below and as provided on the attached allocation spreadsheet, *Proposed FY '15 SWCD Programs and Operations Grants*:

State Cost Share Grants	\$1,198,459
Conservation Delivery Grants	\$1,765,001
Easement Delivery Grants	\$291,028

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

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

3. Authorize SWCDs, to use all or part of their allocation for technical assistance, when the following conditions exist:

- i. Other non-state funds will be leveraged and they couldn't do the project otherwise;  
Or,
- ii. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2013 Financial Report indicates less than an 18-month fund balance; And
- iii. Board Conservationist approval.

\_\_\_\_\_ Date: \_\_\_\_\_  
Brian Napstad, Chair  
Board of Water and Soil Resources

**Attachments:** *Proposed FY '15 SWCD Programs and Operations Grants*

# PROPOSED FY '15 SWCD PROGRAMS and OPERATIONS GRANTS, NPEA ALLOCATIONS

---

Conservation Delivery	\$1.765 M
Easement Delivery	\$.291 M
Non Point Engineering Assistance	<u>\$1.060 M</u>
	\$3.116 M

The 2013 Legislature in Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated:

\$3,116,000 the first year and \$3,116,000 the second year are for grants requested by soil and water conservation districts for general purposes, nonpoint engineering, and implementation of the reinvest in Minnesota reserve program.

## **Conservation Delivery Grants - \$1,765,001**

Conservation Delivery Grants provide each Soil and Water Conservation District with funds for the general administration and operation of the district. These administrative and operational costs include paying for the costs of: employing staff, office space, transportation, postage and utilities, and supervisors' compensation and expenses.

Grant amounts are identical to FY '14 allocations, and are listed on the attachment *PROPOSED FY '15 SWCD PROGRAMS and OPERATIONS GRANTS*.

## **Easement Delivery Grants - \$291,028**

This grant amount is to assist each SWCD with their site inspection costs and other miscellaneous management activities associated with the easements in their county. These activities include ownership changes, staking boundaries, conservation plan revisions, and assisting landowners with ongoing maintenance of installed conservation practices.

The BWSR currently holds 5,851 conservation easements on 236,076 acres throughout the state. SWCDs range from a low of 0 easements in 8 SWCDs, to a high of 442 easements in Renville SWCD. The grant amount for FY '15 is based on \$49.74 per easement.

## **Non Point Engineering Assistance - \$1,060,000**

The Non Point Engineering Assistance (NPEA) Grants are allocated annually to the NPEA (TSA) Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices.

This Grant Program is proposed be implemented according to the August 2008 BWSR adopted *CTAC Short-Term Consensus Recommendation to Address Structure and Financial Challenges of the NPEA Program Proposed Clarifications by Recommendations Work Group*

The following policy from this Recommendation directs the FY '15 allocations as follows:

1. \$70,000 per 1 FTE engineer (TSA staff or contracted)
2. \$50,000 per 1 FTE technician (TSA staff or contracted)
3. Maximum annual grant amount for staff or contracted engineering services = \$120,000 per TSA. If less than the maximum is requested by one or more TSAs, the difference is split equally among all TSAs.
4. Additional \$5,000 per Host and/or Fiscal Agent SWCD (up to 2 Host SWCDs per TSA). The TSA decides how to distribute between Host and Fiscal Agent SWCD and Host-only SWCD.
5. 1 Fiscal Agent SWCD per TSA must be a Host SWCD, if the TSA has staff.
6. In order to help develop and maintain consistency across TSAs, the remaining state funding (estimate \$40,000/year, depending on number of Host SWCDs statewide) is used for NPEA staff training, computer hardware, software, and survey equipment and associated costs. This is based on an annual plan developed by NPEA staff and BWSR and coordinated with TSAs prior to grant allocations for current fiscal year.
7. Minimum 10% cash local share, from other than NPEA grant \$, for engineering assistance in the TSA.

Local share does not include in-kind services, but can include local, other state and federal funding for shared technical assistance to and through the TSA SWCDs, such as:

- Fees for services (from landowners, or other sources)
- Member SWCD cash contributions
- Federal TSP funding
- Federal grant funds
- Other state programs
- Gifts and donations

FY '15 NPEA Grants are proposed to be allocated according to the Board adopted policy as follows:

NPEAP Area	Base Grant	Host/Fiscal Agent SWCD	Equipment	Total Grant
1	\$120,000	\$10,000	\$0	\$130,000
2	\$120,000	\$5,000	\$0	\$125,000
3	\$120,000	\$10,000	\$20,000	\$150,000
4	\$120,000	\$5,000	\$0	\$125,000
5	\$120,000	\$10,000	\$0	\$130,000
6	\$120,000	\$5,000	\$0	\$125,000
7	\$120,000	\$10,000	\$0	\$130,000
8	\$120,000	\$5,000	\$20,000	\$145,000
			<b>TOTAL</b>	<b>\$1,060,000</b>

The legislature requires that any SWCD receiving these funds shall maintain a Web page that publishes, at a minimum, its annual report, audit, annual budget, and meeting notices and minutes.

## **PROPOSED FY'15 SWCD COST SHARE GRANTS - \$1,198,459**

The 2013 Legislature In Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated:

(2) \$1,200,000 each year is for soil and water conservation district cost-sharing contracts for erosion control, nutrient and manure management, vegetative buffers, and water quality management;

The purpose of this program is to provide grants to SWCDs so they can help local landowners or land occupiers offset the costs of installing conservation practices that protect and improve water quality by controlling soil erosion and reducing sedimentation. As in the previous biennium, accompanying legislation;

Notwithstanding Minnesota Statutes, section 103C.501, the board may shift cost-share funds in this section and may adjust the technical and administrative assistance portion of the grant funds to leverage federal or other nonstate funds or to address high-priority needs identified in local water management plans or comprehensive water management plans.

also allows SWCDs, to use all or part of their allocation for technical assistance, when the following proposed conditions exist:

1. Other non-state funds will be leveraged and they couldn't do the project otherwise.  
Or,
2. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2013 Financial Report indicates less than an 18-month fund balance.  
And,
3. Board Conservationist approval.

### **Recommendation**

The Grants Program & Policy Committee is requesting Board approval of these FY '15 allocations for the:

Conservation Delivery Grants	Easement Delivery Grants,
Non-Point Engineering Assistance Grants	State Cost Share Base Grants



PROPOSED FY '15 SWCD PROGRAMS and OPERATIONS GRANTS

	\$1.765 M	\$1.200 M	\$.291 M
	CONSERVATION	COST	EASEMENT
SWCD	DELIVERY	SHARE	DELIVERY
AITKIN	\$20,212	\$4,141	\$50
ANOKA	\$20,765	\$11,107	\$0
BECKER	\$19,026	\$26,044	\$1,094
BELTRAMI	\$26,376	\$10,122	\$348
BENTON	\$19,224	\$11,169	\$1,144
BIG STONE	\$18,037	\$6,550	\$1,840
BLUE EARTH	\$18,868	\$17,309	\$11,042
BROWN	\$18,947	\$14,757	\$8,605
CARLTON	\$18,670	\$8,001	\$50
CARVER	\$19,698	\$16,673	\$2,885
CASS	\$18,275	\$8,347	\$497
CHIPPEWA	\$18,947	\$11,213	\$8,456
CHISAGO	\$19,737	\$8,844	\$398
CLAY	\$19,263	\$16,468	\$3,631
CLEARWATER	\$18,750	\$7,506	\$149
COOK	\$18,196	\$10,142	\$0
COTTONWOOD	\$18,947	\$14,091	\$9,749
CROW WING	\$18,354	\$9,607	\$1,492
DAKOTA	\$21,240	\$22,054	\$249
DODGE	\$19,343	\$9,908	\$696
DOUGLAS	\$20,172	\$16,410	\$5,372
FARIBAULT	\$19,343	\$12,651	\$9,102
FILLMORE	\$20,133	\$24,289	\$1,990
FREEBORN	\$19,145	\$16,482	\$5,322
GOODHUE	\$20,054	\$25,855	\$3,333
GRANT	\$19,026	\$11,332	\$1,791
HENNEPIN COUNTY	\$25,930	\$13,392	\$1,293
HUBBARD	\$18,157	\$7,761	\$50
ISANTI	\$20,172	\$6,050	\$298
ITASCA	\$18,828	\$6,931	\$99
JACKSON	\$18,314	\$11,769	\$5,770
KANABEC	\$18,710	\$9,607	\$348
KANDIYOHI	\$19,501	\$14,294	\$8,804
KITSON	\$19,184	\$9,607	\$945
KOOCHICHING	\$18,472	\$10,142	\$0
LAC QUI PARLE	\$18,750	\$20,521	\$8,953
LAKE	\$18,314	\$10,142	\$0
LAKE OF THE WOODS	\$18,037	\$10,142	\$0

PROPOSED FY '15 SWCD PROGRAMS and OPERATIONS GRANTS

SWCD	\$1.765 M	\$1.200 M	\$291 M
	CONSERVATION DELIVERY	COST SHARE	EASEMENT DELIVERY
LE SUEUR	\$19,619	\$19,479	\$5,123
LINCOLN	\$19,896	\$15,527	\$5,123
LYON	\$19,224	\$14,141	\$7,411
MAHNOMEN	\$18,117	\$10,799	\$249
MARSHALL	\$29,596	\$9,491	\$1,194
MARTIN	\$18,908	\$17,945	\$10,296
MC LEOD	\$18,789	\$10,987	\$4,725
MEEKER	\$18,552	\$14,977	\$4,775
MILLE LACS	\$18,868	\$6,944	\$597
MORRISON	\$20,252	\$22,808	\$4,278
MOWER	\$20,805	\$10,819	\$4,228
MURRAY	\$18,235	\$10,884	\$6,118
NICOLLET	\$19,224	\$12,862	\$3,780
NOBLES	\$18,512	\$17,383	\$1,542
NORMAN	\$18,986	\$9,605	\$2,537
OLMSTED	\$21,754	\$30,642	\$1,194
OTTER TAIL EAST	\$18,986	\$15,954	\$647
OTTER TAIL WEST	\$18,986	\$20,932	\$3,581
PENNINGTON	\$18,710	\$11,038	\$249
PINE	\$18,986	\$13,045	\$50
PIPESTONE	\$18,670	\$15,873	\$1,144
POLK EAST	\$18,828	\$10,293	\$149
POLK WEST	\$18,828	\$13,414	\$846
POPE	\$18,592	\$19,927	\$9,003
RAMSEY	\$19,343	\$10,163	\$0
RED LAKE	\$18,077	\$5,632	\$199
REDWOOD	\$19,343	\$13,576	\$21,687
RENVILLE	\$19,501	\$10,460	\$21,985
RICE	\$22,940	\$14,891	\$3,134
ROCK	\$19,343	\$15,923	\$1,144
ROOT RIVER	\$22,505	\$20,901	\$3,183
ROSEAU	\$18,750	\$10,525	\$50
SCOTT	\$19,935	\$18,366	\$2,736
SHERBURNE	\$21,635	\$7,493	\$0
SIBLEY	\$18,868	\$9,005	\$4,775
ST. LOUIS NORTH	\$18,789	\$8,550	\$0
ST. LOUIS SOUTH	\$18,789	\$7,119	\$0
STEARNS	\$22,030	\$36,814	\$846

PROPOSED FY '15 SWCD PROGRAMS and OPERATIONS GRANTS

	\$1.765 M	\$1.200 M	\$291 M
	CONSERVATION	COST	EASEMENT
SWCD	DELIVERY	SHARE	DELIVERY
STEELE	\$20,014	\$10,609	\$2,537
STEVENS	\$19,184	\$15,309	\$3,979
SWIFT	\$18,592	\$10,055	\$8,456
TODD	\$20,054	\$16,595	\$199
TRAVERSE	\$19,145	\$5,376	\$1,293
* WABASHA	\$19,619	\$13,861	\$1,293
WADENA	\$18,710	\$10,142	\$99
WASECA	\$18,986	\$10,552	\$5,521
WASHINGTON	\$20,568	\$11,736	\$99
WATONWAN	\$18,394	\$9,694	\$5,173
WILKIN	\$19,263	\$13,427	\$2,686
WINONA	\$20,963	\$11,629	\$3,780
WRIGHT	\$21,358	\$15,797	\$2,039
YELLOW MEDICINE	\$19,263	\$17,060	\$9,451
<b>ALLOCATED TOTALS</b>	<b>\$1,765,001</b>	<b>\$1,198,459</b>	<b>\$291,028</b>



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Fy '15 Natural Resources Block Grant

Meeting Date: June 25, 2014

Agenda Category:  Committee Recommendation     New Business     Old Business  
 Item Type:  Decision     Discussion     Information  
 Section/Region: Land & Water

Contact: Wayne

Prepared by: Wayne

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Wayne

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 proposed '15 NRBG allocations

**LINKS TO ADDITIONAL INFORMATION**

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)  
 The 2013 Legislature has appropriated funding for the FY '15 Natural Resources Block Grant (NRBG) to provide assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA/BWSR Subsurface Sewage Treatment Systems. The Grants Program & Policy Committee forwards this recommendation.



Board Resolution # \_\_\_\_\_

### FY '15 Natural Resources Block Grant Authorization

WHEREAS, the Natural Resources Block Grant (NRBG), administered by the Board of Water and Soil Resources (BWSR), provides assistance to local governments to implement the state natural resource programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Subsurface Sewage Treatment Systems; and,

WHEREAS, the Laws of Minnesota for 2013 in Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated, (LWM, WCA, DNR Shoreland), Section 3, Subd. 2 (MPCA-SSTS, MPCA-Feedlot), and Chapter 137—H.F. No. 1183, Article 2, Section 5, (j), (MPCA-SSTS) appropriated FY '15 Natural Resources Block Grant funds to BWSR and MPCA; and,

WHEREAS, the Grants Program & Policy Committee reviewed the proposed NRBG allocations on June 12, 2014.

NOW THEREFORE BE IT RESOLVED, the BWSR hereby authorizes staff to allocate individual grants amounts to counties meeting the NRBG Program requirements, as indicated on the attached spreadsheet *PROPOSED FY'15 NATURAL RESOURCES BLOCK GRANTS*, for grant programs funded by BWSR appropriations, as determined by the BWSR and DNR, and totaling:

LWM	\$1,139,152
WCA	\$1,906,479
DNR Shoreland	\$377,369

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

AND, BE IT FURTHER RESOLVED, the BWSR hereby authorizes staff to allocate individual grants amounts to counties, for funds appropriated to and allocations determined by the MPCA, for the following MPCA grant programs:

MPCA Feedlot Base	\$ (to be determined by MPCA)
MPCA SSTS Admin.	\$1,599,600
MPCA Feedlot Performance	\$266,110
MPCA SSTS Upgrades	\$ (to be determined by MPCA)
MPCA SSTS Incentives	\$ (to be determined by MPCA)

Date: \_\_\_\_\_

\_\_\_\_\_  
Brian Napstad, Chair  
Board of Water and Soil Resources

Attachment: *PROPOSED FY'15 NATURAL RESOURCES BLOCK GRANTS*

H:15NRBGR

# PROPOSED FY 2015 NATURAL RESOURCES BLOCK GRANT

---

The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA/BWSR Subsurface Sewage Treatment Systems.

The NRBG is a composite base grant generally formulated to reflect need/activity of these programs in all counties. This grant is not competitive and all counties are eligible for any or all of the five grant program components.

## FUNDING

The 2013 Legislature in Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated:

\$3,423,000 the first year and \$3,423,000 the second year are for natural resources block grants to local governments.

\$3.423 M (General Fund)

- |                             |           |
|-----------------------------|-----------|
| 1. Local Water Management   | \$1.139 M |
| 2. Wetland Conservation Act | \$1.906 M |
| 3. DNR Shoreland            | \$.377 M  |

Local Governmental Units will have the flexibility of determining the amount of the total of these three Programs, to allocate to each of their programs locally. The basis for determining match will not change.

### 4. MPCA County Feedlot Program

*Funding for this Program is appropriated directly to the MPCA and then transferred to BWSR. Allocations for this Program are determined by MPCA and have not yet been finalized.*

### 5. MPCA Subsurface Sewage Treatment Systems (SSTS)

*(Funding for this Program is appropriated directly to the MPCA and then transferred to BWSR.)*

\$1.600 M

The 2013 Legislature in Chapter 114--H.F. No. 976, Article 3, Section 3, Subd. 2, appropriated:

\$129,000 each year is for assistance to counties through grants for SSTS program administration.

\$.129 M (Environmental Fund)

The 2013 Legislature in Chapter 137—H.F. No. 1183, Article 2, Section 5, (j), appropriated:

\$3,250,000 the first year and \$3,650,000

the second year are for enhancing the county-level delivery systems for subsurface

sewage treatment systems (SSTS) activities  
necessary to implement Minnesota Statutes,  
sections 115.55 and 115.56, for protection  
of groundwater, including base grants  
for all counties with SSTS programs

\$1.471 M (Clean Water Fund)

## SELECTED PROGRAM HIGHLIGHTS

### 1. *Local Water Management - \$1,139,152*

This component is for implementing comprehensive local water plans. For FY '15, the Board is requiring a local levy match or cash equivalent that will generate \$1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Dept. of Revenue. Counties must have a BWSR approved locally adopted comprehensive local water plan.

### 2. *Wetland Conservation Act - \$1,906,479*

This component is for the local administration of the WCA. A local 1:1 match is required. The grant amount is formula derived from a base amount of county WCA activity. This formula was approved by BWSR at their April 2003 Meeting. The formula includes the following factors:

- Number of landowner contacts resulting in mitigation or replacement
- Number of cease and desist orders & restoration orders issued
- Change in population
- Amount of wetlands on non-public lands
- Amount of poorly drained soils on non-public lands
- Amount of shoreland on non-public lands

Of this amount, SWCDs are entitled to receive at least 15% or \$5,000, whichever is greater, for performing mandated WCA activities.

### 3. *DNR Shoreland - \$377,369*

This component is for the administration of state approved Shoreland management programs. It is administered at the state level by the DNR. A local 1:1 match is required. The grant amount is derived from a base estimated amount of county Shoreland activity based on:

- Shoreline miles of lakes and rivers
- Amount of private lands
- Population

#### ***4. MPCA County Feedlot Program – \$ To Be Determined***

This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local .7:1 match is required. Grant amounts are based on the grant formula that includes the following highlights:

- Grants are based on the number of feedlots with 10 or more animal units (AU) in shoreland areas or 50 or more AUs in non-shoreland areas, and that are currently registered.
- The base grant funding rate for FY 2014 was \$89.88/feedlot.
- Registration Update Data, as recorded on eLINK, has been used as the number of feedlots eligible for funding.
- In addition to the projected grant amounts shown, counties will be eligible to earn an incentive award. The incentive is based on the amount of work performed by the county during the program year. A minimum of ten percent of the legislative appropriation is reserved for performance credit awards. These awards are based on County Feedlot Program Performance, represented as Performance Credits. Performance Credits are determined from the County Feedlot Officer and Performance Credit Report. \$266,110

#### ***5. MPCA County Subsurface Sewage Treatment Systems Program – \$1,599,600***

All counties are required to pass ordinances regulating SSTS countywide. All counties that have enacted countywide ordinances and have a BWSR approved locally adopted comprehensive local water plan are eligible to receive this grant. No local match is required. Grant amount of \$18,600 is determined by equal county allocations.

- MPCA SSTS Fix-up Program – Competitive grant program offered by MPCA to counties for installing individual SSTS upgrades. \$750,000
- MPCA SSTS Incentive Program – Offered by MPCA to counties that 1 ) Require site inspections for building permits or property transfers; or 2) Conduct SSTS inventories. \$713,000

### **RECOMMENDATION**

The Grants Program & Policy Committee recommends approval of the Proposed FY '15 Natural Resources Block Grant allocations as listed on the attached spreadsheet *PROPOSED FY '15 NATURAL RESOURCES BLOCK GRANTS*.

NOTE: Individual county allocation amounts for MPCA's County Feedlot Program will be provided to the Board as an informational item when finalized.

MPCA Feedlot Program  
**2013 County Feedlot Performance Credit Award Schedule**  
 June 2014

Delegated County	The total number of performance credits generated.	2013 Performance Credit Award Amount
BIG STONE	14.875	\$813
BLUE EARTH	136.875	\$7,477
BROWN	103.75	\$5,668
CARVER	58	\$3,169
CLAY	19.5	\$1,065
COTTONWOOD	63.5	\$3,469
DAKOTA	26.375	\$1,441
DODGE	119	\$6,501
DOUGLAS	142.75	\$7,798
FARIBAULT	142.75	\$7,798
FILLMORE	271.5	\$14,832
FREEBORN	97.75	\$5,340
GOODHUE	138.25	\$7,553
HOUSTON	195.125	\$10,660
JACKSON	80.25	\$4,384
KANDIYOHI	173.5	\$9,478
KITTSOON	9.75	\$533
LAC QUI PARLE	36.25	\$1,980
LAKE OF THE WOODS	8.5	\$464
LE SUEUR	37.25	\$2,035
LINCOLN	79.5	\$4,343
LYON	68	\$3,715
MARSHALL	8	\$437
MARTIN	179.25	\$9,792
MCLEOD	45.5	\$2,486
MEEKER	49.875	\$2,725
MORRISON	142.25	\$7,771
MOWER	94.375	\$5,156
MURRAY	147.75	\$8,072
NICOLLET	172.5	\$9,424
NOBLES	124.375	\$6,795
NORMAN	6.5	\$355
PENNINGTON	9.75	\$533
PIPESTONE	115.25	\$6,296
POLK	38.25	\$2,090
POPE	61.25	\$3,346

RED LAKE	8	\$437
RENVILLE	88.75	\$4,848
RICE	79	\$4,316
ROCK	159.5	\$8,713
SIBLEY	224.75	\$12,278
STEARNS	326.75	\$17,850
STEELE	99	\$5,408
STEVENS	35.875	\$1,960
SWIFT	38.5	\$2,103
TODD	98	\$5,354
TRAVERSE	11.375	\$621
WADENA	33.25	\$1,816
WASECA	45.5	\$2,486
WATONWAN	38	\$2,076
WINONA	230.125	\$12,572
WRIGHT	79.75	\$4,357
YELLOW MEDICINE	57.125	\$3,121
<b>Total</b>	<b>4871.125</b>	<b>\$266,110</b>

**Performance Credit Calculation**

Funds Available	\$266,113.00
Performance Credits	4871.125
Am't/PC	\$54.63

## PROPOSED FY '15 NATURAL RESOURCES BLOCK GRANT

COUNTY	CLWM PROGRAM GRANT	WCA PROGRAM GRANT	DNR SHORELAND GRANT	MPCA SSTS PROGRAM GRANT *	MPCA FEEDLOT PROGRAM GRANT *
AITKIN	\$13,888	\$33,240	\$10,786	\$18,600	* TBD
ANOKA	\$8,094	\$63,191	\$2,615	\$18,600	TBD
BECKER	\$13,071	\$24,237	\$10,739	\$18,600	TBD
BELTRAMI	\$13,688	\$64,600	\$5,505	\$18,600	TBD
BENTON	\$13,271	\$31,598	\$3,286	\$18,600	TBD
BIG STONE	\$15,711	\$8,777	\$2,690	\$18,600	TBD
BLUE EARTH	\$10,023	\$18,178	\$3,243	\$18,600	TBD
BROWN	\$13,633	\$8,778	\$2,675	\$18,600	TBD
CARLTON	\$13,349	\$22,507	\$3,927	\$18,600	TBD
CARVER	\$8,094	\$31,599	\$2,615	\$18,600	TBD
CASS	\$10,502	\$44,766	\$10,699	\$18,600	TBD
CHIPPEWA	\$14,881	\$8,778	\$2,625	\$18,600	TBD
CHISAGO	\$11,243	\$27,700	\$4,943	\$18,600	TBD
CLAY	\$12,673	\$16,447	\$2,944	\$18,600	TBD
CLEARWATER	\$15,256	\$19,909	\$3,163	\$18,600	TBD
COOK	\$14,832	\$12,985	\$4,196	\$18,600	TBD
COTTONWOOD	\$14,844	\$8,778	\$2,772	\$18,600	TBD
CROW WING	\$8,094	\$38,088	\$19,128	\$18,600	TBD
DAKOTA	\$8,094	\$52,804	\$2,615	\$18,600	TBD
DODGE	\$14,484	\$16,444	\$2,675	\$18,600	TBD
DOUGLAS	\$12,077	\$21,641	\$8,544	\$18,600	TBD
FARIBAULT	\$14,550	\$8,778	\$2,735	\$18,600	TBD
FILLMORE	\$14,278	\$8,778	\$2,692	\$18,600	TBD
FREEBORN	\$13,120	\$8,778	\$3,139	\$18,600	TBD
GOODHUE	\$9,433	\$16,447	\$2,772	\$18,600	TBD
GRANT	\$15,503	\$13,850	\$3,056	\$18,600	TBD
HENNEPIN	\$8,094	\$57,133	\$0	\$18,600	TBD
HOUSTON	\$14,699	\$12,985	\$2,725	\$18,600	TBD
HUBBARD	\$13,245	\$25,103	\$8,434	\$18,600	TBD
ISANTI	\$13,251	\$25,103	\$4,004	\$18,600	TBD
ITASCA	\$10,447	\$44,148	\$10,107	\$18,600	TBD
JACKSON	\$14,717	\$8,778	\$3,011	\$18,600	TBD
KANABEC	\$15,071	\$25,103	\$4,090	\$18,600	TBD
KANDIYOHI	\$12,023	\$21,641	\$6,753	\$18,600	TBD
KITTSOON	\$15,279	\$16,447	\$2,647	\$18,600	TBD
KOOCHICHING	\$15,025	\$28,913	\$2,722	\$18,600	TBD
LAC QUI PARLE	\$15,453	\$8,778	\$2,629	\$18,600	TBD
LAKE	\$14,736	\$16,447	\$4,614	\$18,600	TBD
LAKE OF THE WOODS	\$15,809	\$33,760	\$3,492	\$18,600	TBD
LE SUEUR	\$13,501	\$16,447	\$4,918	\$18,600	TBD
LINCOLN	\$15,488	\$8,778	\$2,768	\$18,600	TBD
LYON	\$13,689	\$8,778	\$2,738	\$18,600	TBD
MCLEOD	\$12,642	\$16,447	\$2,988	\$18,600	TBD
MAHNOMEN	\$15,838	\$12,985	\$3,360	\$18,600	TBD
MARSHALL	\$14,993	\$20,308	\$2,615	\$18,600	TBD
MARTIN	\$13,697	\$8,778	\$3,024	\$18,600	TBD
MEEKER	\$13,990	\$19,044	\$4,735	\$18,600	TBD
MILLE LACS	\$14,361	\$22,507	\$4,808	\$18,600	TBD

## PROPOSED FY '15 NATURAL RESOURCES BLOCK GRANT

COUNTY	CLWM PROGRAM GRANT	WCA PROGRAM GRANT	DNR SHORELAND GRANT	MPCA SSTS PROGRAM GRANT *	MPCA FEEDLOT PROGRAM GRANT *
MORRISON	\$13,609	\$30,298	\$3,945	\$18,600	TBD
MOWER	\$13,047	\$12,985	\$3,264	\$18,600	TBD
MURRAY	\$15,050	\$8,778	\$3,221	\$18,600	TBD
NICOLLET	\$13,156	\$16,447	\$2,682	\$18,600	TBD
NOBLES	\$14,402	\$8,778	\$2,661	\$18,600	TBD
NORMAN	\$15,541	\$12,985	\$2,624	\$18,600	TBD
OLMSTED	\$8,094	\$25,103	\$3,149	\$18,600	TBD
OTTER TAIL	\$9,824	\$59,729	\$17,747	\$18,600	TBD
PENNINGTON	\$15,341	\$16,447	\$2,833	\$18,600	TBD
PINE	\$13,855	\$34,626	\$5,899	\$18,600	TBD
PIPESTONE	\$15,247	\$8,778	\$2,615	\$18,600	TBD
POLK	\$13,468	\$21,641	\$3,457	\$18,600	TBD
POPE	\$15,095	\$15,581	\$4,250	\$18,600	TBD
RAMSEY	\$8,094	\$16,677	\$0	\$0	TBD
RED LAKE	\$15,857	\$12,985	\$2,873	\$18,600	TBD
REDWOOD	\$14,472	\$10,387	\$2,615	\$18,600	TBD
RENVILLE	\$14,047	\$8,778	\$2,662	\$18,600	TBD
RICE	\$10,457	\$24,238	\$4,189	\$18,600	TBD
ROCK	\$15,175	\$8,778	\$2,615	\$18,600	TBD
ROSEAU	\$15,131	\$24,238	\$2,697	\$18,600	TBD
ST. LOUIS	\$8,094	\$75,657	\$19,936	\$18,600	TBD
SCOTT	\$8,094	\$41,551	\$2,615	\$18,600	TBD
SHERBURNE	\$8,094	\$31,599	\$4,872	\$18,600	TBD
SIBLEY	\$14,615	\$13,452	\$2,700	\$18,600	TBD
STEARNS	\$8,094	\$45,879	\$9,003	\$18,600	TBD
STEELE	\$12,460	\$12,118	\$2,867	\$18,600	TBD
STEVENS	\$15,305	\$8,778	\$2,728	\$18,600	TBD
SWIFT	\$15,051	\$12,118	\$2,744	\$18,600	TBD
TODD	\$14,676	\$21,641	\$4,933	\$18,600	TBD
TRAVERSE	\$15,585	\$8,778	\$2,804	\$18,600	TBD
WABASHA	\$14,177	\$12,118	\$3,518	\$18,600	TBD
WADENA	\$15,390	\$19,909	\$3,084	\$18,600	TBD
WASECA	\$14,271	\$12,118	\$3,006	\$18,600	TBD
WASHINGTON	\$8,094	\$41,551	\$2,615	\$18,600	TBD
WATONWAN	\$15,108	\$8,778	\$2,733	\$18,600	TBD
WILKIN	\$15,232	\$8,778	\$2,632	\$18,600	TBD
WINONA	\$11,847	\$12,118	\$2,652	\$18,600	TBD
WRIGHT	\$8,094	\$42,416	\$9,339	\$18,600	TBD
YELLOW MEDICINE	\$15,175	\$8,778	\$2,629	\$18,600	TBD
<b>TOTALS</b>	<b>\$1,139,152</b>	<b>\$1,906,479</b>	<b>\$377,369</b>	<b>\$1,599,600</b>	

\* TRANSFERRED TO BWSR FROM MPCA

\* TBD - TO BE DETERMINED



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** One Watershed, One Plan Pilot Selection

**Meeting Date:** June 25, 2014

**Agenda Category:**  Committee Recommendation  New Business  Old Business

**Item Type:**  Decision  Discussion  Information

**Section/Region:** \_\_\_\_\_

**Contact:** Doug Thomas

**Prepared by:** Doug Thomas/Melissa Lewis

**Reviewed by:** Grants Program and Policy Committee(s)

**Presented by:** Doug Thomas/Melissa Lewis

Audio/Visual Equipment Needed for Agenda Item Presentation

**Attachments:**  Resolution  Order  Map  Other Supporting Information

**Fiscal/Policy Impact**

- |   |   |
|---|---|
| <input 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

Approve and authorize staff to complete work plans and enter into grant agreements with 5 One Water, One Plan pilot watershed areas including: Lake Superior North, North Fork Crow River, Red Lake River, Root River, and Yellow Medicine River.

Approve the allocation of up to \$1,758,710, which includes a shift of up to \$458,710 from the unspent FY14 CWF Soil Erosion & Drainage Law Compliance and Community Partners programs

Authorize staff to enter into agreements and/or contracts with the University of Minnesota Extension and the Red River Watershed Management Board for the purposes of partner readiness surveys and completion of the Water Quality Decision Support Application.

### LINKS TO ADDITIONAL INFORMATION

- One Watershed, One Plan – Board Resolution Pilots (attached)
- One Watershed, One Plan – Memo GPP Committee Pilot Summary May 21, 2014 (attached)

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

Staff was authorized to finalize, distribute and promote a Request for Interest (RFI) for the One Watershed, One Plan Pilot Program at the December 18, 2013 Board meeting. This nomination period closed on April 21<sup>st</sup>. Nominations received were reviewed by BWSR staff and the Interagency WRAPS Implementation Team in May and June. Staff ratings, WRAPS Team recommendations, and nomination scores were reviewed by the Senior Management Team (SMT) on May 12<sup>th</sup> and a recommendation with three options was forwarded to the BWSR Executive Team. The Executive Team considered these options in the development of the final recommendation to select 5 watershed areas for piloting One Watershed, One Plan, using

existing appropriations and a funding shift from unspent FY14 CWF SEDLC and Community Partners programs. Requested funding shift is \$458,710.

The review process and recommendation were reviewed with the Board's Water Management and Strategic Planning Committee on May 27<sup>th</sup>. The committee was not asked for a recommendation but discussion and comments at the committee meeting supported the recommendation. The process and recommendation were also reviewed with the Board's Grants Program and Policy (GP&P) Committee on June 12th. The GP&P committee recommends the actions to the full board.



Board Resolution # 14-\_\_\_\_\_

## ONE WATERSHED, ONE PLAN PILOT PROGRAM IMPLEMENTATION

---

**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(j) for assistance and grants to local governments to transition local water management plans to a watershed approach as provided for in Minnesota Statutes, chapters 103B, 103C, 103D, and 114D; and

**WHEREAS**, Clean Water Funds have been appropriated to BWSR in Laws of Minnesota 2013, Chapter 137, Article 2, and in Section 7(l) authority is given to BWSR to shift grant or cost-share funds in this section; 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**, One Watershed, One Plan was authorized pursuant to M.S. 103B.101, Subd. 14, and which provides that the board may adopt resolutions, policies, or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan; and,

**WHEREAS**, the Board on June 26, 2013 conducted a One Watershed, One Plan workshop and at that time supported a program framework including development of a set of guiding principles and operating procedures to guide and support the development of the One Watershed, One Plan program, and pilot watershed approach; and

**WHEREAS**, the Board on December 18, 2013 authorized staff (Board resolution 13-106) to distribute and promote a Request for Interest (RFI) for the One Watershed, One Plan Pilot Program. To which a formal RFI was noticed on February 10, 2014 with a submittal deadline of April 21, 2014; and

**WHEREAS**, Staff ratings, WRAPS/Implementation Team recommendations, and scores were reviewed by the BWSR Senior Management Team (SMT) on May 13, 2014 in consideration of selecting nominations that provide for “geographic diversity, the potential to represent a variety of plan types, and types of organizational agreements among participating local governments”. SMT recommended 5 pilots and a shift of unallocated FY14 Clean Water Funds for that purpose; and

**WHEREAS**, The BWSR Executive Team reviewed the SMT recommendations on May 12, 2014 in consideration of the available funds as provided below:

- \$900,000 from the FY14-15 Clean Water Fund (CWF) One Watershed, One Plan appropriation,
- \$400,000 from the FY15 Supplemental CWF appropriations for the identification of strategies for groundwater protection through local water management plans in the DNR-designated groundwater management areas, and
- \$890,000 of unallocated FY14 CWF appropriations for Soil Erosion & Drainage Law Compliance and the Community Partners programs.

The Executive Team recommended the following: Select the 5 nominations listed in the Grant Program and Policy Committee memo, dated May 28, 2014 (attached) for piloting One Watershed, One Plan, using existing appropriations and a funding shift from unspent FY14 CWF Soil Erosion & Drainage Law Compliance and Community Partners programs in the amount of \$458,710; and

**WHEREAS**, the Grants Program and Policy Committee reviewed the One Watershed, One Plan Pilot Program proposed selection and CWF allocations June 12, 2014.

**NOW THEREFORE BE IT RESOLVED**, the Board hereby:

- 1) Approves and authorizes 5 One Water, One Plan pilot watershed areas including: Lake Superior North, North Fork Crow River, Red Lake River, Root River, and Yellow Medicine River.
- 2) Authorize staff to complete work plans and enter into grant agreements with the pilot watershed areas for development of One Watershed, One Plans.
- 3) Approves the allocation of up to \$1,758,710, which includes a shift of up to \$458,710 from the unspent FY14 CWF Soil Erosion & Drainage Law Compliance and Community Partners programs
- 4) Authorize staff to enter into agreements and/or contracts with the University of Minnesota Extension and the Red River Watershed Management Board for the purposes of partner readiness surveys and completion of the Water Quality Decision Support Application.

\_\_\_\_\_  
Brian Napstad, Chair  
Board of Water and Soil Resources

Date: \_\_\_\_\_

Attachments:

One Watershed, One Plan Pilot Nomination Review Summary and Recommendation Memo,  
May 28, 2014



## MEMORANDUM

**DATE:** May 28, 2014  
**TO:** Grants Program and Policy Committee  
**FROM:** Doug Thomas and Melissa Lewis  
**RE:** One Watershed, One Plan Pilot Nomination Review Summary and Recommendation.

---

The following is a summary of the nomination reviews and recommendation for *One Watershed, One Plan* pilots.

At the close of the nomination period on April 21<sup>st</sup>, BWSR received 12 pilot watershed nominations covering 13 watershed areas (see Figure 1). Internal field staff review rated each nomination high, medium, or low based on the nomination criteria and knowledge of the participants. The Interagency WRAPS Implementation Team provided feedback on the nominated areas (not the nomination documents), specifically looking at: data and staff resources available for the area, complimentary efforts or concerns considering the area, other thoughts and ideas in selecting areas. The WRAPS Team then recommended specific nomination areas for further consideration by BWSR. Nominations were scored by central office staff, based on the criteria in the request for information (100 points possible, average of all scores: 84.2, range 57.5 - 100).

Staff rating, WRAPS Team recommendations, and scores were reviewed by the Senior Management Team (SMT) on April 12<sup>th</sup> in consideration of selecting nominations that provide for "geographic diversity, the potential to represent a variety of plan types, and types of organizational agreements among participating local governments" (from the Request for Information). SMT recommended 5 pilots (see below) and a shift of unallocated FY14 Clean Water Funds for that purpose.

The Executive Team reviewed the SMT recommendations in consideration of the available funds from the FY 14/15 Clean Water Fund (CWF) *One Watershed, One Plan* appropriation, FY15 Supplemental CWF appropriations for identification of strategies for groundwater protection through local water management plans in the DNR-designated groundwater management areas (GWMAs), and unallocated FY14 CWF appropriations for Soil Erosion & Drainage Law Compliance (SEDLC) and the Community Partners programs. The Executive Team recommends the following:

**Select the 5 nominations listed below for piloting *One Watershed, One Plan*, using existing appropriations and a funding shift from unspent FY14 CWF SEDLC and Community Partners programs. Requested funding shift is \$458,710.**

Three options were considered in development of this recommendation:

**Option 1:** This option includes 3 pilot watersheds (Lake Superior North, Red Lake River, and Root River). With this option, work in Groundwater Management Areas in response to FY15 Supplemental CWF appropriation would be addressed through individual county local water plans and not *One Watershed, One Plan*. A shift of \$233,710 is necessary to implement this option.

**Option 2:** This option includes the 3 pilot areas from option 1 and adds the North Fork Crow River utilizing the FY15 Supplemental CWF appropriation as a pilot in response to FY15 Supplemental CWF appropriation. This

option includes an additional \$50,000 for implementation of a Prioritization Tool and the Readiness Assessment in the additional area. A shift of \$283,710 is necessary to implement this option.

**Option 3:** This option includes the 4 pilot areas from option 2 and adds the Yellow Medicine River. This option provides for a desired level of geographic, landscape, and organizational diversity in the pilot program. A shift of \$458,710 is necessary for this option.

The process and recommendation was also reviewed with the Board's Water Management and Strategic Planning Committee on May 27<sup>th</sup>. The committee was not asked for a recommendation but discussion and comments at the committee meeting supported the recommendation.

All options include an additional investment in further development and testing of the Water Quality Decision Support Application (WQDSA). The WQDSA is a tool for improving prioritization, targeting, and measurability of watershed-based implementation plans currently being developed in the Red River Valley through an existing CWF grant. This investment leverages similar investments being made by the MPCA and DNR to develop and support piloting of two additional tools/methods (HSPF and Zonation). All these tools will assist the pilot watersheds in developing prioritized and targeted watershed-based plans capable of producing measurable results, as well as serving as approved methods for prioritization, targeting, and measurability in future plans.

