



DATE: March 17, 2014
 TO: Board of Water and Soil Resources' Members, Advisors, and Staff
 FROM: John Jaschke, Executive Director
 SUBJECT: BWSR Board Meeting Notice – March 26, 2014

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, March 26, 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:

COMMITTEE RECOMMENDATIONS

Southern Region Committee

- Wabasha County Priority Concerns Scoping Document** – Wabasha County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Board of Water and Soil Resources Southern Region Committee, chaired by Paul Langseth, met on March 12, 2014, to discuss the content of the PCSD; state agency review comments on the PCSD; and recommendations for the content of the final Comprehensive Local Water Management Plan. The Committee's recommendation for the PCSD will be provided to the full Board for review and action. The state's expectations for the final plan must be sent to Wabasha County. **DECISION ITEM**

Audit Committee

- Data Practices Policy** – The Policy is needed to comply with the requirements of the Minnesota Government Data Practices Act (MGDPA), which charges government entities to inform the public about the kinds of not public data they collect, keep, and create; to make the data they have accessible to those with a right to have it; and to develop data protection procedures to assure that data on individuals are accurate, complete, current, and secure. The Audit Committee will convene before the Board meeting to review the Policy and Resolution and make a recommendation to the Board. **DECISION ITEM**

Grants Program & Policy Committee

- Targeted Watershed Demonstration Program** - On October 23, 2013, the Board adopted resolutions #13-92 which authorizes staff to conduct a Request for Interest for Nominations for the Targeted Watershed Demonstration Program. Nominations were accepted from October 28 through December 13, 2013. Local governments submitted 25 nominations requesting \$46,380,000 in Clean Water Funds. Total available grants funds are \$5 million in FY2014. The attached recommendation, overview and resolution contain detail on applications and proposed funding recommendations. **DECISION ITEM**

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

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

NEW BUSINESS

1. **Red River Basin Commission Annual Report and Funding Request** – The Red River Basin Commission (RRBC) is an international organization which receives financial support from the states of North Dakota, Minnesota, and the province of Manitoba. BWSR is the MN state agency that reviews and approves the annual reports and work plans of the RRBC. Once approved, the MN grant is processed by BWSR. Jeff Lewis, Executive Director of the RRBC, will present the 2013 annual report and 2014 work plan and budget of the RRBC. ***DECISION ITEM***
2. **Farm Bill Conservation Title Summary** – Don Baloun, NRCS State Conservationist – ***INFORMATION ITEM***
3. **FY2014 Clean Water Fund Outcomes** – Dave Weirens, Acting Assistant Director – ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to call me at 651-296-0878. The Board meeting is expected to adjourn about noon. If bad weather conditions exist in your area and you are unable to attend the meeting due to travel restrictions, please notify the Board office by noon on Tuesday if possible. I look forward to seeing you on March 26th!

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 26, 2014

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF JANUARY 22, 2014 BOARD MEETING

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

CONFLICT OF INTEREST DECLARATION

RECOGNITION OF BOARD MEMBER

- Paul Langseth

INTRODUCTION OF NEW BWSR EMPLOYEES

- Dan Fabian, Board Conservationist, St. Paul (Jim Haertel)

REPORTS

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

COMMITTEE RECOMMENDATIONS

Southern Region Committee

1. Wabasha County Priority Concerns Scoping Document – Paul Langseth – ***DECISION ITEM***

Audit Committee

1. BWSR Data Practices Policy – Tim Dykstal – ***DECISION ITEM***

Grants Program & Policy Committee

1. Targeted Watershed Demonstration Program - Marcey Westrick – ***DECISION ITEM***

NEW BUSINESS

1. Red River Basin Commission Annual Report and Funding Request – Jeff Lewis, RRBC Executive Director – ***DECISION ITEM***
2. Farm Bill Conservation Title Summary – Don Baloun, NRCS State Conservationist – ***INFORMATION ITEM***
3. FY2014 Clean Water Fund Outcomes – Dave Weirens, Acting Assistant Director – ***INFORMATION ITEM***

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- BWSR Board Meeting & Workshop – April 23, 2014, in St. Paul

Noon **ADJOURN**

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 22, 2014**

BOARD MEMBERS PRESENT:

Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Tom Landwehr, DNR; Tom Loveall, Terry McDill, MPCA; Brian Napstad, Judy Ohly, Tom Schulz, Rob Sip, MDA; Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald VanAmburg

STAFF PRESENT:

Mary Jo Anderson, Brett Arne, Angie Becker Kudelka, Steve Christopher, Travis Germundson, Tim Gillette, Celi Haga, John Jaschke, Al Kean, Melissa Lewis, Mary Peterson, Dan Shaw, Ron Shelito, Sarah Strommen, Dave Weirens, Marcy Westrick

OTHERS PRESENT:

Ray Bohn, MAWD

DRAFT

Chair Napstad called the meeting to order at 9:03 AM

PLEDGE OF ALLEGIANCE

****** **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Sandy Hooker, to approve
14-01 the agenda as presented. *Motion passed on a voice vote.*

****** **MINUTES OF DECEMBER 18, 2013 BOARD MEETING** - Moved by Tom Schulz, seconded by
14-02 Christy Jo Fogarty, to approve the minutes of December 18, 2013, as circulated. *Motion passed on a voice vote.*

CONFLICT OF INTEREST DECLARATION - Chair Napstad explained that the conflict of interest declaration process is being used today on three agenda items: FY2014 Clean Water Fund Competitive Grants; 2014 Soil Erosion & Drainage Law Compliance Funding Recommendation; and FY2014-2015 Cooperative Weed Management Area Grants.

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

INTRODUCTION OF NEW BWSR EMPLOYEES

- Brett Arne, Board Conservationist, Fergus Falls
- Celi Haga, Communications Coordinator, St. Paul

Chair Napstad welcomed Brett and Celi to BWSR.

Chair Napstad introduced and welcomed Terry McDill, new MPCA alternate member for Rebecca Flood.

REPORTS

Chair's Report – Brian Napstad reported that he attended the Grants Program & Policy Committee meeting; he also attended the Public Relations, Oversight and Strategic Planning Committee meeting last night. Chair Napstad attended the Northeast Wetland Mitigation meeting last week in Chisholm; discussion included wetland credits. The EQB met the same day as Chair Napstad attended the wetland mitigation meeting. Tom Landwehr attended the EQB meeting and reported that the EQB discussed silica sand issues.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the AAC met this morning; items discussed included the BWSR updated staffing plan; and other items on the agenda later today. Chair Napstad stated that BWSR currently has six openings for member appointments. John Jaschke is in communication with the Governor's office; optimistic that appointments will be made soon.

Executive Director's Report – John Jaschke briefly commented on the BWSR updated staffing plan. John attended the DNR Roundtable on January 5-6. John plans to attend the LGU

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Roundtable meeting on January 29. John reported that the 2014 Legislative process is starting; this is not a budget year in the legislative session. John and Sarah Strommen are working on the 'Unsession' proposals. The bonding bill released by the Governor unfortunately did not include RIM; BWSR is working with stakeholders and other agencies to pursue this in the legislative process.

John reported that BWSR received a resolution on January 21, 2014 from Polk County requesting that the matter regarding the distribution of managers for the Middle-Snake-Tamarac Rivers Watershed District which the County petitioned be tabled until March 2014. This item is on the agenda later today. John reviewed items in board members' packets.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are 11 pending appeals; there have been no new appeals since the last report on December 18, 2013.

Grants Program and Policy Committee – Paul Langseth reported that the Grants Program and Policy Committee has a number of recommendations on the agenda later today. The Grants Program and Policy Committee will meet again in March.

Public Relations, Oversight & Strategic Planning Committee – Jack Ditmore reported that the Public Relations, Oversight & Strategic Planning (PROSP) Committee met last night; recommendations are on the agenda later today. The PROSP Committee will meet in March, April, May and June.

RIM Reserve Management Planning Committee - John Jaschke reported that Sarah Strommen met with the Department of Revenue regarding the RIM easement property valuation rates. RIM easements are riparian and exempt from the new legislation. BWSR issued guidance for SWCDs to apply; the easement document will now state the riparian status. BWSR and others will pursue legislation to correct this.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on January 9, 2014; discussion included the One Watershed One Plan; the public drainage ditch buffer strip reporting; and Section 103E.015 considerations before drainage work is done. Al Kean reported that he attended the Red River Basin Summit Conference, discussion included drainage policy in Minnesota, North Dakota and Manitoba. The next meeting of the Drainage Work Group is scheduled for February 13, 2014. Discussion followed.

Joe Collins entered the meeting at 9:55 AM.

COMMITTEE RECOMMENDATIONS

Northern Region Committee

Redistribution of Manager Positions for the Middle-Snake-Tamarac Rivers Watershed District – Chair Napstad and Gene Tiedemann recused themselves from all discussion, deliberation, and voting on this matter. Gerald Van Amburg reported that on January 21, 2014, BWSR received a resolution passed by the Polk County Board requesting that the matter regarding the distribution of managers for the Middle-Snake-Tamarac Rivers Watershed District ("District") which the County petitioned be tabled until March 2014.

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Gerald reported that BWSR staff, in consultation with the Attorney General's Office, are recommending that the Board reopen the record in the matter regarding the distribution of managers for Middle-Snake-Tamarac Rivers Watershed District ("District") at the upcoming meeting. Jim Stengrim wrote a letter to BWSR dated January 13, 2014, which is potentially relevant information. Mr. Stengrim states that in a letter submitted to BWSR, Roger Hille from the District inaccurately describes litigation between the District and Mr. Stengrim. This letter from Roger Hille is Exhibit 19 in the record. The litigation between the District and Mr. Stengrim is described in a Court of Appeals opinion issued in 2012, which is also part of the potentially relevant information. Board members requested copies of these documents; staff will provide copies of these documents to board members.