#### **Pilot Recommendations – Top 5 in Alphabetical Order:**

##### Lake Superior North

- 4 local governments (2 counties, 2 SWCDs)
- Ranked high by BWSR staff, recommended by WRAPS Team, score 91
- Highlights: protection area, Lake Superior as the final receiving water body is an Outstanding Resource Value Waterbody, linking with the North shore Management Plan (zoning document), selected Comprehensive Watershed Management Plan type.

##### North Fork Crow River

- 15 local government participants (2 watershed districts, 2 Metro Watershed Management Organizations, 5 SWCDs, 6 counties)
- Ranked high by BWSR staff, recommended by WRAPS Team, score 95
- Highlights: Crow River converges with the Mississippi just upstream of the cities of Minneapolis' and St. Paul's drinking water intakes and includes the Bonanza Valley Groundwater Management Area, selected the Comprehensive Watershed Management Plan type.

##### Red Lake River

- 9 local government participants (4 counties, 4 SWCDs, 1 watershed district)
- Ranked high by BWSR staff, recommended by WRAPS Team, score 97.5
- Highlights: priorities include nutrient and sediment reduction, reducing streambank erosion and flood damage reduction, selected the Comprehensive Watershed Management Plan type.

##### Root River

- 13 local government participants (6 counties, 6 SWCDs, 1 watershed district)
- Ranked high by BWSR staff, recommended by WRAPS Team, score 95
- Highlights: Root River is a priority area in the MN Nitrogen Fertilizer Management Plan; groundwater is a primary source of nitrate in surface water streams in the Root River watershed, upland erosion major source of sedimentation, selected Priority Concerns plan type.

##### Yellow Medicine River

- 9 local government participants (4 counties, 4 SWCDs, 1 watershed district)

- Ranked high by BWSR staff, recommended by WRAPS Team, score 100
- Highlights: surface waters have significantly been impacted and drainage systems have eliminated many of the lakes and more than 80% of the original wetlands, selected the Comprehensive Watershed Management Plan type.

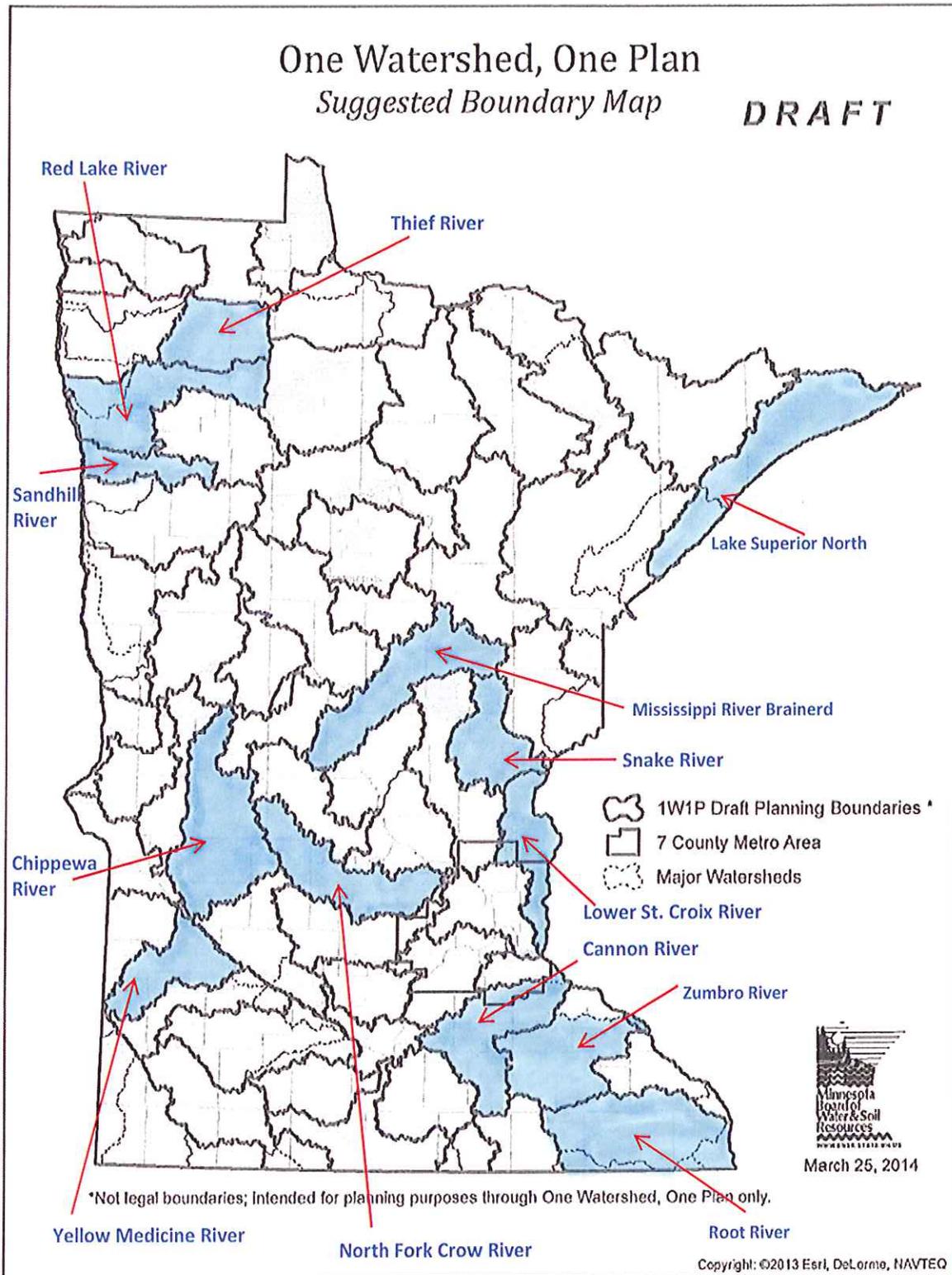
<b>Table 1. Available Appropriations</b>	<b>Total</b>
One Watershed, One Plan FY14/15	\$ 900,000
GWMA NE Metro FY15	\$ 150,000
GWMA Greater MN (Bonanza Valley & Straight River) FY15	\$ 250,000
<b>Total Appropriations</b>	<b>\$ 1,300,000</b>

<b>Table 2: Estimated Expenditures</b>	<b>Estimate</b>
Current Staffing (~1.35 FTE for FY14 & FY15)	\$ 323,710
U of MN Grad Student & PTM work	\$ 105,000
3 pilots @ \$165K/pilot	\$ 495,000
PTM Tool Development and Implementation	\$ 180,000
U of MN Readiness Assessment - 3 pilots	\$ 30,000
Additional Bonanza Valley 1W1P Pilot w/ GW emphasis	\$ 200,000
+ Additional Readiness Assessment & Facilitation	\$ 10,000
NE Metro GWMA Planning (Metro variant of 1W1P)	\$ 150,000
PTM Tool implementation in additional pilot	\$ 40,000
Straight River Area GWMA	\$ 50,000
subtotal	\$ 1,583,710
Additional pilot (5 total pilots)	\$ 165,000
Additional Readiness Assessment & Facilitation	\$ 10,000
subtotal	\$ 175,000
<b>Total Estimated Expenditures</b>	<b>\$ 1,758,710</b>

**Summary of nominations received, but not recommended for Pilot Watersheds**

- Chippewa - ranked medium by BWSR staff, score 75
- Thief River - ranked high by BWSR staff, recommended by WRAPS Team, score 97.5 (was a combined nomination with Red Lake River planning area, staff recommendation is for Red Lake River)
- Sandhill River - ranked high by BWSR staff, recommended by WRAPS Team, score 91
- Mississippi River Brainerd - ranked high by BWSR staff, score 57.5
- Snake River - ranked low by BWSR staff, recommended for further consideration by WRAPS Implementation Team, score 68.5
- Lower St. Croix - ranked low by BWSR staff, score 62
- Cannon - ranked medium by BWSR staff, score 77
- Zumbro - ranked medium/high by BWSR staff, score 87.5

Figure 1: Nomination Areas





# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Targeted Watershed Demonstration Program

**Meeting Date:** June 25, 2014

**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  
Grants Program and Policy

**Reviewed by:** Committee Committee(s)

**Presented by:** Dave Weirens

Audio/Visual Equipment Needed for Agenda Item Presentation

**Attachments:**  Resolution  Order  Map  Other Supporting Information

**Fiscal/Policy Impact**

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

**ACTION REQUESTED**

Authorize the FY2015 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 July 14 through August 29, 2014. The scoring process will be conducted by staff from the DNR, MDA, MDH, PCA, and BWSR and will operate under the FY2015 Clean Water Fund Policy. The Grants Program and Policy Committee met on June 12, 2014 and reviewed the draft Request for Interest and is recommending Board approval.



Board Resolution # 14-

**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 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 efforts of proposer to address the long-term sustainability of soil and water resources within their jurisdiction
  - B. A systematic way to identify and track non-point water quality efforts can be demonstrated
  - C. An understanding of social and cultural barriers within the watershed can be demonstrated
  - D. The amount of existing local effort occurring within the watershed
  - E. The commitment of other agencies, non-profits, and private interest, and
  - F. The evaluation plan for the project

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 June 12, 2014.

**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

July 2014



**DRAFT**

**PENDING APPROVAL**

## About the program

In 2013, the Minnesota Legislature passed a law requiring 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 amount of change to achieve a water quality improvement is known, the types of actions required to achieve those results have been identified, and a significant amount 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

\$5,250,000

## General Requirements

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

Projects and practices must be of long-lasting public benefit. Applicants must provide assurances that the landowner or land occupier will keep the project in place for the expected lifespan of the project. Such assurances may include easements, enforceable contracts, and termination or performance penalties. BWSR may request to review assurances prior to grant agreement execution.

## 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.

The four pilot areas that are participating in the Minnesota Department of Agriculture's Water Quality Certification Program are not eligible for this 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 (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. Describe the significance of the water resource
  - b. Define the water quality concern to be addressed, and the needed reduction in pollutant loadings.
  - c. Describe land use/land cover, hydrologic connections, soils, topography and ownership patterns within the watershed. No more than 2 maps may be submitted.
  - d. Identify the specific comprehensive local water management plan, TMDL study and implementation plan, or Clean Water Partnership diagnostic study and implementation plan that this watershed is identified in. Include the plan title, section and page number (web link if one exists).
  - e. Describe how action items in the plan listed above address the water quality concern in the identified watershed and will lead to significant pollutant reductions specifically identifying the percentage of the overall pollution reduction goal(s) this project is estimated to accomplish, and
  - f. Provide one map that outlines the proposed watershed, monitoring locations 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 in the format below 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.

Year	Parameters	Station Number
2005-2013	Chl, DO, E. Coli, NH3, NO2,NO3, pH, TP, TSS, Sulf., Temp, Tube	1,2,3,4,5,6,7,8,9,10,14,16,28
2007-09	Fish, Macro Invertebrate IBI	15,17,19,20

- 3) Describe the breadth of the knowledge your organization has about the pollution sources and pathways within this watershed.
  - a. Describe the methods and 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 actions that is known.
  - a. What evidence supports the conclusion?
- 5) Describe the expected financial and technical resources available to the proposed watershed (local, state, and federal) and the relevant experience within the watershed area to successfully demonstrate a significant reduction in water pollution.

- a. Include an estimate of cost that will be requested from Clean Water Funds. Please indicate the estimated cost for administration, project development, technical and engineering, and construction costs.
- b. Describe any additional technical resources that would be needed locally to implement this project.

## Submittal

All responses must be electronically delivered to: [BWSR.Grants@state.mn.us](mailto:BWSR.Grants@state.mn.us) and must be received no later than 4:30 p.m. on August 29, 2014. Late responses will not be considered. The burden of proving timely submission is upon the responder.

## 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. Maximum score per request is 100 points. Nominations that are the highest scoring will be deemed candidates for final selection and will be invited for an interview with the Selection Committee.

Additional questions developed for use during the interview process will be provided to all candidates prior to the interview. In addition to questions #1-5, the criteria that will be used during the interview process includes 1) efforts of proposer to address the long-term sustainability of soil and water resources within their jurisdiction, 2) a systematic way to identify and track non-point water quality efforts can be demonstrated, 3) an understanding of social and cultural barriers within the watershed can be demonstrated , 4) the amount of existing local effort occurring within the watershed and the commitment of other agencies, non-profits, and private interest and 5) the evaluation plan for the project.

- 2) 3-6 watersheds will be selected by the Board of Water and Soil Resources based on recommendations of the Selection Committee. The Board reserves the right to select watersheds that represent a variety of solutions in different landscapes.

\*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

- July 14, 2014 - Nomination period begins
- August 29, 2014 - Nomination deadline at 4:30 PM
- October 2014 - Interviews
- December 17 - BWSR Board selects watersheds
- February 20, 2015 - Work plan submittal deadline
- March 6, 2015 - Grant execution deadline



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** FY 15 CWF Competitive Grant Program

**Meeting Date:** June 25, 2014

**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  
Grants Program and Policy

**Reviewed by:** Committee Committee(s)

**Presented by:** Dave Weirens

Audio/Visual Equipment Needed for Agenda Item Presentation

**Attachments:**  Resolution  Order  Map  Other Supporting Information

**Fiscal/Policy Impact**

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

**ACTION REQUESTED**

Authorization of FY15 CWF Competitive Grants Program.

**LINKS TO ADDITIONAL INFORMATION**

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

The FY 15 Clean Water Fund Competitive Grants Program includes four BWSR grant programs and Minnesota Department of Agricultural AgBMP loans and is proposed to have an application period from August 18 to September 26. The application scoring process will be conducted by staff from DNR, MDA, MDH, PCA and BWSR as has been the case in previous years. The FY2014 Policy has been amended to ensure it is consistent with the proposed FY2015 appropriations. The Grants Program and Policy Committee met on June 12, 2014 and reviewed the draft Policy and Request for Proposals and is recommending Board approval.

Board Resolution # 14-

**FY 2015 CLEAN WATER FUND COMPETITIVE GRANTS PROGRAM:  
POLICY AND REQUEST FOR PROPOSALS**

---

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

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

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

**WHEREAS**, the 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 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 funded by the CWF, and

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

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

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

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

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

**WHEREAS**, project proposals for funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(e) will be evaluated by BWSR staff based on the following criteria:

<b>Ranking Criteria</b>	<b>Maximum Points Possible</b>
1) Anticipated water quality benefits	30
2) 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
3) Portion of jurisdiction impacted by proposed activity (ies).	20
4) LGU capacity to implement the local grant program processes and protocols.	10
5) Consistency with <i>Soil Erosion and Drainage Law Compliance</i> Grants purposes.	25
<b>Total Points Available</b>	<b>100</b>

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

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

**WHEREAS**, the Grants Program and Policy Committee reviewed the Clean Water Fund and Competitive Grants Program Policy developed by staff on June 12, 2014.

**NOW THEREFORE BE IT RESOLVED**, the Board hereby:

1. Authorizes staff to finalize, distribute and promote a Request For Proposals (RFP) for the FY2015 Clean Water Fund Competitive Grants Program consistent with the provisions of appropriations enacted in 2013, Minn. Stat. 103B.3369 and this Board resolution; and,
2. Adopts the attached FY2015 Clean Water Fund Competitive Grants Policy.

\_\_\_\_\_  
Brian Napstad, Chair  
Board of Water and Soil Resources

Date: \_\_\_\_\_

Attachment: FY2015 Clean Water Fund Competitive Grants Policy



# FY 2015 Clean Water Fund Competitive Grants Policy



## Purpose

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

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

The FY 2015 Clean Water Fund Competitive Grants Request for Proposal (RFP) may identify more specific requirements or criteria when specified by statute, rule or appropriation language.

## 1.0 Applicant Eligibility Requirements

Eligible applicants include local governments (counties, watershed districts, watershed management organizations, soil and water conservation districts, and cities) or local government joint power boards working under a current State approved and locally adopted local water management plan or soil and water conservation district (SWCD) comprehensive plan. Counties in the seven-county metropolitan area are eligible if they have adopted a county groundwater plan or county comprehensive plan that has been approved by the Metropolitan Council under Minn. Stat. Chapter 473. Cities in the seven-county metropolitan area are eligible if they have a water plan that has been approved by a watershed district or a watershed management organization as provided under Minn. Stat. 103B.235. Cities, including those outside of the seven-county metropolitan area, without such plans are encouraged to work with another eligible local government if interested in receiving grant funds. Plans must be current as of October 1, 2014 for an applicant to be eligible to apply.<sup>1</sup> Applicants must also be in compliance with all applicable federal, State, and local laws, policies, ordinances, rules, and regulations.

---

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

## **2.0 Match Requirements**

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

## **3.0 Eligible Activities**

The primary purpose of activities funded with grants associated with the Clean Water Fund is to restore, protect, and enhance water quality. Eligible activities must be consistent with a watershed management plan, county comprehensive local water management plan, soil and water conservation district comprehensive plan, metropolitan local water plan or metropolitan groundwater plan that has been State approved and locally adopted or an approved total maximum daily load study (TMDL), watershed restoration and protection strategy (WRAPs) document, surface water intake plan, or well head protection plan. Local governments may include programs and projects in their grant application that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government submitting the grant application and the local government that has adopted the plan.

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

### **3.1 Structural Practices and Projects:**

#### **3.1.1 Best Management Practices**

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

### 3.1.2 Capital Improvement Projects

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

### 3.1.3 Livestock Waste Management Practices

- a. The application of conservation practice components to improve water quality associated with livestock management systems that were constructed before **October 23, 2000** are eligible for funding.
- b. Eligible practices and project components must meet all applicable local, State, and federal standards and permitting requirements. Funded projects must be in compliance with standards upon completion.
- c. Eligible practices are limited to best management practices listed by the MN USDA-NRCS.  
[http://www.nrcs.usda.gov/wps/portal/nrcs/detail/mn/programs/financial/eqip/?cid=nrcs142p2\\_023513](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/mn/programs/financial/eqip/?cid=nrcs142p2_023513).
- d. Funding is limited to livestock operations that are not classified as a Concentrated Animal Feeding Operation (CAFO) and have less than 500 animal units (AUs), in accordance with MN Rule Chapter 7020.
- e. Only livestock operations registered with the Minnesota Pollution Control Agency in the Delta Database are eligible for funding.
- f. BWSR reserves the right to deny, postpone or cancel funding where financial penalties related to livestock waste management violations have been imposed on the operator.
- g. Feedlot Roof Structure is an eligible practice with the following condition:
  - 1) Flat rate payment: The maximum grant for a feedlot roof structure is the NRCS EQIP Rate or \$100,000, whichever is the lesser amount. Funding is not eligible for projects already receiving flat rate payment equaling or exceeding this amount from the NRCS or other State grant funds.

- h. Feedlot relocation is an eligible practice, with the following conditions:
  - 1) The existing eligible feedlot must be permanently closed in accordance with the local and State requirements and, thereafter, is no longer eligible for Clean Water Funding. Closure activities at the existing feedlot include fence removal, waste storage facility closure and seeding, but funding is not authorized for removal or land application of manure from an open lot or waste storage facility.
  - 2) The relocated feedlot must be in compliance with all environmental requirements.
  - 3) Maximum grant for feedlot relocation is the NRCS EQIP Rate or \$100,000, whichever is the lesser amount.
  - 4) The existing and relocated livestock waste management systems sites are considered one project for grant funding.

#### **3.1.4 Subsurface Sewage Treatment Systems**

- a. Only identified imminent threat to public health systems (ITPHS) are eligible for grants funds, except as provided under b.
- b. Proposed community wastewater treatment systems involving multiple landowners are eligible for funding, but must be listed on the MPCA's Project Priority List (PPL) and have a Community Assessment Report (CAR) or facilities plan [Minn. Rule 7077.0272] developed prior to the application deadline. For community wastewater system applications that include ITPHS, systems that fail to protect groundwater are also eligible.
- c. In an unsewered area that is connecting into a sewer line to a municipal waste water treatment plant (WWTP), the costs associated with connecting the home to the sewer line is eligible for funding if the criteria in a. and b. above are met.

## **3.2 Non-Structural Practices And Measures**

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

### **3.3 Project Support**

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

### **3.4 Grant Management and Reporting**

**3.4.1** All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the project or activity.

**3.4.2** Applicants, who have previously received a grant from BWSR, must be in compliance with BWSR requirements for grantee website and eLINK reporting before grant execution and payment.

### **4.0 Ineligible Activities**

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

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

## **5.0 Structural Practice and Project Requirements**

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

### **5.1 Technical and Engineering Components**

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

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

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

### **5.2 Practice or Project Construction and Sign-Off**

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

### **5.3 Post Construction and Follow-Up Activities**

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

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

## **6.0 Grantee Administration of Clean Water Fund Grants**

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

All grant recipient expenditure of funds providing financial assistance to landowners requires a contract with the landowner or land occupier. The contract must adequately address all the lifespan and operation and maintenance requirements of the practice or project as provided by this policy, including access for inspections and/or operation and maintenance. The contract must specify enforcement provisions, up to and including repayment of funds at a rate up to 150% of the original agreement amount. Funds received from a landowner who has taken out or failed to maintain a practice must be used according to this policy, less the administration cost.

BWSR recommends all contracts be reviewed by the grant recipient's legal counsel.

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

## **7.0 BWSR Grant Reporting, Reconciliation, and Verification Requirements**

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

### **7.1 BWSR Grant Reconciliation and Verification Procedures**

- a. BWSR staff will review grant recipient compliance with contractual requirements in a manner which is consistent with the policies established by the Office of Grants Management and adopted by the BWSR Board.
- b. Elements described in the project work plan will be reviewed during grant reconciliation.
- c. Project files for CWF expenditures, including landowner contact information, contracts, bills and invoices, inspection schedule, structural practice and project operation and maintenance information, design plans, and miscellaneous communication must be retained by the grant recipient pursuant to MS 138.17 and consistent with ongoing record retention schedules.
- d. In the event there is a violation of the terms of the grant agreement, BWSR will enforce the grant agreement and evaluate appropriate actions, up to and including repayment of grant funds at a rate up to 150% of the grant agreement.

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



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Supplemental FY2014 CWF Grant Awards

**Meeting Date:** June 25, 2014

**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  
Grants Program and Policy

**Reviewed by:** Committee Committee(s)

**Presented by:** Dave Weirens

Audio/Visual Equipment Needed for Agenda Item Presentation

**Attachments:**  Resolution  Order  Map  Other Supporting Information

**Fiscal/Policy Impact**

<input 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 checked="" type="checkbox"/> Other:	<input checked="" type="checkbox"/> Clean Water Fund Budget

Amend Resolution #14-05

## ACTION REQUESTED

Amendment to Resolution #14-05: FY 2014 Clean Water Fund Competitive Grants Program Funding Recommendations

## LINKS TO ADDITIONAL INFORMATION

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

Additional Clean Water Fund dollars were appropriated to the BWSR Clean Water Fund Projects and Practices competitive grant category under the Laws of Minnesota, Chapter 312, Article 14, Section 4. The Grants Program and Policy Committee met on June 12, 2014 and reviewed staff recommendations for allocating these supplemental funds and is recommending Board approval.

Board Resolution # 14-

**AMENDMENT TO BOARD RESOLUTION #14-05: FY 2014 CLEAN  
WATER FUND COMPETITIVE GRANTS PROGRAM FUNDING  
RECOMMENDATIONS**

---

**WHEREAS**, the Board adopted Resolution #14-05 on January 22, 2014 in which FY2014 Competitive Grant Program funds were allocated; and

**WHEREAS**, \$900,000 in Clean Water Funds have been appropriated to BWSR in the Laws of Minnesota 2014, Chapter 312, Article 14, Section 2, Subdivision 2, Section 4; and

**WHEREAS**, the Grants Program and Policy Committee met on June 12, 2014, reviewed staff proposals, and recommends assigning the supplemental funds to the unfunded FY14 Projects and Practices recommendations.

**NOW THEREFORE BE IT RESOLVED**, that the Board amends Resolution #14-05 to allow the assignment of supplemental funds to the unfunded FY14 Projects and Practices recommendations, in rank order.

\_\_\_\_\_  
Brian Napstad, Chair  
Board of Water and Soil Resources

Date: \_\_\_\_\_

Attachment: Project List



**AMENDMENT TO BOARD RESOLUTION #14-05: FY2014 CLEAN WATER FUND COMPETITIVE GRANTS PROGRAM FUNDING RECOMMENDATIONS**

**Background:** In May 2014, additional Clean Water Fund dollars were appropriated to the BWSR Clean Water Fund Projects and Practices competitive grant category under the Laws of Minnesota, Chapter 312, Article 14, Section 2, Subdivision 2, Section 4 — “900,000 in 2015 is added to the appropriation to the Board of Water and Soil Resources for grants in Laws 2013, chapter 137, article 2, section 7, paragraph (b).”

In FY2014, BWSR received approximately five times the request for the Project and Practices grant category as summarized below.

FY2014 Competitive CWF Competitive Grant Programs	FY14 Available Funds	Requested Funds	Recommended Funding
Projects and Practices	\$8,417,364	\$42,298,743	\$8,417,364

**Recommendation:**

1. Staff recommends using the \$900,000 to fund additional unfunded projects under the Projects and Practices category, in rank order, submitted and reviewed during the FY2014 CWF Competitive Grant Program.
2. Fully fund the 43<sup>rd</sup> – 45<sup>th</sup> applications and partially fund the 46<sup>th</sup> (CWF14-7609, Greater Blue Earth River Basin Alliance).

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Match Amount	Title	Average Score (100 pts.)	Description
34	CL4-9342	Lake of the Woods SWCD	Lake of the Woods	\$ 61,000	\$ 61,000	\$ 20,000	Zippel Watershed Sidewater Inlets	84.0	The purpose of this project is to reduce erosion and sedimentation in the Zippel Watershed by replacing failing sidewater inlets along County Ditch 1, the main tributary of the watershed.
35	CL4-8185	Pope SWCD	Pope	\$ 253,800	\$ 126,900	\$ 63,450	Pope County Sub Watershed Water and Sediment Control Basin Project	83.9	The purpose of this project is to install 30 water and sediment control basins in three sub watersheds adjacent to Lake Minnawaska to reduce the amount of sediment and total phosphorus entering Pelican Lake, Lake Minnawaska, and Lake Emily.
36	CL4-9295	Wilkin SWCD	Wilkin	\$ 165,000	\$ 165,000	\$ 41,250	2014 Red River Sediment Reduction Project	83.5	The purpose of this project is to install best management practices to repair severe gullies that are contributing massive sediment loads to the Impaired Red River.
37	CL4-7804	Mahnomen SWCD	Mahnomen	\$ 100,938	\$ 100,938	\$ 50,750	Wild Rice River Restoration Project	83.3	The purpose of this project is to continue the successful implementation of the Lower Wild Rice River Turbidity TMDL Plan by installing an additional 29 water and sediment control basins and 25 acres of vegetative filter strips, within the priority Marsh Creek watershed.
38	CL4-7226	Riley-Purgatory-Bluff Creek WD	Carver	\$ 150,000	\$ 150,000	\$ 37,500	Bluff Creek Bank and Habitat Restoration	82.9	The purpose of this project is to restore the physical and biological integrity of Bluff Creek by implementing the bank repair/culvert restoration project that was identified as a high priority in the Bluff Creek Watershed Total Maximum Daily Load Implementation Plan.
39	CL4-7056	Kanabec SWCD	Kanabec	\$ 165,590	\$ 165,590	\$ 41,398	Ann River Watershed - Restoration Project	82.9	The purpose of this project is to reduce watershed pollutant loadings to the Ann River and its tributaries by installing water and sediment control basins, restoring streambanks and wetlands, enhancing riparian buffers, and installing exclusion fencing.
40	CL4-8172	Scott County	Scott	\$ 800,000 (\$411,789)	\$800,000	\$ 1,000,000	Quarry Creek Collaborative	82.8	The purpose of this project is to reduce sediment to the Minnesota River, control erosion and reduce sedimentation in a local DNR Protected Water, and protect private land and public infrastructure by completing the first phase of ravine stabilization.
41	CL4-9086	Stearns SWCD	Stearns	\$ 243,750	\$ 243,750	\$ 81,250	Rice Lake Targeted Stormwater Reductions To Meet TMDL Goals	82.8	The purpose of this project is to reduce pollutant loading to Rice Lake, one of the top fisheries in Central Minnesota, by implementing conservation practices in a targeted subwatershed of the lake.
42	CL4-7301	Winona SWCD	Winona	\$ 565,196	\$ 275,539*	\$ 984,907	2014 Winona County SWCD Feedlot Cost-Share	82.4	The purpose of this project is to reduce the amount of pathogens and nutrients generated by livestock from reaching surface waters and groundwater by targeting feedlots located in areas that are highly susceptible to groundwater pollution and sinkhole formation.
43	CL4-3157	Dakota SWCD	Dakota	\$ 150,000	\$ 150,000	\$ 37,500	2014 Clean Water Conservation Incentive	82.3	This purpose of this project is to improve surface and groundwater quality throughout the county by installing best management practices that are targeted and prioritized to reduce pollutants in subwatersheds with identified surface water impairments and poor ground water quality.
44	CL4-9785	Martin SWCD	Martin	\$ 196,400	\$ 196,400	\$ 49,100	Surface Water Treatment in the Elm Creek Watershed	82.3	The purpose of this project is the treatment of both surface water and tile water before it reaches receiving water body implementing saturated buffers, wetland treatment, and the incorporation of bio-filters.
45	CL4-9540	Rice County	Rice	\$ 174,927	\$ 174,927	\$ 43,732	Twin Lakes Stormwater Retrofit Project	82.1	The purpose of this project is to implement a treatment train approach to stormwater management on a subwatershed-scale. BMPs would provide runoff storage, treatment, & infiltration opportunities that would otherwise discharge untreated to the Cannon River.
46	CL4-7609	Greater Blue Earth River Basin Alliance	Multiple Counties	\$ 1,000,000	\$ 378,673	\$ 250,000	Targeting Ravines and Gullies in the Greater Blue Earth River Basin - 2014	81.8	The purpose of this project is to install best management practices to address severe ravines and gullies in targeted locations throughout the watershed.
				Total Supplemental Funding:		\$ 900,000			

\* Received federal dollars for remaining balance

**COMMITTEE RECOMMENDATIONS**

***Grants Program & Policy Committee and RIM Reserve & Soil Conservation Committee***

1. Nonpoint Priority Funding Plan (NPPF) – Dave Weirens, Tim Koehler and Barbara Weisman - ***DECISION ITEM***



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Nonpoint Priority Funding Plan – BWSR Board Acceptance

**Meeting Date:** June 25, 2014

**Agenda Category:**  Committee Recommendation  New Business  Old Business

**Item Type:**  Decision  Discussion  Information

Dave Weirens, Acting Assistant

**Section/Region:** Director

Tim Koehler, Senior Programs

**Contact:** Advisor

**Prepared by:** Tim Koehler

Grants Program & Policy and RIM

**Reviewed by:** Reserve & Soil Conservation Committee(s)

Dave Weirens, Tim Koehler and  
Barbara Weisman, Conservation

**Presented by:** Policy Specialist, MDA

**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 approve the recommendation of the Grants Program & Policy and RIM Reserve & Soil Conservation Committees to accept the Nonpoint Priority Funding Plan for Clean Water Implementation Funding (NPPF) and to direct staff to post it on BWSR’s website by July 1, 2014.

## LINKS TO ADDITIONAL INFORMATION

See attached June 13, 2014 version of the Nonpoint Priority Funding Plan for Clean Water Implementation Funding.

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

BWSR was required by statute passed in 2013 to develop the Nonpoint Priority Funding Plan (NPPF). The NPPF is intended to “prioritize potential nonpoint restoration and protection actions” and state agencies allocating money from the Clean Water Fund for nonpoint restoration and protection strategies will be required to target the money according to the priorities identified in NPPF. The NPPF must be posted on the BWSR website by July 1, 2014.

During the past 8 months BWSR staff has worked extensively with state agency personnel to develop the NPPF. Of particular note is the assistance and guidance provided by members of the Interagency Coordination Team (ICT), the Watershed Restoration and Protection Strategies (WRAPS) Implementation Team and BWSR staff. The following agencies have signed on to the NPPF and have agreed to have their logos on the cover: Metropolitan Council, Minnesota Board of Water and Soil Resources, Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency and the Minnesota Public Facilities Authority.

In addition, outreach efforts have been conducted with other stakeholders including, local government association leaders and units themselves, Minnesota Environmental Partnership – Water Cluster member organizations, agricultural organization leaders, Clean Water Council members and members of the BWSR Board.

The NPPF is a criteria-based process to prioritize Clean Water Fund investments. It provides state agencies with a coordinated, transparent and adaptive method to ensure that Clean Water Fund implementation allocations are targeted to cost-effective actions with measurable water quality results. The process also may help agencies identify gaps in programming to accelerate progress toward meeting water management goals.

The NPPF sets forth:

High-level state priorities for investing Clean Water Fund nonpoint implementation funding.

High-level keys to implementation.

Criteria for evaluating proposed activities for purposes of prioritizing nonpoint funding.

Estimated costs for implementing nonpoint activities

**NONPOINT PRIORITY FUNDING PLAN FOR CLEAN WATER IMPLEMENTATION  
FUNDING JUNE 13, 2014 VERSION**

**WHEREAS**, in 2013 Minn. Stat. 114D.50, Subd. 3(a) enacted. This new statute requires BWSR to develop the Nonpoint Priority Funding Plan (NPFP) and post it on its website every two years beginning July 1, 2014. The NPFP is intended to “prioritize potential nonpoint restoration and protection actions” and state agencies allocating money from the Clean Water Fund for nonpoint restoration and protection strategies will be required to target the money according to the priorities identified in NPFP; and

**WHEREAS**, BWSR staff have worked extensively with state agency personnel to develop the NPFP. Of particular note is the assistance and guidance provided by members of the Interagency Coordination Team (ICT), the Watershed Restoration and Protection Strategies (WRAPS)/Implementation Team and BWSR staff; and

**WHEREAS**, outreach efforts have been conducted with stakeholders including local government associations and units themselves, the Minnesota Environmental Partnership, agricultural organizations, the Clean Water Council and the BWSR Board; and

**WHEREAS**, the NPFP is a criteria-based process to prioritize Clean Water Fund investments. It provides state agencies with a coordinated, transparent and adaptive method to ensure that Clean Water Fund implementation allocations are targeted to cost-effective actions with measurable water quality results. The process also may help agencies identify gaps in programming to accelerate progress toward meeting water management goals; and

**WHEREAS**, The NPFP sets forth:

- High-level state priorities for investing Clean Water Fund nonpoint implementation funding,
- High-level keys to implementation,
- Criteria for evaluating proposed activities for purposes of prioritizing nonpoint funding,
- Estimated costs for implementing nonpoint activities; and

**WHEREAS**, the following agencies have signed on to the NPFP and have agreed to have their logos on the cover: Metropolitan Council, Minnesota Board of Water and Soil Resources, Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency and the Minnesota Public Facilities Authority; and

**WHEREAS**, the Grants Program & Policy and RIM Reserve & Soil Conservation Committees recommended at their joint meeting on June 12, 2014, that the Board accept the Nonpoint Priority Funding Plan for Clean Water Implementation Funding (NPFP).

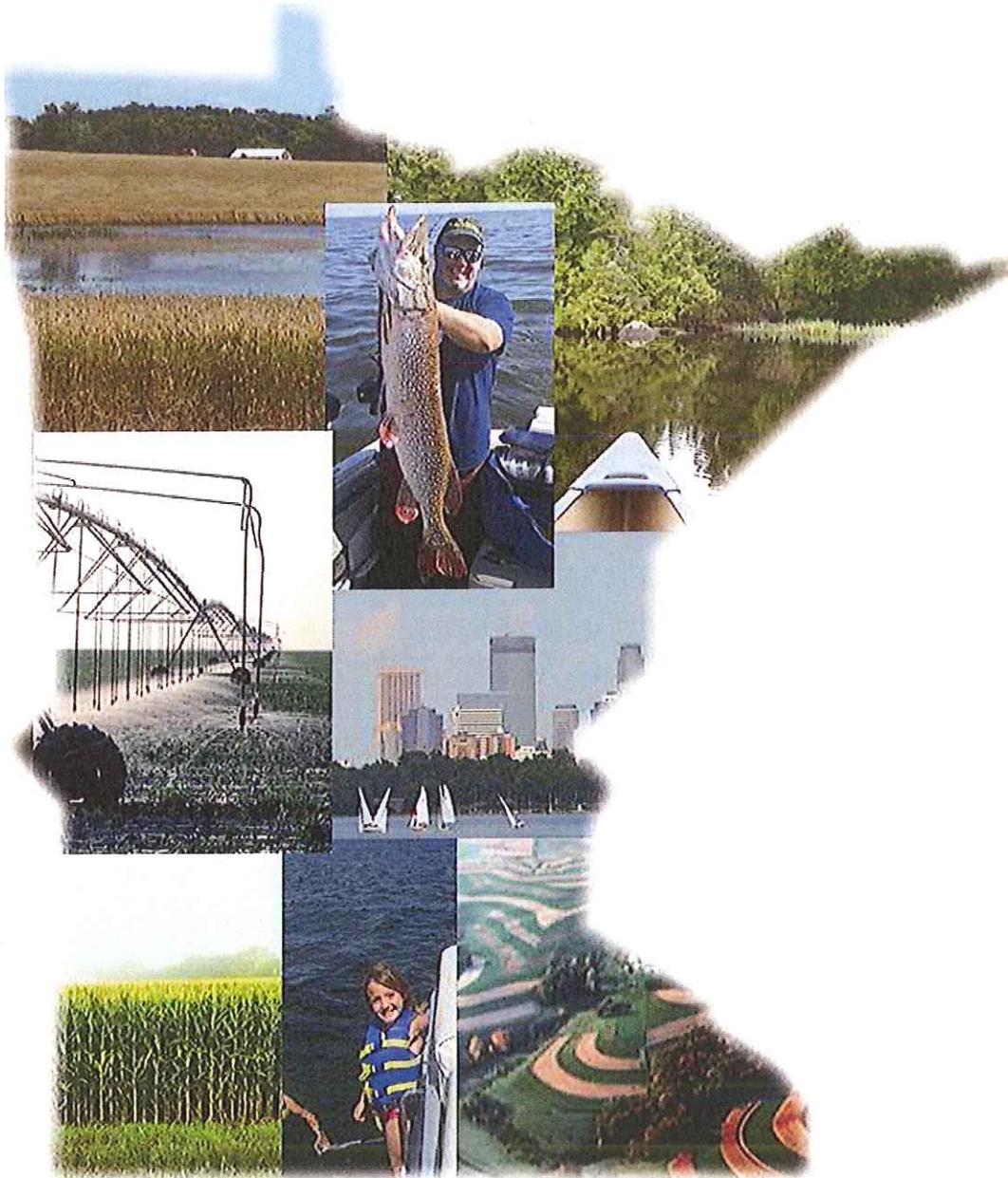
**NOW, THEREFORE, BE IT RESOLVED THAT**, the Minnesota Board of Water and Soil Resources accept the Nonpoint Priority Funding Plan for Clean Water Implementation Funding and authorize staff to post it on BWSR's website by July 1, 2014.

\_\_\_\_\_  
Brian Napstad, Chair  
Board of Water and Soil Resources

Date: June 25, 2014

# Nonpoint Priority Funding Plan for Clean Water Implementation Funding Version 1.0 (July 2014 – June 2016)

As required by the 2013 Clean Water Accountability Act



**DRAFT June 13, 2014**





The final version of this draft document is posted on BWSR's Nonpoint Priority Funding Plan web page at [www.bwsr.state.mn.us/planning/npfp](http://www.bwsr.state.mn.us/planning/npfp) as of July 1, 2014.