Gerald stated that the BWSR Administrative Advisory Committee met on January 22, 2014 and recommends the following action:

Resolution: that pursuant to Minn. Stat. § 13.04, subd. 4, the Board reopens the record to receive (1) the letter from Jim Stengrim, dated January 13, 2014, and (2) the Court of Appeals decision entitled *Middle-Snake-Tamarac Rivers Watershed District v. Stengrim*, dated January 17, 2012. In addition, the resolution related to this matter adopted by the Polk County Board on January 21, 2014 and other relevant information will be entered into evidence. Furthermore, the Board remands this matter to the Northern Region Committee to hold a public meeting to accept additional testimony and evidence.

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14-03 Moved by Gerald Van Amburg, seconded by Jack Ditmore to approve the resolution as presented. John Jaschke suggested minor edits. Gerald VanAmburg and Jack Ditmore agreed to the edits. Travis Germundson clarified the relevance of the referenced documents. *Motion passed on a voice vote.*

Bois de Sioux Watershed District Plan Amendment – Gerald VanAmburg reported that on October 2, 2013, BWSR received a petition to amend the Bois de Sioux Watershed District's Overall Plan pursuant to M.S. 103D.411. The petition proposes to amend the District's 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. A copy of the petitioned amendment was sent to all counties affected by the District, the DNR, all municipalities of the District and the SWCDs affected by the District. A Notice of Filing of the Plan Amendment has been published in local papers. The notice provided an invitation to submit comments or a request for a hearing if opposed to the amendment by February 1, 2014. The Northern Region Committee met on January 8, 2014, reviewed the information, and unanimously voted to recommend conditional approval. The Northern Region Committee will present their recommendation to the full Board at the March 26, 2014 meeting.

Southern Region Committee

Buffalo Creek Watershed District Public Hearing Request – Paul Langseth reported that the Buffalo Creek Watershed District (BCWD) filed a proposed Revised Watershed Management Plan (Plan) dated November 1, 2013 with the Board of Water and Soil Resources (Board) on December 9, 2013, pursuant to M.S. Section 103D.405. A copy of the draft Plan was sent to

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14-04

local units of government for their review pursuant to M.S. Section 103D.405. The Board must give notice and hold a hearing on the proposed Plan within 45 days after receiving the Department of Natural Resources' recommendation on the revised Plan pursuant to M.S. Section 103D.405 Subd.5 (a). The Southern Region Committee requests the Executive Director set a date, time, and location and provide proper notice for public hearing on the revised BCWD Plan. Moved by Paul Langseth, seconded by Sandy Hooker, that the Board hereby orders a public hearing be held within 45 days after receiving the DNR's recommendation on the revised Plan for the BCWD to be presided over by the Southern Region Committee at a date and location to be determined by the Executive Director. *Motion passed on a voice vote.*

Chris Elvrum entered the meeting at 10:20 AM.

Chair Napstad stated that board members have submitted their completed Conflict of Interest Declaration forms; the documents will be filed for the grant decision items.

Grants Program & Policy Committee

FY2014 Clean Water Fund Competitive Grants – Dave Weirens and Marcey Westrick distributed a graph of the competitive grant distribution by BWSR region; a map of RIM Reserve riparian buffer conservation easements funded through Clean Water Funds (CWF); and a map of the FY2014 total recommended funding for all allocations including shared services is \$14,540,918. Dave provided background information and reported that a total of 296 applications were received requesting over \$52 million. BWSR staff conducted multiple processes to review and score applications, all of them involving staff from other agencies. The BWSR Senior Management Team reviewed the proposed FY2014 CWF competitive grant allocations on January 6, 2014; the Grants Program and Policy Committee met on January 10, 2014, reviewed the proposals presented by staff and recommend approval. Marcey presented an overview of the Committee's recommendations to applications submitted in the following categories: Projects and Practices; Accelerated Implementation; Accelerated Implementation-Shared Services and Community Partners Conservation Program. Discussion followed.

Tom Landwehr suggested discussions before the next round of allocations as to how to redirect and target allocations without relying solely on individual project scoring. Paul Langseth stated that the Committee and staff, DNR, MDA, PCA, MDH, looks at the applications and legislative language; the matrix and scoring as presented and recommended. Paul stated that the funding is not for a geographical purpose; it's to apply funds to protect and improve water quality in communities, connecting proposals to priorities from local water management plans. Christy Jo Fogarty stated that the Committee reviewed high quality projects statewide, not metro vs. outstate. Tom Landwehr stated that consideration is needed that benefits many, not just a project area, allocations are to achieve best outcomes. John stated that we do our best, using an interagency team of experts, to identify those projects that will be the most effective. Marcey stated for information, that MDH scores the well sealing grants. Dave presented the Resolution as recommended by the Grants Program and Policy Committee:

- 1) Approve allocations to implement the FY 2014 CWF Competitive Grant Program according to the attached funding recommendation spreadsheets and the attached scoring results and

funding recommendations document for the following programs and recommended allocation amounts shown below:

<u>Grant Program</u>	<u>Allocated Funds</u>
A. Projects and Practices Grants	\$8,417,364
B. Accelerated Implementation Grants	\$2,206,956
C. Accelerated Implementation Grants-Shared Services	\$2,000,000
D. Community Partners Conservation Program Grants	\$862,500
E. MDH Well Sealing Grants	\$288,988

- 2) Authorizes staff to forward a recommendation to the MDA to allocate \$0 of Agricultural BMP Loan Program funds through BWSR-led competitive grant making processes,
- 3) Authorizes staff to use the proportion of the amount leveraged or match as a tiebreaker for equal project scores to award available funds, and
- 4) Authorizes staff to:
 - A. approve project work plans,
 - B. enter into grant agreements consistent with this resolution and Legislative appropriations,
 - C. assign funds, noted in (1) that may become available, to partially funded projects due to a lack of funds, or to unfunded projects, in rank order, if funded projects are withdrawn, do not receive work plan approval by March 1, 2014 unless extended for cause, or are modified to reduce the state funding needed to accomplish the project.

** Moved by Paul Langseth, seconded by Steve Sunderland, to approve the FY2014 Clean Water Fund Competitive Grant allocations as recommended by the Grants Program and Policy Committee. Discussion followed. Chair Napstad stated that all members are eligible to vote.

14-05 Joe Collins abstained from voting. *Motion passed on a voice vote.*

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

FY2014 Soil Erosion and Drainage Law Compliance Grants – Al Kean reported that the Soil Erosion and Drainage Law Compliance Program was instituted in response to an appropriation of the Legislature. Tim Gillette reported that BWSR staff created a Request for Proposals (RFP) that the Board approved for distribution in October 2013. There were 27 applications for the three subprograms; of those, two were ineligible, and two were unfunded due to low scores. There are 23 applications that ranked high enough to be funded. The Grants Program and Policy Committee met on January 10, 2014; reviewed the FY2014 Soil Erosion and Drainage Law Compliance Grant allocations and recommends:

- 1) Approval of allocations to implement the FY2014 CWF Soil Erosion and Drainage Law Compliance Grant Program according to the funding recommendation spreadsheet and the attached scoring results and funding recommendations document:

<u>Grant Program</u>	<u>Allocated Funds</u>
A. Subprogram 1 – Soil Erosion	\$ 276,489.00
B. Subprogram 2 – Drainage Ditch Inventory & Inspection	\$ 777,609.00
C. Subprogram 3 – Redetermination of Benefits and Drainage Ditch Buffer Strips	\$ 0.00
Total Soil Erosion and Drainage Law Compliance Allocation	\$1,054,098.00

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2) Authorizes staff to: a) approve project work plans; b) enter into grant agreements consistent with this resolution and Legislative appropriations.

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14-06 Moved by Paul Langseth, seconded by Faye Sleeper, to approve the FY2014 Soil Erosion and Drainage Law Compliance Grant allocations as recommended by the Grants Program and Policy Committee. Discussion followed. Tom Loveall abstained from voting. *Motion passed on a voice vote.*

Cooperative Weed Management Area Grants - Dan Shaw reported that 22 applications were submitted requesting a total of \$317,000 for the Cooperative Weed Management Area (CWMA) Grants, with \$200,000 available funding. BWSR staff determined if applications met the eligibility requirements. The CWMA Advisory Team (BWSR, MDA, MNDOT, DNR, MES) met on December 19, 2013 to review the applications and make recommendations. The Grants Program and Policy Committee recommends authorization of \$200,000 of State Conservation Cost- Share funds for 14 FY2014-15 Cooperative Weed Management Area Grants.

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14-07 Moved by Paul Langseth, seconded by Christy Jo Fogarty, to authorize the Cooperative Weed Management Area (CWMA) Grants be awarded to the 14 CWMA applications as recommended by the Grants Program and Policy Committee. All board members are eligible to vote. *Motion passed on a voice vote.*

Faye Sleeper recused herself from all discussion, deliberation, and voting on the following item:

Request for Proposals to Update the Public Drainage Manual – Al Kean reported that the Clean Water Funds appropriated to BWSR in 2013 allocated grants to LGUs to update the *Minnesota Public Drainage Manual and the Minnesota Public Drainage Law Overview for Decision Makers* and to provide outreach to users. The Grants Program and Policy Committee met on January 10, 2014, reviewed the FY2014 Clean Water Fund Competitive Update of the Minnesota Public Drainage Manual as developed by staff and recommends approval.