**Project Manager:** Tim Koehler, Senior Programs Advisor, BWSR

**Project Coordinator:** Barbara Weisman, Conservation Policy Specialist, MDA (on loan to BWSR)

**Clean Water Fund Interagency Coordination Team:** Ali Elhassan (Met Council), Chris Elvrum (MDH), Rebecca Flood (MPCA), Jeff Freeman (PFA), Barb Naramore (MDNR), Sarah Strommen (BWSR), Judy Sventek (Met Council), Deb Swackhamer (U of M – WRC), Dave Weirens (BWSR), Matt Wohlman (MDA)

**Clean Water Fund Watershed Restoration and Protection Strategies (WRAPS)/Implementation Team:** Bob Finley (MPCA), Karen Jensen (Met Council), Beth Kluthe (MDH), Teresa McDill (MPCA), Heidi Peterson (MDA), Josh Stamper (MDA), Dan Stoddard (MDA), Dave Weirens (BWSR), Julie Westerlund (DNR), Marcey Westrick (BWSR), Doug Wetzstein (MPCA), Dave Wright (DNR)

**BWSR Staff:** Angie Becker Kudelka, Matt Drewitz, Celi Haga, Jeff Hrubes, John Jaschke, Melissa Lewis, Sarah Strommen, Carla Swanson-Cullen, Doug Thomas, Dave Weirens, Marcey Westrick



Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
St. Paul, MN 55155-4194  
651-296-3767  
[www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)

---

---

# Table of Contents

Executive Summary .....	i
<b>Section 1: Purpose, Scope and Context .....</b>	<b>1</b>
1.1. Purpose .....	1
1.2. Background .....	1
1.3. Scope .....	3
1.4. The Watershed Approach .....	4
<b>Section 2: Priorities for Nonpoint Implementation .....</b>	<b>6</b>
2.1 WRAPS and TMDLs .....	6
2.2 Existing Local Water Plans .....	7
2.3 Future Local Water Planning .....	10
2.4 Prioritizing at Multiple Scales .....	11
2.5 Water Quality Goals Identified by the Clean Water Roadmap .....	11
2.6 High-Level State Priorities .....	14
2.7 Existing State Plans and Strategies .....	14
2.8 Keys to Implementation .....	19
<b>Section 3: Process for Prioritizing Nonpoint Funding .....</b>	<b>21</b>
3.1 Criteria-Based Process .....	21
3.2 Using Version 1.0 .....	21
3.3 Criteria for Evaluating Proposed Activities .....	21
3.4 Adapting Future Versions .....	24
<b>Section 4: Estimated Costs .....</b>	<b>25</b>
<b>Appendices .....</b>	<b>27</b>
Appendix A: The Minnesota Water Management Framework .....	28
Appendix B: Nonpoint Priority Funding Plan Stakeholder Process .....	30
Appendix C: References .....	32
Appendix D: Glossary .....	35



---

## Executive Summary

In 2013 the Minnesota Legislature passed the Clean Water Accountability Act, an initiative that aimed to increase accountability for the public funds used to clean up our water. The Act places into law the MN Pollution Control Agency (MPCA)'s Watershed Restoration and Protection Strategy and requires the MN Board of Water and Soil Resources (BWSR) to prepare a Nonpoint Priority Funding Plan.

The Nonpoint Priority Funding Plan (NPPF) is a criteria-based process to prioritize Clean Water Fund investments. It provides state agencies with a coordinated, transparent and adaptive method to ensure that Clean Water Fund implementation allocations are targeted to cost-effective actions with measurable water quality results. The process also may help agencies identify gaps in programming to accelerate progress toward meeting water management goals.

Specifically, Version 1.0 of the NPPF sets forth:

- High-level state priorities for investing Clean Water Fund nonpoint implementation funding.
- High-level keys to implementation.
- Criteria for evaluating proposed activities for purposes of prioritizing nonpoint funding.
- Estimated costs for implementing nonpoint activities.

The NPPF also is meant to be adaptive. Future versions will benefit from advancements in the development of Watershed Restoration and Protection Strategies (WRAPS), watershed-based local water plans, and other water resource data. To facilitate this adaptation, BWSR will convene a task force to collaborate on communications, data and information gathering, and evaluating the plan.

### High-Level State Priorities

State agencies have identified the following three high-level state priorities for investing Clean Water Fund nonpoint implementation money in FY 2016-2017, based on the principles of asset preservation and risk-opportunity assessment.

- Restore those impaired waters that are closest to meeting state water quality standards.

- Protect those high-quality unimpaired waters at greatest risk of becoming impaired.
- Restore and protect water resources for public use and public health, including drinking water.

### Keys to Implementation

The successful achievement of clean water goals relies on a number of key actions in addition to strategic allocation of funding. A brief summary of these keys to implementation is below.

#### ■ Accelerate Watershed-Scale Implementation

Implementation will be most effective when Clean Water Fund money for the highest-priority actions follows local government adoption of watershed-based local water plans. Accelerating the consolidation of WRAPS and Groundwater Restoration and Protection Strategies (GRAPS) into watershed-based local water plans that contain project implementation schedules will improve the ability to estimate needs and costs.

#### ■ Prioritize and Target at the Watershed Scale

The key to developing watershed-based project implementation schedules and estimated costs is to first prioritize surface and groundwater strategies at the watershed scale and then target practices within subwatersheds or similar-scale units, using the best available science. A systematic, well-documented approach to prioritizing and targeting is also a key to transparency.

#### ■ Measure Results at the Watershed Scale

Similar to prioritizing and targeting, measuring results is best achieved at the watershed scale. Watershed-based local water plans capable of producing measurable results are essential to adaptive management and accountability to the public.

Also, mechanisms are needed to track the outcomes of voluntary actions. For the vast majority of lands that contribute to nonpoint source pollution, we rely on voluntary actions by private land owners and managers to keep water pollution in check. Effectively measuring the

---

outcomes of voluntary actions is essential for supporting innovative nonregulatory approaches to nonpoint implementation.

■ **Utilize Science-Based Information**

A key to developing prioritized implementation schedules for projects with targeted actions, and measuring the results of these actions, is to incorporate the wealth of science-based information summarized in WRAPS, other technical reports and practice effectiveness research into local water planning and project development processes.

■ **Build Local Capacity**

The work of nonpoint implementation rests on the shoulders of local governments. As WRAPS proliferate and local water planning begins shifting to a watershed-based framework, success is dependent on highly capable local government staff to develop, prioritize and target projects at the local level.

Timely investments in the local conservation delivery system are also key to helping local water management authorities use Clean Water Fund money to leverage other sources of nonpoint implementation funding, such as the federal Farm Bill conservation programs.

■ **Maximize Existing Laws and Regulations**

Customary approaches to nonpoint pollution implementation include regulation as well as financial incentives and education. A key to developing effective watershed restoration and protection strategies is to maximize the effectiveness of existing laws and regulations. A number of laws, rules and permits exist for specific types of nonpoint sources, such as drainage, shoreland, buffers, soil loss, municipal stormwater systems, subsurface sewage treatment systems, feedlots, new water supply wells and pesticide use. In addition, an evaluation of these existing laws, rules and permits may be needed to be more effective at accomplishing water quality goals.

■ **Support Innovative Nonregulatory Approaches**

One of several keys to leveraging Clean Water Fund implementation money is to support the development of market-driven and reward-driven approaches. Examples include point-nonpoint water quality trading; public water suppliers

working with farmers in wellhead protection areas with elevated nitrate levels to accelerate implementation of nutrient management practices; and the Minnesota Agricultural Water Quality Certification Program. Investments in nonpoint implementation activities such as technical assistance, outreach and education can help catalyze these types of innovative nonregulatory approaches.

■ **Integrate Hydrologic Management Systems into Watershed Plans**

Much of Minnesota's natural hydrology has been altered for agricultural, forestry, urban/suburban and industrial development. Increased runoff volumes and rates – due to drainage, removal of perennial vegetation, surface water alterations and the addition of impervious surfaces – contribute significantly to water quality problems. Storing water on the land can help address runoff to surface waters in both urban and rural situations and is foundational to successfully addressing nonpoint source pollution. Wetland restoration and other practices that increase infiltration help control volume and enhance groundwater recharge. Additionally, drainage water management can help manage and treat runoff especially as old drainage systems are replaced by new storm sewer and subsurface tile drainage systems. Integrating hydrology management systems into watershed-based action plans, will assure greater attention is given to downstream impacts and benefits.

### Criteria for Evaluating Proposed Activities

State agencies will use nine NPFP criteria to evaluate proposed program or project activities:

- *Aligned with State Priorities:* Alignment of proposed activities with state priorities.
- *Locally Prioritized and Targeted:* Effective prioritization and targeting of proposed activities at the watershed scale.
- *Measurable Effects:* Capability of the proposed activities to produce measurable results at the watershed scale.
- *Multiple Benefits:* Secondary water quality or other environmental benefits of the proposed activities.

- 
- *Longevity:* Expected lifespan of the proposed activities with proper maintenance or, for annual management practices, assurance that practices will be maintained for a specified period of time.
  - *Capacity:* Readiness and ability of local water management authorities and partners to execute the proposed activities.
  - *Leverage:* All non-Clean Water Fund dollars contributed for every dollar of Clean Water Fund money. Non-Clean Water Fund dollars include non-state dollars as well as state dollars from sources other than the Clean Water Fund.
  - *Cost-Effectiveness:* Cost per unit of pollutant load reduced or prevented as compared against specific water quality goals – Clean Water Fund cost and total project cost.
  - *Landowner Financial Need:* Increased financial assistance for low-income landowners.

### **Estimated Costs**

The NPPF is required to estimate nonpoint implementation costs. The best available method of assessing local government water management resource needs and estimated costs at this time is the Biennial Budget Request (BBR). The BBR is a process BWSR uses to collect data voluntarily submitted by local governments about projects that are identified in local water plans as high priorities and that are shovel-ready for the upcoming biennium. For the FY 2016-2017 biennium, the BBR estimates a cost of \$235.2 million (\$117.6 million per year) to implement nonpoint activities eligible for funding through Clean Water Fund appropriations to BWSR and other state agencies.



---

## Section 1: Purpose, Scope and Context

### 1.1. Purpose

In 2013 the Minnesota Legislature passed the Clean Water Accountability Act, an initiative that aimed to increase accountability for the public funds used to clean up our water. The Act places into law the MN Pollution Control Agency (MPCA)'s Watershed Restoration and Protection Strategy and requires the MN Board of Water and Soil Resources (BWSR) to prepare a Nonpoint Priority Funding Plan (NPPF).

Version 1.0 of the NPPF sets forth:

- High-level state priorities for investing Clean Water Fund nonpoint implementation funding.
- High-level keys to implementation.
- Criteria for evaluating proposed activities for purposes of prioritizing nonpoint funding.
- Estimated costs for implementing nonpoint activities.

### Legislative Charge

The Nonpoint Priority Funding Plan law amends Minnesota Statutes 2012, section 114D.50 to read:

#### *Subd. 3a. Nonpoint Priority Funding Plan.*

*(a) Beginning July 1, 2014, and every other year thereafter, the Board of Water and Soil Resources shall prepare and post on its Web site a priority funding plan to prioritize potential nonpoint restoration and protection actions based on available WRAPS, TMDLs and local water plans. The plan must take into account the following factors: water quality outcomes, cost-effectiveness, landowner financial need, and leverage of nonstate funding sources. The plan shall include an estimated range of costs for the prioritized actions.*

*(b) Consistent with the priorities listed in section 114D.20, state agencies allocating money from the clean water fund for nonpoint restoration and protection strategies shall target the money according to the priorities identified on the nonpoint priority funding plan. The allocation of money from the clean water fund to projects eligible for financial assistance*

*under section 116.182 is not governed by the nonpoint priority funding plan.*

*M.S. 2013, Chapter 137, Article 2, Section 14.*

### State Agency Allocation Process

The NPPF provides state agencies with a coordinated, transparent and adaptive process to assure that Clean Water Fund implementation allocations are targeted to cost-effective actions with measurable water quality results. The process may also help agencies identify gaps in programming to accelerate progress toward meeting water management goals.

Agencies will use a set of NPPF criteria (Sec. 3) to tie funding decisions to cost-effective water quality and water management outcomes. This will improve Clean Water Fund accountability. Over time, it may also provide local water management authorities with more predictability as they plan and seek funding for restoration and protection efforts.

The NPPF will rely on information in existing local water plans as well as Watershed Restoration and Protection Strategies (WRAPS) and watershed-based local water plans as they become available. Today, only one of the state's 81 major watersheds has a completed WRAPS and watershed-based local water planning pilot projects are just getting under way. However, the watershed approach to developing science-based restoration and protection strategies at the major watershed scale is well under way, with WRAPS reports anticipated for more than one-third of the 81 watersheds by July 2015.

### 1.2. Background

#### The Minnesota Clean Water Legacy Act

The 2006 Minnesota Clean Water Legacy Act (CWLA) launched Minnesota on an accelerated path to addressing impaired waters. Increased funding was provided for monitoring, assessment, TMDLs and restoration and protection projects. The CWLA includes specific policy requirements that affect the watershed approach as a whole and nonpoint implementation specifically.

---

## The Clean Water Fund

In 2008, Minnesota voters passed the Clean Water, Land and Legacy Amendment (Legacy Amendment) to the Minnesota Constitution to support clean water, outdoor heritage, arts and cultural heritage, and parks and trails. The Legacy Amendment increased the state sales tax by three-eighths of one percent for a period of 25 years beginning July 2009 and ending June 2034.

The Clean Water Fund receives 33 percent of the Legacy Amendment revenue. In its first five years, the Clean Water Fund provided an average of \$85 million per year. By law, the money may only be spent *“to protect, enhance, and restore water quality in lakes, rivers and streams, and to protect groundwater from degradation. At least 5 percent must be spent to protect drinking water sources.”*

The Legacy Amendment was a game-changer for water resource management in Minnesota. Funding, accountability and heightened public expectations drive the need to enhance collaboration and partnerships among the seven main water management agencies that allocate Clean Water Fund money:

- MN Board of Water and Soil Resources (BWSR)
- MN Department of Agriculture (MDA)
- MN Department of Health (MDH)
- MN Department of Natural Resources (DNR)
- MN Pollution Control Agency (MPCA)
- Metropolitan Council
- MN Public Facilities Authority (PFA)

The NPPF as required in Statute will further enhance interagency collaboration by providing all agencies a common framework and process to use in Clean Water Fund prioritization.

The Clean Water Fund provides funding for both point and nonpoint source restoration and protection activities. The NPPF, however, as its name implies, is limited to nonpoint implementation funding.

As significant as the Clean Water Fund is and will continue to be for the next 20 years, it is not the only major source of funding for nonpoint restoration and protection. The largest source in recent history has been the federal Farm Bill. Farm Bill conservation programs have brought up to \$100 million per year to

Minnesota to implement practices that primarily or secondarily enhance water quality benefits.

## Nonpoint Source Pollution

Nonpoint source pollution occurs when pollutants from diffuse sources are carried into rivers, streams, lakes, wetlands and groundwater via a variety of pathways and processes.

### Nonpoint sources and pathways

Urban, rural and natural sources of nonpoint pollution are many and varied. Examples of common pathways that carry pollutants into streams, lakes and aquifers include soil erosion, overland runoff, gullying, leaching and altered hydrology. Below, in no particular order, are **examples** of common sources and some of the associated pollutants:

- Streambank and bluff erosion (sediment)
- Lakeshore development (phosphorus)
- Subsurface tile drainage (nitrogen)
- Runoff and/or leaching from farm fields, lawns, construction sites (sediment, nutrients, pesticides)
- Urban and industrial stormwater (bacteria, chloride, phosphorus, sediment)
- Paved surfaces (chloride from road salts)
- Feedlots and land application of manure (bacteria, nutrients)
- Failing septic systems (bacteria)
- Old, abandoned or improperly built wells as a conduit to groundwater (bacteria, nitrogen)
- Atmospheric deposition (mercury, sediment)

Many of the same pollutants also come from point sources. Therefore, strategies to meet watershed-scale water quality goals typically involve a mix of point and nonpoint source strategies. While the NPPF is limited to nonpoint actions, it exists in this broader context.

For more information about nonpoint source pollution in Minnesota, see the 2013 Minnesota Nonpoint Source Management Program Plan, a virtual encyclopedia of nonpoint source pollution sources, issues and strategies in Minnesota.

---

### 1.3. Scope

The NPFP is a criteria-based process to prioritize funding, not a pre-determined list of priority projects, watersheds or practices. State agencies will use NPFP criteria to prioritize proposed projects designed to implement strategies identified in TMDLs, WRAPS and local water plans. The NPFP does not include a single scoring system with weighted criteria. Rather, each agency will apply the NPFP criteria to applicable programs in ways that meet each program’s strategic and legislative goals.

#### Nonpoint Implementation

The NPFP is limited to implementation strategies and actions that address nonpoint source pollution. It focuses on funding for nonpoint implementation actions eligible for Clean Water Funds. For NPFP purposes, nonpoint implementation means local and state actions to restore and protect surface and groundwater quality in settings (urban, agricultural, forested) where water quality problems or threats are due to nonpoint sources. This involves both regulatory and nonregulatory programs and activities.

#### Examples of Nonpoint Implementation

Below are examples of and details about the types of appropriations, programs, projects and activities that fit within the nonpoint implementation scope of the NPFP.

##### Appropriations

The Legislature appropriates money to state agencies from the Clean Water Fund at the start of each biennium. In FY 2014-2015 Clean Water Fund appropriations for programs and projects that fit the nonpoint implementation scope of the NPFP account for approximately 45 percent of the total Clean Water Fund budget.

##### Programs

Within appropriation guidelines, state agencies allocate funds to new and existing programs or program areas to support the local conservation delivery system upon which nonpoint implementation efforts depend. The NPFP will help guide these state agency allocation decisions.

Examples of existing state nonpoint implementation programs with Clean Water Fund appropriations include but are not limited to:

- Competitive Grants for cost-share projects (BWSR)
- Reinvest in Minnesota (RIM) Riparian Buffer Easement Program (BWSR)
- RIM Wellhead Protection Buffer Easement Program (BWSR)
- Targeted Watershed Demonstration Program (BWSR)
- Clean Water Partnership (MPCA)
- Subsurface Sewer Treatment System – SSTS (MPCA)
- Source Water Protection Program (MDH)
- Well Sealing Cost-Share (MDH)
- MN Agricultural Water Quality Certification Program (MDA)
- AgBMP Loan Program (MDA)
- Programs that provide implementation-related technical assistance to local governments (BWSR, DNR, MDA, MDH)

##### Projects

A comprehensive list of Clean Water Fund projects is available on the Legislative Coordinating Committee’s Clean Water Fund projects webpage. Project searches can be filtered by location, year and activity type.

One type of project the NPFP does not govern are *“projects eligible for financial assistance under section 116.182.”* These are publicly owned wastewater and stormwater infrastructure projects (for example, treatment facilities, conveyance pipes) whose funding is governed by MPCA’s Project Priority List, managed jointly with PFA. Some MS4 stormwater projects include public infrastructure components eligible for PFA funding and non-infrastructure components such as rain gardens on public or private property, which are eligible for Clean Water Fund nonpoint implementation funding.

##### Activities

Ongoing implementation includes not only putting practices on the land but also developing and administering implementation programs and projects, and coordinating and managing all of the activities essential for on-the-ground actions to succeed. Most implementation projects involve a mix of the following activities:

- **Project Development:** Identifying practices, sites and willing landowners; tailoring practices as needed; recruiting project partners and leveraging funds.
- **Technical Assistance:** Helping landowners establish and maintain practices (including engineering and ecological assistance); conducting easement compliance reviews, quality assurance certifications and other technical assistance activities related to maintaining practices.
- **Targeted Outreach:** Engaging landowners in projects; developing and piloting outreach and educational programs to encourage adoption of priority practices; facilitating certification programs that confer public recognition for good stewardship or provide regulatory assurance; facilitating water quality trading agreements; helping to develop markets for the environmental benefits provided by nonpoint practices.
- **Enforcement:** Enforcing and enhancing state regulations and local ordinances (Sec. 2.8).
- **Project Evaluation:** Evaluating and reporting that includes identification and listing of appropriate metrics, measuring the effectiveness of practices installed and tracking and reporting project performance and outcome measures.

**Practices**

Table 2 and Table 3 include examples of nonpoint practices and strategies identified as priorities in existing state plans.

As a process-based approach to prioritization, the NPPF does not prescribe a list of nonpoint priority practices for the state. Rather, state agencies will use NPPF criteria to prioritize projects that identify and target practices or practice systems within priority subwatersheds, wellhead protection areas and similar-scale areas relative to the most significant problems and threats identified in WRAPS, TMDLs or local water plans. Tailoring practices to landowner needs and management goals is a key consideration in order to engage landowners in watershed-scale efforts.

**1.4. The Watershed Approach**

The NPPF builds on the systematic watershed approach to water management that is now well under way across Minnesota. The watershed approach is reflected in the MPCA-led WRAPS process, BWSR’s

One Watershed One Plan initiative and the interagency Minnesota Water Management Framework.

**Minnesota Water Management Framework**

In 2013, state agencies adopted a Minnesota Water Quality Framework and a companion Minnesota Groundwater Management Framework to enhance collaboration and clarify roles in a complex water governance structure. These are now jointly referred to as the Minnesota Water Management Framework (Appendix A).

The Framework identifies five major water management activities:

- Ongoing Local Implementation;
- Monitoring and Assessment;
- Water Resource Characterization and Problem Investigation;
- Restoration and Protection Strategy Development – including Watershed Restoration and Protection Strategies (WRAPS) as well as Groundwater Restoration and Protection Strategies (GRAPS) ; and
- Comprehensive Watershed Management Planning.

The Framework views each major activity as a step in a ten-year adaptive cycle (Fig. 1). A key objective is to clarify roles at each step. In a Plan-Do-Review approach to streamlining water management, state

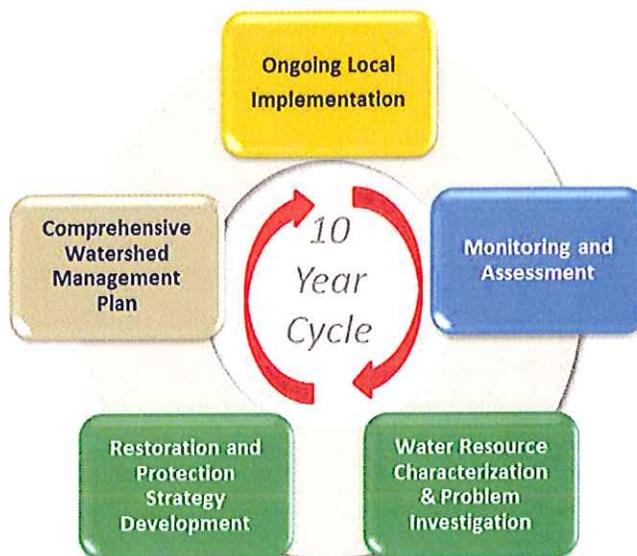


Figure 1. Minnesota Water Management Framework 10-year cycle, detailed in Appendix A.

---

agencies deliver data, research and analysis to support and enhance locally led water planning and implementation (specific state agency roles are described on the second page of the Framework fact sheet in Appendix A). Clarifying roles helps state agencies work together and with local partners effectively and efficiently.

To enhance collaboration, state agencies have formed Interagency Core Teams in all major watersheds. Core Teams include a main contact for each state agency in every watershed. As the work in each watershed shifts to the locally led steps in the cycle, there will be an ongoing need for strong state-local partnership as well as interagency coordination among state agency field staff at the watershed scale.

---

## Section 2: Priorities for Nonpoint Implementation

The NPPF must “*prioritize potential nonpoint restoration and protection actions based on available WRAPS, TMDLs and local water plans.*” This section of the NPPF describes these products and the types of nonpoint implementation strategies and priorities they contain.

This section also lays out high-level state water quality priorities to guide difficult choices about nonpoint implementation funding. These priorities are further embodied in the criteria state agencies will use to prioritize funding at the program and project level (Sec. 3).

### 2.1 WRAPS and TMDLs

Under the state’s watershed approach, MPCA initiates a 10-year adaptive water management cycle in every major watershed. The cycle begins with a four-year Watershed Restoration and Protection Strategy (WRAPS) process that includes data collection, research and analysis, and culminates with the development of a WRAPS report. The remaining years of the ten-year cycle focus on implementation.

WRAPS development is intended to be a participatory process that engages communities. Local partners and state agencies active in the watershed play distinct and important roles in WRAPS development and the WRAPS-informed implementation phase that follows (Appendix A). Ten years after the start of the first round of intensive watershed monitoring, the cycle begins anew.

#### Pre-WRAPS Technical Reports

In the years leading up to the WRAPS, MPCA issues key scientific studies and reports, amounting to a powerful suite of detailed supporting technical information. For each watershed, these pre-WRAPS products include, but are not limited to:

- Monitoring and assessment report;
- Total Maximum Daily Load (TMDL) studies;
- Stressor identification report; and
- Modeling results.

Also, for the seven-county Twin Cities metropolitan area, a wealth of monitoring and assessment data and reports from metropolitan watershed districts and the Metropolitan Council are available to use in developing WRAPS in the metropolitan area.

The WRAPS report summarizes scientific watershed information at a high level and communicates science-based strategies for restoring impaired waters and protecting healthy (unimpaired) waters. The 2013 Clean Water Accountability Act requires WRAPS reports to include:

- A precise assessment of pollution sources and needed reductions, including those from nonpoint sources;
- Timelines and milestones for assessing progress;
- Strategies to put the money where it will have the best result; and,
- A plan for effective monitoring.

Similar to WRAPS, Groundwater Restoration and Protection Strategies (GRAPS) is a process for integrating groundwater restoration and protection strategies into the watershed approach and is still under development, with a pilot project currently underway. While the science of groundwater systems does not fit neatly within the boundaries of a surface watershed, it is possible to package current knowledge, protection priorities, and restoration needs for use by local governments. Understanding of groundwater and relevant geology varies widely across the state; where county geologic atlases and additional research exists more detailed recommendations can be made. Broad protection measures can be utilized for areas where more detailed information is lacking.

#### WRAPS Schedule

The first WRAPS in the state was completed in 2013 for the Pomme de Terre Watershed in west central Minnesota. MPCA estimates that WRAPS will be completed for 28 major watersheds, or nearly 35 percent of the state’s 81 major watersheds, by July 2015. These include:

- 12 watersheds tentatively scheduled to have a completed WRAPS in calendar year 2014: Buffalo River, Chippewa River, Crow Wing River, Le Sueur River, Lower St. Croix River, Mississippi River (Lake Pepin), Mississippi River (St Cloud), Mississippi River (Twin Cities), North Fork Crow River, Sauk River, Shell Rock River, Snake River.
- 15 watersheds tentatively scheduled to have a completed WRAPS in calendar year 2015: Cannon River, Cedar River, Little Fork River, Long Prairie River, Minnesota River (Yellow Medicine River), Mississippi River (Winona), Mustinka River, Pine River, Red Lake River, Redeye River, Root River, Sandhill River, Tamarac River, Thief River, Upper Red River.

WRAPS are expected for all 81 major watersheds by 2023. A watershed look-up tool on MPCA’s website provides quick access to all available WRAPS and pre-WRAPS reports for every major watershed.

### TMDLs

The federal Clean Water Act requires TMDL studies for all impaired waters. The TMDL study typically identifies point and nonpoint sources of a single pollutant impacting a specific stream segment or lake, though some TMDLs address more than one waterbody or pollutant. The TMDL determines how much of a given pollutant the waterbody can accept (the total maximum daily load) without exceeding water quality standards.

Before the state’s watershed approach took effect, each approved TMDL study was followed by a TMDL implementation plan. Now, under the watershed approach, previously completed TMDL studies and implementation plans are incorporated into the WRAPS process along with new TDML studies for the watershed. Individual TMDL implementation plans are no longer being developed. Instead, the WRAPS report will communicate restoration strategies for all impaired waters. Implementation plans and actions to restore impaired waters will be addressed in the local water planning and implementation steps in the Minnesota Water Management Framework (Appendix A).

## 2.2 Existing Local Water Plans

In addition to available WRAPS and TMDLs, state agencies must prioritize potential nonpoint actions based on available “*local water plans.*” For purposes of

the NPFP, local water plans means any of several state-approved local water plan types, including:

- County Comprehensive Local Water Management Plans
- Watershed District Plans
- Metropolitan Surface Water Management Plans
- Metropolitan Groundwater Management Plans
- Soil and Water Conservation District Comprehensive Plans
- Comprehensive Watershed Management Plans to be piloted by the One Watershed One Plan Initiative starting in 2014 (Sec. 2.3)
- Local Water Plans (for cities and townships in the seven county metropolitan area)
- Source Water Protection Plans, including:
  - Wellhead Protection Plans
  - Surface Water Intake Protection Plans

Altogether, there are approximately 700 local water plans in Minnesota, with significant geographic overlap. See Table 1 for more information about each plan type.

Water resources are prioritized locally through the local water planning process. Similar to the high-level water quality priorities identified in Sec 2.6 local water resource priorities are identified based on factors such as value (e.g., recreational or economic), current water quality conditions (e.g., impaired, healthy) and water quality trends over time (e.g., declining, improving or stable). Decisions about which waters to test and how often may reflect these local priorities. Local water resource priorities are reassessed consistent with the state’s ten-year watershed approach.

Table 1. Existing state-approved local plan types that contain nonpoint implementation priorities.

State Oversight	Local Plan Type (Approx. # in June 2014)	General types of nonpoint priorities included	Responsible Local Water Mgmt. Authority	Statutory Reference
BWSR	County Comprehensive Local Water Mgmt. Plans (80)	Priority concerns, broadly defined as issues (such as drainage, stormwater, groundwater contamination) and related water resources and areas (specific subwatersheds lakes, streams, aquifers, demographic areas).	County (excluding the 7- county metro area)  Often delegated to Soil and Water Conservation District	M.S. 103B.301 – 103B.355
BWSR	Watershed District Plans (32)	Priorities for acquiring, developing and operating public drainage systems and water supply systems. Priorities for land use planning and flood control projects with secondary water quality benefits and conservation projects focused on surface water quality.	Watershed District	M.S. 103D.401-103D.411
BWSR	Metropolitan Surface Water Management Plans (33)	Issues that impact or threaten surface and groundwater quality. Prevent erosion of soil into surface water. Uniform policies and official controls for surface and groundwater management.	Watershed Management Organizations (WMO) and Watershed Districts in the 7 county Metropolitan Area	M.S. 103B.205 – 103B.255
BWSR	Metropolitan Groundwater Management Plans (5)	Issues that impact or threaten groundwater quality including contamination hazards. Sensitive groundwater areas. Abandoned well inventories. Some include detailed implementation strategies and actions.	7 county Metropolitan Area	M.S. 103B.255
BWSR	Soil and Water Conservation District Comprehensive Plans (13)	A Soil and Water Conservation District may develop a comprehensive plan specifying practices to implement, soil types, identification of natural resource problem areas, and be consistent with the statewide plans.	Soil and Water Conservation District	M.S. 103C.331

State Oversight	Local Plan Type (Approx. # in June 2014)	General types of nonpoint priorities included	Responsible Local Water Mgmt. Authority	Statutory Reference
BWSR	Comprehensive Watershed Management Plans (0)	The BWSR Board is developing criteria to allow existing local plans to be replaced with a comprehensive watershed management plan that, to the extent practicable, incorporate a watershed approach for these plans. Currently the BWSR Board has authorized the One Watershed One Plan pilot initiative under this authority.	Local Governmental Units	M.S. 103B.101, Subd 14
Metropolitan Council	Local Water Plans (187)	Plans prepared as a part of the metro area comprehensive planning effort.	Cities and townships in the 7-county metro area	M.S. 103B.235
MDH	Wellhead Protection Plans (345)	Part 1 delineates the Wellhead Protection Area and associated Drinking Water Supply Management Area. Part 2 identifies management goals and objectives and a plan of action as well as a contingency plan and an evaluation program.	Cities and other public water suppliers that use groundwater wells	MN Rules Parts 4720.5100 to 4720.5590 Required for public water systems that use groundwater
MDH	Surface Water Intake Protection Plans (3)	Intake protection plans identify the priority areas for management and associated measures for managing or eliminating potential sources of contamination that could impact the drinking water source.	Cities and other public water suppliers	Voluntary but required for obtaining certain kinds of Source Water Protection grant funding.

## 2.3 Future Local Water Planning

During the first five years of the Clean Water Fund, strong state and local consensus emerged around a new watershed-based local water planning and implementation framework consistent with the state's watershed approach. The new framework is rooted in the work of the Minnesota Local Government Water Roundtable, an affiliation of the Association of Minnesota Counties, the Minnesota Association of Soil and Water Conservation Districts, and the Minnesota Association of Watershed Districts.

### One Watershed One Plan

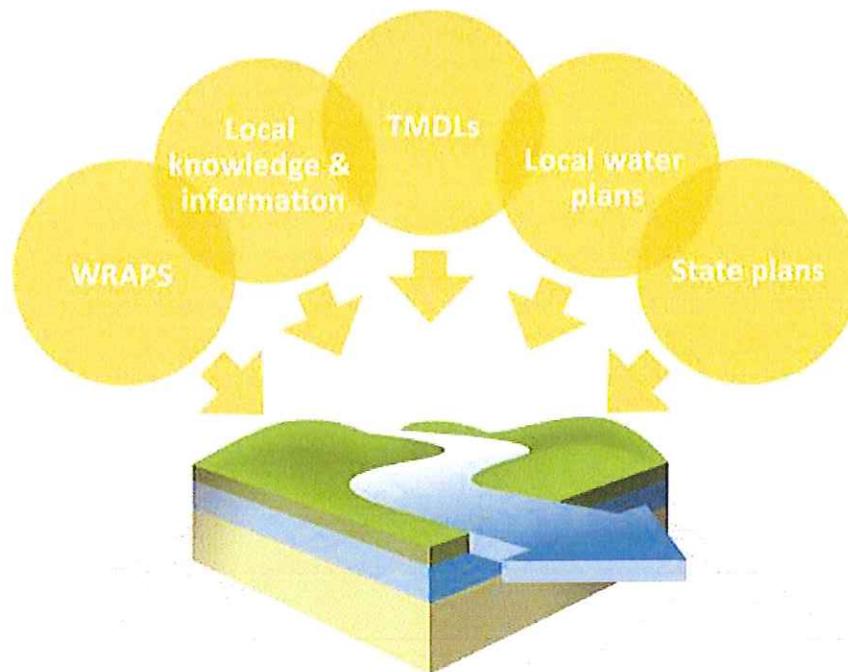
Local water management plans are recognized as a key component in the state's watershed approach connecting state strategies with local leadership. The importance of the connection between local water plans and the watershed approach was further recognized by the Minnesota Local Government Water Roundtable in their 2011 recommendation that local water management authorities organize and develop focused implementation plans on a watershed scale.

This recommendation was followed by 2012 legislation enabling BWSR to adopt methods to allow BWSR-

approved plan types to be replaced with Comprehensive Watershed Management Plans (Table 1). The legislation was supported by MPCA's 2013 Water Governance Evaluation Report, as one of many recommendations for ways to streamline, strengthen and improve sustainable water management.

BWSR's vision for this legislation, now referred to as the One Watershed One Plan initiative, is to align local water planning with state strategies towards prioritized, targeted and measurable implementation plans. Comprehensive Watershed Management Plans will be developed on major watershed boundaries. The plans will build on and consolidate information in existing county local water plans, incorporating monitoring data, WRAPS, TMDLs and other information (Fig. 2).

Comprehensive Watershed Management Plans will also identify subwatersheds or similar-scale areas with the most significant water quality problems and threats, and target potential actions to sites within these subwatersheds where the actions will provide the greatest measurable effects relative to specific water quality goals. The prioritizing and targeting process will facilitate the development of focused



*Figure 2. Types of information to be used in developing Comprehensive Watershed Management plans.*

---

implementation plans and schedules on a watershed scale – in other words, watershed-scale priority project lists.

A statewide transition from county-based to watershed-based local water plans (starting in 2014) could occur as soon as 2023 if most local governments choose to adopt Comprehensive Watershed Management Plans. Even a partial transition would benefit the NPPF in at least three ways:

- Watershed-based local water plans would be available for many watersheds in time to guide ongoing implementation in the final decade of the Clean Water Fund.
- State agencies would have significantly fewer local water plans to consult when using NPPF criteria (Sec. 3.3) to evaluate proposed activities
- Strategies and timelines in WRAPS will be enhanced in these new plans. This information will inform future versions of the NPPF (Sec. 3.4) and make priority funding decisions more consistent and predictable.

## 2.4 Prioritizing at Multiple Scales

As illustrated in Fig. 3, nonpoint restoration and protection goals and priorities are set at multiple geographic scales, from major river basins to major watersheds (groundwater and surface water) to subwatersheds and similar-scale planning and implementation units such as metropolitan watershed management organization boundaries and drinking water supply management areas (including wellhead protection areas and surface water intake protection areas). As such, it is neither practical nor desirable to prioritize at only one scale.

Nonpoint implementation projects are typically carried out at subwatershed or similar scales, focusing on specific water bodies, pollutants, practices and critical source areas or risk factors. Generally smaller scale goals, actions and strategies can contribute to larger scale goals.

## 2.5 Water Quality Goals Identified by the Clean Water Roadmap

The NPPF adds to an evolving portfolio of Clean Water Fund statewide guidance and evaluation documents that includes the biennial Clean Water Fund Performance Report and the 25-year Clean Water

Roadmap. State agencies launched the Roadmap initiative in 2013 to identify and communicate the water resource outcomes we can expect to achieve after 25 years of Clean Water Fund investments and enable state agencies to assess progress overtime.

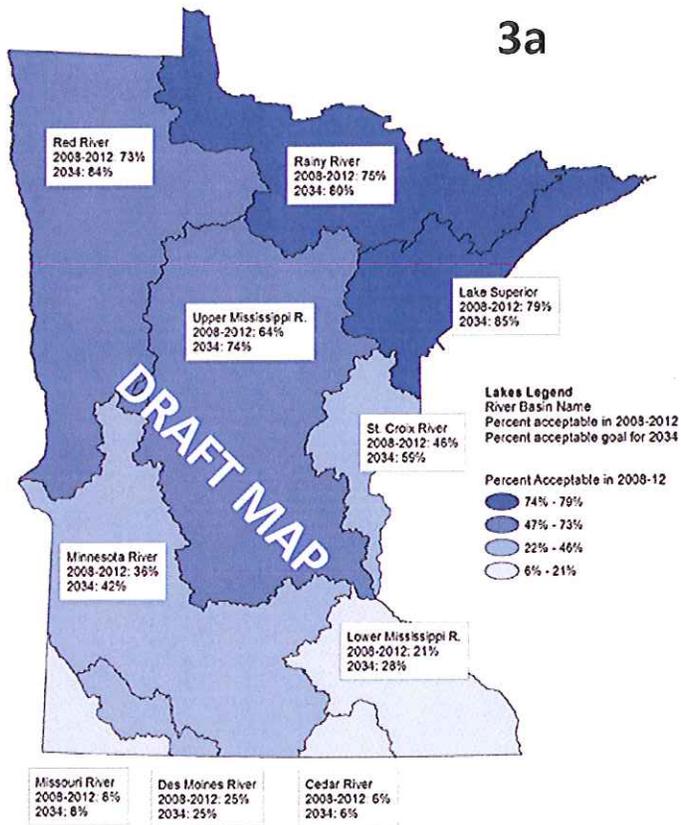
The first edition of the Roadmap lays out goals for four high-level indicators that describe surface water quality, groundwater quality, and groundwater quantity. These concrete measures mirror Minnesotans' desire for healthy lakes, rivers, streams and groundwater – water that is drinkable, swimmable and fishable.

The Roadmap will be revisited regularly and revised over time as new data and information are collected, including a thorough review at five-year intervals.

- **Lake water quality goal (Fig. 3a):** Percent of lakes with good water quality in 2008 (the benchmark) and in 2034, by major river basin, as measured by the Trophic State Index;
- **River and stream water quality goal (Fig. 4):** Percent of rivers and streams with healthy fish communities in 2008 (the benchmark) and in 2034, by major river basin, as measured by the Index of Biotic Integrity for fish;
- **Groundwater quality goal (Fig. 5):** Percent of new water wells meeting standards for nitrate and arsenic currently (the benchmark) and in 2034 (the goal) by groundwater province.
- **Groundwater quantity goal:** Changes over time in groundwater levels. Percent of groundwater monitoring sites affected by groundwater pumping will have either a steady or increasing trend. Water supply is outside the scope of the NPPF.