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14-08 Moved by Paul Langseth, seconded by Rob Sip, to authorize staff to finalize, distribute and promote a Request for Proposals (RFP) to Update the Public Drainage Manual project consistent with the provisions of appropriations enacted in 2013, Minn. Stat. 103B.3369. Discussion followed. *Motion passed on a voice vote.*

Public Relations, Oversight, and Strategic Planning Committee

2014 Performance Review and Assistance Program (PRAP) Report to the Legislature –

Don Buckhout reported that each year BWSR is required to prepare and submit to the Legislature by February 1st a report describing the performance of the local water management entities for which BWSR has oversight responsibility. Don provided a brief overview of the 2014 PRAP Report, as prepared by staff. The Public Relations, Oversight and Strategic Planning Committee met on January 21, reviewed the 2014 PRAP Report and recommends approval. Moved by Jack Ditmore, seconded by Judy Ohly, to approve the PRAP Report to the Minnesota Legislature for transmittal to the Legislature and publication on the Board's website with allowance for any minor editing modifications necessary for publication. Discussion followed. *Motion passed on a voice vote.*

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14-09

NEW BUSINESS

Vice-Chair Nomination – John Jaschke reported that BWSR Bylaws state: “The Vice-Chair shall be elected to a two-year term from the regular membership of the BWSR. The Vice-Chair shall be elected by majority vote at the first regularly scheduled meeting of every EVEN calendar year.” Chair Napstad opened nominations. Paul Langseth nominated Gerald VanAmburg. Chair Napstad declared Gerald VanAmburg had been placed in nomination. Chair Napstad made three additional calls for nominations. No additional nominations were made. Chair Napstad declared nominations closed. Upon the vote being taken, Gerald VanAmburg received a unanimous vote. Congratulations to Gerald VanAmburg as Vice-Chair of BWSR.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that MDA has a web-link for the MDA Ag BMP Loan Program, he will provide that link to board members.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that the the first public meeting on PolyMet Mining’s proposed copper-nickel mine was held in Duluth with 1300 people in attendance; good discussion, respectful meeting. The second of three public meetings will be held in Aurora tonight. The meetings are designed for the public to learn more about the environmental effects of the proposed NorthMet mine project in northeastern Minnesota near Hoyt Lakes and Babbitt. The final public meeting about this project will be held in St. Paul on January 28. There is a 90-day public comment period, comments will be taken through March 13.

Tom Landwehr reported the legislature created groundwater management areas (GWMA) as a tool for the DNR to address difficult groundwater-related resource challenges. DNR is developing three pilot groundwater management area plans, they will be launched at different times, located in the North and East Metro, the Straight River area, and the Bonanza Valley. The purpose of the three pilot planning projects is to learn how to effectively create and establish GWMA in other places facing groundwater management challenges.

Joe Collins stated that gray water is an issue that needs to be addressed. Gray water is reusable water for irrigation, wastewater from sinks, floor drains, or washing machines. Discussion followed. Chris Elvrum reported that the State of Minnesota does not have guidelines for use of gray water, there is a need to govern reuse. MDH is working with PCA, DNR, and MDA revising the plumbing code, a charter and set of goals are in place. Tom Landwehr stated that the groundwater management process needs to be addressed so an efficient delivery system can be put in place.

Minnesota Extension Service (MES) – Faye Sleeper reported that the Water Resources Center (WRC) has been under the leadership of co-directors. The interim Dean has changed the model. Deb Swackhammer is retiring, the position is posted nationwide, the WRC will be in a transition-state for a couple years.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT is planning for the legislative session. MAT’s newly elected President is Reno Wells from Cass County.

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Minnesota Association of Watershed Districts – Ray Bohn thanked board members for attending the MAWD annual meeting; good attendance at technical workshops. MAWD appreciates assistance on the LGU Roundtable; need to determine appropriate roles. MAWD's Legislative Breakfast & Day at the Capitol will be held March 19-20; an EIS symposium will be held in conjunction with this, legislators and board members are invited to attend. Ray stated that MAWD appreciates BWSR's support on the One Watershed One Plan. Ray thanked John Jaschke, Sarah Strommen, Doug Thomas, and BWSR staff for the good work they do.

UPCOMING MEETINGS

- Next BWSR Board Meeting – March 26, 2014, in St. Paul
- Public Relations, Oversight & Strategic Planning Committee Meeting – March 25 evening, in St. Paul

** Moved by Tom Loveall, seconded by Chris Elvrum, to adjourn the meeting at 12:30 PM.
14-10 *Motion passed on a voice vote.*

Respectfully submitted,

Mary Jo Anderson
Recorder



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Dispute Resolution Committee Report

Meeting Date:

March 26, 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:

Travis Germundson/Gerald

Committee(s)

Presented by:

Van Amburg

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

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
March 14, 2014
By: Travis Germundson

There are presently 11 appeals pending. All of the appeals involve WCA except File 10-10. There has been 1 new appeal filed since the last report (January 22, 2014 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 14-1 (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.

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

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

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

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.

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

Summary Table

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

COMMITTEE RECOMMENDATIONS

Southern Region Committee

1. Wabasha County Priority Concerns Scoping Document – Paul Langseth –
DECISION ITEM



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Wabasha County Priority Concerns Scoping Document

Meeting Date: March 26, 2014

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Thomas Gile

Reviewed by: Southern Region Committee(s)

Presented by: Paul Langseth, Chair

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approve the Wabasha County Comprehensive Local Water Management Plan Priority Concerns Scoping Document. (PCSD)

LINKS TO ADDITIONAL INFORMATION

http://www.bwsr.state.mn.us/boardpackets/water_plans_for_bd_packet/Wabasha_PCSD_2012.pdf

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

The current Wabasha County Local Water Management Plan was set to expire on December 31, 2012. The County requested an extension to 2012 plan which was approved by the BWSR Southern Region Water Planning Committee on August 21, 2012. That extension was valid through December 31, 2014. The County began the process of developing their next generation Local Water Management Plan by starting with the development of a Priority Concerns Scoping Document on March 27, 2012.

On March 12, 2014, the BWSR Southern Committee met to review the PCSD. All required components of the PCSD have been covered and the priority concerns selected are deemed appropriate. After review and discussion, the Committee decided with a unanimous vote to recommend approval of the Wabasha County PCSD and bring it forward to the full BWSR Board. BWSR’s official state comment letter pertaining to the review of the Wabasha County PCSD will need to be sent to Wabasha County.



March 26, 2014

Wabasha County Commissioners
c/o Terri Peters, Water Plan Coordinator
611 Broadway Ave.
Wabasha, MN 55981

Dear Wabasha County Commissioners:

**RE: Official Comments Pertaining to the State Review of the
Wabasha County Priority Concerns Scoping Document**

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State’s official comments pertaining to the priority concerns Wabasha County has chosen to address in the update of their Comprehensive Local Water Management Plan (CLWM Plan). The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Wabasha County Priority Concerns Scoping Document (PCSD) on December 16, 2013. The PCSD shows that Wabasha County reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the CLWM Plan.

- Soil Erosion
 - Agricultural production related
 - Upland treatment
 - Public education
 - Floodplain Connectivity
- Nutrient Management
 - Cropland nutrient management (residue and fertilizer)
 - Manure management
 - Urban runoff
 - Public education
- SSTS/Wells/Ground Water
 - Wellhead protection areas
 - Drinking water quality
 - Abandoned well sealing
 - Small community sewer systems
- Forest & Pasture Land
- Watershed Management Approach
 - Work with those upstream to manage flow
 - Headwaters retention
 - Priority natural areas
- Urban Issues
 - Stormwater management
 - Public education

The BWSR received comments from the Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH) and Minnesota Pollution Control Agency (MPCA) on the Wabasha County PCSD during the official review period.

Wabasha County Commissioners
March 26, 2014
Page 2 of 2

MDA – The agency concurs with the priority concerns identified. In addition the agency directed the Water Plan writers to visit the MDA water protection and water planning website for general information and guidance on the MDA priority concerns.

MPCA – MPCA comments were received late. However, the agency concurs with the priority concerns identified. In addition the agency offered the following comments for consideration – For nutrient management and N loading, note in the document that primary transport mechanism in Wabasha County is leaching loss to groundwater (as opposed to overland runoff, which is the current language in the PCSD). This is important when it comes to describing BMPs. The document could reference the recent statewide nitrogen plan that describes the various transport mechanisms and/or the statewide Nutrient Reduction Strategy. Could even go so far as to take some of the nutrient reduction goals and get them into the water plan. Good to see the watershed approach identified.

MN Department of Health – The agency concurs with the priority concerns identified. In addition the agency offered the following comments for consideration – There should be a much more detailed description of the water resources of Wabasha County in the water management plan.

The BWSR Southern Water Planning Committee (Committee) met on March 12, 2014, to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final CLWM Plan. The Committee's findings were presented to the BWSR board at its meeting on March 26, 2014.

The Committee commends Wabasha County for the process they used to select the priority concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the identified priority concern areas. The priority concerns to be addressed in the CLWM Plan are deemed to be appropriate; the BWSR does not recommend or require any changes to the PCSD as drafted.

Please proceed with the development of your next CLWM Plan. Remember your final plan will require well written Assessment and Implementation sections and must build on the input received from the Priority Concerns selected. Specific and measurable goals, actions and outcomes are expected using a watershed approach (including sub and minor watershed identification when appropriate). To have a useful plan targeting and prioritization will be required. Linking plan actions to available TMDL monitoring and impaired waters information and other available resource trend data will be important. Good luck!