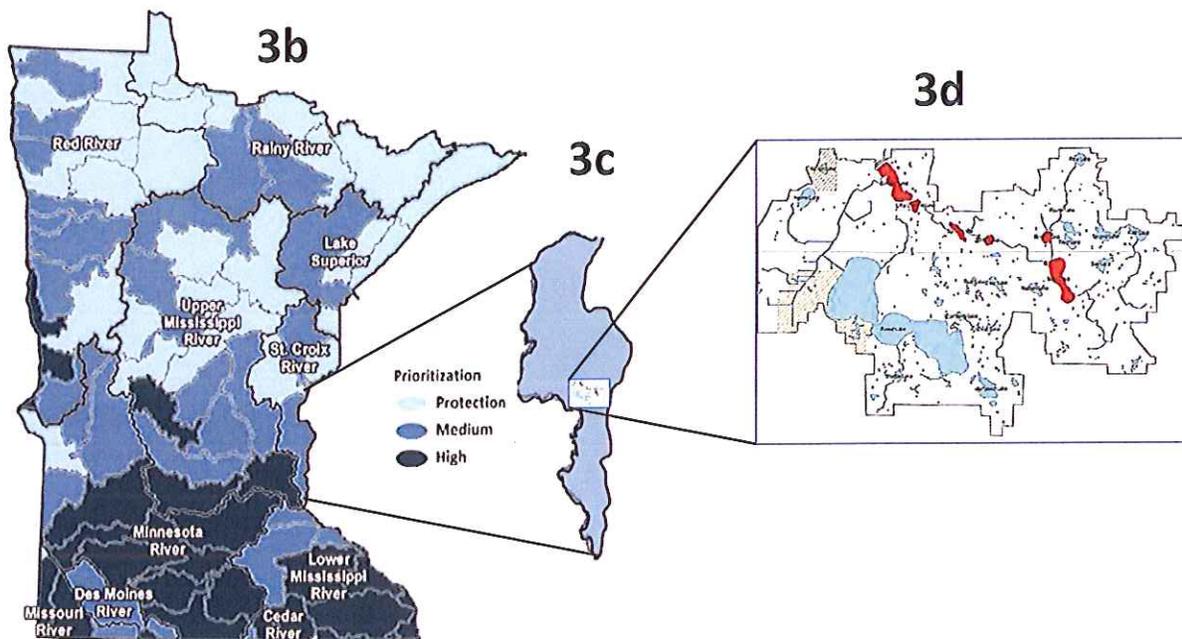
The numeric goals represent outcomes Minnesotans can reasonably expect to achieve by 2034. The NPPF provides high-level priorities for investing Clean Water Fund nonpoint implementation money in ways that achieve the greatest measurable progress.

Figure 3. Example of Goal-Setting and Prioritization at Multiple Scales.



**Example of Goal-Setting and Prioritization at Multiple Scales:  
 From Statewide Goals to Subwatershed-Scale Actions**

- Figure 3a shows Clean Water Fund Roadmap goals for increasing the percentage of lakes with good water quality in each of Minnesota's major river basins by year 2034. Lakes with good water quality are those that meet state water quality standards for aquatic recreational use based on phosphorus levels, algae levels and clarity. For the St. Croix River Basin in east central MN, the goal is to increase the percentage of lakes with good water quality from 46% in 2008 to 59% in 2034.
- Figure 3b, from the Draft Minnesota Nutrient Reduction Strategy, shows a state-level perspective on priority major watersheds for the goal of reducing contributions to downstream phosphorus loads. Relative to that goal, reducing phosphorus contributed by the Lower St. Croix River Watershed (Figure 3c) is a medium priority compared to other major watersheds.
- Figure 3d depicts the Comfort Lake-Forest Lake Watershed District (CLFLWD) in the Lower St. Croix River Watershed, with Comfort Lake and other impaired lakes shown in red. Phosphorus levels in the lakes put them at high risk of eutrophication. The CLFLWD Six Lakes TMDL Implementation Plan and the CLFLWD 2012-2021 Watershed Management Plan, Volume I identify and provide estimated costs and a schedule for implementing specific actions to meet TMDL load reductions and restore lake water quality throughout the subwatershed.



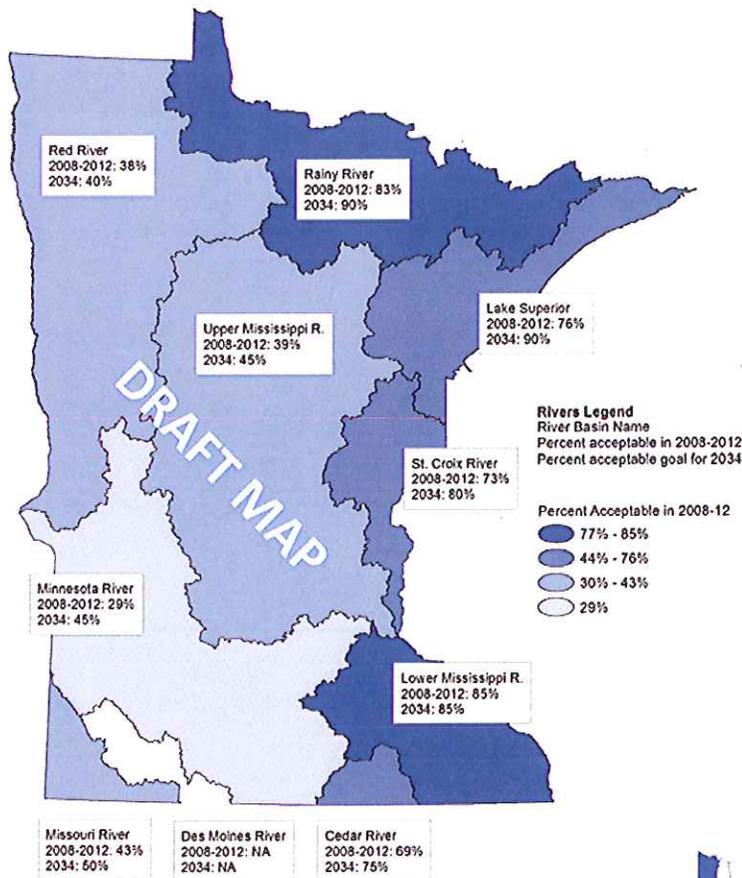
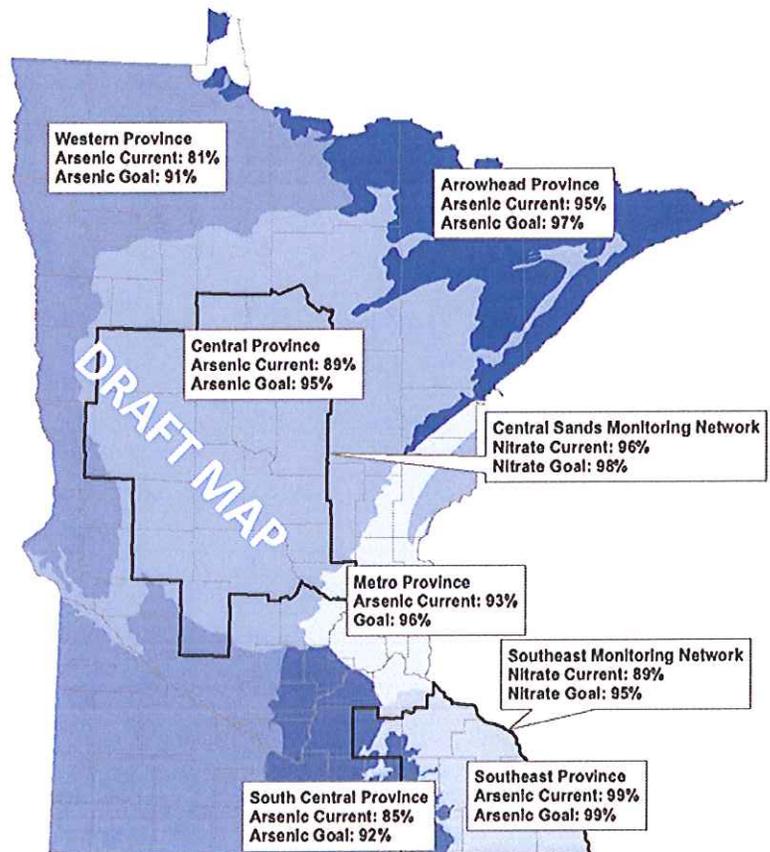


Figure 4. Clean Water Fund Roadmap goals for river and stream water quality.

Figure 5. Clean Water Roadmap goals for groundwater quality.



---

## 2.6 High-Level State Priorities

State agencies have identified the following three high-level state priorities for investing Clean Water Fund nonpoint implementation money in FY 2016-2017, based on the principles of asset preservation and risk-opportunity assessment:

- Restore those impaired waters that are closest to meeting state water quality standards.
- Protect those high-quality unimpaired waters at greatest risk of becoming impaired.
- Restore and protect water resources for public use and public health, including drinking water.

These high-level priorities are informed by the factors below and embodied in the criteria in Sec. 3.

- Water quality conditions based on current monitoring data, indicating how close waters are to meeting or failing to meet state water quality standards. (Waters that fail to meet standards are designated as impaired.)
- Water quality trends based on monitoring data at multiple points in time, indicating whether water quality is improving, declining or stable.
- Natural susceptibility, sensitivity or vulnerability to nonpoint pollutants. For example, some aquifers are more vulnerable than others due to sandy soils, karst topography or aquifer depth.
- Rate and intensity of local land use or land management changes that impact water quality, such as urban development and altered hydrology.
- Nonpoint implementation priorities expressed in state plans and strategies (Sec. 2.7).
- Nonpoint implementation priorities expressed in the 2013 Clean Water Legacy Act, Section 114D.20 Implementation; Coordination; Goals; Policies; and Priorities (M.S. 2013 114D.20).
- Contribution to watershed health based on modeling or the best available data.
- Recreational, aesthetic or economic value of a water resource to the local community and the general public.

## 2.7 Existing State Plans and Strategies

State programs governed by the NPFP may also be guided by existing state plans and strategies that identify specific pollutants, sources and pathways, geographic areas, landscape characteristics or practices as nonpoint implementation priorities.

Table 2 provides examples of nonpoint pollution priorities identified in selected recent state plans and strategies. Table 3 provides examples of state nonpoint implementation priorities by water resource type (stream, lake, groundwater) based on selected state plans and strategies.

Some state plans and strategies support regional, national or international goals. The draft Minnesota Nutrient Reduction Strategy, for example, supports goals related to the Mississippi River, the Gulf of Mexico, the Great Lakes and Lake Winnipeg.

Depending on the goals and priorities of these plans, agency Clean Water Fund funding decisions can be informed by as well as contribute to specific state plans and strategies.

**Table 2. Examples of priority nonpoint implementation issues and approaches in selected recent state plans and laws.**

State Plan	Priority Nonpoint Issues and Approach
Nonpoint Source Management Program Plan (MPCA, 2013)	Includes a comprehensive inventory of nonpoint issues affecting rivers, streams, lakes, groundwater and wetlands, with high-level priority strategies for each, often including specific practices.
Draft Nutrient Reduction Strategy (MPCA, 2013)	<p>Identifies phosphorus and nitrogen load reductions, including loads to downstream watersheds within and beyond Minnesota impacting Lake Superior, Lake Winnipeg and the Gulf of Mexico hypoxia zone. Includes agricultural management practices that:</p> <ul style="list-style-type: none"> <li>• Account for natural levels and historical buildup of phosphorus in the soil</li> <li>• Keep soil erosion in check</li> <li>• Reduce nitrogen application rates</li> <li>• Increase vegetative cover during spring and fall months through perennials and cover crops</li> <li>• Trap and treat tile water on site to reduce the amount of nitrogen transported offsite</li> </ul>
Draft Sediment Reduction Strategy for the Minnesota River Basin and South Metro Mississippi River (MPCA, 2014)	Includes strategies for achieving major reductions in sediment loading from the Minnesota River Basin and significant reductions from the South Metro Mississippi Watershed to meet TMDLs, including interim reduction goals for the next 15 years. Land use changes recommended practices that reduce sediment.
Draft Nitrogen Fertilizer Management Plan (MDA, 2013)	Highlights preventing and mitigating groundwater contamination from nitrogen fertilizer. Statewide and regional nitrogen fertilizer best management practices focusing on the type of nitrogen fertilizer and the rate, timing and method of application to cropland.
Fish Habitat Plan (DNR, 2013)	Describes principles of protecting and restoring water quality to provide habitat necessary for biological communities. Identifies focal areas of the state for implementing water quality focused habitat protection.
Draft Groundwater Management Plan (DNR, 2013)	Ensures that permitted groundwater appropriations do not adversely impact aquifer water quality or threaten trout streams, calcareous fens and other groundwater-dependent biological communities.
Water Governance Evaluation Report (MPCA, 2012 and updates)	Recommends to streamline, strengthen and improve sustainable water management in Minnesota. Relevant to the NPPF, these recommendations include: full-scale adoption by state agencies and local water management authorities of the watershed approach MPCA initiated in 2008; development of a system or framework for coordinating state agency water management responsibilities; and watershed-based local water planning.

State Plan	Priority Nonpoint Issues and Approach
Minnesota Drainage Law Analysis and Evaluation (Louis N. Smith and Charles B. Holtman, 2011)	Recommends to better integrate the effects of drainage on wetlands and water quality into drainage authority decisions about drainage system work; recommends to give drainage authorities more tools and resources for watershed-based planning and implementation of projects that integrate drainage, flood control, conservation and water quality benefits.
State Water Plan (Minnesota Environmental Quality Board, 2010)	Defines a vision for Minnesota’s water resources that ensures healthy ecosystems and meets the needs of future generations. Defines a broad framework that can be adapted and applied to specific land and water activities. Strategies identify critical activities that state agencies have set out to accomplish by 2020 and beyond. Provides implementation principles including how state agencies should partner with local and federal agencies to ensure effective progress.
Minnesota Statewide Conservation and Preservation Plan (2006)	Identifies the need for protection of critical shorelands of streams and lakes.
Minnesota Clean Water Legacy Act (Minnesota Legislature, 2006)	Launched Minnesota on an accelerated path to addressing impaired waters. Increased funding was provided for monitoring, assessment, TMDL studies and restoration and protection projects. Includes specific policy requirements that affect the watershed approach as a whole and nonpoint implementation specifically.
Metropolitan Council Water Resources Policy Plan (Metropolitan Council, 2005 and updates)	Includes policies and strategies for surface water management, water supply, wastewater and the wastewater system plan. Specific to surface water management, the WRPP includes policies and strategies aimed at protecting and restoring regional water quality using a watershed approach. Promotes use of best management practices for nutrient and sediment reduction such as the use of Minimum Impact Design Standards (MIDS) and other low impact development tools in developing and redeveloping areas to protect and restore the resources of the region. Includes monitoring and assessment information for the region’s lakes, rivers and streams.

Table 3. Examples of priority nonpoint components by water resource type.

Component	Examples for Streams	Examples for Lakes	Examples for Groundwater
Priority Nonpoint Pollutants	<ul style="list-style-type: none"> <li>• Nitrogen</li> <li>• Phosphorus</li> <li>• Sediment</li> </ul>	<ul style="list-style-type: none"> <li>• Phosphorus</li> <li>• Sediment</li> </ul>	<ul style="list-style-type: none"> <li>• Nitrogen</li> </ul>
Priority Waters to Restore/Protect	<ul style="list-style-type: none"> <li>• High-quality rivers and streams</li> <li>• Trout streams</li> <li>• Impaired reaches with high potential for recovery</li> <li>• Significant recreational value waters</li> </ul>	<ul style="list-style-type: none"> <li>• High-quality lakes</li> <li>• Cisco Lakes</li> <li>• Eutrophic lakes listed as impaired</li> <li>• Significant recreational value waters</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable groundwater drinking water supplies</li> </ul>
High-Level Strategies	<ul style="list-style-type: none"> <li>• Leverage money from the federal Environmental Quality Incentives Program (EQIP)</li> <li>• Develop Step Up plans for state programs that provide incentives for practices that reduce, treat or trap nutrients and sediment before the pollutants enter rivers, streams, lakes and groundwater. The goal of the Step Up plans is to accelerate and advance nutrient reductions starting with existing program policy frameworks, but also working with stakeholders to determine what additional policies, funding, support, partnerships, etc., will be necessary to accomplish the levels of BMP adoption needed to achieve the milestones and goals. (Draft Minnesota Nutrient Reduction Strategy, MPCA, 2013)</li> </ul>		
	<ul style="list-style-type: none"> <li>• Target nutrient reduction projects to watersheds and subwatersheds with the greatest downstream impact</li> <li>• Target easement programs to buffers</li> <li>• Coordinate the design and siting of water storage and treatment in public drainage ditch systems</li> <li>• Protect trout streams from the potential impacts of groundwater withdrawals</li> </ul>	<ul style="list-style-type: none"> <li>• Target protection efforts to shoreland, critical source areas in the lakeshed and high-contributing upstream waters where applicable</li> </ul>	<ul style="list-style-type: none"> <li>• Target technical assistance for Wellhead Protection Area planning to public water suppliers in vulnerable groundwater areas</li> <li>• Target easement and BMP cost-share programs to land in vulnerable drinking water supply management areas</li> <li>• Protect sensitive aquifers from the potential water quality impacts of groundwater withdrawals</li> </ul>

Component	Examples for Streams	Examples for Lakes	Examples for Groundwater
<b>Technical Guidance for Identifying Local Nonpoint Implementation Priorities</b>	<ul style="list-style-type: none"> <li>• WRAPS and pre-WRAPS technical reports</li> <li>• Clean Water Partnership and other local diagnostic studies</li> <li>• Subwatershed spatial analysis with high-resolution LIDAR data to identify critical source areas</li> </ul>	<ul style="list-style-type: none"> <li>• WRAPS and pre-WRAPS technical reports</li> <li>• <i>Lakes in WRAPS</i> guidance for analysis of factors such as lake depth and lake-to-watershed size ratio</li> <li>• Risk assessment and analysis, such as Crow Wing County's 2013 Water Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Source water protection planning process</li> <li>• WRAPS information on interactions between surface and groundwater</li> </ul>
<b>Nonpoint Implementation Activities</b>	<ul style="list-style-type: none"> <li>• BMP demonstration programs</li> <li>• Industry-led outreach programs</li> <li>• Point-nonpoint nutrient credit trading</li> <li>• Technical assistance</li> <li>• Protecting natural vegetation cover and soils</li> <li>• Enforcement of existing laws and regulations</li> </ul>	<ul style="list-style-type: none"> <li>• Shoreland zoning</li> <li>• Technical assistance to local governments</li> <li>• Lake management association programs</li> <li>• Acquiring conservation easements</li> <li>• Protecting natural vegetation cover and soils</li> <li>• Enforcement of existing laws and regulations</li> </ul>	<ul style="list-style-type: none"> <li>• Nutrient management demonstration programs</li> <li>• Markets for perennials</li> <li>• Technical assistance in implementing BMPs</li> <li>• Protecting natural vegetation cover and soils</li> <li>• Enforcement of existing laws and regulations</li> </ul>
<b>Nonpoint Practices or Practice Categories</b>	<ul style="list-style-type: none"> <li>• Nutrient management</li> <li>• Drainage water storage, treatment</li> <li>• Stormwater BMPs</li> <li>• Riparian buffers</li> <li>• Cover crops</li> <li>• Erosion control</li> <li>• Minimal Impact Design Standards (MIDS) and Minnesota State Stormwater Manual efforts</li> </ul>	<ul style="list-style-type: none"> <li>• Lakescaping</li> <li>• Stormwater BMPs</li> <li>• Feedlot runoff controls and surface applied manure management</li> <li>• Minimal Impact Design Standards (MIDS) and Minnesota State Stormwater Manual efforts</li> </ul>	<ul style="list-style-type: none"> <li>• Perennial vegetation</li> <li>• Cover crops</li> <li>• Irrigation water management</li> <li>• Nitrogen BMPs for regions with sensitive aquifers</li> <li>• Minimal Impact Design Standards (MIDS) and Minnesota State Stormwater Manual efforts</li> </ul>

---

## 2.8 Keys to Implementation

The successful achievement of clean water goals relies on a number of key actions in addition to strategic allocation of funding. A brief summary of these keys to implementation is below.

### Accelerate Watershed-Scale Implementation

Implementation will be most effective when Clean Water Fund money for the highest-priority actions follows local government adoption of watershed-based local water plans. Accelerating the consolidation of WRAPS and GRAPS into watershed-based local water plans that contain project implementation schedules will improve the ability to estimate needs and costs.

### Prioritize and Target at the Watershed Scale

The key to developing watershed-based project implementation schedules and estimated costs is to first prioritize surface and groundwater strategies at the watershed scale and then target practices within subwatersheds or similar-scale units, using the best available science. A systematic, well documented approach to prioritizing and targeting is also a key to transparency.

### Measure Results at the Watershed Scale

Similar to prioritizing and targeting, measuring results is best achieved at the watershed scale. Watershed-based local water plans capable of producing measurable results are essential to adaptive management and accountability to the public.

Also, mechanisms are needed to track the outcomes of voluntary actions since, for the vast majority of lands that contribute to nonpoint source pollution, we rely on voluntary actions by private land owners and managers to keep water pollution in check. Effectively measuring the outcomes of voluntary actions is essential for supporting innovative nonregulatory approaches to nonpoint implementation (see “Support Innovative Nonregulatory Approaches” below).

### Utilize Science-Based Information

A key to developing prioritized implementation schedules for projects with targeted actions, and measuring the results of these actions, is to incorporate the wealth of science-based information summarized in WRAPS, other technical reports and practice effectiveness research into local water planning and project development processes.

### Build Local Capacity

The work of nonpoint implementation (including all of the Activities listed in Sec. 1.3) rests on the shoulders of local governments. As WRAPS proliferate (Sec. 2.1) and local water planning begins shifting to a watershed-based framework (Sec. 2.3) success is dependent on highly capable local government staff to develop, prioritize and target projects at the local level.

Timely investments in the local conservation delivery system are also key to helping local water management authorities use Clean Water Fund money to leverage other sources of nonpoint implementation funding, such as the federal Farm Bill conservation programs.

### Maximize Existing Laws and Regulations

Customary approaches to nonpoint pollution implementation include regulation as well as financial incentives and education. A key to developing effective watershed restoration and protection strategies is to maximize the effectiveness of existing laws and regulations.

A number of laws, rules and permits exist for nonpoint implementation, such as drainage, shoreland, buffers, soil loss, municipal stormwater systems, subsurface sewage treatment systems, feedlots, new water supply wells and pesticide use. In addition, an evaluation of these existing laws, rules and permits may be needed to be more effective at accomplishing water quality goals.

### Support Innovative Nonregulatory Approaches

One of several keys to leveraging Clean Water Fund implementation money is to support the development of market-driven and reward-driven approaches. Examples include point-nonpoint water quality trading; public water suppliers working with farmers in wellhead protection areas with elevated nitrate levels to accelerate implementation of nutrient management practices; and the Minnesota Agricultural Water Quality Certification Program. Investments in nonpoint implementation activities such as technical assistance, outreach and education can help catalyze these types of innovative nonregulatory approaches.

### Integrate Hydrologic Management Systems into Watershed Plans

Much of Minnesota’s natural hydrology has been altered for agricultural, forestry, urban/suburban and industrial development. Increased runoff volumes and

---

rates – due to drainage, removal of perennial vegetation, surface water alterations and the addition of impervious surfaces – contribute significantly to water quality problems. Storing water on the land can help address runoff to surface waters in both urban and rural situations and is foundational to successfully addressing nonpoint source pollution. Wetland restoration and other practices that increase infiltration help control volume and enhance groundwater recharge. Additionally, drainage water management can help manage and treat runoff especially as old drainage systems are replaced by new stormsewer and subsurface tile drainage systems. Integrating hydrology management systems into watershed-based action plans, will assure greater attention is given to downstream impacts and benefits.

---

## Section 3: Process for Prioritizing Nonpoint Funding

This section describes the coordinated, transparent process state agencies will use to prioritize funding for potential nonpoint implementation actions based on available WRAPS, TMDLs and local water plans.

### 3.1 Criteria-Based Process

The NPPF is a criteria-based process that embodies the high-level state priorities identified in Section 2; is *"consistent with the priorities listed in section 114D.20,"* takes into account *"water quality outcomes, cost-effectiveness, landowner financial need, and leverage of nonstate funding sources"* and focuses on prioritized, targeted and measurable actions.

By design, the process is flexible to facilitate its utilization across diverse agencies and programs (Sec. 1.2 to 1.3). The process is also adaptive so agencies can assimilate important new information as it becomes available (Sec. 3.4).

### 3.2 Using Version 1.0

#### State Agency Responsibilities

State agencies allocating money from the Clean Water Fund for nonpoint implementation in FY 2016-2017 will:

- Determine which of their FY 2016-2017 Clean Water Fund appropriations fit or partially fit the NPPF's nonpoint implementation scope (Sec. 1.3).
- Apply the NPPF criteria to each applicable Clean Water Fund appropriation, consistent with strategic and legislative goals:
  - To determine the eligibility of a program, project or activity for funding from the appropriation;
  - To score or rank projects for potential funding from the appropriation; and/or,
  - To sort projects or activities into funding pools or quotas within the appropriation.
- Document how the agency is applying the criteria to each appropriation. If a criterion cannot be applied, provide an explanation.

- Participate in an NPPF Task Force, to be formed in 2014.
- Participate in evaluating Version 1.0.

#### NPPF Task Force

After posting Version 1.0, BWSR will convene a Task Force with state agency and local government representatives. The Task Force will collaborate on activities such as:

- Communicating the NPPF to local water management authorities and agency field staff.
- Gathering additional feedback from local water management authorities and other stakeholders.
- Conducting program-specific exercises to compare FY 2014-2015 funding decisions with hypothetical decisions under the NPPF.
- Identifying the best available data, tools and approaches to applying the NPPF criteria.
- Exploring opportunities to coordinate nonpoint implementation funding sources.
- Developing an approach for evaluating the NPPF every two years.

### 3.3 Criteria for Evaluating Proposed Activities

State agencies will use nine NPPF criteria to evaluate proposed program or project activities:

- Aligned with State Priorities
- Locally Prioritized and Targeted
- Measurable Effects
- Multiple Benefits
- Longevity
- Local Capacity
- Leverage
- Cost-Effectiveness
- Landowner Financial Need

## Criterion: Alignment with State Priorities

### Alignment of proposed activities with state priorities:

- High-level water resource priorities established by the NPPF (Sec. 2.6); and
- Nonpoint priorities identified in existing state plans and strategies mainly related to nutrients and sediment (Sec. 2.7).

## Criterion: Locally Prioritized & Targeted

### Effective prioritization and targeting of proposed activities at the watershed scale.

- *“Water quality outcomes”* is one of the four factors the NPPF is required to take into account.

This criterion addresses water quality outcomes by promoting systematic science-based processes at the local level to winnow down many potential sites and activities to those that will be most effective. These prioritization and targeting processes facilitate the development of prioritized project implementation

schedules.

Questions to consider in evaluating proposed activities include but are not limited to:

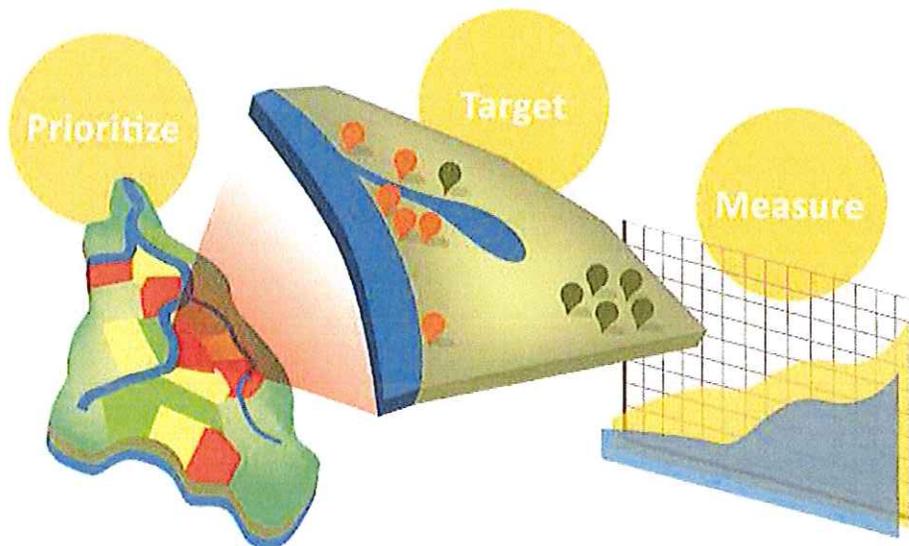
- Is the water resource to be restored or protected identified as a high priority in a WRAPS, TMDL or local water plan?
- Will the activities take place in priority subwatersheds identified using the best available models, decision support tools and data related to the most significant water quality problems or threats in the major watershed?
- Do the activities target priority practices to environmentally sensitive lands and critical nonpoint source areas to avoid, control or trap pollutants before they reach the water?
- How will landowners at high-priority sites be identified and encouraged to participate?

Watershed-based plans – especially Comprehensive Watershed Management Plans (Sec. 2.3) – that contain

### Prioritized, Targeted, Measurable Actions

Prioritizing and targeting nonpoint implementation actions in order to develop projects capable of producing measurable results is an iterative and scale-dependent process. Several rounds of prioritization and targeting at multiple scales may be needed to narrow many options to a list of the highest-priority areas, sites and projects (Sec. 2.4 and Fig. 3).

In this context, prioritizing generally refers to ranking (for example, a project implementation schedule), while targeting generally refers to spatial analysis to identify locations on the landscape at subwatershed or similar scales. Targeting also involves identifying practices to maintain or adopt at these locations in order to meet specific water quality goals.



---

prioritized project implementation schedules will simplify the task of evaluating the NPPF Locally Prioritized and Targeted criterion.

### Criterion: Measurable Effects

**Capability of the proposed activities to produce measurable results at the watershed scale.**

- *“Water quality outcomes”* is one of four factors the NPPF is required to take into account. This criterion is one of several ways water quality outcomes are addressed in the NPPF.

Questions to consider in evaluating this criterion include but are not limited to:

- Are predicted outcomes based on established methods and the best available data?
- Will actual outcomes be measured, and at what scale?
- Do benchmark and trend data exist against which to measure progress toward watershed goals?

Examples of methods, tools and data helpful in meeting this criteria include but are not limited to:

- Monitoring data and statistical assessments to quantify before/after implementation effects.
- Pollution reduction calculators to predict estimated reductions in nitrogen, phosphorus or sediment when certain practices are in place.
- Edge-of-field monitoring.
- Watershed and groundwater modeling to predict and compare the potential of different practices and practice systems to meet water quality goals.
- Empirical research on the water quality effectiveness of specific practices such as that presented in MDA’s AgBMP Handbook and MPCA’s Stormwater Manual.

Key challenges to meeting this criteria include lag times between implementation and attributable water quality improvements, external drivers, the lack of watershed-scale numeric water quality goals and benchmark data in many watersheds, and limitations inherent in tools such as pollution reduction calculators.

### Criterion: Multiple Benefits

**Secondary water quality or other environmental benefits of the proposed activities.**

- Consistent with M.S. 2013 114D.20, which suggests prioritizing projects with *“a high potential for long-term water quality and related conservation benefits.”*

For example, in selecting between two otherwise comparable practices or sites to address the primary water quality issue, the one that provides additional public benefits would be the priority. Examples of additional, secondary benefits include but are not limited to wildlife habitat restoration, pollinator friendly practices, flood reduction, water re-use, forest stewardship and soil health.

Projects with additional, secondary water quality or other environmental benefits may attract additional partners and funding sources.

### Criterion: Longevity

**Expected lifespan of the proposed activities with proper maintenance or, for annual management practices, assurance that practices will be maintained for a specified period of time.**

- Consistent with M.S. 2013 114D.20, which suggests prioritizing projects with *“a high potential for long-term water quality and related conservation benefits.”*
- Indirectly addresses both *“cost-effectiveness”* and *“water quality outcomes”*, two of the factors the NPPF is required to take into account.

### Criterion: Capacity

**Readiness and ability of local water management authorities and partners to execute the proposed activities.**

- Consistent with M.S. 2013, 114D.20 which states, *“where other public agencies and participating organizations and individuals, especially local, basin wide, watershed, or regional agencies or organizations, have demonstrated readiness”*
- An important predictor of whether a project will meet proposed goals or objectives as projects often build on and benefit from the knowledge, skills and experience gained from previous efforts, including past partnerships.

---

The NPPF has potential to help more local governments become top performers to the extent that project development activities (Sec. 1.3) become a larger focus of state clean water investments. Also, state agencies could develop a coordinated system for providing qualitative feedback to local governments about proposed activities that are not selected as priorities for funding.

### Criterion: Leverage

All non-Clean Water Fund dollars contributed for every dollar of Clean Water Fund money. Non-Clean Water Fund dollars include non-state dollars as well as state dollars from sources other than the Clean Water Fund.

- *“Non-state leverage”* is one of four factors the NPPF is required to take into account.

M.S. 2013 114D.20 calls for prioritizing projects that *“most effectively leverage other sources of restoration funding including federal, state, local, and private sources.”*

Leveraging other funding sources maximizes the amount of restoration and protection work that can be implemented through the Clean Water Fund. Historically, key sources of leverage have included:

- Federal Farm Bill conservation programs;
- Federal 319 program;
- State sources, especially the Outdoor Heritage Fund, the Environmental and Natural Resources Trust Fund, and bonding bills;
- Local government sources;
- Nonprofit organizations;
- Landowners, who pay part of the cost to implement and maintain practices as a condition of participating in cost-share programs.

### Criterion: Cost-Effectiveness

Cost per unit of pollutant load reduced or prevented as compared against specific water quality goals – Clean Water Fund cost and total project cost.

- *“Cost-effectiveness”* is one of four factors the NPPF is required to take into consideration.

Cost-effectiveness is a key factor in the high-level state priorities identified in Sec. 2.6. Two of the priorities focus on waters where water quality standards can be

met or maintained with less effort as compared to other waters.

Using models and effectiveness monitoring to compare the cost-effectiveness of different scenarios for meeting water quality standards is a helpful approach to meeting this criterion.

### Criterion: Landowner Financial Need

Increased financial assistance for low-income landowners.

- *“Landowner financial need”* is one of four factors the NPPF is required to take into account.

The following approach is designed to help rather than hinder progress toward water goals. Landowners participating in programs governed by the NPPF would have the opportunity to voluntarily apply for increased financial assistance on the basis of low income. Those who meet the designated low-income threshold would qualify for the increased financial assistance.

The type and amount of increased assistance could vary by program. For example, BWSR’s state cost-share program payment rate is 75%; using the NPPF approach described above, BWSR would provide a higher rate, such as 90%, to landowners who apply for and qualify for the higher rate.

## 3.4 Adapting Future Versions

Version 1.0 of the NPPF provides a foundation to build on as new information becomes available. Future versions will benefit from several types of new information, as it becomes available:

- Additional WRAPS;
- Additional watershed-based local water plans;
- Additional GRAPS;
- Updated cost estimates (Sec. 4);
- Evaluations of the previous version of the NPPF; and
- Improved models and methods of measuring practice effectiveness and cost-effectiveness.

---

## Section 4: Estimated Costs

The NFPF law states *“the plan shall include an estimated range of costs for the prioritized actions.”* Meeting this requirement will be a challenge until the state is blanketed by watershed-based local water plans that incorporate the best available WRAPS and pre-WRAPS information and contain project implementation schedules with estimated costs.

### BWSR’s Biennial Budget Request

Presently the best source of data for estimating nonpoint implementation costs for the state is BWSR’s Biennial Budget Request (BBR). The BBR is a process for collecting data voluntarily submitted by local governments based on local water plans. BWSR debuted the BBR in 2012 in order to collect information on local government conservation and water management resource needs and estimated costs for FY 2014-15. To be included in the estimate, projects had to directly address water quality priorities or strategies identified in local water plans, TMDL studies and implementation plans, surface water intake plans, or wellhead management plans and had to be shovel ready.

The BBR was repeated in 2014 to collect information for projects to be implemented in the FY 2016-2017 biennium. This time, in addition to data about activities eligible for funding from BWSR, the BBR also collected data about activities eligible for funding from other state agencies. For the FY 2016-2017 biennium, the estimated statewide cost to implement a wide range of high-priority, shovel-ready nonpoint activities eligible for funding through Clean Water Fund appropriations to BWSR and other state agencies is \$235.2 million or \$117.6 million per year (Fig. 6).

Based on BBR data for the overall period of FY 2014 through FY 2017, Clean Water Fund needs for BWSR programs alone average more than \$100 million per year – nearly three times more than historically appropriated.

### Other Cost Estimates

The BBR is the only summarized source of nonpoint implementation cost estimates that are statewide, biennial and comprehensive in terms of nonpoint

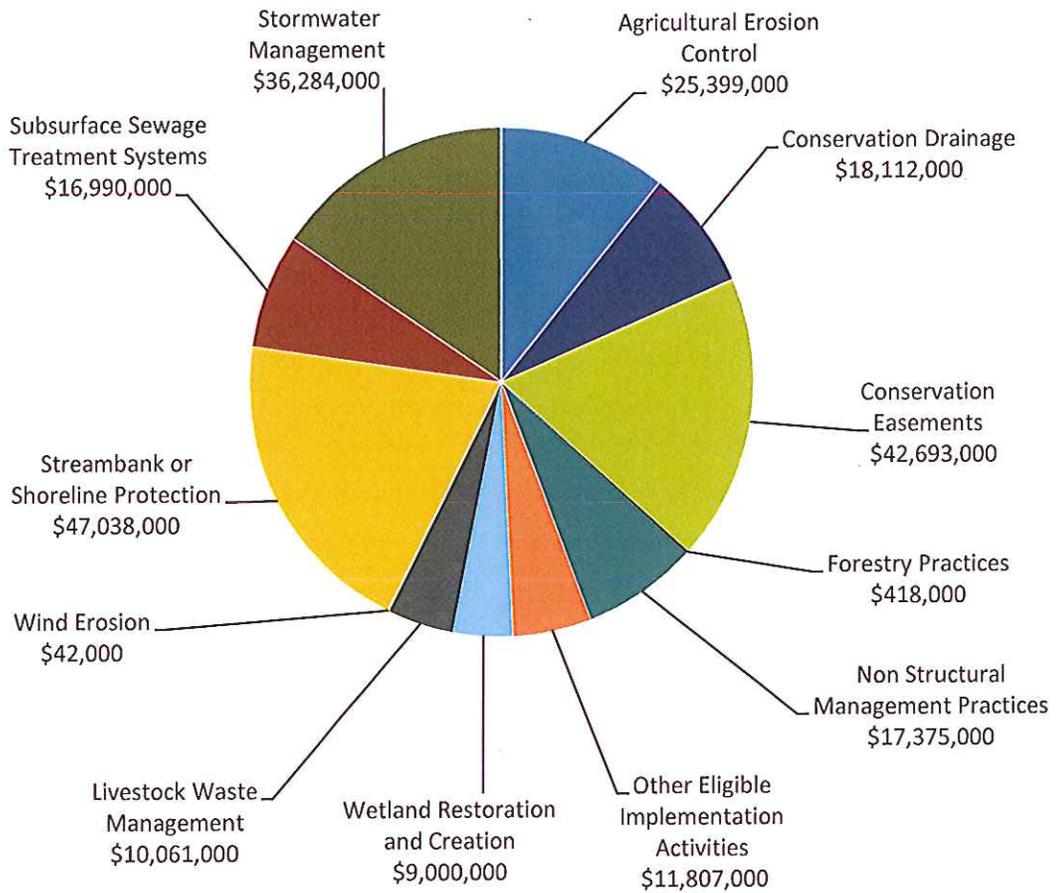
activities (Fig. 6). Examples of other sources of cost estimates are briefly described below. A subset of much of the information in these other sources is captured and summarized in the BBR.

- **Draft Minnesota Nutrient Reduction Strategy:** MPCA is working with federal, state and local partners to compile a statewide estimated range of costs for actions to reduce nutrient loading. The estimate will be available in FY 2015. These estimates will vary from the BBR in geographic scale, time (representing longer-term milestones), scope (only nutrient reduction strategies) and project readiness (represents all of the strategies to achieve the goals, not shovel-ready actions).
- Existing local water plans throughout the state include cost estimates for the strategies and actions identified in the plan, generally on a ten year timeframe. The BBR captures a subset of these planned actions and summarizes the information statewide.
- TMDL studies and implementation plans include actions to restore the given impaired water. Some include detailed cost estimates and others are high-level. The BBR captures a subset of the identified actions that are ready to implement and summarizes the information statewide.
- WRAPS reports summarize restoration and protection strategies and provide estimates of interim ten-year milestones. This information is not detailed enough to develop cost estimates. Comprehensive Watershed Management Plans that utilize WRAPS will provide these details.