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

c: Rob Sip, MDA
Kate Frantz, EQB
Pat Bailey, MDH
Michele Hanson, DNR
Juline Holleran, MPCA

Michael Plante, Interim County Administrator
Wabasha Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
Tom Gile, Board Conservationist

COMMITTEE RECOMMENDATIONS

Audit Committee

1. BWSR Data Practices Policy – Tim Dykstal – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: BWSR Data Practices Policy

Meeting Date: March 26, 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: Angie Becker Kudelka, John Jaschke, Audit

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 General Fund Budget
- Amended Policy Requested Capital Budget
- New Policy Requested Outdoor Heritage Fund Budget
- Other: Clean Water Fund Budget

ACTION REQUESTED

BWSR's staff and the Audit Committee recommend that the BWSR Board adopt the attached Resolution approving the BWSR Data Practices Policy.

LINKS TO ADDITIONAL INFORMATION

BWSR Data Practices Policy, attached.

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

The Minnesota Government Data Practices Act (MGDPA) charges government entities to inform the public about the kinds of not public data they collect, keep, and create; to make the data they have accessible to those with a right to have it; and to develop data protection procedures to assure that data on individuals are accurate, complete, current, and secure (MS § 13.025, MS § 13.05, subd. 5). This Resolution approves the attached BWSR Data Practices Policy, its designation of the Executive Director as the agency's responsible authority under the MGDPA, and authorizes staff to develop and implement a BWSR Data Practices Manual.



Resolution #14-_____

**Designation of Data Practices Responsible Authority;
Adoption of BWSR Data Practices Policy and Manual DRAFT**

WHEREAS, the Board of Water and Soil Resources is required to comply with the requirements of the Minnesota Government Data Practices Act (MGDPA), Chapter 13 of Minnesota Statutes, and Minnesota Rules, Chapter 1205; and

WHEREAS, the MGDPA charges government entities to inform the public about the kinds of not public data they collect, keep, and create; to make the data they have accessible to those with a right to have it; and to develop data protection procedures to assure that data on individuals are accurate, complete, current, and secure (MS § 13.025, MS § 13.05, subd. 5); and

WHEREAS, the MGDPA defines the “responsible authority” in a state agency or statewide system as “the state official designated by law or by the commissioner as the individual responsible for the collection, use and dissemination of any set of data on individuals, government data, or summary data” (MS § 13.025, subd. 16); and Minnesota Rules, Chapter 1205 says that, “unless otherwise provided by state law,” the responsible authority in a statewide system shall be “the commissioner of any state department or any executive officer designated by statute or executive order as responsible for such a system” (Minn. Rules part 1205.0200, subp. 15); and

WHEREAS, a BWSR data practices policy is intended to define the responsibilities and principal tasks of BWSR staff for complying with the MGDPA; and a BWSR data practices manual is intended to include the data inventory required by the Act, specify the procedures for staff to respond to data practices requests, and guide staff in the critical task of protecting not public data,

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources approves the BWSR Data Practices Policy, as attached; and

BE IT FURTHER RESOLVED, the Board of Water and Soil Resources approves the designation of the Executive Director as its responsible authority under the MGDPA; and

BE IT FURTHER RESOLVED, the Board of Water and Soil Resources authorizes staff to develop and implement a BWSR Data Practices Manual.

Brian Napstad, Chair

Date

Attachments:
BWSR Data Practices Policy



Minnesota Board of Water and Soil Resources Data Practices Policy

DRAFT March 11, 2014

Purpose: The purpose of the Minnesota Board of Water and Soil Resources Data Practices Policy is to comply with the requirements of the Minnesota Government Data Practices Act (MGDPA), Chapter 13 of Minnesota Statutes, and Minnesota Rules, Chapter 1205. The MGDPA charges government entities to inform the public about the kinds of not public data they collect, keep, and create; to make the data they have accessible to those with a right to have it; and to develop data protection procedures to assure that data on individuals are accurate, complete, current, and secure (MS § 13.025, MS § 13.05, subd. 5).

Rule reference or statute: MS § 13.025, MS § 13.05, subd. 5

Executive Team approval date:

Board approval date:

Staff author: Tim Dykstal, Fiscal Compliance Coordinator

Procedure

BWSR's policy to comply with the MGDPA is described in general in this document. More specific policies, procedures, and forms for complying with the MGDPA and its accompanying rules, Minnesota Rules Chapter 1205, are contained in a larger document entitled *Minnesota Board of Water and Resources Data Practices Manual (BWSR Data Practices Manual)*. The manual describes BWSR's public data access policy, data subjects' rights and access policy, and the responsibilities of BWSR employees to protect not public data. It also includes as an appendix a data inventory that describes the kinds of private or confidential data that BWSR has. The Data Practices Compliance Official is responsible to maintain, update, and distribute the manual. The manual is available to the public on the BWSR website (<http://www.bwsr.state.mn.us/>) and to employees on the BWSR intranet.

Data Inventory

Appendix B of the *BWSR Data Practices Manual* is the agency's data inventory.

Public Data Access Policy

The MGDPA presumes that all government data are public unless a state or federal law says the data are not public. Government data is a term that means all information a government entity has.

The MGDPA also provides that government entities keep all government data in a way that makes it easy for data subjects to access public data. Data subjects have the right to look at (inspect), free of charge, all public data that government entities keep. Data subjects also have the right to get copies of public data. The MGDPA allows government entities to charge for copies. Data subjects have the right to look at data, free of charge, before deciding to request copies.

For more information about how data subjects can make a data request, and how BWSR responds to a data request, see the *BWSR Data Practices Manual*.

Data Subjects' Rights and Access Policy

The MGDPA says that data subjects have certain rights related to a government entity collecting, keeping, and creating government data about them. A data subject is any person who can be identified from the data that a government entity maintains.

Data Classification

The MGDPA presumes that all government data are public unless a state or federal law says that the data are not public. Data about subjects are classified by state law as public, private, or confidential.

Data Subjects' Rights under the MGDPA

Government entities must maintain all government data in a way that makes it easy for data subjects to access data about themselves. Also, government entities can collect, keep, and create only those data about data subjects that government entities need for administering and managing programs that are permitted by law. Data subjects have the following rights.

- To look at (inspect), free of charge, public and private data that government entities have about them
- To be notified when government entities ask them to provide data about themselves that are not public
- To protect the not public data that government entities collect, keep, and create about them, and to establish appropriate safeguards to ensure their security
- To challenge the accuracy and/or completeness of public and private data about them.

For more information about these rights, and about making and responding to a data request, see the *BWSR Data Practices Manual*.

Responsibilities

Data Practices Compliance Official: Every government entity is required to designate an employee to act as the entity's Data Practices Compliance Official. The Data Practices Compliance Official (DPCO) is the agency employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices issues. The DPCO will be responsible to resolve agency compliance issues.

Designee: A designee is a person appointed in writing by the responsible authority to be in charge of individual files or systems containing government data and to receive and comply with requests for government data. Within BWSR, each unit and region has an appointed designee. The designee is responsible for protecting the data their unit collects and keeps about data subjects, as well as the data that it creates. Designees are also responsible to know how that data is classified, to assist staff with data requests, and to attend and provide related training. Designees will refer to the DPCO to resolve compliance issues.

Responsible Authority: According to Minnesota Rules, Part 1205.0200 subp.13, the Responsible Authority for BWSR is the Executive Director. The responsible authority is accountable for BWSR compliance with the requirements of the MGDPA. Most of the responsible authority duties are detailed in MS § 13.05.

Staff: Each employee is responsible to protect the not public data that they have about data subjects. They are also responsible to provide for inspection and copies of public data, to notify their unit designee and the DPCO that they have received a request, and to assist the designee to answer any questions or concerns related to a request. Staff is required to have a basic knowledge of the MGDPA and to reference the *BWSR Data Practices Manual*.

Specific Tasks

The Responsible Authority will:

- Ensure BWSR compliance with all requirements of the MGDPA and Minnesota Rules, Chapter 1205
- Ensure BWSR policy is developed and implemented to address data practices responsibilities
- Determine when the Attorney General's Office will assist the DPCO with data practices issues
- Appoint or designate a Data Practices Compliance Official
- Appoint or designate unit data practice designees to assist DPCO and staff.

The Data Practices Compliance Official will:

- Be knowledgeable about the MGDPA, any related statutory requirements, and Minnesota Rules, Chapter 1205
- Be familiar with BWSR data and classifications under the MGDPA
- Act as the point of contact to the public for any data practices related question, request, or issue
- Maintain a log of public data requests
- Provide public notice on BWSR request policies and procedures
- Assist BWSR staff and designees in responding to data requests, classifying not public data, and protecting not public data.
- Resolve agency compliance issues
- Assist in providing data practices training to staff and designees
- Work directly with the communications director on any request from the media or related to the Governor's Office
- Provide data practices updates and communications to the Responsible Authority as requested
- Develop BWSR policies and procedures and revise annually to comply with statute
- Represent BWSR on state agency and other data practices committees and forums.

Data Practices Designees will:

- Be familiar with the MGDPA, any related statutory requirements and Minnesota Rules, Chapter 1205
- Be knowledgeable about the data their unit collects, keeps, and creates and its classification
- Assist BWSR staff and DPCO in responding to data requests, classifying not public data, and protecting not public data.
- Work with and assist the DPCO with any related data practices issues

- Refer to the DPCO to resolve any compliance issues
- Participate in BWSR data practices training and meetings.