### Future Cost Estimates

Comprehensive Watershed Management Plans will build on and consolidate priorities outlined in existing local water plans, incorporating WRAPS, TMDLs and other information. The watershed-scale project implementation schedules in these plans will result in more consistent and comprehensive cost estimates for prioritized actions. Information from the individual plans will be collected and summarized through the BBR.

*Figure 6. Statewide estimated costs to implement various Clean Water Fund eligible nonpoint activities during the FY 2016-2017 biennium. All of the activities are identified in state-approved, locally adopted water management plans and each activity type has historically been eligible for money from one or more Clean Water Fund appropriations to BWSR or other state agencies.*



---

## Appendices

# Appendix A: The Minnesota Water Management Framework

## The Minnesota Water Management Framework

*A high-level, multi-agency, collaborative perspective on managing Minnesota's water resources*



The passage of the Clean Water, Land, and Legacy Amendment is a game-changer for water resource management in Minnesota. Increased funding and public expectations have driven the need for more and better coordination among the state's main water management agencies.

The MN Water Quality Framework and the companion MN Groundwater Management Framework were developed by the agencies to enhance collaboration and clarify roles in an integrated water governance structure, so that it's clear to everyone who is responsible at each stage in the process, making it easier and more efficient for state and local partners to work together.

Goals: cleaner water via comprehensive watershed management; ensure that groundwater is protected and managed sustainably.

The red arrow emphasizes the important connection between state water programs and local water management. Local partners are involved - and often lead - in each stage in this framework.



Building on a classic "plan - do - check" adaptive management approach, the framework uses 5 "boxes" to outline the steps Minnesota's agencies are taking toward our goals of clean and sustainable water. The agencies aim to streamline water management by systematically and predictably delivering data, research, and analysis and empowering local action.

Ongoing Local Implementation is at the heart of the state's overall strategy for clean water. Actions must be prioritized, targeted, and measurable in order to ensure limited resources are spent where they are needed most. The rest of the cycle supports effective implementation.

Monitoring and Assessment determines the condition of the state's ground and surface waters and informs future implementation actions. The state's "watershed approach" systematically assesses the condition of lakes and streams on a 10-year cycle. Groundwater monitoring and assessment is more varied in space and time.

Water Resource Characterization and Problem Investigation drives into the science to analyze and synthesize data so that key interactions, stressors, and threats are understood. In this step, watershed and groundwater models and maps are developed to help inform strategies.

Watershed Restoration and Protection Strategies (WRAPS) and Groundwater Restoration and Protection Strategies includes the development of strategies and high level plans, "packaged" at the 8-digit HUC scale (81 major watersheds in Minnesota). These strategies identify priorities in each major watershed and inform local planning.

The Comprehensive Watershed Management Plan is where information comes together in a local commitment for prioritized, targeted, and measurable action. Local priorities and knowledge are used to refine the broad-scale WRAPS and other assessments into locally based strategies for clean and sustainable water.

MN Department of Natural Resources • MN Department of Health • MN Pollution Control Agency • MN Board of Water and Soil Resources  
 MN Department of Agriculture • MN Public Facilities Authority • MN Public Health Authority • Metropolitan Council



Ongoing Implementation	Monitoring and Assessment	Watershed Characterization & Problem Investigation	Restoration and Protection Strategy Development	Comprehensive Watershed Management Plan
 <p>Funding and technical assistance for locally implemented watershed restoration and protection projects</p>	<p>Monitor progress of local implementation goals</p>	<p>Conservation targeting tools (e.g., Environmental Benefits Index) BMP guidance (e.g., drainage water management)</p>	<p>Participate on interagency watershed teams developing WRAPS (with all agencies)</p>	<p>Comprehensive Watershed Management Planning (One Watershed, One Plan) Local water and watershed plans</p>
 <p>Appropriations and Public Waters Permitting Shoreland and floodplain management Technical assistance for projects</p>	<p>Stream flow Fish and plants (lakes) Mercury in fish tissue Aquifer levels (with Met Council)</p>	<p>Stream hydrology and geomorphology (support MPCA) Small scale watershed modeling and groundwater level modeling County Geologic Atlas</p>	<p>Advise on conservation actions based on holistic view of watershed health (hydrology, geomorphology, connectivity, biology, water quality)</p>	<p>Input on local conservation actions informed by statewide plans for prairies, forests, etc. Water supply planning and groundwater management areas (with Met Council)</p>
 <p>Funding for source water protection, contaminants of emerging concern Well sealing cost share</p>	<p>Source water and finished drinking water Bacteria monitoring on Lake Superior beaches</p>	<p>Guidance for contaminants of emerging concern Data analysis and modeling to support WHPA delineation and vulnerability assessments for public water supplies</p>	<p>Source water protection planning (identification of problems, issues, and opportunities) Well construction management</p>	<p>Guidance for infiltration in DWSMAs Source water protection planning (local measures and strategies)</p>
 <p>NPDES permit programs, SSTS compliance Grants for Clean Water Partnership, Great Lakes Restoration, stormwater and wastewater treatment (PFA)</p>	<p>Water chemistry (surface and groundwater) Fish and macro invertebrates (streams) Surface water assessment grants</p>	<p>Stressor identification for biological impairments Watershed Modeling (8-HUC) TMDLs Civic engagement</p>	<p>Stakeholder agreement on broad watershed restoration and protection strategies (WRAPS) WRAPS report - includes implementation table TMDLs to EPA</p>	<p>Provide WRAPS for incorporation into local plans Input on management strategies informed by statewide nutrient plan</p>
 <p>Ag BMP loans MIN Agricultural Water Quality Certification Program Implement Nitrogen Fertilizer Management Plan (NFMP)</p>	<p>Pesticides (surface and groundwater) Nitrate (private wells)</p>	<p>Academic Research/Evaluation Technical assistance to transfer technologies and support TMDL process</p>	<p>Ag Best Management Practices, nitrogen fertilizer and pesticide management</p>	<p>Input on management strategies informed by statewide nitrogen fertilizer plan</p>
 <p>Technical assistance and demonstration projects</p>	<p>Lake, stream, river monitoring: flow, chemistry, biology Effluent monitoring (WWTPs) Impervious surface and land cover assessments</p>	<p>Modeling and trend assessments (surface water) Pollutant load calculations Groundwater mapping and characterization</p>	<p>Participate in WRAPS and local water planning teams Master water supply plan Groundwater management areas (with DNR)</p>	<p>Participate in review of local water and watershed plans (metro area); local water supply plans, and comprehensive land use plans (metro area)</p>

---

## Appendix B: Nonpoint Priority Funding Plan Stakeholder Process

In 2013, the Minnesota Legislature charged the Board of Water and Soil Resources (BWSR) with developing a Nonpoint Priority Funding Plan (NPPF) for use by state agencies allocating money from the Clean Water Fund for nonpoint restoration and protection strategies. BWSR and other Minnesota agencies affected by the legislation concluded that the NPPF should be a multi-agency plan.

In addition to BWSR, the other Minnesota agencies affected are: Metropolitan Council, Department of Agriculture (MDA), Department of Health (MDH), Department of Natural Resources (DNR), Pollution Control Agency (MPCA), and Public Facilities Administration (PFA). These agencies were actively involved in developing the NPPF.

- The Clean Water Fund Interagency Coordination Team (ICT) provided high level guidance to ensure agency coordination and buy-in.
- The Clean Water Fund Interagency Watershed Restoration and Protection Strategy/Implementation Team (WRAPS/Implementation Team) served in an advisory capacity at their monthly meetings for ten months.

Local government representatives were also involved through meetings, one-on-one discussions and written comments, with emphasis on how the NPPF will impact local water management authorities.

The stakeholder process used to gather input and feedback on Version 1.0 of the NPPF is outlined below.

### Stakeholder Input and Data Gathering Phase (Fall-Winter 2013)

- Initial Input Meeting
  - Initial meeting with the Minnesota Environmental Partnership (MEP) Water Cluster, who worked with legislators to have the NPPF legislation enacted.
- Scoping Questions and Meetings – BWSR developed questions to gather information and perspectives on NPPF roles, ideas, issues, concerns and opportunities. Meetings to discuss diverse perspectives were held with:
  - Each of the state agencies listed above;
  - Local government association leaders;
  - MEP Water Cluster members;
  - Agricultural organization leaders;
  - Clean Water Council members;
  - BWSR Board member;
- Tenets, Fact Sheet and Webpage
  - BWSR developed a tenets document and an NPPF fact sheet to provide more information on the process. The tenets were adjusted based on feedback solicited and received from the stakeholders listed above. A webpage was created on BWSR's website to provide access to these documents (and later the draft plan).

### First NPPF Draft (April 2014)

The first draft was posted on the BWSR website and a request for comments was sent to all who responded to the original scoping questions. Over 400 individual comments were received and all were considered in developing the NPPF May 30<sup>th</sup> final draft document. Comments were solicited and received in several ways:

- Online Survey: A feedback form on the BWSR website was completed by the following:

- 
- Soil and Water Conservation District supervisor (1)
  - MN Environmental Partnership (MEP) Water Cluster members (1)
  - Agricultural organization/interest group (2)
  - Metro Watershed Management Organization (1)
  - MN Forest Resource Council (1)
  - Watershed District (1)
  - Citizen Member of the BWSR Board (1)
- Written comments were received from the following:
    - MN Environmental Partnership (MEP) Water Cluster members (3)
    - Agricultural organization/interest group (1)
    - Soil and Water Conservation District (1)
    - BWSR staff (6)
    - State agencies (6)
  - Meetings were conducted to gather input and review feedback from those who requested it as well as with the Clean Water Fund Interagency Coordination Team.
  - BWSR Board Workshop – a three-hour workshop, including a presentation and open discussion, was conducted with all members of the Board.
  - WRAPS/Implementation Team – a three-hour workshop, including a presentation and open discussion, was conducted with the entire team.
  - BWSR Grants program and Reinvest in Minnesota (RIM) Reserve easement program staff each participated in meetings to discuss how the NFPF relates to these programs.

### **Final Draft (June 2014)**

- Review and approval by the six state agencies (see above) through the WRAPS/Implementation Team and the ICT – *the NFPF was accepted at the June 12<sup>th</sup> ICT meeting\**.
- The May 30<sup>th</sup> draft was presented to the Clean Water Council at the Council's request and the Council provided feedback.
- BWSR RIM and Grants Committees – a joint meeting of these two BWSR Board Committees was conducted to review the May 30<sup>th</sup> draft and recommend acceptance to the full Board.
- BWSR Board Acceptance – *the NFPF was accepted at the June 25<sup>th</sup> BWSR Board meeting\**.

*\*Planned; not yet approved*

### **Final Document (July 2014)**

- *NFPF was posted on the BWSR website as required by the NFPF legislation.*
- *An outreach and information plan was proposed for use by state agencies.*

---

## Appendix C: References

All links current as of June 10, 2014.

Comfort Lake Forest Lake Watershed District (CLFLWD) 2012-2021 Watershed Management Plan, Volume I <a href="http://www.clflwd.org/documents/CLFLWDWMPVolumeIGoalsandImplementation_000.pdf">http://www.clflwd.org/documents/CLFLWDWMPVolumeIGoalsandImplementation_000.pdf</a>
Comfort Lake Forest Lake Watershed District (CLFLWD) Six Lakes TMDL Implementation Plan <a href="http://www.pca.state.mn.us/index.php/view-document.html?gid=13956">http://www.pca.state.mn.us/index.php/view-document.html?gid=13956</a>
Crow Wing County 2013 Water Protection Report <a href="http://mn-crowwingcounty.civicplus.com/DocumentCenter/Home/View/2297">http://mn-crowwingcounty.civicplus.com/DocumentCenter/Home/View/2297</a>
Federal Clean Water Act <a href="http://www2.epa.gov/laws-regulations/summary-clean-water-act">http://www2.epa.gov/laws-regulations/summary-clean-water-act</a>
Federal Farm Bill <a href="http://www.gpo.gov/fdsys/pkg/BILLS-113hr2642enr/pdf/BILLS-113hr2642enr.pdf">http://www.gpo.gov/fdsys/pkg/BILLS-113hr2642enr/pdf/BILLS-113hr2642enr.pdf</a>
Index of Biotic Integrity <a href="http://files.dnr.state.mn.us/eii/factsheets/fish_ibi.pdf">http://files.dnr.state.mn.us/eii/factsheets/fish_ibi.pdf</a>
Addressing Lakes in Watershed Restoration and Protection Strategies: Lakes in WRAPS Guidance <a href="http://www.pca.state.mn.us/index.php/view-document.html?gid=20531">http://www.pca.state.mn.us/index.php/view-document.html?gid=20531</a>
Metropolitan Council Water Resources Policy Plan webpage <a href="http://www.metrocouncil.org/Wastewater-Water/Planning/Water-Resources-Management.aspx">http://www.metrocouncil.org/Wastewater-Water/Planning/Water-Resources-Management.aspx</a>
Minnesota Agricultural BMP Handbook <a href="http://www.mda.state.mn.us/protecting/cleanwaterfund/research/agbmphandbook.aspx">http://www.mda.state.mn.us/protecting/cleanwaterfund/research/agbmphandbook.aspx</a>
Minnesota Agricultural Water Quality Certification Program <a href="http://www.mda.state.mn.us/protecting/waterprotection/awqcprogram.aspx">http://www.mda.state.mn.us/protecting/waterprotection/awqcprogram.aspx</a>
Minnesota Clean Water Accountability Act <a href="http://www.pca.state.mn.us/index.php/about-mpca/mpca-news/featured-stories/new-law-aims-to-increase-accountability-for-clean-water.html">http://www.pca.state.mn.us/index.php/about-mpca/mpca-news/featured-stories/new-law-aims-to-increase-accountability-for-clean-water.html</a>
Minnesota Clean Water Fund Performance Report <a href="http://legacy.leg.mn/sites/default/files/resources/2014_CleanWaterFund_Performance_Report.pdf">http://legacy.leg.mn/sites/default/files/resources/2014_CleanWaterFund_Performance_Report.pdf</a>
Minnesota Clean Water, Land and Legacy Amendment <a href="https://www.revisor.leg.state.mn.us/laws/?key=56967">https://www.revisor.leg.state.mn.us/laws/?key=56967</a>
Minnesota Clean Water Legacy Act <a href="http://www.cwc.state.mn.us/documents/CWLA%20fact%20sheet%208-14-06aa.pdf">http://www.cwc.state.mn.us/documents/CWLA%20fact%20sheet%208-14-06aa.pdf</a>

<p>Minnesota Clean Water Roadmap  <a href="http://www.environmental-initiative.org/projects/clean-water-roadmap">http://www.environmental-initiative.org/projects/clean-water-roadmap</a></p>
<p>Minnesota DNR Groundwater Management Program Draft Strategic Plan  <a href="http://www.dnr.state.mn.us/gwmp/planning.html">http://www.dnr.state.mn.us/gwmp/planning.html</a></p>
<p>Minnesota Drainage Law Analysis and Evaluation  <a href="http://www.bwsr.state.mn.us/drainage/Drainage_Law_Eval_Smith_Partners_LCCMR_Final_Report_08-15-11.pdf">http://www.bwsr.state.mn.us/drainage/Drainage_Law_Eval_Smith_Partners_LCCMR_Final_Report_08-15-11.pdf</a></p>
<p>Minnesota Fish Habitat Plan – A Strategic Guidance Document  <a href="http://files.dnr.state.mn.us/fish_wildlife/fisheries/habitat/2013_fishhabitatplan.pdf">http://files.dnr.state.mn.us/fish_wildlife/fisheries/habitat/2013_fishhabitatplan.pdf</a></p>
<p>Minnesota Legislative Coordinating Committee’s Clean Water Fund projects webpage  <a href="http://www.legacy.leg.mn/projects/project/10">www.legacy.leg.mn/projects/project/10</a></p>
<p>Minnesota Nitrogen Fertilizer Management Plan (DRAFT)  <a href="http://www.mda.state.mn.us/chemicals/fertilizers/nutrient-mgmt/nitrogenplan/draftplan.aspx">http://www.mda.state.mn.us/chemicals/fertilizers/nutrient-mgmt/nitrogenplan/draftplan.aspx</a></p>
<p>Minnesota Nonpoint Source Management Program Plan  <a href="http://www.pca.state.mn.us/index.php/view-document.html?gid=19810">http://www.pca.state.mn.us/index.php/view-document.html?gid=19810</a></p>
<p>Minnesota Nutrient Reduction Strategy (DRAFT)  <a href="http://www.pca.state.mn.us/index.php/view-document.html?gid=20213">http://www.pca.state.mn.us/index.php/view-document.html?gid=20213</a></p>
<p>Minnesota Statewide Conservation and Preservation Plan  <a href="http://www.lccmr.leg.mn/documents/scpp/statewide_plan/proposal_c.pdf">http://www.lccmr.leg.mn/documents/scpp/statewide_plan/proposal_c.pdf</a></p>
<p>Minnesota Statutes 2013, Chapter 137, Article 2, Section 14, 114D.20  <a href="https://www.revisor.mn.gov/statutes/?id=114D.20">https://www.revisor.mn.gov/statutes/?id=114D.20</a></p>
<p>Minnesota Statutes 2013, Chapter 137, Article 2, Section 14, 114D.50, subdivision 3a  <a href="https://www.revisor.mn.gov/laws/?id=137&amp;doctype=Chapter&amp;year=2013&amp;type=0">https://www.revisor.mn.gov/laws/?id=137&amp;doctype=Chapter&amp;year=2013&amp;type=0</a></p>
<p>Minnesota Water Governance Evaluation: Recommendations to streamline, strengthen, and improve sustainable water management  <a href="http://www.pca.state.mn.us/index.php/view-document.html?gid=18927">http://www.pca.state.mn.us/index.php/view-document.html?gid=18927</a></p>
<p>MPCA Project Priority List  <a href="http://www.pca.state.mn.us/index.php/water/water-types-and-programs/wastewater/wastewater-financial-assistance/wastewater-and-stormwater-financial-assistance.html">http://www.pca.state.mn.us/index.php/water/water-types-and-programs/wastewater/wastewater-financial-assistance/wastewater-and-stormwater-financial-assistance.html</a></p>
<p>MPA watershed look-up tool  <a href="http://www.pca.state.mn.us/index.php/water/water-types-and-programs/watersheds">www.pca.state.mn.us/index.php/water/water-types-and-programs/watersheds</a></p>

---

Sediment Reduction Strategy for the Minnesota River Basin and South Metro Mississippi River  
(DRAFT)

<http://www.pca.state.mn.us/index.php/water/water-types-and-programs/minnesotas-impaired-waters-and-tmdls/tmdl-projects/special-projects/sediment-reduction-strategy-for-the-minnesota-river-basin-and-south-metro-mississippi-river.html>

Trophic State Index

[http://aslo.org/lo/toc/vol\\_22/issue\\_2/0361..pdf](http://aslo.org/lo/toc/vol_22/issue_2/0361..pdf)

US EPA Clean Water Revolving Fund (319, CWP, AgBMP Loans)

[http://water.epa.gov/grants\\_funding/cwsrf/cwsrf\\_index.cfm](http://water.epa.gov/grants_funding/cwsrf/cwsrf_index.cfm)

---

## Appendix D: Glossary

**BBR:** Biennial Budget Request – BWSR’s process of collecting data from local governments on priority projects ready to implement in the next biennium.

**BMP:** Best management practice.

**BWSR:** Minnesota Board of Water and Soil Resources.

**Clean Water Fund:** One of four funds that is part of the Minnesota Clean Water Land & Legacy Amendment passed by voters in 2008.

**DNR:** Minnesota Department of Natural Resources.

**FY:** Fiscal Year. The State of Minnesota fiscal year runs July 1 through June 30.

**GRAPS:** Groundwater Restoration and Protection Strategies – A process for integrating groundwater restoration and protection strategies into the watershed approach. The process is still under development, with a pilot project currently under way. While the science of groundwater systems does not fit neatly within the boundaries of a surface watershed, it is possible to package current knowledge, protection priorities, and restoration needs for use by local governments. Understanding of groundwater and relevant geology varies widely across the state; where county geologic atlases and additional research exists more detailed recommendations can be made. Broad protection measures can be utilized for areas where more detailed information is lacking.

**Impaired water:** A water body that does not meet US Environmental Protection Agency (EPA) water quality standards and does not support designated uses such as drinking, swimming or trout habitat. MPCA maintains a statewide list of impaired waters and its watershed look-up tool (see References) provides easy access to a list of impaired waters for any given major watershed.

**Implementation:** For NFPF purposes, this is defined as ongoing work primarily at the subwatershed or similar scale to not only put practices on land, but also to develop and administer programs and projects and coordinate and manage all of the activities essential for on-the-ground actions to succeed. Most implementation programs and projects involve a mix of activities such as: Project development (including project-level targeting of practices and sites, encouraging landowner participation, recruiting project partners and leveraging funds); Technical assistance to help landowners adopt and maintain practices; Targeted outreach; Enforcement and enhancement of existing laws and regulations; and Project evaluation activities.

**Interagency Core Teams:** Teams of state agency field staff involved in WRAPS planning and implementation activities in each major watershed, including a main point of contact for each state agency in each major watershed.

**Karst topography:** A landscape that forms on soluble rocks such as limestone, characterized by caves, sinkholes and other features. In Minnesota, karst is generally found in the southeastern area and in Pine County.

**Local Government Water Roundtable:** A group developed by the Association of Minnesota Counties (AMC), the Minnesota Association of Soil and Water Conservation Districts (MASWCD) and the Minnesota Association of Watershed Districts (MAWD) with BWSR serving in an advisory capacity. The group provides recommendations to their members and state policy makers on how to deliver water management in Minnesota more efficiently and effectively in accordance with economic realities and accompanying pressures on state and local resources.

**Local water management authorities:** Local government units that coordinate planning under Minnesota Statutes 103B.301 to 103B.335 and, for purposes of the NFPF, other government units required or authorized to develop other types of local water plans.

**Local water plans:** In the NFPF, this term refers collectively to nearly 700 plans developed by different local governments to address different types of water management issues and concerns, as required or authorized by a number of different statutes.

---

**Major river basin:** A watershed boundary similar to US Geological Survey 6-digit Hydrologic Unit Code (HUC6) areas, modified to fit within Minnesota’s state boundaries. This is the scale at which the Clean Water Roadmap establishes water quality goals. Examples of major river basins in Minnesota include but are not limited to the Red River Basin and the Minnesota River Basin.

**Major watershed:** US Geological Survey 8-digit Hydrologic Unit Code (HUC8) areas nested within major river basin boundaries. There are 81 major watersheds in Minnesota.

**MDA:** Minnesota Department of Agriculture.

**MDH:** Minnesota Department of Health.

**Metropolitan Council:** The regional policy-making body, planning agency and provider of essential services for the Twin Cities metropolitan region.

**MIDS:** Minimal Impact Design Standards – A set of standards developed and used to manage stormwater in ways that improve water quality. It focuses on keeping the raindrop where it falls and mimicking natural hydrology in order to minimize the amount of pollution reaching lakes, rivers and streams and groundwater, and to recharge aquifers. The standards create consistency in the design and performance of stormwater management practices.

**MPCA:** Minnesota Pollution Control Agency.

**Nonpoint implementation:** For NPPF purposes, this is defined as local-level actions to restore and protect surface and ground water quality in urban, agricultural and forested landscape or anywhere water quality problems or threats are due to nonpoint sources.

**Nonpoint sources:** Diffuse sources of pollution that are carried into rivers, streams, lakes, wetlands and groundwater.

**Nonpoint pathways:** The routes or ways in which nonpoint source pollutants enter rivers, streams, lakes, wetlands and groundwater.

**NPPF:** Nonpoint Priority Funding Plan.

**One Watershed One Plan:** A BWSR comprehensive watershed planning initiative to pilot the voluntary transition from county-based to watershed-based local water planning.

**Outdoor Heritage Fund:** One of four funds that is part of the Minnesota Clean Water Land & Legacy Amendment passed by voters in 2008.

**PFA:** Minnesota Public Facilities Authority, an agency that administers loan and grant programs to help local governments finance water infrastructure projects – including Clean Water Fund programs administered in conjunction with the MPCA for wastewater and stormwater projects.

**Plan-Do-Review:** An adaptive management cycle in which implementation activities are preceded by planning activities and followed by evaluation and review activities. The evaluation and review process is used to improve the next round of planning and implementation.

**Point-nonpoint water quality trading:** A voluntary exchange of pollutant reduction credits between a regulated point-source facility and a nonpoint source in the same watershed undertaken voluntarily to reduce the facility’s cost of regulatory compliance. For example, a processing facility with a permit limiting phosphorus discharges into a river may be able to comply with the permit by paying farmers in the watershed to use cover crops or other practices that reduce phosphorus loading.

**Pollution reduction calculators:** Model-based formulas for estimating pollutant load reductions by entering information such as the number of acres across which specific practices are implemented.

**Pre-WRAPs reports:** Technical reports completed for a major watershed in the four or so years leading up to the development of a WRAPS report. These include but are not necessarily limited to monitoring and assessment

---

reports, stressor identification reports, TMDL studies and HSPF modeling outputs. (HSPF stands for Hydrologic Simulation Program Fortran – a US EPA model that simulates watershed hydrology and water quality conditions.)

**Project Priority List (PPL):** A prioritized list of proposed wastewater and stormwater infrastructure projects throughout Minnesota for which local governments are seeking state funding. Projects are ranked based on environmental criteria established in MPCA rules.

**RIM:** Reinvest in Minnesota Reserve – an easement program administered by BWSR with multiple sources of funding, including the Clean Water Fund.

**Water quality standards:** The foundation of the water quality-based pollution control program mandated by the federal Clean Water Act. Water quality standards define the water quality goals for a water body by designating uses, setting criteria to protect those uses and establishing provisions such as anti-degradation policies to protect water bodies from pollutants.

**Groundwater provinces:** Six geographic regions designated by the State of Minnesota based on similarities in groundwater sources and availability for drinking water, industrial and agricultural uses.

**Stressor identification:** In recent years the MPCA has substantially increased the use of biological monitoring and assessment to determine and report river and stream conditions. The basic approach is to examine fish and aquatic macroinvertebrate communities and related habitat conditions at multiple sites throughout a major watershed. From these data, an Index of Biological Integrity (IBI) score is developed, which provides a measure of the overall health of the biological community. If biological impairments are found, stressors to the aquatic community are then identified.

**Subwatersheds:** Watersheds smaller than (and nested within) major watersheds – generally equivalent to US Geological Survey 10-digit, 12-digit, 14-digit or 16-digit Hydrologic Unit Code areas.

**SWCD:** Soil and Water Conservation District – a local government unit tasked with soil and water conservation planning and implementation activities. There are 90 SWCDs in Minnesota.

**TMDL:** Total Maximum Daily Load – the maximum amount of a pollutant a water body can receive while still meeting water quality standards.

**Watershed District (WD):** A local unit of government whose boundaries follow those of a natural watershed. WDs in Minnesota are governed by a board of managers appointed by commissioners of counties that have land within the district's boundaries. Each district is required to have a citizen advisory committee to provide input to district managers on projects and activities.

**Watershed Management Organization (WMO):** A watershed district located wholly within the metropolitan area (or a joint powers entity established wholly or partly within the metropolitan area by special law or agreement). WMOs perform some or all of the functions of a watershed district and have the characteristics and authorities specified under Minnesota Statute 103B.211.

**WRAPS:** Watershed Restoration and Protection Strategies – reports being developed for each of Minnesota's 81 major watersheds as part of the state's watershed approach. The purpose is to help local working groups (local water management authorities and community partners) develop scientifically supported restoration and protection strategies using technical reports completed for the watershed in the years leading up to the WRAPS report (see Pre-WRAPS reports in this glossary). The 2013 Clean Water Accountability Act specifies certain content that WRAPS reports must include.

**COMMITTEE RECOMMENDATIONS**

***RIM Reserve Management & Soil Conservation Committee***

1. Tri-T Farms, Inc. – RIM Easement Alteration – Tim Fredbo - ***DECISION ITEM***



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Tri-T Farms, Inc. – RIM Easement Alteration

**Meeting Date:** June 25, 2014

**Agenda Category:**  Committee Recommendation     New Business     Old Business

**Item Type:**  Decision     Discussion     Information

**Section/Region:** Conservation Easement Section

**Contact:** Bill Penning

**Prepared by:** Tim Fredbo

**Reviewed by:** RIM Reserve Mgt. Planning (RRMPC) Committee(s)

**Presented by:** Tim Fredbo

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

Approval for easement alteration

## ACTION REQUESTED

The BWSR is requested to approve the recommendation of the RRMPC to approve the amendment of RIM easement 14-04-07-01 in Clay County. The alteration has been requested by the landowner, Tim Thomson of Tri-T Farms, Inc.

## LINKS TO ADDITIONAL INFORMATION

- Attached:
- TRI-T Farms Easement Alteration.pdf
  - Board Resolution

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

### Background

Mr. Thompson is requesting the Board to amend his RIM easement to help him rectify a violation pertaining to his current RIM easement boundaries. This 42.5 acre easement is part of a Conservation Reserve Enhancement Program (CREP) easement project that was secured for temporary flood storage purposes. The State paid Mr. Thompson \$21,002.23 for this easement in October, 2008. *See page 7 in the attached TRI-T Farms Easement Alteration document for a map of the current easement.* The land in our CREP/RIM easement was also under CRP, and is currently under a flood control project easement with the Buffalo-Red River Watershed District for the Whiskey Creek Project. *See page 13 of the attachment.*

Mr. Thompson bought himself out of his USDA CRP contract in the spring of 2012 and submitted drainage plans to the Buffalo-Red WD and the USDA NRCS. Mr. Thompson says he forgot about the RIM easements on the same land as the CRP parcels he terminated. He then had field pattern drain tile installed over a large portion of existing cropland to the east of Whiskey Creek, and thru a portion of the RIM easement. *See page*

20 of the attachment. Portions of the RIM were also tilled up in the fall of 2012. Mr. Thompson states in his 7-26-13 letter to Kevin Kassenborg, District Mgr. at the Clay SWCD, that a USDA FSA employee told him about the RIM parcels being on his terminated CRP lands later in the fall of 2012.

BWSR first became aware of this situation in the summer of 2013 when Mr. Thompson decided to pursue an alteration of his easement. BWSR easement staff explained to Kevin Kassenborg in phone conversations that because tile has been installed under existing RIM, BWSR needs assurance from USDA and WCA LGU that no upstream wetland violations have occurred before BWSR would even entertain a RIM easement alteration that allowed the tile to remain. The BWSR just received final confirmation that there are no wetland impacts with the new tile that has been installed in a letter dated June 4, 2014 from the Clay WCA Technical Evaluation Panel. *See pages 15 - 28 of the attachment for wetland determination information.*

Mr. Thompson is proposing a release of 1.7 acres of his existing RIM that has been tilled through and tilled, and replace them with 29 new acres. *See pages 8 and 9 of the attachment for maps of the proposed release and replacement acres.* 20 of the 29 new acres offered as replacement acres are considered non-cropland acres for purposes of RIM eligibility. Approximately 9 acres were planted to soybeans in 2013, as stated by Mr. Thompson in his 7-26-13 letter to Kevin Kassenborg. These acres were planted again this year (2014).

Mr. Thompson has submitted all items needed for the BWSR to consider his request, consistent with RIM rule and policy. BWSR has received letters of recommendation for the proposed easement alteration from the Buffalo-Red River Watershed District (*page 11*), Don Schultz, DNR Area Wildlife Supervisor (*page 12*), and the Clay SWCD Board (*page 5*).

## Alternatives

1. ***Deny the request to alter the easement boundaries, but allow the installed tile to stay.*** There have been no wetland impacts with the tile that has been installed. BWSR does allow new tile to be installed under our easements when necessary to provide drainage outlets. This gets approved by BWSR easement staff on a case by case basis after we receive assurance that there are no upstream illegal drainage impacts. The replacement acres Mr. Thompson is proposing to us are mostly non-cropland acres, and are already in a flood storage easement with the Buffalo - Red River WD, though this easement allows cropping by landowners. The BWSR will not be liable for any future tile maintenance for tile in our RIM easement.
2. ***Deny the request to alter the easement boundary, and remove tile that has been placed in our easement.*** This could be a difficult solution because easements that generally run along waterways, as many of our riparian easements do, would cut off any drainage outlets in most circumstances. BWSR needs to be able to allow landowners to maintain and improve their drainage systems.
3. ***Approve the easement alteration as requested by the landowner.*** Technically, this solution does not fully meet our current Easement Alteration policy because replacement acres are not all crop acres. In this case if we deny this request, Mr. Thompson could convert most of the replacement acres to crop production and take the risk that he will not suffer any crop damage due to the flood impoundment function. Section 8400.3610 of RIM Rule allows the Board to alter conservation easements. The 5-24-06 Easement Alteration Policy was adopted to help guide easement staff, SWCDs and landowners through the process with some assurance of success, and also pay for easement staff costs to amend. Adherence to or conflict with the current policy does not automatically mean approval or denial of a landowner request. This is a BWSR Board decision.

## Committee Recommendation

After considering the 3 alternatives above, The RIM Committee recommends approving Mr. Thompsons request to alter easement 14-04-07-01 (alternative 3). The 1.7 acres will be removed from the current easement, and 29 new acres will be added to create a 69.8 acre easement that will provide improved water quality and wildlife habitat benefits in the Whiskey Creek project area. Tile under our easements is quite common on our riparian easements, and in this case it has been determined that there have been no illegal upstream drainage of wetlands as a result of Mr. Thompsons new tile.



## Board Resolution # \_\_\_\_\_

### **Reinvest in Minnesota (RIM) Reserve – RIM Easement 14-04-07-01 Alteration, Tri-T Farms, Inc. Tim Thompson**

**WHEREAS** the BWSR acquired a 42.5 acre RIM easement in Clay County from Tri-T Farms via the Red River Wtshd. CREP II program on August 25, 2008; and

**WHEREAS** Mr. Thompson has now requested the BWSR to release 1.7 acres from within his easement boundary and replace it with 29 acres to better accommodate his farming operation, and to help him rectify a current RIM boundary violation; and

**WHEREAS** Mr. Thompson bought himself out of the USDA CRP contracts associated with this RIM easement in 2012 so he could tile and farm portions of these lands while forgetting that these CRP lands were also subject to RIM easement 14-04-07-01; and

**WHEREAS** Mr. Thompson also entered into an easement with the Buffalo-Red River Watershed in October, 2004 on these same acres as part of the Whiskey Creek Tributaries Project NO. 54. This is a temporary flood impoundment easement which still allows Mr. Thompson to farm his land if he chooses, with the Buffalo-Red WD not being liable for any damages. Tri T Farms was paid \$97,958.00 for this easement; and

**WHEREAS** Mr. Thompson later realized he had made a mistake and violated his RIM easement. He then self-reported and sought advice from the Clay SWCD in July, 2013 as to how he should proceed, and it was decided that Mr. Thompson should try to amend his existing RIM easement to try and rectify the situation; and

**WHEREAS** Section 8400.3610 of RIM rule and the BWSR Easement Alteration Policy allows landowners to request the BWSR to alter or terminate their easements; and

**WHEREAS** Mr. Thompson has submitted all items required by 8400.3610, and has submitted his \$500 processing fee; and

**WHEREAS** the 1.7 acres proposed for release were cropland when they went into the CREP II program, and approximately 20 the 29 acres proposed for replacement are non-cropland and within the Buffalo Red-River WD temporary flood storage easement area; and

**WHEREAS** the BWSR has received wetland determinations from both the USDA NRCS, and the Clay SWCD Technical Evaluation Panel (TEP) that there have been no wetland violations with the any of the new tile that has been installed to the east of Whiskey Creek and the current RIM easement; and

**WHEREAS** the Clay SWCD, the Buffalo-Red River WD, and the DNR Area Wildlife Manager are all in support of Mr. Thompson's proposal; and

**WHEREAS** the proposed alteration would create a net gain of 27.3 acres to the current easement and provide more land under easement adjacent to Whiskey Creek, providing additional acres that will permanently benefit water quality and wildlife; and

**WHEREAS** the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on June 12, 2013 and recommend approval of this easement boundary alteration proposal;

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Minnesota Board of Water and Soil Resources approves the alteration of RIM easement 14-04-07-01 as proposed, and authorizes staff to work with Mr. Thompson and the Clay SWCD staff to amend the easement boundary as proposed, and allow the new tile installed by Mr. Thompson on the easement to remain.

Dated at Saint Paul, Minnesota this 25<sup>th</sup> day of June, 2014.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: \_\_\_\_\_

Brian Napstad, Chair

## ***Conservation Easement Alteration Requests and Board Policy***

### **RIM Reserve Rule Affecting Alteration Requests**

#### ***8400.3610 Alteration, Release or Termination of Conservation Easements***

The state board may alter, release, or terminate a conservation easement after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate an easement only if the state board determines that the public interests and general welfare are better served by the alteration, release, or termination.

The state board must be provided the following information at least 30 days prior to a state board meeting, before the state board will consider a request to alter, release, or terminate a conservation easement:

- A. a copy of the letter from the landowner to the district board justifying the change and identifying how the public interest and general welfare will be better served;
- B. a letter from the district board recommending either approval or disapproval of the proposed change;
- C. a letter from the Department of Natural Resources area wildlife manager recommending either approval or disapproval of the proposed change; and
- D. other supporting documents, including:
  - 1) an aerial photo identifying the requested change;
  - 2) a soil survey map of the area;
  - 3) cropping history information; and
  - 4) other pertinent documentation that will support the request.

The state board reserves the right to require special provisions to ensure at least equal resource value as a condition of approving the request. The state board must be compensated by the landowner for all damages and loss of benefits to the conservation easement and the state board may also require reimbursement for administrative expenses and costs incurred in the alteration, release, or termination of a conservation easement.

### **Policy Developed by Easement Alteration Subcommittee and adopted by the BWSR on 5-24-06**

This policy applies to all state RIM, PWP and CREP easements currently in place and all future state conservation easement acquisitions.

All easement alteration requests that come to BWSR will be accompanied by a \$500 processing fee. Checks should be made payable to the BWSR. For alterations where actual costs to amend the easement exceed \$500 the state reserves the right to charge the applicant the actual cost.

Public initiated projects (public road and utility projects, etc.)

Easement staff has the authority to tentatively approve of releases for public infrastructure projects. However, releases are not considered final until after the release request is presented to and approved by the Board and all fees have been paid.

In addition to the fee as outlined above, public entities must pay:

- 1) Two times the current average township assessed market value (ATAMV) for acres released, and
- 2) An amount equal to all state funds dispersed as reimbursement for costs incurred to establish cover on the land being released.

Private landowner requests

All alteration requests that come to the BWSR must contain all the information items requested in Section 8400.3610 of RIM Reserve Rule (items A – D as listed above), plus the \$500 processing fee in the form of a check made payable to the BWSR.

All requests must also meet the following conditions for BWSR approval:

- 1) Replacement acres will increase by a minimum factor of 2:1 (replacement acres to released acres). Replacement acres proposed on easements must meet crop history requirements, cropped 2 of last 5 years, if land proposed for release was cropland at the time the easement was granted.
- 2) The resource protection and habitat benefits of the original easement will remain the same or be enhanced by the proposed alteration. For example;
  - restored wetland acres will not be drained or filled by the proposal
  - riparian buffers will be preserved or enhanced
  - easement configuration will preserve or enhance wildlife benefits (larger blocks of habitat, not fractured puzzle-like boundaries).
- 3) The SWCD Board and/or the DNR Area Wildlife Manager approve of the proposed alteration.
- 4) Landowners will be required to pay all costs associated with establishment of conservation cover practices on replacement acres according to an approved conservation plan.
- 5) Any alteration proposed would not allow or enable any land development projects to occur on lands currently under easement. Land development projects include, but are not limited to, such things as new homes, cabins, storage buildings, livestock facilities, cell phone towers, wind generators, sewage treatment systems, private roads and drives, and mining operations.

Meeting the criteria outlined above for private requests does not guarantee that the Board will approve of the request for release and alteration of a conservation easement.

Tri-T Farms, Inc.  
14253 110<sup>th</sup> St. S.  
Barnesville, MN 56514

September 3, 2013

RECEIVED  
SEP 13 2013  
Bd. of Water & Soil Resources  
St. Paul

Bill Penning  
BWSR Conservation Easement Section Manager  
520 Lafayette Road North  
Saint Paul, MN 55155

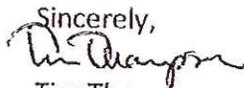
RE: Tri-T Farms, Inc. RIM Easement Alteration Request – Section 14 T137N R046W Barnesville Township Clay County MN.