BWSR Employees will:

- Protect the not public data that they have about data subjects
- Comply with all statutory requirements and BWSR policy regarding the MGDPA and the security of not public data.
- Provide for the inspection and copy of government documents created, maintained, collected, or stored by BWSR
- Inform their unit designee and the DPCO about any data practices request from the public, media, or other government entity
- Work with their unit designee, and the DPCO as needed, to respond to data requests
- Have a basic knowledge of the MGDPA and reference the manual as needed

Approved by:

Date:

DRAFT

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

1. Targeted Watershed Demonstration Program - Marcey Westrick –

DECISION ITEM



Conflict of Interest Disclosure Form for Board Members

Grant Program: Targeted Watershed Demonstration Program

Name of Review Group: Grants Program & Policy Committee

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

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

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

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

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

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

ACTUAL CONFLICT OF INTEREST:

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

POTENTIAL CONFLICT OF INTEREST:

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

PERCEIVED CONFLICT OF INTEREST:

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

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

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

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

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

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

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 5/13



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Targeted Watershed Demonstration Program

Meeting Date: March 26, 2014

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Statewide

Contact: Marcey Westrick, David Weirens

Prepared by: Marcey Westrick, David Weirens

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Marcey Westrick, David Weirens

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

The Board is requested to consider the recommendation from the Grants Program and Policy Committee to award Clean Water Funds to local government applications under the Targeted Watershed Demonstration Program.

LINKS TO ADDITIONAL INFORMATION

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

On October 23, 2013, the Board adopted resolutions #13-92 which authorizes staff to conduct a Request for Interest for nominations for the Targeted Watershed Demonstration Program. Nominations were accepted from October 28 through December 13, 2013. Local governments submitted 25 nominations requesting \$46,380,000 in Clean Water Funds. Total available grants funds are \$5 million in FY2014.

The attached recommendation overview and resolution contain detail on applications and proposed funding recommendations.



Board Resolution # 14-

**TARGETED WATERSHED DEMONSTRATION PROGRAM:
FUNDING RECOMMENDATION**

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(a); 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, on October 29, 2013 (Board Resolution # 13-92) the Board:

1. Authorized 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; and,

WHEREAS, up to \$12.0 million in funds were made available to local governments through the RFI process that was open for applications from October 28, 2013 through December 13, 2013;

WHEREAS, local governments throughout the state submitted 25 nominations requesting \$46,380,000;

WHEREAS, nominations were first screened and scored by BWSR staff based on responses to the RFI, based on the following criteria:

Scoring Guidelines:

1) Strength of watershed as a candidate for this demonstration program	20
2) Extent of water quality and quantity monitoring	20
3) Local knowledge of pollution sources and pathways within the watershed	20
4) Landowner interest in the watershed	20
5) Financial and technical resources available, local expertise and project budget	20
Total Points Available	100

WHEREAS, as a second step, the 12 nominations that scored more than 70 points were invited to an interview with an interagency team consisting of staff from the MDA, DNR, MPCA, MDH and BWSR based on the following criteria:

- 1) the amount of existing local effort occurring within the watershed;
- 2) significance of the water resource;
- 3) efforts of proposer to address the long-term sustainability of soil and water resources within their jurisdiction;
- 4) a systematic way to address non-point water quality issues can be demonstrated;
- 5) commitment of other agencies, non-profits, and private interest; and
- 6) evaluation plan.

WHEREAS, the BWSR Senior Management Team reviewed the proposed Targeted Watershed Demonstration Program grant allocations on March 11, 2014; and

WHEREAS, the Grants Program and Policy Committee reviewed the Targeted Watershed Demonstration Program proposed grant allocations on March 13, 2014.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

- 1) Approves the allocation of \$5,705,000 to the top three scored nominations according to the attached Targeted Watershed Demonstration Program Recommendations and Targeted Watershed Demonstration Program results.
- 2) Amends Board Resolution 14-05 by eliminating \$907,500 of funding for the following projects: C14-7463(#4) and C14-8176(#6) and distributing this balance to fully fund projects C14-8172(#40) and C14-9086(#41) and partially fund C14-7301(#42).

Brian Napstad, Chair
Board of Water and Soil Resources

Date: _____

BOARD OF WATER AND SOIL RESOURCES

FY2014 Clean Water Fund Targeted Demonstration Program

March 13, 2014

Background

Nominations for the FY2014 Clean Water Fund Targeted Watershed Demonstration Program were accepted from October 28 through December 13, 2013. Local governments submitted 25 nominations requesting \$46,380,000 in Clean Water Funds.

Two Phased Review Process

The Targeted Watershed Demonstration utilized a two-phased review process. The first phase consisted of interested candidates nominating a watershed through the Request for Interest (RFI). All nominated watersheds submitted for consideration were first screened by BWSR staff based on responses to the questions found in the RFI. The second phase of the review process consisted of interviews with watersheds that were deemed candidates for final selection as recommended by BWSR staff.

Phase I: Review

Clean Water Specialists met on January 2 and 3, 2014 to review, screen and score the watershed nominations submitted in response to the RFI. Six nominations were screened as low and not reviewed further. Nineteen nominations were reviewed and scored using the scoring criteria identified in the RFI.

Scoring Guidelines:

1) Strength of watershed as candidate for this demonstration program	20
2) Extent of water quality and quantity monitoring	20
3) Local knowledge of pollution sources and pathways within the watershed	20
4) Landowner interest in the watershed	20
5) Financial and technical resources available, local expertise and project budget	20
Total Points Available	100

Information provided by the applicants in their nomination was assigned points in each category. Prior to scoring the applications, Clean Water Specialists had established the following minimum scoring criteria for nominations to receive an interview at the next step of the funding cycle:

- Minimum score of 70 points
- No more than two scoring categories receive less than 10 points

Initial scoring resulted in 12 applications receiving the minimum score required to be recommended for an interview with the applicant.

Number	Applicant	Grant Request	Score
1	Scott WMO	\$2,320,000	88
2	Crow Wing SWCD	\$1,200,000	80
3	Chisago SWCD	\$1,200,000	78
4	Rice Creek WD	\$3,000,000	78
5	Minnehaha Creek WD	\$1,502,714	78
6	Cedar River WD	\$1,505,000	77
7	Lincoln SWCD	\$1,762,684	76
8	East Polk SWCD	\$925,092	76
9	Clearwater River WD	\$2,300,000	75
10	Cook SWCD	\$1,114,500	74
11	GBERBA	\$769,500	70
12	Lake SWCD	\$1,000,000	70
13	Shingle Creek WMO	\$1,552,500	69
14	Benton SWCD	\$1,750,000	67
15	Capitol Region WD	\$2,000,000	65
16	Wabasha SWCD	\$1,950,000	59
17	Chippewa River JPB	\$2,064,212	59
18	Vermillion River WMO	\$3,200,000	57
19	Pomme De Terre JPB	\$3,000,000	53

Phase II: Interviews

The Interagency Selection Committee, consisting of staff from BWSR, DNR, MDA, MDH, and MPCA, met on January 29, February 7 and February 10 with interviewees. Prior to interviews, the Selection Committee was given for their review a copy of each of the RFIs submitted by the applicants to be interviewed. The Selection Committee was not given the scores from the first phase of the review process.

In addition to the responses to the RFI, additional criteria that was used during the interview process included 1) the amount of existing local effort occurring within the watershed, 2) significance of the water resource, 3) efforts of proposer to address the long-term sustainability of soil and water resources within their jurisdiction, 4) a systematic way to address non-point water quality issues can be demonstrated, 5) commitment of other agencies, non-profits, and private interest, and 6) evaluation plan.

A set of six standardized questions were sent to all interviewees one week prior to their interview. Interviewees were given up to 20 minutes to present on their overall proposal. After the presentation was over, 25 minutes was allowed for questions with 5 minutes allocated towards clarifying questions based on the RFI and presentation and the remaining 20 minutes for the standardized questions.

The Selection Committee reconvened on February 10th to make recommendations on funding. All information was reviewed. Funding recommendations were based on overall content and strength of the watershed as a candidate of the program with scores ranging from 0-5.

Number	Applicant	Grant Request	Total Score	Average Score
1	Crow Wing SWCD	\$1,200,000	25*	5
2	Rice Creek WD	\$3,000,000	30	5
3	Cedar River WD	\$1,505,000	30	5
4	Clearwater River WD	\$2,300,000	26	4.3
5	Scott WMO	\$2,320,000	24	4
6	Lake SWCD	\$1,000,000	24	4
7	Chisago SWCD	\$1,200,000	22	3.7
8	Lincoln SWCD	\$1,762,684	16	2.7
9	Cook SWCD	\$1,114,500	14	2.3
10	Minnehaha Creek WD	\$1,502,714	14	2.3
11	East Polk SWCD	\$925,092	8	1.3
12	GBERBA	\$769,500	8	1.3

*Only 5 Selection Committee Members present at the interview. One member had jury duty

Recommendation:

1. Fully fund the 3 highest scoring applications: Crow Wing SWCD, Rice Creek WD, and Cedar River WD.

2. Fully fund Crow Wing SWCD and Rice Creek WD from the Targeted Watershed Demonstration Program funds. Use the resulting balance of \$907,500 in CWF Projects and Practices funding to fully fund projects C14-8172 (#40) and C14-9086 (#41) and partially fund project C14-7301 (#42).