Dear Mr. Penning,

I am requesting an alteration to the boundary on an existing RIM easement. In accordance with the alteration requests I have included:

- My letter to the Clay County Soil and Water Conservation District along with my initial explanation of the situation, supporting maps and documents.
- A copy of the Clay County SWCD response along with modified maps that more clearly define the proposal.
- A copy of my letter to the DNR Wildlife manager.
- E-mail response from Don Schultz DNR Wildlife Manager.
- Letter from Bruce Albright, Administrator of Buffalo-Red River Watershed District.
- \$500.00 check to BWSR for alteration request processing fee.

I will be available to discuss any information regarding the easement request at your convenience. If there is any additional information needed prior to your meeting, please let me know. I can attend any meeting or hearing that you have regarding this request. In addition to the above address, I can be reached at 701-238-0199 – cell or text message, or [ejectorbucket@gmail.com](mailto:ejectorbucket@gmail.com) –email. Thank you for your consideration in this matter.

Sincerely,  
  
Tim Thompson  
Tri-T Farms, Inc.

Tri-T Farms, Inc.  
14253 110<sup>th</sup> St. S.  
Barnesville, MN 56514

7/26/2013

Kevin Kassenborg, District Manager  
Clay Soil and Water Conservation District  
1615 30<sup>th</sup> Ave. S.  
Moorhead, MN 56560

Director Kassenborg,

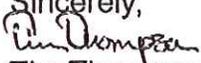
I am writing to request that the Clay SWCD board review and consider supporting an Easement Alteration on a RIM contract in Barnesville Township, Section 14, SW ¼, lying North of Highway 52 and the Otter Tail Valley Railway. RIM Easement 14-04-07-01(map 1) is the contract identification number. Part of the center parcel and part of the East parcel were tilled up and tile installed on them (map 2). CRP contracts on the land had expired or been bought out. I had not remembered the underlying RIM contracts on these parcels at the time.

In the spring of 2012, drainage plans and requests were submitted to the NRCS and the Buffalo Red River Watershed District for review and approval. I was told by both agencies that I would be responsible for any errors I made during the tiling process. Later in the fall, an FSA employee noticed the RIM easements on the CRP parcels. There had been tile installed on portions of RIM land by that time. Part of the area involved also includes a watershed temporary retention area. There are multiple CRP contracts and other land in this area. The pasture area has been hayed since 2008. In 2013 the hayland/pasture was planted to soybeans. My goal is to work to establish a clearer, more permanent boundary and also increase the RIM footprint and benefit area.

There are at least 7 CRP parcels, and 3 areas of RIM easements currently. There is also a strip of land bordering the channel as well as 2 parcels of hayland/pasture. I have included a plan (map 3) that would restore the RIM land and tile the hayland/pasture. It has borders that are not well defined. I believe that an alteration pattern similar to this (map 4) will benefit farming, erosion control, wildlife, watershed runoff, and program compliance for future generations.

A topographic view (map 5) from the Buffalo Red River Watershed District is included. I believe that the area along the channel fits well with the other RIM land in the retention project area. Soil Survey Map (map 6) is included for review. I have also included the NRCS wetland assessment on the property. 2013 APEX maps (map 7) are included to show boundaries of the 2013 crop. It may be easier to see the planting boundaries on the shaded map (map 8).

I appreciate your time and consideration of this request. I welcome any suggestions, questions, or concerns you may have on this matter. Please let me know if you would like me to meet with you or the board at any time.

Sincerely,  
  
Tim Thompson -- 701-238-0199  
Tri-T Farms, Inc.



## Clay Soil and Water Conservation District

1615 30<sup>th</sup> Avenue South ❖ Moorhead MN 56560

Phone: (218)287-2255

Fax: (218)287-1787

Our 68th Anniversary

1945 - 2013

September 9, 2013

Bill Penning  
BWSR Conservation Easement Section Manager  
520 Lafayette Road North  
Saint Paul MN 55155

**RE: Clay SWCD Recommends Approval of Proposed Easement Change**

Dear Mr. Penning

The Clay SWCD Board of Supervisors recently received a Conservation Easement Alteration Request from Tri-T Farms, Inc.

Tim Thompson of Tri-T Farms, Inc. attended the August 8, 2013 Clay SWCD Board meeting and gave an overview of the infraction (installing drain tile and breaking up ground) that has occurred on a portion of his CREP II easement acreage. In his overview it is obvious that a number of errors, not just by Mr. Thompson (but also on the part of several agencies), have been made to get where things are at today.

It should be duly noted that Mr. Thompson initiated contact and willingly brought the issue to the SWCD as soon as he realized an infraction had occurred. He has been very apologetic and willing to do whatever it takes to resolve the matter. Mr. Thompson understands that should his request be approved, no new easement payments will be made and any other expenses incurred will be paid by him.

Presently, the recorded CREP II easement amount totals 42.5 acres (Map #1).

Mr. Thompson's alteration request proposes to release 1.7 easement acres (tiled and a portion broke up) and in trade, offer the area shown in "yellow" (Map #2) for what would be a "new" total conservation easement of approximately 69.8 acres. Note – a portion of the "new" 69.8 acre conservation easement would be made up of existing easement acreage (40.8 acres as shown in "blue" – Map #3) plus approximately 29 "new" acres (shown in "yellow" – Map #3). The approximately 29 "new" acres, offered in trade, would far exceed *the replacement acres to released acre minimum factor of 2:1*.

A portion of the new offer includes an intermittent stream and acreage on both sides that, at the time of the CREP II sign-up, did not qualify due to lack of cropping history. The importance of

enrolling the acreage along the stream would seem to significantly increase public value by reducing the potential for streambank erosion and sedimentation.

Mr. Thompson plans to breakup, tile, and crop part of the acreage (shown in red - Map #4) being offered to "trade" if his alteration request is disapproved. Mr. Thompson is fully aware of the 50' buffer requirement per shoreland regulations as well as both federal and state wetland regulations.

\* The acres offered in "trade" are presently going through USDA's Form 1026 Sodbuster/Swampbuster process. NRCS has already determined the areas in "red" (Map #4) are Non-Highly Erodible (NHEL). The wetland determination is being reviewed by NRCS's Area Wetland Team. These areas in "red" (Map #4) are also presently being reviewed for any State Wetland Conservation Act (WCA) impacts. National Wetland Inventory (NWI) maps (Map #5) identify a small PEMA wetland may exist on the parcel. Preliminary WCA review does not indicate a wetland at this location suggesting that the NWI map may be incorrect. Further WCA review will be required if Mr. Thompson decides to install drain tile in this area.

By tying up these sensitive areas permanently, the potential need to use state and/or federal funds to restore eroded streambanks (water quality issues), should be significantly reduced thus better serving the welfare of the general public.

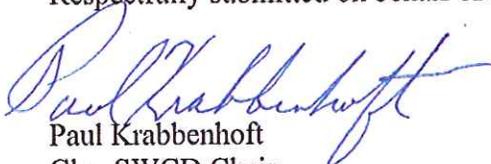
Public interest and general welfare will be enhanced due to the riparian areas potentially being enrolled permanently. Another benefit of the proposed change would be the creation of a larger contiguous "block" of wildlife habitat rather than the fragmented, puzzle-like parcels (Map #1) that are presently on the landscape. Also, the proposed changes will allow for a "cleaner" boundary between easement acres and cropland acres for future farming interests thus reducing the potential for future infractions.

Any alteration proposed would not allow or enable any land development projects to occur on lands currently under easement. Land development projects include, but are not limited to, such things as new homes, cabins, storage buildings, livestock facilities, cell phone towers, wind generators, sewage treatment systems, private roads and drives, and mining operations.

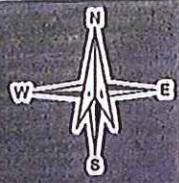
Granted, if approved, the proposed changes will involve additional staff time (BWSR and SWCD) to process new agreements and easement paperwork in addition to placing boundary markers around the parcel. The Clay SWCD has always been here to assist landowners and is willing to work with Mr. Thompson in whatever decision is made.

A motion to approve Mr. Thompson's alteration request was made, seconded, and unanimously approved on August 8, 2013, by the Clay SWCD Board of Supervisors.

Respectfully submitted on behalf of the Clay SWCD Board,

  
Paul Krabbenhoft  
Clay SWCD Chair

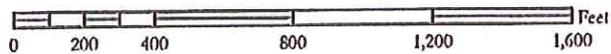
# Existing Easement - Map #1



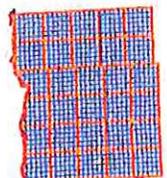
Clay County  
 Barnesville T137 R046 S14

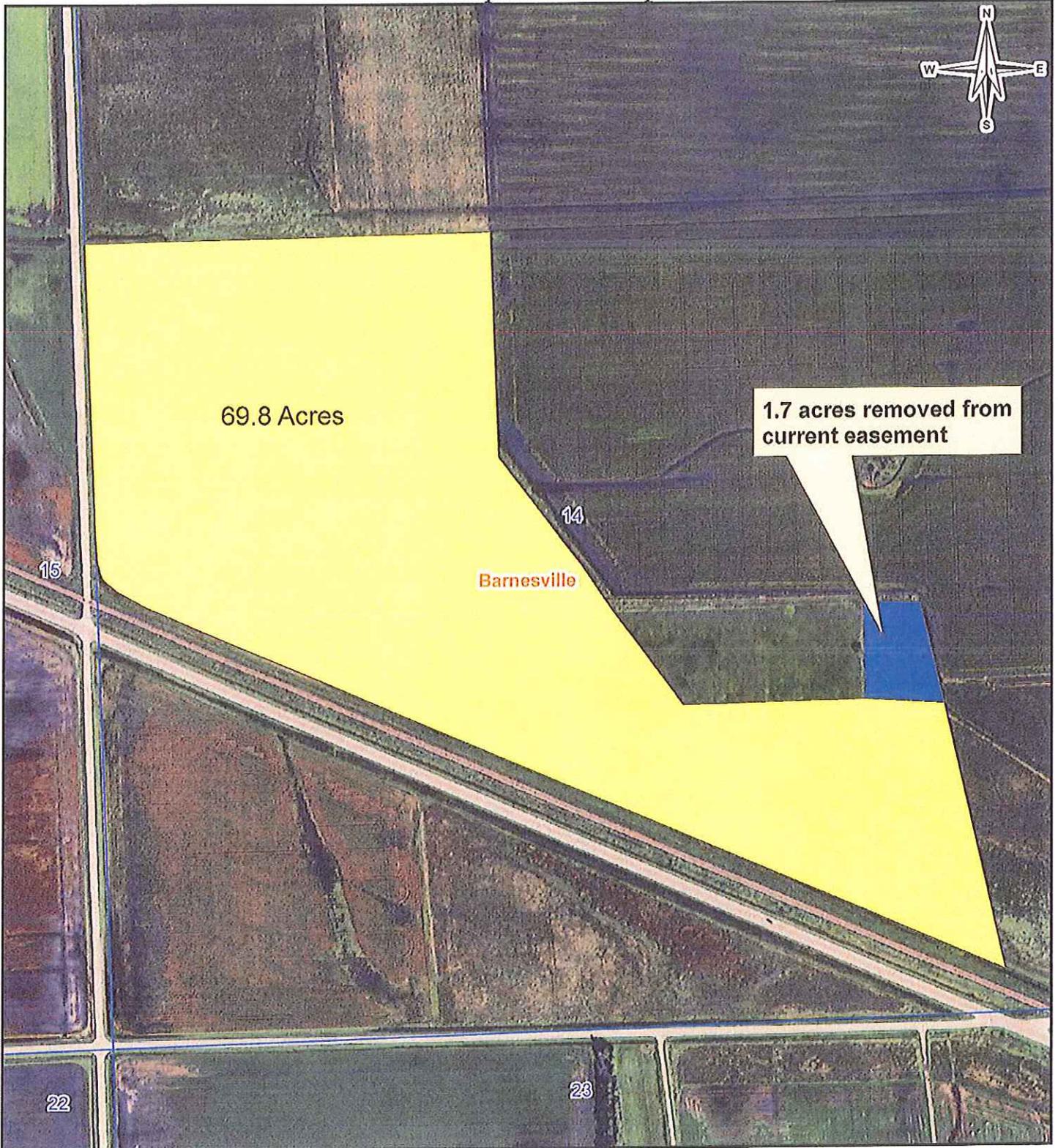
1:6,000

- Existing\_RIM
- Civil Townships - Clay
- Sections - Clay



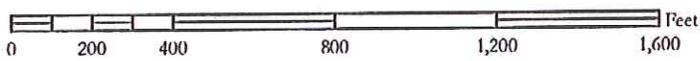
Maps are for graphical purposes only. They do not represent a legal survey.





Clay County  
Barnesville T137 R046 S14

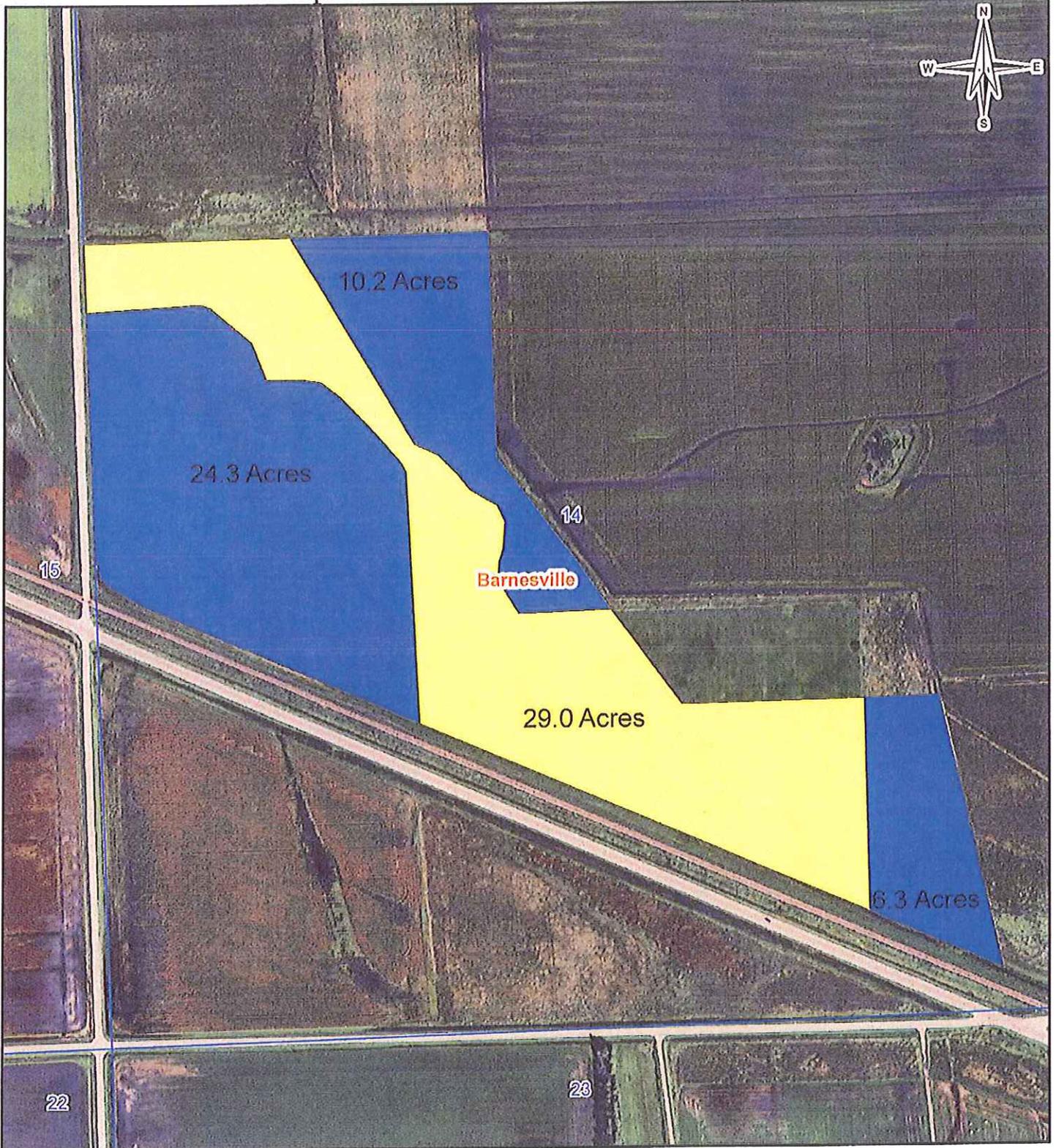
1:5,369



Maps are for graphical purposes only. They do not represent a legal survey.

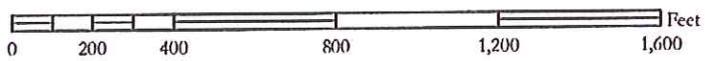
- Alteration\_Easement
- Existing\_RIM
- Civil Townships - Clay
- Sections - Clay





Clay County  
Barnesville T137 R046 S14

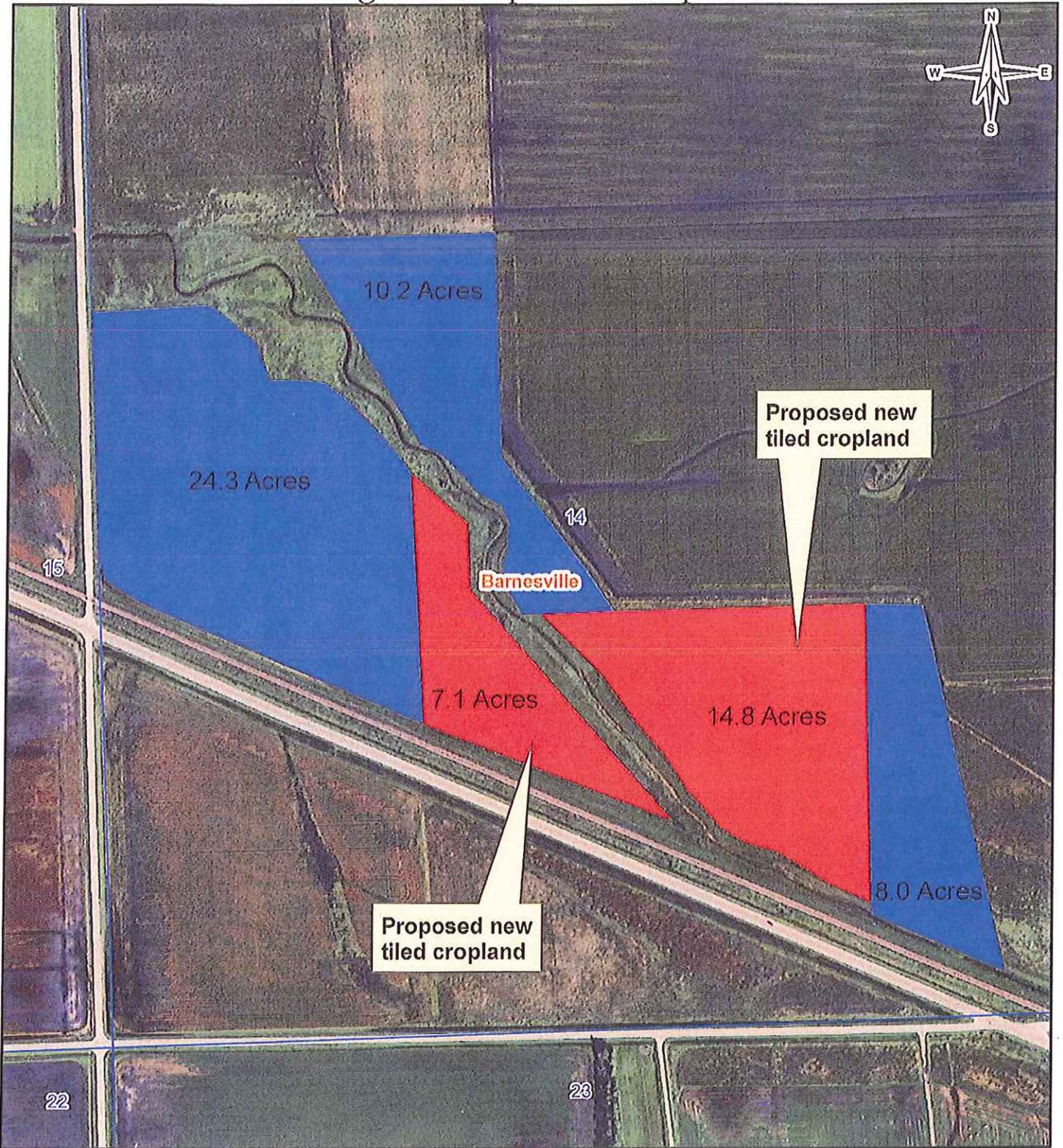
1:5,369



Maps are for graphical purposes only. They do not represent a legal survey.

- Easement\_Altered
- Alteration\_Easement
- Civil Townships - Clay
- Sections - Clay

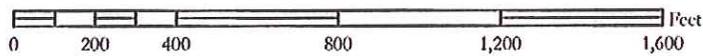




Clay County  
Barnesville T137 R046 S14

1:5,369

- New\_Farmland
- Existing\_RIM
- Civil Townships - Clay
- Sections - Clay



Maps are for graphical purposes only. They do not represent a legal survey.



10

**BUFFALO-RED RIVER WATERSHED DISTRICT**

BARNESVILLE, MINNESOTA 56514

1303 4<sup>th</sup> AVENUE NE

PO BOX 341

PHONE 218-354-7710

August 26, 2013

Bill Penning  
Conservation Easement Section Manager  
Minnesota Board of Water and Soil Resources  
510 Lafayette RD N  
St. Paul, MN 55155

**RECEIVED**

AUG 29 2013

Bd. of Water & Soil Resources  
St. Paul

RE: Tim Thompson, Tri-T Farms, Inc., CREP II Easement  
S½, Section 14, Barnesville Township, Clay County T137N R46W

Dear Mr. Penning:

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), has reviewed the Conservation Easement Alteration request regarding the above. The BRRWD has a long history of activities in this area, including the development of our Project No. 54, Whisky Creek Tributaries. Mr. Thompson was a project supporter. The area in question is also under easement with the BRRWD and Project No. 54, where we operate a detention site that uses County Road (C.R.) No. 56 as the dam embankment.

The BRRWD would support Mr. Thompson's request for a number of reasons, including:

1. Mr. Thompson admits doing the work and self-reported the violation.
2. The proposed alteration does not affect the BRRWD's easement.
3. Natural resource enhancement (nre) will increase due to the proposed request because the protected area will increase from 42.5 acres to 69.8 acres.
4. The proposed layout of the Conservation acres with the easement alteration does a better job of protecting the resource, which is "east tributary" on our project and is also a Minnesota Department of Natural Resources (DNR) protected watercourse.

The Board of Managers, BRRWD, took action at their 08/26/13 meeting held in Barnesville, MN, to approve Mr. Thompson's alteration request.

If you should have questions or comments concerning the above, please feel free to contact this office. Your expected cooperation in this regard is truly appreciated.

Sincerely,

BUFFALO-RED RIVER WATERSHED DISTRICT

*Bruce E. Albright*

Bruce E. Albright  
Office Administrator

BEA/jj

# Minnesota Department of Natural Resources

Division of Fish & Wildlife • 1509 1<sup>st</sup> Ave N • Fergus Falls MN 56537

218-739-7576



September 9, 2013

Bill Penning  
BWSR Conservation Easement Section Manager  
520 Lafayette Road North  
Saint Paul MN 55155

Re: Tri-T Farms, Inc. RIM Easement Alteration Request

Dear Mr. Penning:

I am writing this letter in support of the proposed alteration of the RIM easement as proposed by Tri-T farms , Inc. I believe that it will result in improved wildlife habitat and water quality benefits compared to the existing easements; especially with the tiling improvements that are proposed on adjoining property. It is my understanding that the alteration would provide 69.8 acres of contiguous habitat under permanent protection compared to 42.5 acres split in 3 parcels under existing easement. The new easement would include all but 1.7 acres of the existing 3 easements. The habitat provided by the 3 parcels will likely be split up by tilled and tilled acres in the future without the alteration. In addition to a larger block of contiguous grass which would provide better wildlife habitat, the stream will receive better protection with a larger buffer under the alternative plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Schultz".

Don Schultz  
Area Wildlife Supervisor

4. 0300  
023.1000  
2.024.2000  
02.013.3700

Copy

625543

1-18

EASEMENT AGREEMENT  
BUFFALO-RED RIVER WATERSHED DISTRICT  
PROJECT NO. 54-WHISKY CREEK TRIBUTARIES

THIS AGREEMENT, made this 7<sup>th</sup> day of October, 2004, by and between Tri-T Farms, Inc., a Minnesota Corporation, hereinafter referred to as Grantor, and the BUFFALO-RED RIVER WATERSHED DISTRICT (BRRWD), hereinafter referred to as Grantee,

IN CONSIDERATION of the payment by the Grantee to the Grantor of Ninety-seven Thousand Nine Hundred Fifty-eight and no/100----- Dollars for permanent and temporary right-of-way easements as noted on the attached Exhibits. Payment for the easement will be based on actual acres used for construction of the project. The Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a perpetual easement with respect to the lands of the Grantor described on the attached Exhibit 1 and as shown on Exhibits A through M, inclusive.

1. For the purpose of constructing and maintaining a flood control project to elevation 965.59, M.S.L., including right-of-way for embankment levees, ~~borrow sites~~, and flood storage, shall include the area as shown on the attached maps, said areas contain 131.63 acres, more or less. Grantor shall have the right to use the temporary flood storage area for agricultural production. Maintenance of "east tributary within the flood control impoundment will be done at the Grantee's expense.
2. For the purpose of channel restoration, said component requiring 9.12 acres of permanent right-of-way, and 2.93 acres of temporary right-of-way. Permanent right-of-way areas include the channel and grassed bufferstrips. Said area will not be available for future agricultural production. Grantee will permit haying of areas by Grantor, or their assigned. Temporary right-of-way areas will be used during project construction, and will be returned to the landowner upon project completion. Areas currently seeded to grass within this area will be revegetated by the Grantee as a project expense. Several State and Federal programs are available to the Grantor to enroll lands associated with the channel restoration project. Final payment by the Grantee to the Grantor will be based on the actual agreed upon price, less any State or Federal program dollars for the acres noted.

The Permanent Easement for flood control impoundment construction shall be in the area as shown on the attached maps, and shall include borrow areas for the excavation of fill for the proposed construction.

62554

D.

Upon execution of the option, the areas within the impoundment and related construction, and/or in the designated floodway, shall be maintained by the Grantor and shall not be utilized for any purpose detrimental to the purposes intended by the Grantee.

No changes in the topography of the flood control impoundment and the permanent right-of-way areas for the channel restoration may be done without the consent of the Grantee.

ALL RISKS FROM FLOODING INVOLVED IN GRANTOR'S AGRICULTURAL PRODUCTION OR ANY OTHER USE WITHIN THE FLOOD IMPOUNDMENT SHALL BE BORNE BY THE GRANTOR AND THE GRANTEE SHALL NOT BE RESPONSIBLE FOR SAME.

For the purpose of maintaining the project referred to herein, Grantee shall have the right of ingress and egress over the aforementioned land of the Grantor. The Grantee shall be liable to the Grantor for any damage to crops in any area other than the permanent easement areas as shown on the attached Exhibits.

Grantor hereby warrants that they have title to the aforementioned premises and have the right to convey the same.

In the event the Grantor changes the topography of the land subject to the easement without the consent of the Grantee or otherwise violates the terms of this easement, the Grantor shall be liable to Grantee for any costs, including attorney and engineering fees incurred by the Grantee in obtaining restoration of the real estate to its previous condition.

IN TESTIMONY WHEREOF, The Grantor herein has hereunto set his hand this 7<sup>th</sup> day of October, 2004.

  
\_\_\_\_\_  
Thomas H. Thompson, President  
Tri-T Farms, Inc.



## Clay Soil and Water Conservation District

1615 30<sup>th</sup> Avenue South ❖ Moorhead MN 56560

Phone: (218)287-2255

Fax: (218)287-1787

*Our 69th Anniversary*

1945 - 2014

June 4, 2014

### Clay Technical Evaluation Panel Finding of Fact Supplement

RE: Tri-T (Tim Thompson) Farms, Inc. tile installation – CREP easement 14-04-07-01.

Project Location: Barnesville Township, Section 14, Clay Co. MN.

Clay SWCD TEP Members

Lynn Foss – Water Resource Technician

Kevin Kassenborg - District Manager

Steve Hofstad – Wetland Specialist BWSR

This document serves as a supplement to the TEP Finding of Fact Letter dated March 31, 2014. It is to clarify some items at the request of Tim Fredbo per a telephone conversation on June 4, 2014 between Mr. Fredbo and Lynn Foss.

Mr. Fredbo requested a clarification that no wetlands were impacted as a result of the tile installation that occurred in 2012. The area in question involves a small finger of the wetland boundary extending to the NE along the east side of the boundary as indicated on Map 2 Supplement.

The 5/4/12 Level 1 review by Lynn Foss and the 11/29/2013 field visit (Lynn Foss (SWCD), Steve Hofstad (BWSR), Jonathan Bakken (NRCS) and Greg Bengtson (NRCS)) confirmed this area to be a excavated drainage ditch.

The wetland boundary map included the excavated drainage ditch because one of the topo lines created from the LIDAR data accurately depicted the wetland boundary and was therefore used to identify the wetland boundary. The area does meet wetland delineation criteria, but application of WCA policy excludes this area as non-jurisdictional. This subject was discussed on 1/6/2014 by Lynn Foss, Greg Bengtson and Jonathan Bakken and it was agreed that the drainage ditch should not have been included.

The wetlands subject to WCA replacement discussed in the Summary of the Finding of Fact document are located west of the drainage way. As stated in the Finding of Fact document, "**Any proposed farming activity within this area (beyond "normal farming practices") would not be allowed unless the landowner pursued wetland replacement via the "regular" wetland bank.**"

---

Lynn Foss  
Water Resources Management Technician  
Clay SWCD

---

Kevin Kassenborg  
District Manager  
Clay SWCD

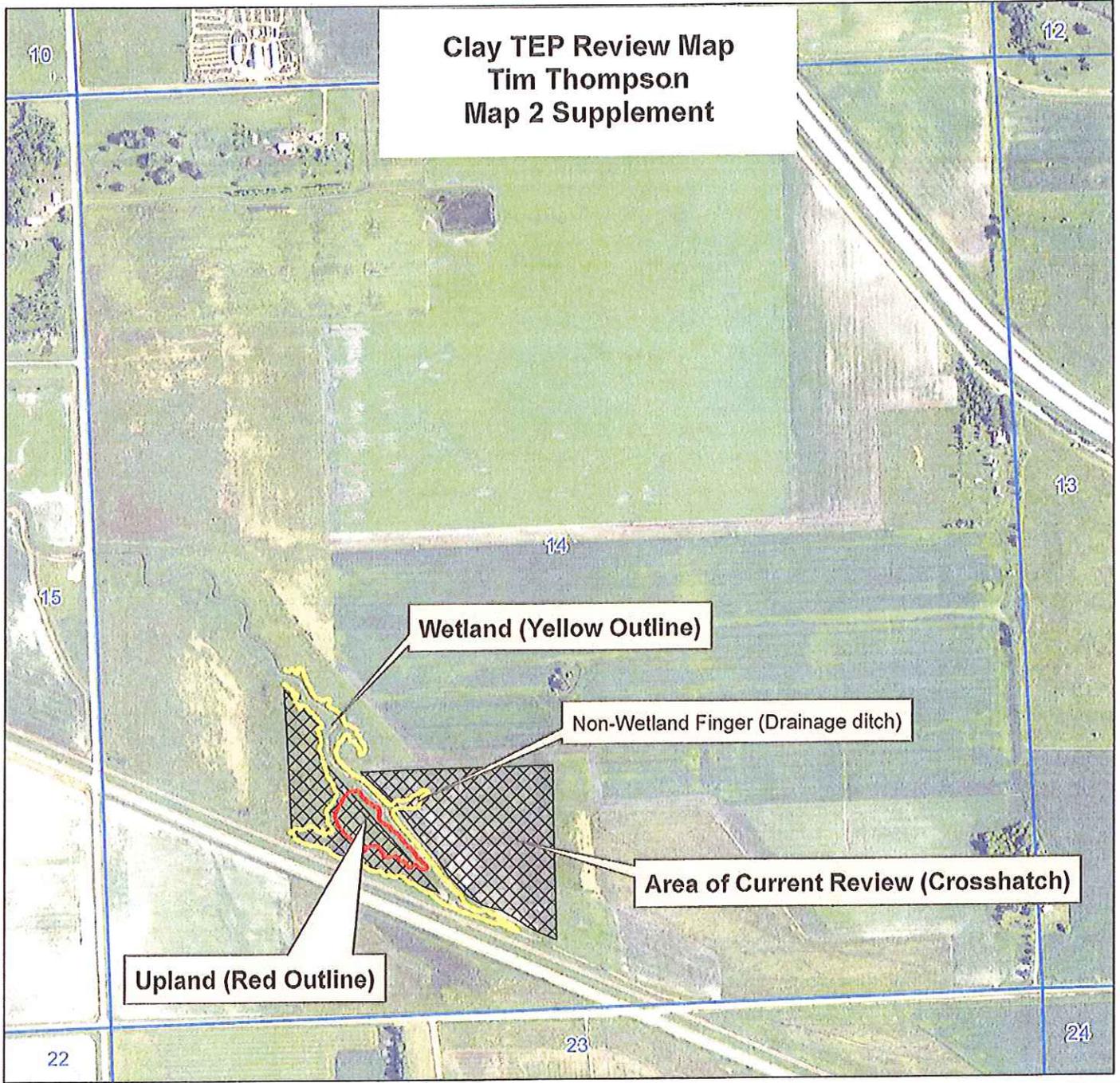
---

Steve Hofstad  
Wetland Specialist  
BWSR

6-9-14  
GETTING SIGNATURES

AN EQUAL OPPORTUNITY EMPLOYER

**Clay TEP Review Map**  
**Tim Thompson**  
**Map 2 Supplement**

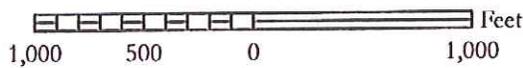


**Type**

-  Upland
-  Wetland
-  New\_Farmland
-  Sections



1:10,000



Rec'd 4-8-14



## Clay Soil and Water Conservation District

1615 30<sup>th</sup> Avenue South ♦ Moorhead MN 56560

Phone: (218)287-2255

Fax: (218)287-1787

Our 69th Anniversary

1945 - 2014

March 31, 2014

### Clay Technical Evaluation Panel Finding of Fact

RE: Tri-T (Tim Thompson) Farms, Inc. tile installation – CREP easement 14-04-07-01.

Project Location: Barnesville Township, Section 14, Clay Co. MN.

#### Clay SWCD TEP Members

Lynn Foss – Water Resource Technician

Kevin Kassenborg - District Manager

Steve Hofstad – Wetland Specialist BWSR

Due to the 2012 CREP easement violation via installation of drain tile, the Tri-T Farms, Inc. non-cropped pasture land in Barnesville 14 (T137N, R46W, S14) was recently reviewed by the TEP for wetlands subject to WCA. The surrounding cropland was reviewed in 2012, at the request of the landowner, before the tiling was done. Unlike the surrounding cropland specified for review by the landowner, the pasture area is surrounded by CREP easement land. Thus review for wetlands subject to WCA was deemed not necessary, nor considered by the Clay SWCD at that time.

#### Past Wetland Review – cropland outside CREP easements (See Map 1)

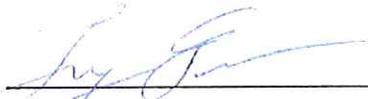
The cropland north and east of the easement area was reviewed by Lynn Foss, Clay County WCA Administrator, as per a request from Tim Thompson on 5/4/12. Using the typical farmland wetland review methodology (Routine Level 1 wetland delineation), no wetlands subject to WCA Rule were identified. The treed area, obvious in all photography (see Map 1), was field checked by Lynn Foss and found to be non-wetland and, per LiDAR, is actually higher in elevation than the surrounding cropland. Mr. Thompson was asked about this area. He indicated they were mature trees and that he had no interest in removing them. No formal WCA decision was rendered by the LGU. The USDA Certified wetland determination indicated the entire area to be Prior Converted/Non-Wetland.

Current Wetland Review – non-crop “pasture area” (See Map 2):

Due to the tiling violation, the pasture area was reviewed using the Level 1 delineation method with field verification. Given the non-crop condition (grass cover) throughout the pasture area, the review of the aerial photography from 1939 through present indicated several wetland areas. Due to the non-crop condition, onsite verification was required to confirm wetland presence/absence. These areas were confirmed in the field on November 29, 2013. Concurrently, the USDA-NRCS staff from the Thief River Falls Area Office performed a certified wetland determination as per a 1026 request. The TEP analysis and USDA Certified wetland determination were similar, with the WCA analysis resulting in slightly expanded wetland boundaries. These differences were slight, and not significant enough to cause concern.

Map 1 shows the approximate layout of the tile that has been installed. The red segment is a non-perforated main that outlets into the adjacent waterway. None of the indicated tile located west and south of the red main tile was installed. The TEP and USDA-NRCS Area Office staff assessed tile depth, and location of perforated vs. non-perforated, and it was unilaterally agreed that the tile will not impact wetlands identified during the review process. Further, the creek to the west is lower in elevation than the tile, so the potential hydrologic impact on the wetlands from the creek would be greater than the tile.

Summary: Wetlands subject to WCA replacement provisions (i.e., not exempt) exist within and adjacent to the pasture area. **Any proposed farming activity within this area (beyond “normal farming practices”) would not be allowed unless the landowner pursued wetland replacement via the “regular” wetland bank.**



Lynn Foss  
Water Resources Management Technician  
Clay SWCD



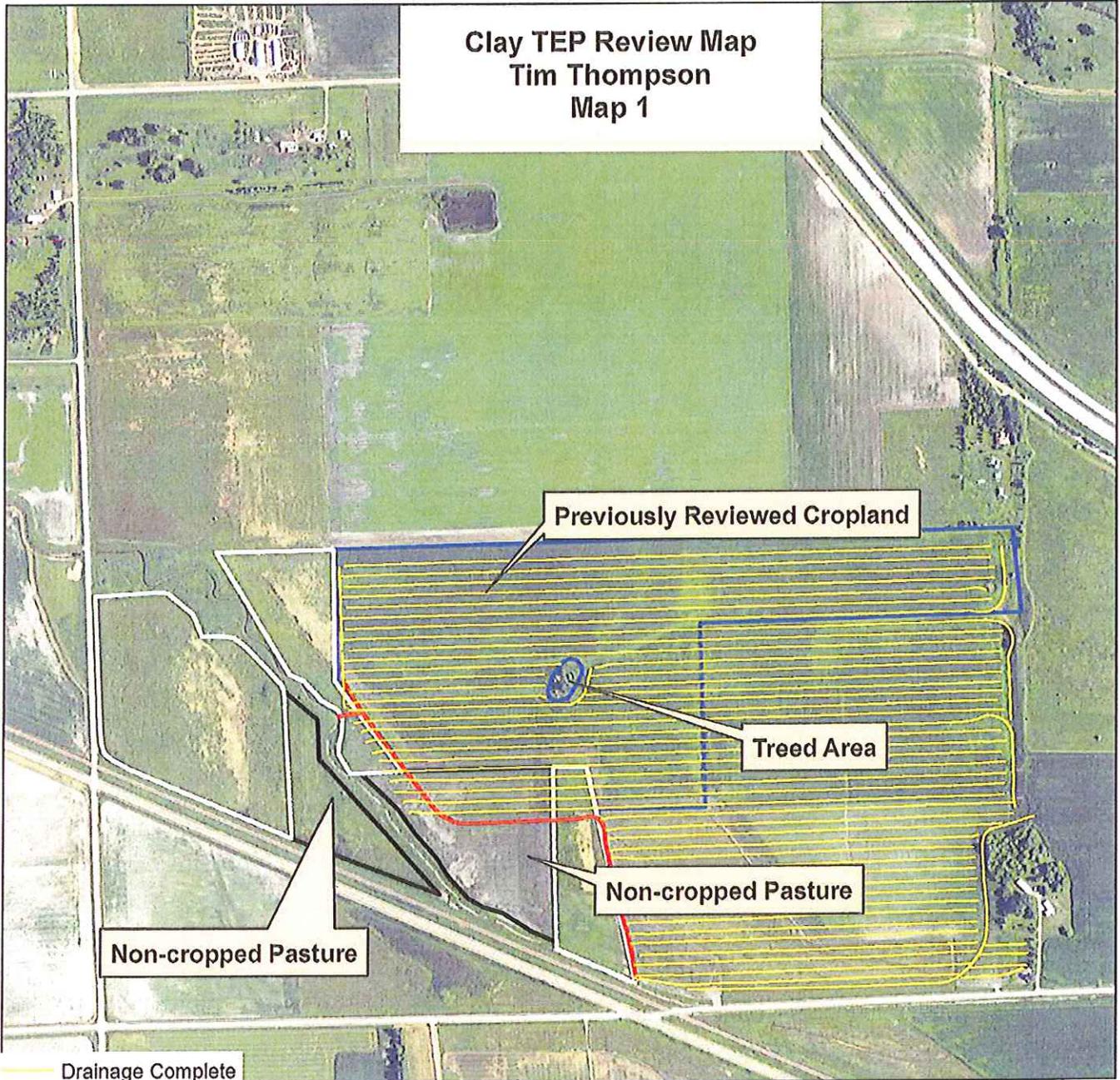
Kevin Kassenborg  
District Manager  
Clay SWCD



Steve Hofstad  
Wetland Specialist  
BWSR

AN EQUAL OPPORTUNITY EMPLOYER

**Clay TEP Review Map  
Tim Thompson  
Map 1**



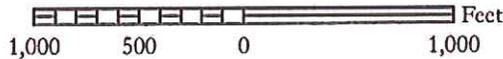
— Drainage Complete  
— <all other values>

**Type**

- Lateral\_perf
- Main\_non-perf
- Sub-Main\_non-perf
- Existing\_RIM
- New\_Farmland
- Cropland Boundary

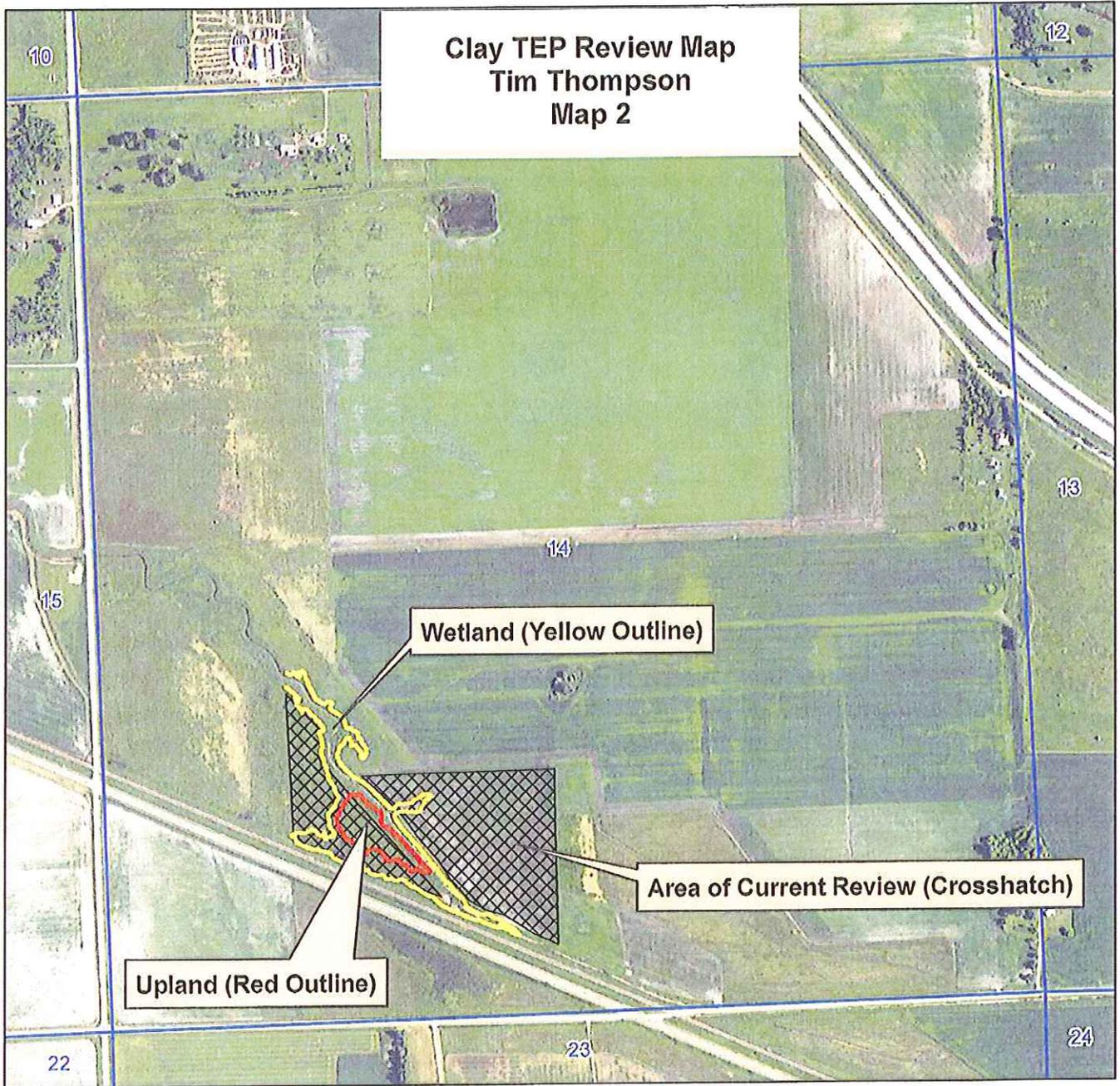


1:10,000



Maps are for graphical purposes only. They do not represent a legal survey.

**Clay TEP Review Map**  
Tim Thompson  
Map 2



Wetland (Yellow Outline)

Area of Current Review (Crosshatch)

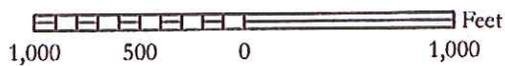
Upland (Red Outline)

**Type**

-  Upland
-  Wetland
-  New\_Farmland
-  Sections



1:10,000



Maps are for graphical purposes only. They do not represent a legal survey.

United States Department of Agriculture



Natural Resources Conservation Service  
2038 State Hwy 1 NE  
Thief River Falls, MN 56701

*Helping People  
Help the Land*

Phone: (218) 681-6800  
FAX: (218) 681-5598

---

CERTIFIED MAILING

January 9, 2014

Tri-T Farms, Inc.  
14253 110<sup>th</sup> Street S.  
Barnesville, MN 56514

RE: Adverse Certified wetland determination in response to AD-1026 request

Dear Mr. Thompson:

The Natural Resources Conservation Service (NRCS) recently received the Farm Service Agency (FSA) with a Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification (form AD1026) for Tract 13379 (Barnesville Township – Section 14). As a result of that request, NRCS is issuing a certified wetland determination. With this letter, and in accordance with the wetland conservation provisions found at Title 7 Code of Federal Regulations (C.F.R.) Part 12, NRCS is issuing a preliminary technical determination. This preliminary technical determination was conducted by the local NRCS field office on 1/9/2014.

The attached CPA-026 and map depict the wetland labels and acreages for the area(s) where the requested wetland determination took place. These wetland labels have been determined for the following reasons:

Presence of Hydrophytic Vegetation:

Under normal circumstances this site(s) does support a prevalence of plants that grow in water or in a substrate that is at least periodically deficient in oxygen during the growing season as a result of excessive water content. The dominant plant species observed on site 15A include: cattail (*Typha* sp.), reed canary grass (*Phalaris arundinacea*), and various wetland sedges (*Carex* sp.). These species have an indicator status of obligate (OBL), facultative wet (FACW), and facultative wet (FACW), respectively.

Presence of Hydric Soils:

The soils on site 15A are a combination of Borup loam (flats inclusion) (46) and Arveson clay loam, depressional (depressions) (68). These soils are listed on the Clay County hydric soils list. In an un-drained condition, these soils are saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

Presence of Wetland Hydrology:

The areas are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. Review of aerial imagery indicates that the area(s) exhibit wet signatures during many normal precipitation years. Site 15A was Wet Non-Cropped 9 out of 9 normal precipitation years.

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.  
An Equal Opportunity Provider and Employer

Further, the area 15A is indicated as W because it does not qualify for any of the following exemptions to the wetland conservation provisions:

- Prior-converted cropland (7 CFR 12.5(b)(1)(i-ii) – This area was not converted prior to December 23, 1985 or November 28, 1990, nor was an agricultural commodity produced prior to those dates.
- A wetland created through a voluntary restoration. (7 CFR 12.5(b)(1)(iii)
- Conversion not for the purposes of making possible the production of an agricultural commodity. (7 CFR 12.5(b)(1)(iv)
- A conversion completed by the actions of a third party. (7 CFR 12.5(b)(1)(v)
- A conversion completed under a permit issued by the U.S. Army Corps of Engineers. (7 CFR 12.5(b)(1)(vi)
- An Artificial wetland. (AW) (7 CFR 12.5(b)(1)(vii)

This preliminary wetland determination meets the regulatory definition for an adverse decision. You may appeal this determination by acting on one of the two following options:

- You may request that Jonathan Bakken, Wetland Specialist, reconsider this determination by filing a written request no later than 30 calendar days after you receive this notice in accordance with the NRCS's appeal procedures found at 7 C.F.R. § 614. If you request reconsideration, you have the right to a field visit, office visit, or other designated location meeting site for an informal review with the decision maker. During the review you, and/or your representative may provide additional information and discuss the facts relating to the preliminary technical determination. If you choose to seek reconsideration, you may later appeal the determination to the FSA County Committee or the National Appeals Division (NAD). To request reconsideration, write to the following address and explain why you believe this determination is erroneous.

USDA – NRCS  
Thief River Falls Area Office  
2038 State Highway 1 NE  
Thief River Falls MN, 56701

- Mediation is available as part of NRCS's informal appeal process. Mediation may enable NRCS to narrow the issues and resolve the matter by mutual agreement. You may have to pay all or part of the cost of mediation. If you request mediation, the running of the timeframe in which you may file an appeal stops. When mediation closes, the clock restarts and you will have the balance of the days remaining in that period to file an appeal. To request mediation, you must submit your written request no later than 30 calendar days after you receive this notice. To request mediation, write to the Minnesota State mediation program at the following address and provide a copy of your request for mediation to NRCS.

Mary Nell Preisler  
Farm Credit Mediation Program  
1526 170<sup>th</sup> Avenue  
Bejou, MN 56516  
Phone: 218-935-5785

You may request a waiver of your rights to this preliminary review and reconsideration or mediation in accordance with 7 C.F.R. Part 614.7(d). If you want an immediately-final wetland technical determination in order to address the on-site needs (i.e. restoration, mitigation), provide your request, in writing to the NRCS State Conservationist at:

Mr. Donald Baloun  
State Conservationist  
USDA NRCS  
375 Jackson Street, Suite 600  
St. Paul, MN 55101-1854

If you do not select any of your preliminary appeal rights, this preliminary technical determination will become a final certified technical determination in accordance with the wetland compliance provisions and the appeal regulations. A technical determination becomes a final USDA decision when the time to request appeal expires without appealing the decision. A final technical determination becomes appealable 30 days after receipt of the preliminary technical decision.

You may appeal the final certified technical determination by acting on one of the two following options:

- You may appeal this determination to the FSA County Committee (COC) by filing a written request no later than 30 calendar days after you receive this notice in accordance with the FSA appeal procedures found at 7 C.F.R. § 780. If you appeal to the COC, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. To appeal, write to the County Committee at the following address and explain why you believe this determination is erroneous.

FSA SERVICE CENTER OFFICE  
CLAY COUNTY FARM SERVICE AGENCY  
1615 30<sup>th</sup> AVENUE S  
MOORHEAD, MN 56560

- Alternatively, you may appeal this determination to the National Appeals Division (NAD) by filing a written request no later than 30 calendar days after you receive this notice in accordance with the NAD appeal procedures found at 7 C.F.R. § 11. If you appeal to NAD, you have the right to a hearing that you or your representative may attend. Once a hearing with NAD begins, you waive any rights to reconsideration, an appeal to FSA, and mediation. To appeal, you must write to NAD at the following address, explain why you believe this determination is erroneous, and provide a copy to FSA. You must personally sign your written appeal to NAD and include a copy of this letter.

NAD Eastern Regional Office  
P.O. Box 68806  
Indianapolis, Indiana 46268

If you are the owner of this tract and have a tenant, I urge you to discuss this letter and accompanying NRCS-CPA-026 with your tenant. Likewise, if you are the tenant of this tract, I urge you to discuss this letter with your landlord.

*This certified wetland determination/delineation has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985. This determination/delineation may not be valid for identifying the extent of the Corps of Engineers' (COE's) Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should request a jurisdictional determination from the local office of the COE prior to starting the work. Other federal, state or local permits or restrictions may apply to activities impacting wetlands. Contact the Local Governmental Unit (LGU) for State Wetland Conservation Act permits, and Minnesota Department of Natural Resources for protected water permits prior to initiating wetland activities. The producer can contact these agencies using the "Minnesota Joint Project Notification Form" available from the LGU.*

If you have questions concerning this notification, please contact Jonathan Bakken, Wetland Specialist at (218) 681-6600 ex. 123.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jonathan Bakken".

Jonathan Bakken  
Wetland Specialist  
USDA-NRCS

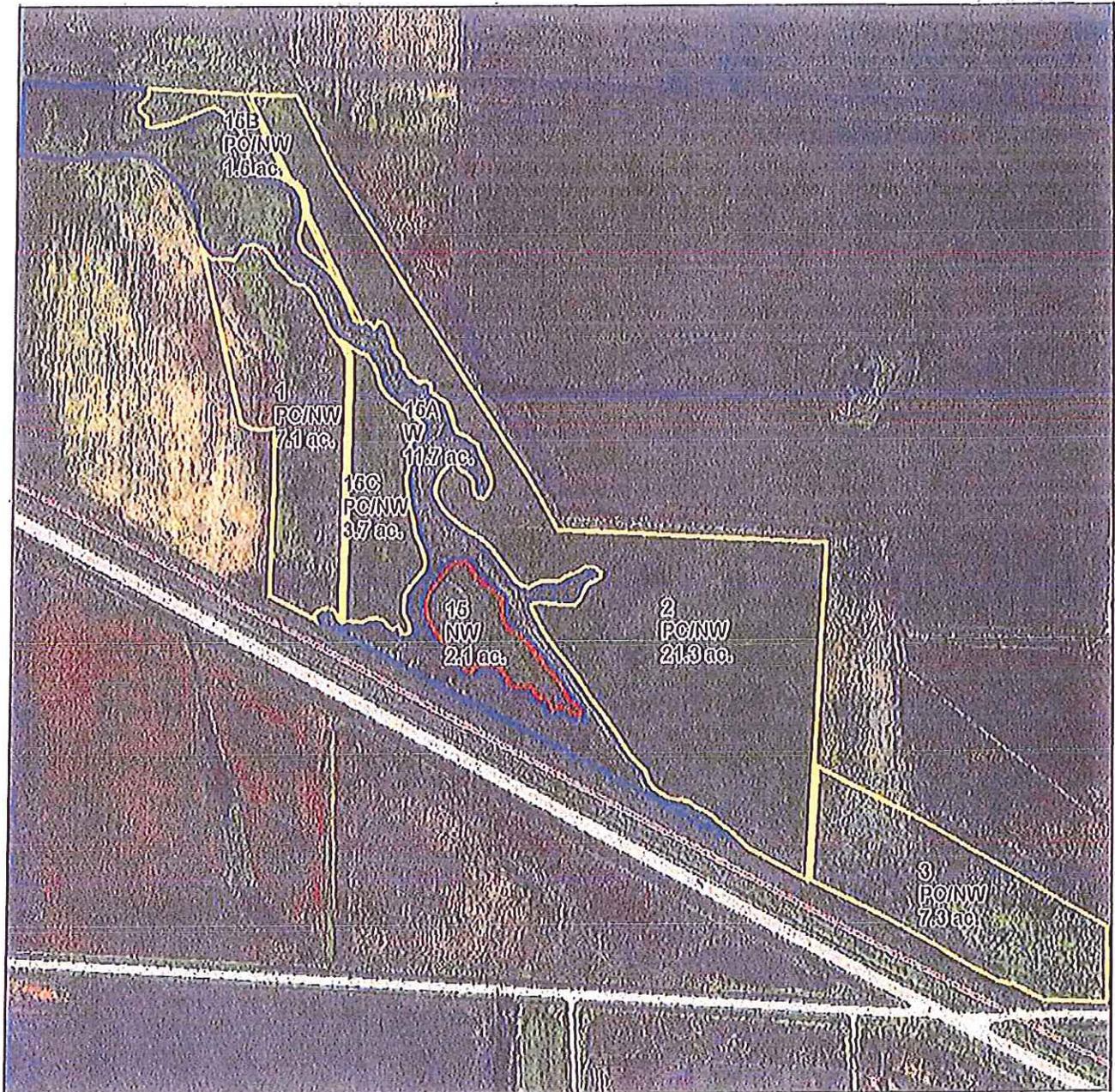
Enclosures

cc: James Kruike, FSA County Executive Director, Farm Services Agency

Customer: Tri-T Farms, Inc.  
 Tract: 13379  
 Date: 1/9/2014  
 Town&Sec: T137, R46, S14 - Barnesville

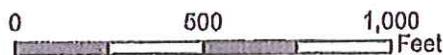
# Certified Wetland Determination

Agency: NRCS  
 Field Office: Moorhead  
 District: Clay SWCD

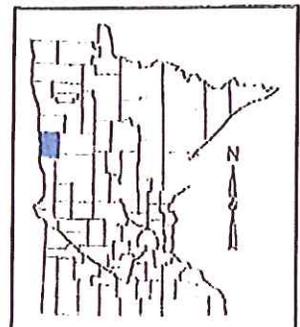


Not Evaluated	CWTE
PC/NW	MIW
W	MW
FW	MWM
FWP	NW
AW	NW/NAD
CME	PC
CPD	TP
CW	WX

United States Department of Agriculture  
 Natural Resources Conservation Service



Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, NRCS cannot assume liability for any damages caused by any errors or omissions in the data, nor as a result of the failure of the data to function on a particular system. NRCS makes no warranty, expressed or implied, nor does the fact of distribution constitute such a warranty.



United States Department of Agriculture



Natural Resources Conservation Service  
1615 30<sup>th</sup> Ave S  
Moorhead, MN 56560  
218-233-7773 Extension 3

Date: 3/22/2013

To: Tri T Farms, Inc.  
14253 110<sup>th</sup> St S  
Barnesville, MN 56514

RE: Certified Wetland Determination

Dear Tri T Farms, Inc,

You recently signed an AD-1026 Highly Erodible Land Conservation and Wetland Conservation Certification, indicating a need for evaluation of proposed wetland activity on Tracts 10668, 10669, 11780, 11783, 11784, and 13379. As a result of that request, NRCS has located an issued certified wetland determinations.

This area, as identified on the attached map and form CPA-026, has been determined Prior-Converted Cropland and/or Non-Wetland (PCANW). The identified land meets the definition of a prior-converted cropland and/or non-wetland (7 CFR 12.5-b) and as such, is exempt from the USDA wetland compliance provisions.

I have enclosed National Food Security Act Manual, Fifth Edition Part 514, Subpart A. 514.1 A., Certification of Wetland Determinations page 1. This shows that all wetlands determinations made after July 3, 1996, are considered certified determinations.

This certified wetland determination/delineation has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985. This determination/delineation may not be valid for identifying the extent of the Corps of Engineers' (COE's) Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should request a jurisdictional determination from the local office of the COE prior to starting the work. Other federal, state or local permits or restrictions may apply to activities impacting wetlands. Contact the Local Governmental Unit (LGU) for State Wetland Conservation Act permits, and the Minnesota Department of Natural Resources for protected water permits prior to initiating wetland activities. The producer can contact these agencies using the "Minnesota Joint Project Notification Form" available from the LGU.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Lean".

Sharon Lean  
District Conservationist  
USDA NRCS

*Helping People Help the Land*

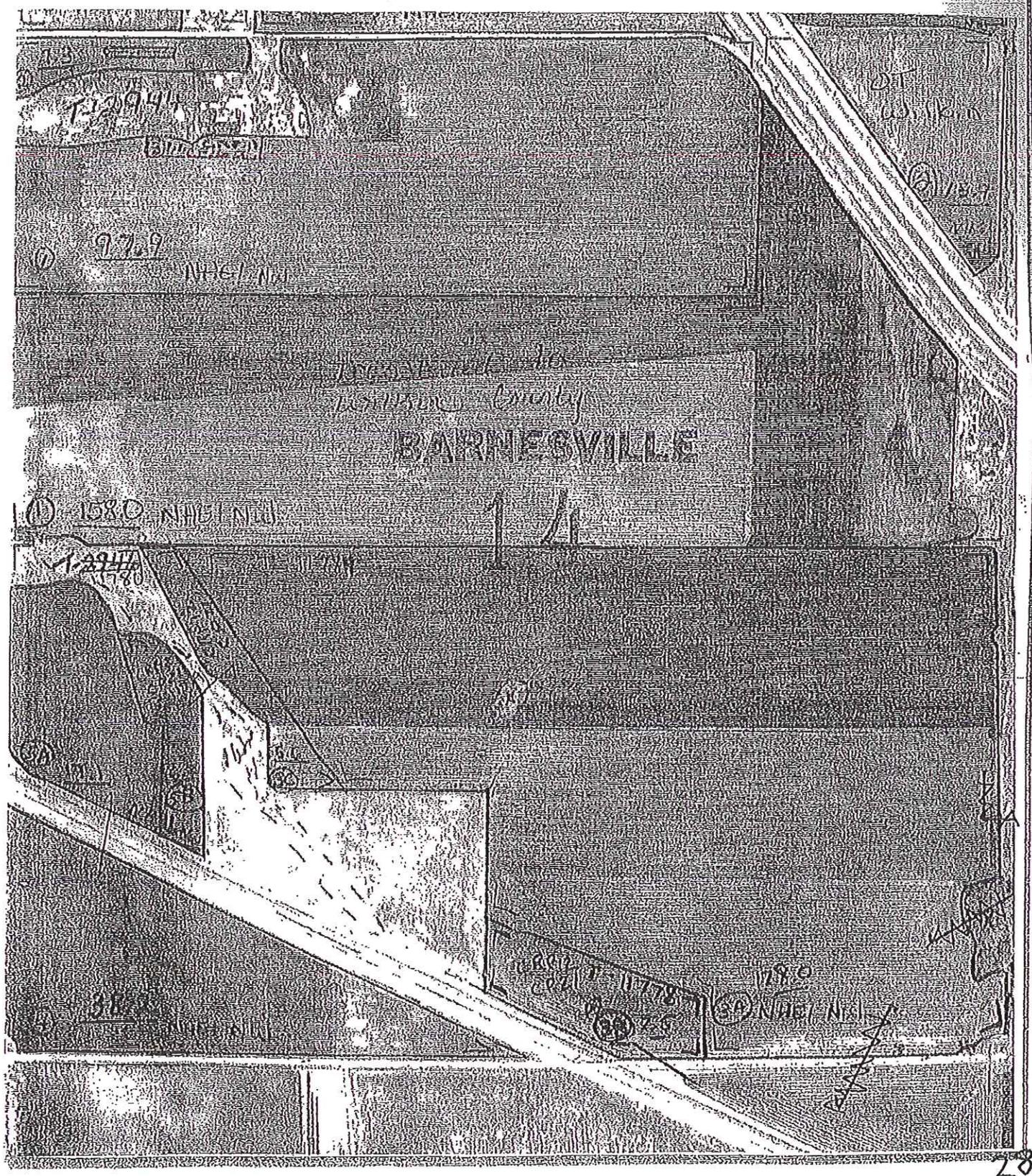
An Equal Opportunity Provider and Employer



MT = MULTIPLE TRACT NUMBER	HEL = HIGHLY ERODIBLE LAND	MW = MINIMAL EFFECT WETLAND (BY
CW = CONVERTED WETLAND	NHEL = NON-HIGHLY ERODIBLE	MWC, MVM, MVR = SPECIAL COND. (S)
NA = NON-AGRICULTURAL	PC = PRIOR CONVERTED WETLAND	NC = NON-CROPLAND
AW = ARTIFICIAL WETLAND	ECW = EXEMPT (COMMENCED) CONVERTED WETLAND	PHOTO NO.

COUNTY	CLAY	NOT TO SCALE	REPRODUCED 2000	CROP YR.	J 18
--------	------	--------------	-----------------	----------	------

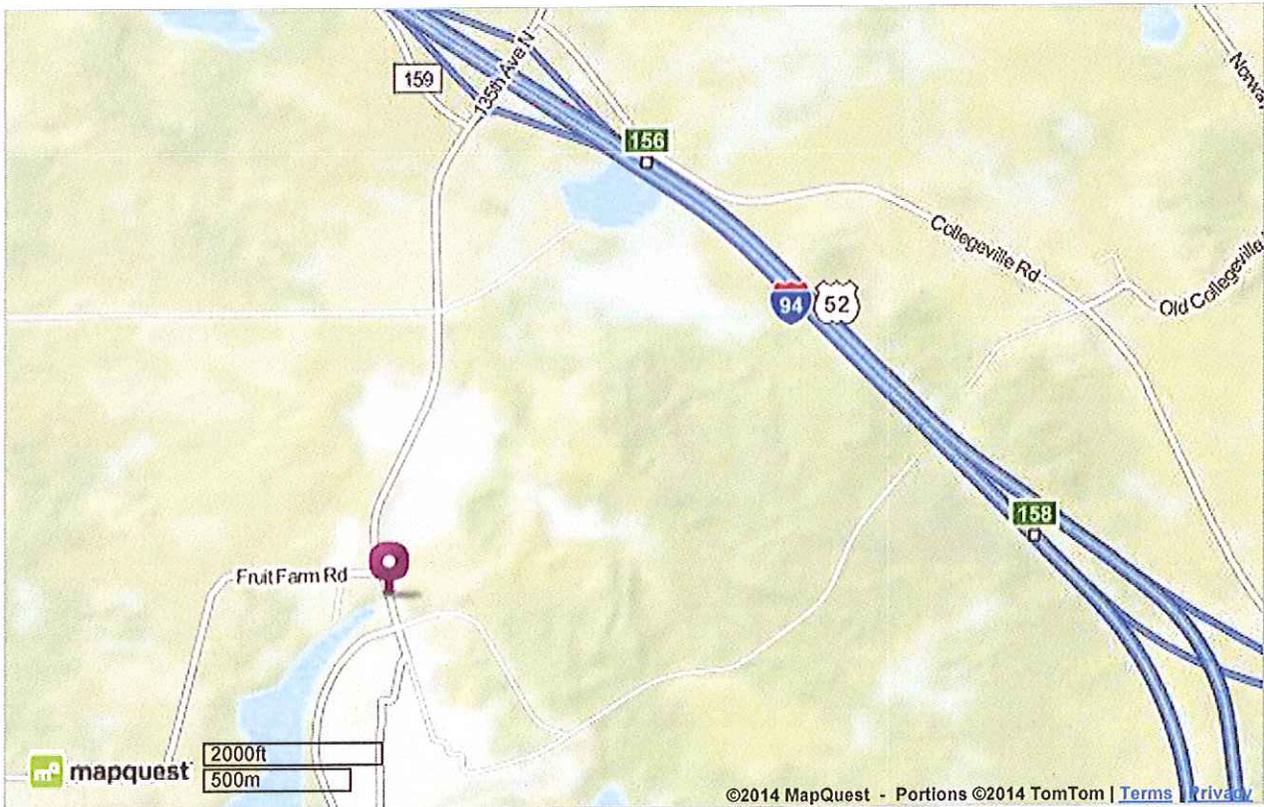
**WARNING:** Contact NRCS before draining, dredging, filling, or leveling any wet areas or wetland coded fields or improving, modifying, or maintaining an existing drainage system.





Map of:  
**31802 County Road 159**  
Collegeville, MN 56321

Notes



©2014 MapQuest, Inc. Use of directions and maps is subject to the MapQuest Terms of Use. We make no guarantee of the accuracy of their content, road conditions or route usability. You assume all risk of use. [View Terms of Use](#)

**COMMITTEE RECOMMENDATIONS**

***Water Planning & Strategic Planning Committee***

1. One Watershed, One Plan Implementation – Jack Ditmore and Melissa Lewis –  
***INFORMATION ITEM***



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** One Watershed, One Plan Implementation

**Meeting Date:** June 25, 2014

**Agenda Category:**  Committee Recommendation  New Business  Old Business

**Item Type:**  Decision  Discussion  Information

**Section/Region:** \_\_\_\_\_

**Contact:** Melissa Lewis

**Prepared by:** Melissa Lewis/Doug Thomas  
Water Management & Strategic

**Reviewed by:** Planning Committee(s)

**Presented by:** Jack Ditmore/Melissa Lewis

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

Adoption of One Watershed, One Plan Operating Procedures for Pilot Watersheds

### LINKS TO ADDITIONAL INFORMATION

- Resolution 14-XX - One Watershed, One Plan Operating Procedures for Pilot Watersheds – (attached)
- Resolution 14-XX – One Watershed, One Plan Local Water Plan Extensions – (attached)
- Final Draft – One Watershed, One Plan Local Water Plan Extensions – (attached)
- Final Draft - One Watershed, One Plan Operating Procedures for Pilot Watersheds –(attached)

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

The One Watershed, One Plan program was initiated in 2011 by the Local Government Water Roundtable (AMC, MASWCD, MAWD) and followed with authorizing legislative authority to BWSR in 2012. The Board’s Water Management & Strategic Planning Committee (WMSP) is charged with assisting in the development of operating procedures and policies that will guide program development and implementation. Over the course of 6 meetings starting in 2013 the committee has worked on a number of procedures and policies to support the development and implementation of One Watershed, One Plan including the pilot phase.

At this time the committee is advancing two work products for consideration by the Board. The first item is a policy for managing local water plan extensions in light of the current WRAPS development process and the One Watershed, One Plan program. The second item is an operating procedures document which

provides both policy and guidance for plan development during the pilot phase of the program for 1) boundary framework, 2) plan types, 3) participation requirements, 4) formal agreement, and 5) plan development procedures.

On April 22, 2014 the Committee reviewed and recommended approval of the One Watershed One Plan Local Water Extension policy (attached). On May 27, 2014 the WMSP Committee met and reviewed two remaining procedures for boundary procedures and plan development procedures and by consensus recommended their inclusion into the final draft One watershed, One Plan – Operating procedures for Pilot Watersheds (attached) and for it to be recommended for approval by the Board at its June 25<sup>th</sup> meeting.



Board Resolution # 14-\_\_\_\_\_

**ONE WATERSHED, ONE PLAN  
LOCAL WATER PLAN EXTENSIONS**

---

**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(j) for assistance and grants to local governments to transition local water management plans to a watershed approach as provided for in Minnesota Statutes, chapters 103B, 103C, 103D, and 114D; and

**WHEREAS**, M.S. 103B.101. Subd. 14, provides that the board may adopt resolutions, policies, or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan, generally referred to as One Watershed, One Plan; and

**WHEREAS**, the Board on June 26, 2013 concurred that a set of guiding principles and operating procedures were necessary to guide and support the development of the One Watershed, One Plan program, and implementation of a pilot watershed approach; and

**WHEREAS**, the Water Management & Strategic Planning Committee (WMSP) and its predecessor PROSP Committee met 6 times during 2013 and 2014 for the purpose of developing operating procedures and policies to guide organization and development of pilot area One Watershed, One Plans; and

**WHEREAS**, the development of the Local Water Plan Extensions policy has been informed by review and comment from BWSR Senior Management Team and BWSR Executive Team; and

**WHEREAS**, the WMSP met on April 22, 2014 to review a final draft of the One Watershed, One Plan Local Water Plan Extension policy and by consensus recommended its approval by the full Board.

**NOW THEREFORE BE IT RESOLVED**, the Board hereby:

Adopts the One Watershed, One Plan Local Water Plan Extensions policy dated April 22, 2014.

Date: \_\_\_\_\_

\_\_\_\_\_  
Brian Napstad, Chair  
Board of Water and Soil Resources

Attachments:

One Watershed, One Plan Local Water Plan Extensions, April 22, 2014.



# One Watershed, One Plan

## Local Water Plan Extensions

**DRAFT – NOT BOARD APPROVED**



April 22, 2014

**Purpose:** The purpose of this policy is to facilitate the transition to *One Watershed, One Plan* through providing direction on local water plan extensions by: ensuring active participation by counties, soil and water conservation districts, and watershed districts in *One Watershed, One Plan* development; allowing for effective participation and use of Watershed Restoration and Protection Strategies; and maintaining eligibility of participating local government units in applying for and receiving grants under the Board's current and future Clean Water Fund Competitive Grants Policies. This policy was adopted by the BWSR Board through resolution #\_\_\_\_\_ on \_\_\_\_\_.

## 1.0 Applicability

This policy applies to counties, soil and water conservation districts, watershed districts, and watershed management organizations (organizations) that are operating under a local water plan and have formally acknowledged intent to develop a plan within the *One Watershed, One Plan* framework.

Extensions of local water plans will be supported in order for organizations to:

- A. Participate in and more effectively utilize the Minnesota Pollution Control Agency's watershed-based 10-year approach of monitoring, assessment, and development of Watershed Restoration and Protection Strategy (WRAPS) documents; and
- B. Synchronize water management efforts between partners in order to develop and complete watershed-based plans through *One Watershed, One Plan*.

For purposes of this policy, "local water plan" means: a county water plan authorized under Minnesota statutes §103B.311, a watershed management plan required under §103B.231, a watershed management plan required under §103D.401 or 103D.405, a county groundwater plan authorized under §103B.255, or a soil and water conservation district "comprehensive plan" under Minnesota statutes §103C.331, Subd. 11.

## 2.0 Procedure

All requests for extensions to a local water plan must be initiated by petition to BWSR. Requests will be processed through the Board Conservationist, regional BWSR committee, and full BWSR Board; except for Soil and Water Conservation District Comprehensive Plans; these requests will be processed through the Board Conservationist and Regional Supervisor.

Extensions that substantially delay implementation of the requirements of local water plans will not be allowed.

Counties may request waivers to amendments or updates required by BWSR Board Order approving the county water plan, commonly called the "5-year update." Where the SWCD has adopted the county plan by resolution and the county plan has been extended, the SWCD may continue to adopt the county water plan, as extended, by resolution.



Board Resolution # 14-\_\_\_\_

**ONE WATERSHED, ONE PLAN  
OPERATING PROCEDURES FOR PILOT WATERSHEDS**

---

**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(j) for assistance and grants to local governments to transition local water management plans to a watershed approach as provided for in Minnesota Statutes, chapters 103B, 103C, 103D, and 114D; and

**WHEREAS**, M.S. 103B.101. Subd. 14, provides that the board may adopt resolutions, policies, or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan, generally referred to as One Watershed, One Plan; and

**WHEREAS**, the Board on June 26, 2013 concurred that a set of guiding principles and operating procedures were necessary to guide and support the development of the One Watershed, One Plan program, and implementation of a pilot watershed approach; and

**WHEREAS**, the Water Management & Strategic Planning Committee (WMSP) and its predecessor PROSP Committee met 6 times during 2013 and 2014 for the purpose of developing operating procedures and policies to guide organization and development of pilot area One Watershed, One Plans; and

**WHEREAS**, the development of the Operating Procedures for Pilot Watersheds has been informed by review and comment from the Interagency WRAPS Team, Local Government Water Roundtable Workgroup, BWSR Senior Management Team, and BWSR Executive Team; and

**WHEREAS**, the WMSP met on May 27, 2014 to review a final draft Operating Procedures for Pilot Watersheds document and by consensus recommended its approval by the full Board.

**NOW THEREFORE BE IT RESOLVED**, the Board hereby:

Adopts the One Watershed, One Plan Operating Procedures for Pilot Watersheds dated May 27, 2014.

Date: \_\_\_\_\_

\_\_\_\_\_  
Brian Napstad, Chair  
Board of Water and Soil Resources

Attachments:

One Watershed, One Plan Operating Procedures for Pilot Watersheds, May 27, 2014.



# One Watershed, One Plan

## Operating Procedures for Pilot Watersheds



June 25, 2014

**Purpose:** As per Minnesota Statutes §103B.101 Subd. 14, the Board of Water and Soil Resources “*may adopt resolutions, policies, or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan,*” also known as *One Watershed, One Plan*. This document outlines operating procedures for implementing this statute through selected pilot watersheds.

This policy was adopted by the BWSR Board through resolution # \_\_\_\_\_ on June 25, 2014.

## Introduction

The State of Minnesota has a long history of water management by local government. *One Watershed, One Plan* is rooted in this history and in work initiated in 2011 by the Local Government Water Roundtable (Association of Minnesota Counties, Minnesota Association of Watershed Districts, and Minnesota Association of Soil and Water Conservation Districts). Roundtable members determined that it is in the public interest to manage groundwater and surface water resources from the perspective of watersheds to achieve protection, preservation, enhancement, and restoration of the state's valuable water resources. Supporting this determination, the Roundtable recommended that the local governments charged with water management should organize and develop focused implementation plans on a watershed scale.

The recommendation was followed by the *One Watershed, One Plan* legislation noted in the purpose statement on this page that permits the Minnesota Board of Water and Soil Resources (BWSR) to adopt methods to allow comprehensive plans, local water management plans, or watershed management plans to serve as substitutes for one another; or to be replaced with one comprehensive watershed management plan. The legislation also required BWSR to establish a suggested watershed boundary framework for these plans.

*One Watershed, One Plan* is the next logical step in the evolution of water planning in Minnesota. The *One Watershed, One Plan* vision is to align local planning and implementation with state strategies over a ten year transition period into plans built largely around the state's major watersheds. The operating procedures in this document outline processes to achieve this vision. These procedures will be tested by selected local government units developing the first plans through *One Watershed, One Plan* with final policies and procedures anticipated to be adopted by BWSR in December 2015.

Additional information about *One Watershed, One Plan* can be found on the BWSR website:

<http://www.bwsr.state.mn.us/planning/1W1P/index.html>.

## Table of Contents

Introduction.....	1
I. Overview.....	3
II. Boundary Framework.....	5
1. Suggested Map.....	5
2. Boundary Establishment and Adjustment Procedures .....	6
3. Boundary Criteria .....	6
III. One Watershed, One Plan - Plan Types.....	8
IV. Participation Requirements.....	10
1. Participation Requirements by Plan Type .....	10
2. Participation Requirements by Land Area and Resource Criteria .....	11
3. Participation Requirements Procedure.....	11
4. Participation Requirements and Plan Adoption.....	12
V. Formal Agreement.....	13
1. Agreement Formats and Recommended Use .....	13
2. Formal Agreement Templates and Example Bylaws.....	14
VI. Plan Development Procedures.....	15
1. Notifications, Committees, and Initial Planning Meeting .....	15
2. Draft Plan.....	16
3. Formal Review and Public Hearing.....	17
4. Approval by BWSR.....	18
5. Local Adoption.....	18
6. Plan Development Procedures – Water Quality Implementation Plan .....	18
7. Plan Development Definitions.....	19

**NOTE: Plan Content requirements provided in separate document.**

## I. Overview

Participation in *One Watershed, One Plan* is voluntary. Initiation and scheduling development of plans within the framework should be coordinated with existing plan update and amendment schedules and development or completion of Watershed Restoration and Protection Strategies (WRAPS) to the extent possible. Plan development is not recommended to start in the 2-3 years leading up to onset of intensive monitoring in order to best leverage this information. The timing and order of the steps below are for the most part suggested and some may be iterative; approved pilots in general completed steps 1 – 3a.iii through the nomination process. BWSR staff are available to assist at all steps and may be able to bring additional facilitation resources to the process if requested.