Applicant	County	HUC Scale	Project Description	Average Score	Funding Request	Funding Recommendation
Rice Creek WD	Ramsey	12	This project targets phosphorus reductions in Long Lake. Proposed activities include regional stormwater pond retrofits, the construction of a new stormwater re-use facility, management of rough fish (carp), and the restoration of Middle Rice Creek.	5.0	\$3,000,000 \$	3,000,000
Cedar River WD	Mower	12	This project targets sediment and nutrient reductions in Dobbins Creek. The project identifies a suite of practices that address the site specific needs for treatment in the target areas of the watershed. By incorporating a treatment train approach, the projects will function in collaboration with each other and effectively provide the required treatment. Practices will include 1) Detention Areas, 2) Constructed Wetland Areas, 3) Water and Sediment Control Basins (WASCB), 4)CRP – filter strips, 5) Bioreactors, 6)Streambank Stabilization and In-channel improvements, and 7) Riparian Treatment to include saturated buffers	5.0	\$1,505,000 \$	1,505,000
Crow Wing SWCD	Crow Wing	12	The project targets phosphorus reductions in Serpent Lake. This project proposes to complete a 1) chemical ALUM treatment to Cranberry Lake, 2) disconnect direct stormwater runoff that flows directly into Serpent lake, 3) work with townships and municipalities to adopt stormwater ordinances such as the Minimal Impact Design Standards (MIDS) for future redevelopment, and 4) partner with private landowners to complete shoreline BMPs on targeted parcels that contain high impervious surface percentages.	5.0	\$1,200,000 \$	1,200,000
Clearwater River WD	Stearns/Meeker	10	This project targets phosphorus reduction in the Clearwater River Chain of Lakes. Proposed activities include 1) expanding the targeted fertilizer application program in the District, 2) managing internal load in upper watershed lakes including Lake Betsy by conducting a feasibility study to evaluate hypolimnetic withdrawal of nutrient-rich bottom water for application on near-by agricultural fields and implement the internal load management based on the results of the feasibility study, 3) continuing improvements towards water quality goals in shallow lakes by improving aquatic macrophyte populations in shallow lakes by rough fish management, and 4) implementing the remaining capital projects in watershed identified in the Comprehensive Water Management Plan.	4.3	\$2,300,000 \$	-
Scott WMO	Scott	12	The project targets sediment reduction in Sand Creek, and phosphorus in Cedar and McMahon Lakes. Actions in these plans address and target watershed sources of sediment and phosphorus, moderate runoff, improve riparian conditions, target priority near channel sediment sources, address habitat fragmentation, and control in-lake phosphorus recycling.	4.0	\$2,320,000 \$	-
Lake SWCD	Lake	12	This project targets sediment reduction in the Knife River. Proposed activities include efforts to improve and coordinate land management and forestry practices, implement prioritized and targeted stream restoration projects, and leverage the capacity of local citizen groups.	4.0	\$1,000,000 \$	-
Chisago SWCD	Chisago	12	This project targets phosphorus reduction on 6 lakes within the Chisago Chain of Lakes. Proposed activities will depend on the lake's nutrient balance and opportunities for restoration and would consist of watershed projects, in-lake projects, and point source Best Management Practices (BMPs) were identified for each impaired and protection lake.	3.7	\$1,200,000 \$	-

Applicant	County	HUC Scale	Project Description	Average Score	Funding Request	Funding Recommendation
Lincoln SWCD	Lincoln	10	This project targets sediment and nutrient reductions in the Upper and South Branches of the Yellow Medicine River. Proposed activities include 1) Water and sediment control structures, 2) conservation buffers/filters, 3) wetland restorations, 4) grade stabilization structures, 5) drainage water management, 6) bioreactors, and 7) replacement of open tile inlets with both rock or dense pattern tile intakes.	2.7	\$1,762,684 \$	-
Cook SWCD	Cook	12	This project targets the Lower Poplar River. Proposed activities include the completion of specific road and trail projects, water bars, vegetation management, and riverbank stabilization.	2.3	\$1,114,500 \$	-
Minnehaha Creek WD	Hennepin	12	This project targets phosphorus reduction in Minnehaha Creek and is part of a larger comprehensive series of projects. The proposed activity is a major stormwater management project designed to manage area-wide stormwater runoff volumes in a manner that addresses pollutant loads to Minnehaha Creek and downstream Lake Hiawatha, reduces peak runoff rates, and improves base flow in an expanded and restored section of riparian greenway. The projects include demolition and redevelopment of a 17 acre cold property and two pipe diversions of approximately 247 acres for discharge at the project site.	2.3	\$1,502,714 \$	-
East Polk SWCD	Polk	12	This project targets sediment reduction in the Sand Hill River. Proposed activities include (1) installing approximately 80 water and sediment control basins with landowners on private land, (2) Restoring a natural coulee immediately upstream of its confluence of the Sand Hill River, and (3) stabilizing 1,200 feet of riverbank by installing a combination of stream barbs, toe wood sod mat and streambank grading.	1.3	\$925,092 \$	-
Greater Blue Earth Basin River Alliance	Waseca	12	This project targets sediment reduction in Bull Run Creek. Proposed activities include installing 1) Upland water storage basins for tile and surface runoff, 2) Enhancing the function of existing drained reed canary wetlands to retain additional water, 3) Stabilizing and restoring stream banks and channel, and 4) enhancing the floodplain.	1.3	\$769,500 \$	-
Total					\$18,599,490 \$	5,705,000

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Match Amount	Title	Average Score (100 pts.)	Description
1	CL4-9175	Capitol Region WD	Ramsey	\$ 360,000	\$ 360,000	\$ 90,000	Reduce, Reuse, Revitalize: Upper Villa Park Volume Reduction and Stormwater Reuse Project	92.9	This purpose of this project is to protect Lake McCarron's by reducing runoff volumes and the pollutants associated with urban stormwater through Best Management Practices, such as bio-retention basin, infiltration systems, and a re-use system to irrigate a community softball field.
2	CL4-5800	Minnehaha Creek WD	Hennepin	\$ 483,000	\$ 483,000	\$ 150,000	Cottageville Park Water Quality Protection and Stream Restoration Project	90.5	The purpose of this project is to help meet water quality goals for Minnehaha Creek by implementing a wide variety of stormwater BMP's including biofiltration, infiltration areas, stormwater re-use systems, native plantings, and enhanced outlet filters.
3	CL4-8647	Anoka CD	Anoka	\$ 42,987	\$ 42,987	\$ 30,000	Coon Lake Area Stormwater Retrofits	90.4	This purpose of this project is to install new stormwater treatment practices in neighborhoods directly draining to Coon Lake, whose water quality has been trending downward and approaching the state water quality standard.
4	CL4-7463	Rice Creek WD	Ramsey	\$ 537,500	Targeted Watershed	\$ 134,375	Middle Rice Creek Restoration	90.2	The purpose of this project is to restore historic meanders and stabilize Middle Rice Creek, which has been channelized and is currently unstable and eroding.
5	CL4-2296	Anoka CD	Anoka	\$ 517,780	\$ 517,780	\$ 267,000	Oak Glen Creek Stormwater Pond Expansion and Iron Enhanced Sand Filter Retrofit	89.9	The purpose of this project is to expand the Oak Glen Creek stormwater pond and enhance the pond with an iron enhanced sand filter to protect a downstream corridor stabilization and improve the quality of stormwater discharged to the Mississippi River.
6	CL4-8176	Crow Wing SWCD	Crow Wing	\$ 370,000	Targeted Watershed	\$ 92,500	Serpent Lake Protection: Deerwood Community Flood and Stormwater Control Project	89.8	The purpose of this project is to reverse the declining water quality trend of Serpent Lake by installing a series of bio-retention swales and iron enhanced filters on public and private land.
7	CL4-7251	Forest Lake, City of	Washington	\$ 382,000	\$ 382,000	\$ 95,500	Clear Lake Water Quality Treatment Project	89.5	The purpose of this project is to install four biofiltration basins and a wet sedimentation pond to treat stormwater prior to discharging into Clear Lake.
8	CL4-6918	Carver County	Carver	\$ 200,000	\$ 200,000	\$ 50,000	Burnside Lake Stormwater Reuse System	88.9	The purpose of this project is to install a water reuse system to capture untreated storm water and reduce pollutants entering Burnside Lake.
9	CL4-2565	Carlton SWCD	Carlton	\$ 81,791	\$ 81,791	\$ 33,005	Tributary Restoration Through Aging Sediment Retention	88.8	The purpose of this project is to use natural channel design methods to restore an eroding section of the turbidity-impaired Deer Creek.
10	CL4-9751	Middle-St. Croix River WMO	Washington	\$ 109,000	\$ 109,000	\$ 28,000	Lily Lake Stormwater Quality Retrofits	88.8	The purpose of this project is to continue the installation of targeted stormwater treatment best management practices treating at least 8 acres of urban development draining to Lily Lake.
11	CL4-9197	Polk, East SWCD	Polk	\$ 364,880	\$ 364,880	\$ 175,000	Phase III Sand Hill River Watershed Multi-County Erosion BMP's	88.7	The purpose of this project is to continue installation of 80 water and sediment basins located within the upper reaches of the Sand Hill River Watershed.
12	CL4-8281	Stearns SWCD	Stearns	\$ 174,301	\$ 174,301	\$ 53,699	Stearns County SWCD Stump and Sagategan Lakes Subwatershed Stormwater Treatment Projects	88.4	The purpose of this project is to retrofit sub-catchment drainage areas on St. John's University (SU) campus that drain untreated stormwater runoff directly into Stump and Sagategan Lakes.
13	CL4-7210	Comfort Lake-Forest Lake WD	Washington	\$ 360,750	\$ 360,750	\$ 120,250	Bobby Park Water Quality Improvement Project	88.3	The purpose of this project is to address, on a sub-regional scale, water quality improvements to Comfort Lake by modify an existing wetland complex to increase water quality treatment and storage capacity in addition to incorporating an iron-enhanced sand filter, which will remove dissolved phosphorus.
14	CL4-8547	Sherburne SWCD	Sherburne	\$ 120,000	\$ 60,000	\$ 30,000	Elk River Targeted Bacteria Reduction	88.3	The purpose of this project is to implement a pasture and manure management program to large animal and hobby farm owners within priority locations as identified in the Elk River Bacteria TMDL and Implementation Plan.
15	CL4-2569	Browns Creek WD	Washington	\$ 57,000	\$ 57,000	\$ 23,000	Long Lake Neighborhood Retrofit	87.9	The purpose of this project is to work with targeted landowners in two high priority neighborhoods to install stormwater best management practices in efforts to reduce phosphorus loading into Long Lake.
16	CL4-8083	Savage, City of	Scott	\$ 459,665	\$ 459,665	\$ 115,000	Savage Fen Ravine Stabilization	87.8	The purpose of this project is to stabilize two large ravines that discharge to the Savage Galcareous Fen Wetland Complex.
17	CL4-8450	Prior Lake-Spring Lake WD	Scott	\$ 131,200	\$ 131,200	\$ 32,800	2013 - Fish Point Park Retrofits	87.2	The purpose of this project is to reduce rate, volume and phosphorus loading to Lower Prior Lake by retrofitting an existing ditch section with in-line iron-sand filters and expanding storage capacity through wetland creation upstream.

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Match Amount	Title	Average Score (100 pts.)	Description
18	CI4-9437	Shingle Creek WMC	Hennepin	\$ 200,000	\$ 200,000	\$ 175,000	Connections at Shingle Creek	87.0	The purpose of this project is the ecological restoration of 1,400 feet of Shingle Creek by creating a narrowed low flow channel, thinning dense tree canopy, and installing a native plant buffer.
19	CI4-7702	Dakota SWCD	Dakota	\$ 300,000	\$ 300,000	\$ 75,000	2014 Clean Water Retrofit Partnership	86.7	The purpose of this project is to continue efforts to retrofit stormwater Best Management Practices (BMPs) on public land using proven methods that match local water management plan priority sites with effective BMPs using ranking criteria that includes pollutant load modeling, benefits to receiving waters, cost benefit ratios, and site suitability.
20	CI4-8985	Carver County	Carver	\$ 80,000	\$ 40,000	\$ 20,000	Exclusion and Streambank Restoration Grant	86.3	The purpose of this project is to construct exclusion fencing for livestock to remove uncontrolled access to the bacteria impaired Beven and Carver Creeks.
21	CI4-1920	Iaanti SWCD	Iaanti	\$ 120,611	\$ 120,611	\$ 31,000	Stormwater Retrofit for City of Iaanti, MN to Benefit the Rum River	86.1	The purpose of this project is to install a new stormwater pond in a targeted neighborhood in the City of Iaanti that discharges to a creek flowing directly into the Rum River.
22	CI4-3927	Prior Lake-Spring Lake WD	Scott	\$ 58,000	\$ 58,000	\$ 14,500	2013 - Arctic Lake Restoration	86.1	The purpose of this project is to reduce the watershed phosphorus loading to both Artic and Upper Prior Lakes by enhancing two ponds with sand-iron filters, retrofitting a basin and swale system in an agricultural drainage area, restoring a wetland, and removing carp.
23	CI4-8790	Chicago SWCD	Chicago	\$ 250,000	\$ 250,000	\$ 62,500	Chain of Lakes Stormwater Retrofit Assessment Best Management Practices	85.8	The purpose of this project is to continue to install targeted best management practices identified in rural and urban subwatershed assessments in the Chicago Chain of Lakes watershed.
24	CI4-7468	Anoka CD	Anoka	\$ 88,550	\$ 88,550	\$ 22,500	Golden Lake Iron Enhanced Sand Filter - Treating Dissolved Phosphorus	85.5	The purpose of this project is to retrofit an existing stormwater treatment pond discharging to the nutrient impaired Golden Lake with an iron enhanced sand filter.
25	CI4-8853	Chicago SWCD	Chicago	\$ 117,000	\$ 117,000	\$ 30,000	St. Croix River Escarpment Gully Stabilization Implementation Program	85.3	The purpose of this project is to continue the implementation phase of the St. Croix River Escarpment project which stabilizes active gully erosion sites that have been targeted for repair.
26	CI4-8858	Ramsey-Washington Metro WD	Ramsey	\$ 200,000	\$ 200,000	\$ 50,000	Casey Lake Neighborhood Stormwater Retrofit	85.3	The purpose of this project is to protect Lake Phalen by installing up to 25 rain gardens on priority properties in the Casey Lake watershed that drains to the impaired Kohlman Lake which is the headwaters to Lake Phalen.
27	CI4-5920	Ramsey Conservation District	Ramsey	\$ 56,000	\$ 56,000	\$ 20,000	Wakefield Design and Implementation Project	85.0	The purpose of this project is to design and install seven priority BMPs in a targeted catchment of Wakefield Lake.
28	CI4-9457	Washington Conservation District	Washington	\$ 216,130	\$ 216,130	\$ 100,000	Lake St. Croix Rural Subwatershed Project Implementation	84.9	The purpose of this project is the implementation of 8 to 10 of the top ranked conservation projects that have been identified in a rural subwatershed analysis. In efforts to reduce phosphorus loading to Lake St. Croix.
29	CI4-7062	Stearns SWCD	Stearns	\$ 196,586	\$ 196,586	\$ 51,658	St. Cloud State University Q. Parking Lot Pollution Reduction Project	84.8	The purpose of this project is to reduce the pollutant load currently entering the Mississippi river from a parking lot by capturing and treating the first one inch of rainfall in a treatment train of best management practices. These practices will include bioretention basins or infiltration trenches.
30	CI4-9914	Turtle Creek WD	Freeborn	\$ 35,625	\$ 35,625	\$ 11,375	CRP Incentives for Targeted Sediment Loading Reduction	84.6	The purpose of this project is to target incentives for enrollment into the Conservation Reserve Program in the heaviest sediment loading subwatershed areas to Turtle Creek and Cedar River.
31	CI4-9743	Scott SWCD	Scott	\$ 252,800	\$ 126,400	\$ 75,000	Lower Minnesota River Watershed Targeted BMP Installations in Tributary and Near Channel Stream Watersheds, Scott County	84.5	The purpose of this project is to reduce sediment and nutrient loading to the main stem and local tributaries of the Lower Minnesota River by providing cost share for practices that treat ravine headcut and channel erosion, streambank/shoreline erosion, ephemeral gully erosion, and direct-discharging open inlet drainage systems.
32	CI4-9043	Pomme de Terre River Association, JB	Multiple Counties	\$ 549,632	\$ 274,816	\$ 137,408	Pomme de Terre River Watershed Targeted BMP Implementation Project	84.5	The purpose of this project is to continue implementing targeted activities in identified specific areas which include erosion control practices such as water and sediment control basins, riparian buffers, enrollment of CRP buffer and wetland practices, shoreline protection and stabilization projects.
33	CI4-6945	Heron Lake WD	Murray	\$ 264,535	\$ 264,535	\$ 66,134	Livestock Nutrient Reduction Project	84.4	The purpose of this project is to construct a manure storage basin within the West Fork Des Moines River Watershed.

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Match Amount	Title	Average Score (100 pts.)	Description
34	CI4-9342	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	CI4-8185	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 Minniewaska to reduce the amount of sediment and total phosphorus entering Pelican Lake, Lake Minniewaska, and Lake Emily.
36	CI4-9295	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 83.5 are contributing massive sediment loads to the impaired Red River.
37	CI4-7804	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	CI4-7226	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	CI4-7056	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	CI4-8172	Scott County	Scott	\$ 800,000	(\$411,789)	\$ 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	CI4-9086	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	CI4-7301	Winona SWCD	Winona	\$ 565,186	\$ 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.
			Total Funding	\$ 8,417,364	\$	\$			

NEW BUSINESS

1. Red River Basin Commission Annual Report and Funding Request – Jeff Lewis, RRBC Executive Director – ***DECISION ITEM***
2. Farm Bill Conservation Title Summary – Don Baloun, NRCS State Conservationist – ***INFORMATION ITEM***
3. FY2014 Clean Water Fund Outcomes – Dave Weirens, Acting Assistant Director – ***INFORMATION ITEM***



Conflict of Interest Disclosure Form for Board Members

Grant Program: Red River Basin Commission Annual Report and Funding Request

Name of Review Group: Brian Dwight

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

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

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

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

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

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

ACTUAL CONFLICT OF INTEREST:

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

POTENTIAL CONFLICT OF INTEREST:

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

PERCEIVED CONFLICT OF INTEREST:

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

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

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

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

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

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

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 5/13



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Red River Basin Commission Annual Report and Funding Request

Meeting Date: March 26, 2014

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: North Region

Contact: Brian Dwight

Prepared by: Brian Dwight

Reviewed by: Brian Dwight Committee(s)

Presented by: Jeff Lewis, RRBC

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input checked="" 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

BWSR approval of the RRBC 2013 annual report and 2014 annual work plan and budget. With this approval BWSR also approves the FY 14 MN allocation of \$100,000.00 to the RRBC. Brian Dwight has reviewed the 2013 report and 2014 annual plan and budget and recommends the Boards approval of both documents.