- Step 1.** Review the Suggested Boundary Map (see [II. Boundary Framework](#)) and gather potential local government participants based on the watershed selected.
- Step 2.** Initiate discussion(s) with potential participants and BWSR. This step may include multiple and variable sub-steps such as a number of formal and informal meetings and discussions between participants. The sub-steps will vary by the local governments involved, their history of partnership and/or collaboration, and other potential factors.
- a. Informally notify BWSR staff of intent to explore developing a plan through the *One Watershed, One Plan* process.
  - b. Convene potential local government participants to consider the following items. Assistance with preparation and neutral facilitation of meeting(s) may be available.
    - i. Select a lead, shared lead, and/or a procedure for convening participants through this step.
    - ii. Confirm intended planning boundary with participants and BWSR staff. Invite additional local government participants if necessary (see [II. Boundary Framework](#) and [IV. Participation Requirements](#)).
    - iii. Confirm the plan type the participants are interested in developing (see [III. Plan Types](#)).
    - iv. Discuss the requirement for formal agreement between partners. (see [IV. Participation Requirements](#) and [V. Formal Agreement](#)).
    - v. Consider requesting resolutions from the boards of the participating local governments as a means of confirming support.
  - c. Consider applying for a BWSR Plan Development grant as available.
- Step 3.** Finalize discussion(s) with potential participants and BWSR by:
- a. Formally notifying BWSR of intent to initiate planning. Formal notification can be made electronically and must include confirmation of the:
    - i. Local government participants or partners (see [IV. Participation Requirements](#));
    - ii. Plan type intended to be developed (see [III. Plan Types](#));
    - iii. Planning boundary (see [II. Boundary Framework](#)); and
    - iv. Include requested plan extensions and waivers for participants' existing plans as applicable. BWSR's policy for Plan Extensions can be found at [www.bwsr.state.mn.us/planning/index.html](http://www.bwsr.state.mn.us/planning/index.html).
  - b. Finalizing formal agreement(s) between local government participants (see [V. Formal Agreement](#)). Formal agreements can be finalized before or after notification to BWSR, but must be finished prior to formal initiation of planning. If receiving a Plan Development grant, the formal agreement will need to be in place before the grant will be executed.
- Step 4.** Formally initiate planning (see [VI. Plan Development Procedures](#)). A thorough stakeholder process required and should not be any less than procedures of water plans being substituted for or replaced.
- a. Identify stakeholders, notify state agencies, and establish committees

- b. Gather preliminary issues and priorities through review of existing plans and information and response from stakeholders and agencies.
  - c. Hold initial planning meeting (often called a 'kickoff meeting') to review and discuss the information gathered and input received.
- Step 5.** Draft Plan (see [VI. Plan Development Procedures](#)). Specific requirements for plan content can be found in the *One Watershed, One Plan – Plan Content for Pilots* document, which will be available August 2014. Steps may be iterative and will include input from stakeholders.
- a. Review and aggregate information from existing plans, land and water resource inventories, and WRAPS. Use the process to identify commonalities and gaps.
  - b. Consider the aggregated information in setting priorities and targets.
  - c. Develop implementation plan and schedule. Assess if implementation actions are capable of producing measurable results.
  - d. Finalize draft plan. Consider informal review by stakeholders if time allows and/or unresolved issues.
- Step 6.** Submit draft plan for formal review and hold public hearing.
- a. After the plan has been drafted, submit the plan to plan review authorities (see [VI. Plan Development Procedures](#)).
  - b. Schedule and hold a public hearing on the draft plan after the 60-day review period of the draft plan. A summary of comments received in the review period and the responses to those comments should be made available to all stakeholders and commenters prior to the hearing.
- Step 7.** Approval by BWSR
- a. Submit the final plan to the plan review agencies (see [VI. Plan Development Procedures](#)).
  - b. The board will review the plan for conformance with the plan content requirements found in the *One Watershed, One Plan – Plan Content for Pilots* document, which will be available August 2014, and take action within 90 days.
  - c. Appeals and dispute of plan decision follow existing authorities and procedures of BWSR Board.
- Step 8.** Adopt the plan. Local adoption is required within 120 days of BWSR Board approval. Procedures for local adoption will vary by plan type and the formal agreement between the local governments. See also [VI. Plan Development Procedures](#) for more information.
- Step 9.** Implement, evaluate, and update the plan. Additional information on plan content and evaluation requirements can be found in the *One Watershed, One Plan – Plan Content for Pilots* document, which will be available August 2014.
- a. Local development and use of an annual and/or biennial work plan and report between partners is recommended for accountability, e.g. holding an annual meeting in the watershed to discuss previous year's accomplishments and confirm direction for the next year. Additional annual/biennial reporting requirements can be found on the BWSR website.
  - b. Five year evaluation of performance is required and update of implementation plan and schedule as needed.
  - c. Revisions required every 10 years. Depth of revision dependent on evidence that implementation is occurring. BWSR can issue 'findings' when a plan is good enough that complete revision is not required. The Water Quality Implementation Plan Type must be revised following the PCA 10-year assessment and completion of WRAPS to maintain eligibility for funding through plan.

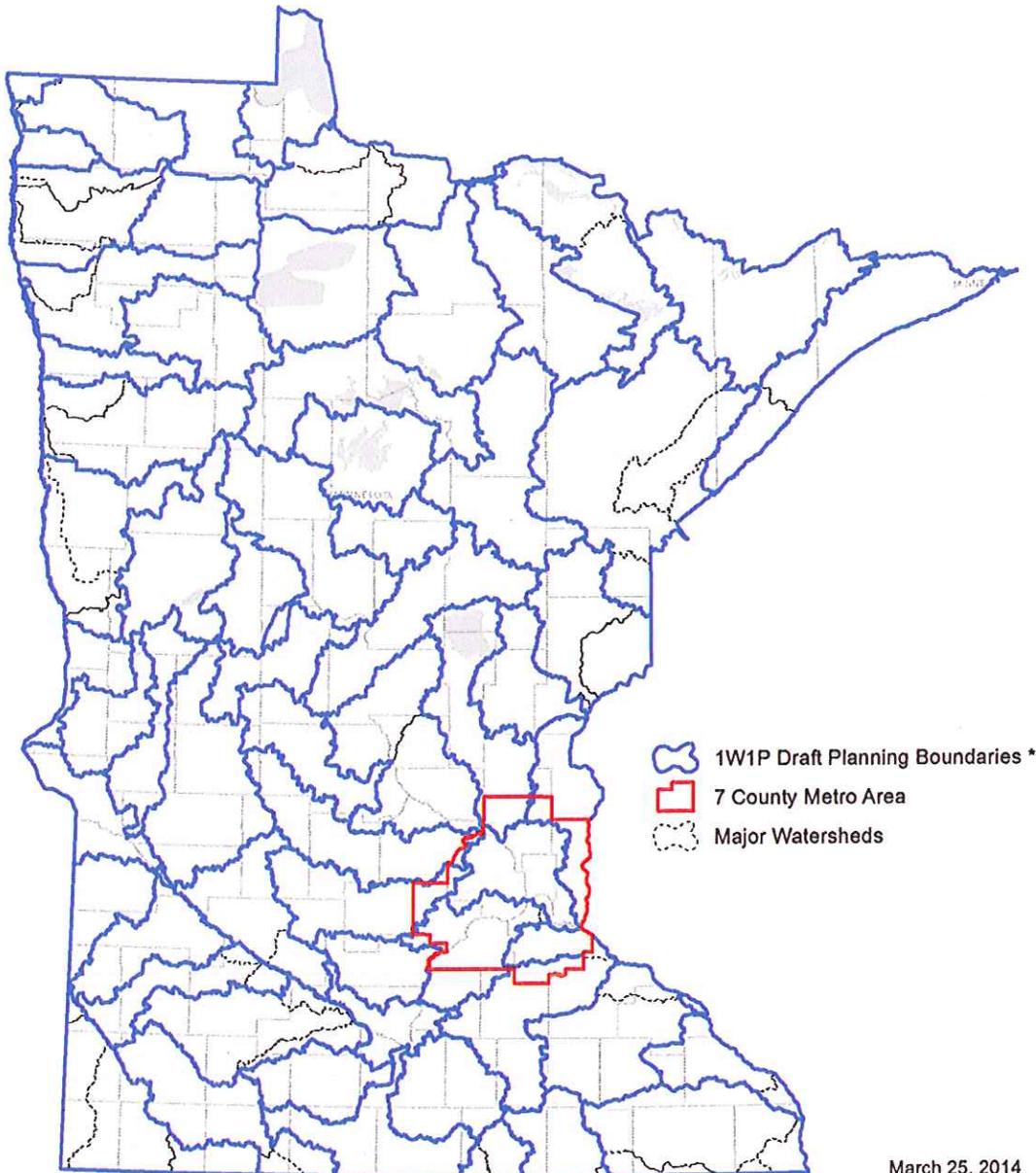
## II. Boundary Framework

The One Watershed, One Plan Boundary Framework consists of three parts: the suggested boundary map; procedures for establishing boundaries, requesting variances on boundaries, and appealing boundaries; and the criteria used to establish and consider requested variances from the suggested boundary map.

### 1. Suggested Map

Local governments partnering to develop a *One Watershed, One Plan*, must begin with the planning boundaries identified in the Suggested Boundary Map adopted by the BWSR Board on April 23, 2014 (see figure 1). This map was developed by through a formal comment period held January 1 through February 28, 2014. Boundaries within this map are recommended but not mandated; procedures for establishing and deviating from the boundaries can be found within the Boundary Procedures of this section. Alternative formats of the map are available on the BWSR website: <http://www.bwsr.state.mn.us/planning/1W1P/index.html>.

**Figure 1: Suggested Boundary Map**



## 2. Boundary Establishment and Adjustment Procedures

As per Minnesota Statutes §103B.101 Subd. 14, BWSR “shall, to the extent practicable, incorporate a watershed approach when adopting the resolutions, policies, or orders, and shall establish a suggested watershed boundary framework for development, approval, adoption, and coordination of plans.” The procedures for determining boundaries will conform to the following:

- A. **Planning Boundary Establishment.** BWSR Board adopted the *One Watershed, One Plan* Suggested Boundary Map on April 23, 2014. This map establishes the suggested planning boundaries for plans developed through *One Watershed, One Plan*.
  - a. Before commencing planning under Minnesota Statutes §103B.101 Subd. 14, local governments participating in the plan (participants; see also [IV. Participation Requirements](#)) shall notify the BWSR Board Conservationist and Regional Supervisor of the intent to initiate planning. This notification shall include:
    - i. Local concurrence of all participants with the planning boundary established in the BWSR Board adopted map; or
    - ii. A new map delineating the intended planning boundary with local concurrence of all participants. If submitting a new map, participants must provide written documentation of the rationale and justification for deviation from the BWSR Board adopted map. BWSR staff may request additional information needed to make a plan boundary determination.
  - b. BWSR staff shall have 60 days to determine if a proposed plan boundary conforms with the requirements of Minnesota Statutes §103B.101 Subd. 14 and notify the participants of the determination.
  - c. If the participants disagree with the determination, they may submit a request for review to the executive director. The executive director may bring the issue before the board if resolution cannot be found.
  - d. The final planning boundary will be approved by the BWSR Board concurrent with plan approval and incorporated into the BWSR Board order and adopted map.
- B. **Planning Boundary Amendment or Adjustment.** After a planning boundary has been established, participants may find adjustments or amendments to the boundary are necessary. Procedures for changing a boundary will follow the establishment procedure above. The final adjusted boundary will be approved by the BWSR Board concurrent with a plan amendment or next plan approval. BWSR comments on the boundary may include findings that an amendment to the plan is necessary to address the newly included or excluded area(s).
- C. **Appeals.** Participants may appeal a board decision to deny approval of a plan or the establishment of a plan boundary. Appeals and disputes of decisions follow existing authorities and procedures of the BWSR Board.

## 3. Boundary Criteria

The following criteria, based on the criteria used for establishing the Suggested Boundary Map, are recommended for use in justifying adjustment to planning boundaries.

**The adjustment will not leave small, orphaned watershed areas between planning boundaries.**

**Smaller than the suggested planning boundary:**

- Smaller area does not conflict with the purposes/intent of 1W1P.
- Significant dissimilarities or complexities in resource issues and solutions within suggested planning boundary justify the smaller area.

- Suggested planning boundary crosses a major river, e.g. on both sides of the Mississippi River.
- Existing watershed district in the area.
- Suggested planning boundary crosses Metro Water Planning area
- Boundary for the smaller area closely follows a minor watershed, e.g. a 10 or 12 digit hydrologic unit code or watersheds defined by drainage systems managed pursuant to Minnesota Statutes §103E.

**Larger than a suggested planning boundary, e.g. one boundary plus additional minor or major watershed(s)**

- Inclusion of a partial watershed on a state line.
- Confluence of major basins.
- Efficiencies due to similarity of issues and solutions.
- Existing watershed district that includes larger area.
- Major watersheds/8-digit hydrologic unit codes already lumped for PCA 10-year watershed approach/WRAPS.
- Boundary for the larger area closely follows a minor watershed, e.g. a 10 or 12 digit hydrologic unit code.

**When a suggested planning boundary crosses into the seven-county metro:**

- The area within the seven-county metro may or may not be considered for inclusion in the boundary. If included, the area within the seven-county metro is not excluded from Metro Surface Water Management Act.

### III. One Watershed, One Plan - Plan Types

To achieve the guiding principle that “*One Watershed, One Plan is not intended to be a one size fits all model,*” and in recognition of the need for flexibility and options through the ten year transition; this section outlines three concepts for three approvable plan types within the *One Watershed - One Plan* framework.

**Concept Plan Types** (see also *Table 1: Concept Plan Types*):

- **Water Quality Implementation Plan:** This plan further develops the strategies identified in a Watershed Restoration and Protection Strategies (WRAPS) document or equivalent studies into a consolidated implementation plan. This plan can be used to replace the implementation section of an existing plan(s), or can be used by local government partners on its own to collaboratively apply for state grants.
- **Priority Concerns Watershed Implementation Plan:** This plan leverages the existing process for developing a plan based on priority concerns typically associated with current county water planning; but shifts the scope of the plan to a watershed boundary and elevates requirements for prioritizing, targeting, and measuring implementation actions.
- **Comprehensive Watershed Management Plan:** This all-inclusive plan will likely leverage the existing requirements for watershed district plans and have the highest standards of the three plan options. These plans will address surface and groundwater, water quality and quantity, and land use; and implementation actions in the plan will consider the broad range of tools, including capital improvements, official controls, and other tools and programs necessary to achieve the goals of the plan.

Planning boundaries for all proposed plan types will be locally shaped and consistent with the BWSR Board adopted Suggested Boundary Map. Plan development is recommended to start a few years after intensive monitoring in order to develop and use the WRAPS document and is not recommended to start in the 2-3 years leading up to onset of intensive monitoring. All plans developed through *One Watershed, One Plan* will establish shared goals and vision for local government participants; define the roles and responsibilities of partners/participants; contain implementation actions that are prioritized, targeted, and measurable; and include estimated costs and timeframe for these actions.

**Table 1. Concept Plan Types**

	Water Quality Implementation Plan	Priority Concerns Implementation Plan	Comprehensive Watershed Management Plan
General Description	Means to collaborate, leverage WRAPS, & apply for grants without going all in.	County Water Planning on a <i>watershed</i> boundary.	Plan based on assessment of all water and land related resources within the watershed.
Timing	To maintain eligibility for grant applications, revisions occur concurrently with completion or revision of 10-year assessment/WRAPS.	Revisions every 10 years. Plan extensions allowed for existing plans to provide for development through One Watershed, One Plan.	
Proposed Applicability	Won't substitute or replace the <i>entirety</i> of existing plans, but can be used for portions of plans.	May serve as a substitute for county water plans & soil and water conservation district comprehensive plans.	May serve as replacement for watershed district, SWCD, and county water plans.
Organization Requirements	Formal agreement to signal group intentions are sufficiently serious, most likely a memorandum of understanding or agreement.	Requires formal agreement sufficient to demonstrate and sustain commitment; most likely a joint powers agreement.	
Preliminary considerations for who <i>must</i> participate...	Majority of SWCDs and/or majority of counties. May include watershed districts and/or joint powers agreement watershed organizations.	Likely a majority of counties and SWCDs within the planning boundary, with a waiver for organizations with minimal land area within the boundary.	Likely a majority of watershed organizations, counties, & SWCDs within the watershed planning boundary; with a waiver for organizations with minimal land area in the boundary.
	Cities and townships may, but will likely not be required to, participate.		
You might choose this plan if...	Participants aren't ready to establish a formal organization. Plans existing in the area are recently adopted and of a high quality.	Not all participants are ready to include the detailed requirements of the Comprehensive Watershed Management Plan.	An existing watershed district is participating and its boundaries cover the majority of the land area. Most existing plans will be expiring soon.

## IV. Participation Requirements

Two Guiding Principles of *One Watershed, One Plan* include: “*One Watershed, One Plan* must involve a broad range of stakeholders to ensure an integrated approach to watershed management,” and, “*One Watershed, One Plan* implementation will be accomplished through formal agreements among participating local governments on how to manage and operate the watershed.” When the *One Watershed, One Plan* planning process is initiated within a watershed area, all potentially affected local units of government within the given planning boundary should be invited to participate. This section outlines participation requirements for local units of government in order to meet these guiding principles while still providing realistic and pragmatic balance for required participation.

In order to balance the need to maximize participation of all affected water planning authorities in watershed-based planning with the reality of the constraints on that participation (particularly in the transition period to *One Watershed, One Plan*) this section outlines flexibility in participation requirements. For the purposes of this section, levels of participation are defined as:

**Required Participant:** the local government unit must formally agree to a role in plan development and subsequent implementation. “Formally agree” means an in-writing consent to participate (see [V. Formal Agreement](#)).

**Optional Participant:** the local government unit is encouraged to be directly involved in the planning process, but is not required to formally agree.

### 1. Participation Requirements by Plan Type

Initial consideration for determining the level of commitment in developing a plan through *One Watershed, One Plan* of for any potential local government participant is contingent on the type of plan proposed to be developed. The intent of this requirement is to ensure plans approved through *One Watershed, One Plan* continue to meet or exceed current plan content standards. If a required participant declines to participate, the remaining participants may need to consider a different plan type that doesn’t require the participation, or see the Participation Requirements Procedures below.

**Table 2: Participation Requirements by Plan Type**

	Water Quality Implementation Plan	Priority Concerns Watershed Implementation Plan	Comprehensive Watershed Management Plan
Soil & Water Conservation District	Required	Required	Required
County	Optional	Required (Metro* counties optional)	Required (Metro* counties optional)
103D Watershed District	Optional	Optional (separate plan meeting 103D required)	Required
103B (Metro*) Watershed District or Watershed Management Organization	Optional	Optional (separate plan meeting 103B required)	Required
Municipality (city or township)	Optional	Optional	Optional

\*Metro means seven-county metropolitan area.

## 2. Participation Requirements by Land Area and Resource Criteria

Small areas may or may not be critical or practical in management of the watershed to achieve the goals of the plan. If only a small portion of the local government unit is within the watershed planning boundary, the criteria listed in A and B below can be used to determine when participation is required. C and D below outline options for involvement when participation is optional.

- A. If less than 5% of the jurisdictional land area of the local government is within a *One Watershed, One Plan* planning boundary, participation is optional.
- B. If 5% or greater and less than 10% of the jurisdictional land area of the local government is within the *One Watershed, One Plan* planning boundary, participation is optional unless:
  - i. The area is identified as a priority area as per the Watershed Restoration and Protection Strategies (WRAPS) document, a completed TMDL, a local diagnostic study, and/or other studies or plans. If the WRAPS is not completed additional factors or criteria such as the anticipated impact to the planning process, or perceived challenges with implementation of the resulting plan if certain critical stakeholders are unwilling to participate may also be considered.
  - ii. The area contains or is in close proximity to the watershed outlet or a priority resource(s) as per the Watershed Restoration and Protection Strategies (WRAPS) document, a completed TMDL, a local diagnostic study, and/or other studies or plans such that lack of participation will be detrimental to implementation of the plan.
- C. Required participants are encouraged to:
  - i. Keep all local governments within the watershed informed in plan development and encourage participation as practical;
  - ii. Overtly identify a process in the watershed plan for involving optional participants in implementation when applicable; and
  - iii. Consider incorporating streamlined procedures for including optional participants in formal agreements in the future.
- D. Optional participants for those areas that meet A or B above, are encouraged to:
  - i. Keep themselves informed in plan development as practical;
  - ii. For areas where the local government is not a required participant (e.g. not part of a formal agreement to plan where A or B above applies), the local government is encouraged to adopt the plan for these areas once approved by BWSR, and to consider becoming part of future agreement(s) to implement the plan in these areas if applicable.

## 3. Participation Requirements Procedure

Participation requirements will be discussed as part of the plan initiation process with final determinations made by the Board Conservationist in consultation with the local government participants and BWSR Regional Supervisor. Disputes of staff decisions will be reviewed by the executive director and brought before the board if resolution cannot be found.

Lack of willingness or interest of one local government unit should not be used as an initial basis for denying participation of the majority in *One Watershed, One Plan*. Additional factors or criteria may be considered, including the anticipated impact to the planning process or perceived challenges with implementation of the resulting plan if certain critical stakeholders are unwilling to participate. At the request of the majority of participants, BWSR may conduct an assessment of the potential impact of the nonparticipation and make a determination as to if the remaining participants should be able to proceed. This assessment and the final recommendation will be reviewed by the executive director

and brought before the board if resolution cannot be found. In some situations, a watershed planning group may not be able to proceed until *One Watershed, One Plan* participation requirements are met.

#### 4. Participation Requirements and Plan Adoption

After a plan has been completed by participants and approved by the BWSR Board, it will need to be formally adopted within 120 days by all parties. Whether the plan is adopted individually by each county, soil and water conservation district, and/or watershed district; or if it is adopted by an established joint powers board on behalf of the participants; is a decision of the participants as outlined in the formal agreement and the authorities provided therein (see [V. Formal Agreement](#)).

In the case that a required participant decides not to formally adopt the plan after it has been approved by BWSR, the remaining local governments will need to reassess whether or not the plan can be successfully implemented without adoption by the particular local government. If it is possible the plan will work to a degree without the participant, the plan may need to be amended to function without the participant, and/or the remaining participants may need to work with the non-participant to address issues or concerns. BWSR staff may be available to assist in assessment or mediation at the request of the local governments involved. The decision to adopt the plan or not is a local decision. Any repercussions, such as ineligibility for state grants, will be specific to the individual participant(s) who chose not to adopt the plan.

See also [VI. Plan Development Procedures](#) for more detailed and specific plan adoption information.

## V. Formal Agreement

A Guiding Principle of *One Watershed, One Plan* is that “*One Watershed, One Plan* implementation will be accomplished through formal agreements among participating local governments on how to manage and operate the watershed.” The purpose of this principle is to provide assurances that decision-making spanning political boundaries is supported by an in-writing commitment from participants. This section outlines options for this commitment through formal agreement.

Formal Agreement in the context of *One Watershed, One Plan* refers to the participating partners and processes these partners will use to write and implement a watershed-based plan, and is not intended to address or mandate consolidation or change existing authorities of local governments. The details of formal agreements between participating organizations establishing the process for governance will vary by the goals of the participants; with recommended overarching goals of maximizing efficiency, minimizing redundancy, preventing duplication of efforts, and clearly outlining the intent and responsibilities of the participants.

**Step 1.** Planning Phase. Review existing formal agreements between participants as applicable; existing Joint Powers Agreements encompassing suggested planning boundaries in some areas of the state may currently meet the requirements for planning through *One Watershed, One Plan*. Existing agreements must include the following:

- a. Purpose that includes or allows participation in planning;
- b. Inclusion of all required participants (see [IV. Participation Requirements](#); agreement may include more than the required participants, e.g. a regional agreement that encompasses multiple *One Watershed, One Plan* planning boundaries);
- c. Operating procedures and/or bylaws outlining, at a minimum, the means and method for decision-making including plan submittal (see [VI Plan Development, 3. Formal Review and Public Hearing](#)), but may also include procedures for stakeholder processes, committees, etc.;
- d. Identification of a fiscal agent and/or requirement for an audit meeting the provisions of Minnesota Statutes §6.756 if the agreement creates an entity or organization that will be receiving funds directly; and
- e. Formal agreements for the purposes of planning should be in place prior to initiating a plan and must be in place prior to dispersal of grant funds through *One Watershed, One Plan*.

**Step 2.** Planning Phase. If a formal agreement does not exist between required participants or existing agreement(s) do not meet the requirements outlined in step 1, participants will need to establish a new or modify an existing formal agreement for the purposes of completing the plan. A Memorandum of Agreement, with the items outlined in step 1 above, is acceptable for purposes of plan development.

**Step 3.** Implementation Phase. Participants should be prepared to revisit the agreement near the end of the planning process. Through plan development, opportunities for increased collaboration between participants or elements essential to achieving goals for the watershed may be identified such that further modification of existing—or establishment of a new type of formal agreement—becomes necessary. Assistance from the Minnesota Counties Insurance Trust and/or the legal counsel of the participating organizations may be required. See [VI. Plan Development Procedures](#).

### 1. Agreement Formats and Recommended Use

The information in table 3 should not be considered legal advice; assistance from the legal counsel of the participating organizations is recommended.

**Table 3: Formal Agreement Types and Recommended Uses**

Type of Agreement	General Description	Recommended use in relation to <i>One Watershed, One Plan</i>
<b>Memorandum of Agreement (MOA)</b>	<ul style="list-style-type: none"> <li>• Minimum requirement of plan development through <i>One Watershed, One Plan</i></li> <li>• Method of formally recognizing a partnership(s)</li> <li>• Specifies mutually-accepted expectations and guidelines between parties</li> <li>• Generally not considered legally binding; the significance of an MOA is typically in the visibility</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended to signal intent of participants &amp; outline the decision-making process during plan development.</li> <li>• Cannot be used if the intent is to directly receive state funds as an organization.</li> <li>• Likely not sufficient for collaborative grant applications and sharing of services (JPA recommended for these).</li> <li>• Can be sufficient if the final plan will be adopted individually by each participant, e.g. each participant adopts the completed plan as the organization’s own plan.</li> </ul>
<b>Joint Powers Agreement (JPA)</b>	<ul style="list-style-type: none"> <li>• Agreement to jointly deliver a service or product, or manage or own property.</li> <li>• Legally binding.</li> <li>• Must meet requirements of Minnesota Statute § 471.59.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended if the intent is for the resulting organization to apply for and receive state funds directly for planning and implementation.</li> <li>• Recommended if future sharing of services is anticipated.</li> </ul>
<b>Joint Powers Entity (JPE)</b>	<ul style="list-style-type: none"> <li>• Type of JPA that specifically establishes a new entity or board that operates autonomously from the members. Risk is transferred to this entity.</li> <li>• Legally binding.</li> <li>• JPA of 7-county Metro Watershed Management Organizations must establish JPE and include provisions required by MN Statutes §103B.211 and MN Rule, Chapter 8410.0030.</li> </ul>	<ul style="list-style-type: none"> <li>• Necessary/required/recommended if the final plan will be adopted collectively, e.g. one plan is “held” through the JPA/by the JPE and the participants adopt <b>One Plan</b> by reference.</li> <li>• JPA or JPE depends on the purpose and intent of the agreement and amount of risk and liability acceptable to the participants; consult legal advice.</li> </ul>

## 2. Formal Agreement Templates and Example Bylaws

Templates for Formal Agreements and example Bylaws will be found on the BWSR website at:

<http://www.bwsr.state.mn.us/planning/1W1P/index.html>.

## VI. Plan Development Procedures

Once formal agreements are in place, plan development may begin. The vision of the Local Government Water Roundtable for plan development was a future of limited wholesale updates to watershed-based plans; with a streamlined process to incorporate or reference collected data, trend analysis, changes in land use, and prioritization of resource concerns into the watershed-based plan; and an emphasis on watershed management and implementation through shorter-term workplans and budgeting. This vision includes acknowledging and building off of existing plans and data (including local and state plans and data), as well as existing local government services and capacity.

This vision and the consideration that development of a plan through *One Watershed, One Plan* should not be any less than the plans implementation requirements being substituted for or replaced is reflected in these procedures. Specific content requirements will be outlined in a separate document can be found in the *One Watershed, One Plan – Plan Content for Pilots* document, which will be available August 2014

These procedures apply to the plan types of *Priority Concerns Implementation Plan* and *Comprehensive Watershed Management Plan*. For the plan type of *Water Quality Implementation Plan*, be sure to see item 6 below for modifications to the procedure.

### 1. Notifications, Committees, and Initial Planning Meeting

One of the Guiding Principles of *One Watershed, One Plan* is the process “*must involve a broad range of stakeholders to ensure an integrated approach to watershed management.*” The first actions in achieving this principle are to notify stakeholders and establish committee(s). The following steps assume the formal agreement and/or bylaws establishing the planning partnership, and outlining the process and procedures for committee involvement and decision-making are in place. If this process has not been established, additional actions to do so should be included.

**Step 1.** Establish committees, teams and workgroups. The following committees, teams, and workgroups are all critical to successful development and implementation of the plan.

- a. Policy Committee – This is a required committee of local plan authorities for the purposes of **making final decisions** about the content of the plan and its submittal. The committee membership and the committee’s decision-making process must clearly be a part of the formal agreement for planning and associated bylaws (see [V. Formal Agreement](#)). The committee may or may not continue after plan adoption, depending on the local formal agreement.
- b. Advisory Committee(s) – Advisory committees are required to meet public and stakeholder participation goals and requirements identified in rule and statute for existing local water plans. The purpose of an advisory committee is to **make recommendations** on the plan and plan implementation to the Policy Committee, including identification of priorities.
  - i. Depending on size and scope, more than one advisory committee may be necessary; consider multiple advisory committees when the watershed is large enough to justify regional committees, and/or the advisory committee is large or specialized enough to split into specialty areas such as separate citizen and technical advisory subcommittees.
  - ii. The state’s main water agencies, or plan review agencies, are committed to bringing state resources to the planning process. Each agency will designate a lead contact for their agency to participate on the advisory committee; however, specific participation may vary depending on local needs.
- c. Planning Workgroup – This workgroup is **not a requirement**; however, a smaller workgroup of local staff, typically the local water planners, and possibly consultant(s) is recommended for the purposes of logistical and day-to-day (not policy) decision-making in the planning process.

- Step 2.** Notify plan review authorities and other stakeholders. Prior to the development of the plan, notification must be sent to the plan review authorities of plan initiation. The notification must include an invitation to submit priority issues and plan expectations, and must allow 60 days for response to the notification. The notification may also be sent to other stakeholders, or alternative methods for receiving input may be used for these interested parties.
- Stakeholders: Drainage authorities, federal agencies, tribal governments, lake or river associations, citizen-based environmental group(s), sporting organization(s), farm organization(s) and agricultural groups, other interested and technical persons such as current and former county water plan taskforce members.
  - Additional methods for public input should also be considered in addition to the formal notification process, such as web surveys, workshops with specific interest groups, other citizen surveys.
- Step 3.** Aggregate watershed information. Make use of existing local water plans, input received from agencies, TMDL studies, WRAPS, and other local and agency plans. Information to be aggregated includes land and water resources inventories, data, issues, goals, strategies, actions, etc. for the purposes of orientation to the watershed and better understanding, discussion, and prioritization.
- Step 4.** Hold initial planning meeting. The meeting is often referred to as the “public information meeting” for county water planning or a kickoff meeting in watershed district planning after the priority issues of stakeholders have been gathered.
- Initial planning meeting should be held after response received from agencies and stakeholders and an initial assessment/aggregation of plan information has been completed (see procedure 2. Draft Plan, step 1 below). The assessment and aggregation of plan information is not intended to be exhaustive, but rather a compilation for the purposes of understanding current priorities and goals for the watershed.
  - Planning meeting must be legally noticed to meet the requirements of MN Statutes §103B.313, Subd. 3 (county water planning).
  - In consideration of the size of the watersheds, participants may want to consider more than one initial planning meeting and/or options for participating through video conference. Be sure to thoroughly document this participation.
  - Talk to BWSR staff about potential resources available to assist in planning and facilitating this initial planning meeting in order to achieve effective participation.

## 2. Draft Plan

This section outlines only the high-level steps for drafting the plan. Specifics on the plan content requirements and tools to assist in prioritization can be found in the *One Watershed, One Plan – Plan Content for Pilots* document, which will be available August 2014. Also keep in mind that the steps are not always linear; some steps may be repeated more than once throughout the planning process.

- Step 1.** Continue to aggregate watershed information as in Step 3 above. Review information for commonalities, conflicts, and gaps. Make use of input received at the initial planning meeting, existing local water plans, input received from agencies, TMDL studies, WRAPS, and other local and agency plans. Review and aggregate information such as: data, issues, goals, strategies, actions, etc. for the purposes of further orientation to the watershed and better understanding, discussion, and prioritization.
- Step 2.** Analyze gathered information and start writing the plan using available tools for prioritizing, targeting, and assessing measurability. Specifics on the plan content requirements and available tools will be found in the *One Watershed, One Plan – Plan Content for Pilots* document, which will be available August 2014. The following is an overview of the content requirements.

- a. **Data and Inventory Information.** Most data and inventory information will be incorporated in the plan by reference, with a general description and information on where to find the data and inventory information. If gaps in inventory information are identified through the plan development process, consider implementation action(s) to fill the gap rather than delaying the planning process to generate new data.
- b. **Analyze and Prioritize Issues.** Prioritization is the act of ranking something in order of importance, typically such that the more important things are addressed first. This part of the plan writing process is used to reach understanding of, and agreement on, the watershed issues and priorities that will be addressed within the lifespan of the plan.
- c. **Establish Measurable Goals.** After gaining understanding of the issues in the watershed, measurable goals are developed to address the priority issues. These goals will describe where the planning partners want to be or what they want to achieve within the 10-year timeframe of the plan. Keep in mind that a watershed-based plan may include both goals that are common to the watershed as a whole well as goals individual to a specific local government participant(s).
- d. **Develop a Targeted and Measureable Implementation Plan and Schedule.** Targeting takes a closer look at the priority issues and goals and identifies specific actions and management practices to achieve the goals. The implementation plan and schedule are developed in consideration of available technical skills and capabilities and funding resources, and will:
  - i. Have targeted and measurable actions;
  - ii. Cover a period of 10 years and be designed in a way that supports creation of shorter term work plans and budgets for participating local governments. Depth of revision dependent on evidence that implementation is occurring. BWSR can issue 'findings' when a plan is good enough that complete revision is not required. The Water Quality Implementation Plan Type must be revised following the PCA 10-year assessment and completion of WRAPS to maintain eligibility for funding through plan; and
  - iii. Coordinate local water management responsibilities, activities, and necessary technical services across jurisdictional lines while maintaining core local government services on jurisdictional boundary.

The targeted implementation schedule is a table of specific actions that are planned to be implemented, including items such as location, responsibility, cost, schedule, and potential funding sources of the actions. The implementation plan describes the coordination and programs necessary for achieving the actions in the schedule.

**Step 3.** Reassess the Formal Agreement used for the planning process and modify as necessary to implement the actions identified in the plan, such as shared services or collaborative grant-making. Modifications and/or a new agreement may or may not be necessary depending on the implementation plan and needs of the participating local governments. The Minnesota Counties Intergovernmental Trust and/or legal counsel of the participating organizations may be consulted to assist in this determination.

**Step 4.** Consider informal review of the plan, specifically if there were local governments within the watershed who chose not to participate in the planning process, there were stakeholders interested in the process but not on an advisory committee, or if there are any other issues or concerns that merit broader informal review.

### 3. Formal Review and Public Hearing

After the plan has been drafted, the Policy Committee submits the plan on behalf of the local plan authorities to the plan review authorities (see definitions below) for formal review. Depending on the decision-making outlined in the [formal agreement](#), the participating local governments may need to approve the draft prior to submittal.

- A. The draft plan may be submitted to the plan review authorities electronically. If paper copies are requested, they must be provided. It is also encouraged to make a copy of the draft plan available online with a clear process for stakeholder comments.
- B. Plan review authorities have 60-days to provide comment on the plan. Comments must be submitted to both the Policy Committee and BWSR.
- C. The Policy Committee will schedule and hold a public hearing(s) on the draft plan no sooner than 14 days after the 60-day review period of the draft plan. A summary of comments received in the review period must be provided to BWSR, and the state review agencies, and anyone who provided comments and must be made available to all others on a website or upon request.
  - i. Depending on the [formal agreement](#), the participating local governments may need to hold individual public hearings.
  - ii. If the formal agreement allows the Policy Committee to 'host' the public hearing, the committee may want to consider more than one hearing in a large watershed.

#### 4. Approval by BWSR

After the public hearing, the Policy Committee submits the final draft plan, a copy of all written comments received on the draft plan, a record of the public hearing(s), and a summary of responses to comments including comments not addressed and changes incorporated as a result of the review process to the plan review agencies for final review, on behalf of the local plan authorities. Depending on the decision-making outlined in the [formal agreement](#), the participating local governments may need to approve the final draft prior to submittal.

- A. The board shall review the plan for conformance with the requirements of Minnesota Statutes §103B101, Subd. 14, this policy, and the plan content policy <<insert reference>>. Review process includes staff review and recommendation to a regional BWSR Committee where the plan will be presented to the committee by representatives of the participating local government(s). Committee makes a recommendation to the BWSR Board where final decision is made.
- B. The board may approve or disapprove a plan which it determines is not in conformance. The board shall complete its review and approval within 90 days or the next scheduled board meeting.
- C. Appeals and dispute of plan decision follow existing authorities and procedures of BWSR Board.

#### 5. Local Adoption

Local adoption by the local plan authority is required within 120 days of BWSR Board approval. If so granted through a joint powers agreement, the adoption may be by a watershed joint powers entity. If no joint powers entity with authorities of the local plan authority was created, each local government unit shall adopt the plan individually and implement separately.

- A. A copy of resolution(s) to adopt the plan must be sent to BWSR in order to be eligible for grants.

#### 6. Plan Development Procedures – Water Quality Implementation Plan

When developing the plan type Water Quality Implementation Plan, Plan Development Procedures 1 and 2 (Notifications, Committees, and Initial Planning Meeting through Draft Plan) above should be followed. Procedures 3-5 (Formal Review through Local Adoption) above can be skipped and replaced with:

- A. For Soil and Water Conservation Districts using the Water Quality Implementation Plan to substitute or replace their Comprehensive Plan, the SWCD should follow BWSR policies for adoption of an SWCD Comprehensive Plan found at: [http://www.bwsr.state.mn.us/publications/SWCD\\_Ops-handbk.html](http://www.bwsr.state.mn.us/publications/SWCD_Ops-handbk.html). In addition, the participating SWCDs may be asked to present the plan to the regional water planning committee of the BWSR Board.

- B. For other local governments using the Water Quality Implementation Plan to substitute or replace a portion of an existing local water plan, the local government should follow procedures in statute or rule for amending that existing plan. See the following amendment procedures: Minnesota statutes §103D.411 for watershed districts outside the seven-county metro, §103B.314 for county water plans, and §103B.231 and MN Rule Chapter 8410 for watershed districts and organizations within the seven-county metro.

## 7. Plan Development Definitions

The following definitions are used in this section:

**Local plan authority.** For purposes of this policy, a local plan authority means: a county, soil and water conservation district, or watershed organization with authority to write and implement a local plan. County local water planning may be delegated with restrictions as per Minnesota statutes §103B.311.

**Local water plan.** For purposes of this policy, “local water plan” or “water plan” means: a county water plan authorized under Minnesota statutes §103B.311, a watershed management plan required under §103B.231, a watershed management plan required under §103D.401 or 103D.405, a county groundwater plan authorized under §103B.255, or a soil and water conservation district “comprehensive plan” under Minnesota statutes §103C.331, Subd. 11.

**Metropolitan Council.** “Metropolitan Council” means the Metropolitan Council created by Minnesota Statutes, section 473.123.

**Plan review agencies.** “Plan review agencies” means the Department of Agriculture, the Department of Health, the Department of Natural Resources, the Pollution Control Agency and the Board of Water and Soil Resources; and the Metropolitan Council if substituting for or replacing a plan under MN Statutes §103B.231.

**Plan review authorities.** “Plan review authorities” means the Department of Agriculture, the Department of Health, the Department of Natural Resources, the Pollution Control Agency, the Board of Water and Soil Resources, and counties, cities, towns, and soil and water conservation districts partially or wholly within the watershed; and the Metropolitan Council if substituting for or replacing a plan under MN Statutes §103B.231.