LINKS TO ADDITIONAL INFORMATION

<http://www.redriverbasincommission.org/>

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

The Red River Basin Commission (RRBC) is an international organization encompassing The Red River of the North Basin which includes portions of the states of South Dakota, North Dakota, Minnesota, and the Canadian Province of Manitoba. The RRBC was formed in 2001 with the merger of "The International Coalition" and the "Red River Basin Board".

The vision of the RRBC: A Red River Basin where residents, organizations, and governments work together to achieve basin-wide commitment to comprehensive integrated watershed stewardship and management.

With the mission of: To create a comprehensive integrated basin-wide vision, to build consensus and commitment to the vision, and to speak with a unified voice for the Red River Basin.

The state of Minnesota has been supporting the efforts of the RRBC for several years with state agency participation as board members as well as special committee members or chairs. In particular MPCA, DNR, and BWSR have been very active participants with MDA and MDH participation from time to time. In addition to the providing human resources to the RRBC operation the State of MN also provides an annul grant in the amount of \$100,000.00 to fund the general operations of RRBC. These grant funds are delivered to the RRBC through the BWSR grant process. This amount is also provided by the State of North Dakota and the Canadian equivalent is provided by the Providence of Manitoba.

Red River Basin Commission (RRBC) 2014 Workplan

Introduction

Most of the work activities we do are centered around the Natural Resource Framework Plan (NRFP) for the Red River Basin that we completed in 2005 following a lengthy citizen input process. This Plan contained thirteen Goal Areas, four of which were administrative in nature and nine of which were resource areas. In November 2013 RRBC began discussions with the U.S. Army Corps of Engineers St. Paul District Planning Section (COE) about working together with the COE on a planning effort that would create a Federal Comprehensive Water Management Plan (CWMP) and at the same time update our NRFP. These discussions and a RRBC Board Retreat produced a consolidated set of six Goal Areas for this new combined planning effort. These six Goal Areas are:

- (1). Flood Damage Reduction/Flood Risk Management/Hydrology
- (2). Fish/Wildlife/Aquatic and Riparian Ecosystem Health
- (3) Water Quality
- (4). Water Supply/Drought Management
- (5). Recreation
- (6). Soil Conservation/Soil Health

During the next 18-24 months the RRBC and COE will revisit the work completed under the current NRFP, expand as needed to meet the CWMP requirements of the COE and update the Goal Areas for a new and enhanced NRFP. There will be workgroups established for each Goal Area. Some of which are already established and meeting. These workgroups through a series of meetings will identify problem areas, develop and prioritize options to address problems and adopt new resource goals for the next 10 years and adopt an implementation strategy on how to reach the new resource goals.

Tasks for 2014 Goal Areas:

New Goal Area 1: Flood Risk, Management and Hydrology

- Gaging/Forecasting Project: complete the report that will include a summary of current gaging activities in the US side of the RRB, identification of gaps in gaging work, identification of potential data coordination and development of strategies to improve our gaging efforts. Engage forecasting specialists both in the US and Canada to work towards a cohesive and effective gaging effort

basinwide. This project was jointly funded by MnDNR and North Dakota State Water Commission (NDSWC).

- Halstad Upstream Retention (HUR) Project: complete the report including recommendations of funding of sites by the Fargo-Moorhead Diversion Authority (FMDA), complete outreach activity on implementation of distributed storage plans in conjunction with basin partners. Update Long Term Flood Solutions (LTFS) report based on work completed by HUR Project.
- Work with COE on CWMP and Basin Feasibility Study to complete modeling work for the reach from Halstad to the US/Canadian border to be consistent with modeling work completed from Halstad upstream to Lake Traverse.
- Participate where appropriate in the discussions and ongoing planning for the Fargo-Moorhead Diversion Project.
- Participate on the International Water Institute (IWI) lead Basin Technical and Scientific Committee working on surface drainage and continue to work with that group on the implementation of the tile drainage guidelines.
- Assist the Provincial and Local Governments in Manitoba to obtain and utilize LIDAR data for natural resource management purposes.
- Continue to work with Red River Retention Authority and others to get the Red River Basin identified as a Critical Area under the new Regional Conservation Partnership Program of the recently adopted Farm Bill. This work could provide Federal funding to advance the distributed storage plans developed for the tributary watersheds in Minnesota and North Dakota.

New Goal Area 2: Aquatic and Riparian Ecosystem Health

- Work with the COE CWMP effort to further develop this goal area.
- Begin implementation of the watershed AIS LCCMR Project leveraging local resources through Spring 2014 and utilizing LCCMR Grant funds starting July 1, 2014 through June 2016.
- Work with IWI and International Institute Sustainable Development to expand River Watch program across the basin including targeted efforts in the Pembina and Roseau International Watersheds.

New Goal Area 3: Water Quality

- Continue to assist and work with the IRRB-Water Quality Committee on the Nutrient Reduction initiatives that they and the individual states and province are advancing.
- Begin implementation of the Nutrient Capture LCCMR Project with funding that becomes available July 1, 2014 with the Bois de Sioux Watershed District and the partners identified in that project. Continue to collaborate with IISD on cattail harvest work they are leading in Manitoba.
- Work with the COE Comprehensive Plan development water quality focus area.
- Support and assist the Province of Manitoba to move forward with the Lake Friendly Initiative.
- Continue to work with sister organizations to develop tools to improve water quality such as Do What Matters Program for Local Governments being developed in Manitoba.
- Continue to work with the Provincial/State and Local Governments to assist in the facilitation of projects such as the Memorandum of Understanding for Water and Wastewater Operators in Manitoba to assist with mutual aid during times of emergency to maintain the safe operation of utility plants and protect water quality.

New Goal Area 4: Water Supply/Drought Management

- Work with the COE Comprehensive Plan to integrate work of our NRFP into COE Comprehensive Plan
- Facilitate discussions with the States of Minn. And ND. And the Province of Manitoba on a Long Term Drought Strategy for the Basin following the example we established with the LTFS work.

New Goal Area 5: Recreation

- Work with the COE Comprehensive Plan to integrate our NRFP into COE Comprehensive Plan
- Collaborate with International Water Institute to develop Next Generation Stakeholders activities related to the "River Explorers" program

New Goal Area 6: Soil Conservation /Soil Health

- Work with the COE Comprehensive Plan to integrate our NRFP into COE Comprehensive Plan
- Work with SWCDs throughout the Basin to integrate Farm Bill individual land practices along with the Regional Conservation Partnership Program activities.

Communications/Cross Goal Activities

- Press releases, Ripple Effect and Water Minutes: 2x mo
- Annual Summit Conference: Jan in Fargo
- Increase synergistic activities developing through co-location effort and begin building a branded image that reflects the newly organized "Red River Watershed Center".
- Work with Basin groups including: PRBAB, RRIW, MB North Chapter, MB South Chapter, MBConDistAssoc, MN Joint Powers Board, South Valley Initiative, NDJWRB, MNRRWMB,RRRA, Upper Shey. Joint Board, Devils Lk. Joint Board and IRRB.
- Participate in annual meetings of: MBCDA, MBAMM, NDJWater, MAWD, NDAC, MNSWCD.
- Outreach to local governments in MB to solicit resolution of support and seek base funding commitment.
- Outreach to First Nations MB to include: water technology education to youth and adults, dialog to reserve leadership on use of water related technology and development of a workplan utilizing existing watershed plans for implementation, and strategies for basinwide tribal gathering to encourage participation of First Nations interests with water planning activities in the RRB with the funding provided by Royal Band of Canada- Blue Water Fund.

Administrative Activities

- Board Meetings: Jan, March, June, Sept, Nov
- Summer Tours: Border Watershed(Roseau River) in June, Drainage Tour Southend in August
- Board Retreat: Nov
- Executive Committee: Monthly,3rd Thursday
- Workplan Development: Jan
- Staff Evaluations: Dec

Finance

- Prepare Annual Budget: Jan
- Manage budgets. Report Monthly Income and expenditures
- Prepare agreements for base funding
- Manage existing project funding, propose new project funding
- Manage Annual Audit

Use of State of Minnesota Appropriation

The \$100,000 appropriation from the State of Minnesota is used as match for the \$100,000 of Minnesota local money that is funded by the Watershed Districts on the Minnesota side in the Red River Basin and is also used as match against the \$100,000 that is appropriated from the State of North Dakota and the \$100,000 that is appropriated from the Province of Manitoba. We also receive appropriations from local sources in North Dakota and Manitoba to make up our \$600,000 base budget. We rely on this contribution from all six entities to fund our operations in Canada and the U.S. We do keep separate budgets for our Canadian operations and our U.S. operations.

There are several particular work tasks areas that we expect to utilize the \$100,000 State of Minnesota appropriation. One of our main focus areas will be our update of the NRFP/CWMP work. We would like to continue to work with BWSR as they advance the One Watershed/One Plan initiative to see how we could piggy back on that effort. We will be spending a fair amount of time on the implementation of the Farm Bill both the Regional Conservation Partnership Program and other existing programs that can help advance the goal areas we currently have or will be developing as part of our planning effort. There is growing interest in advancing our soil conservation/soil health work in the basin. We will be working on an updated and expanded water supply/drought management plan for the basin. We also will be spending significant time on water quality activities including working with a number of partners on a Nutrient Reduction Strategy for the basin as well as our work partly funded by LCCMR on nutrient capture at North Ottawa Flood Impoundment and how we can advance those efforts to other areas within the Basin.

2014 Budget Summary

<u>Income:</u>	<u>Minnesota</u>	<u>North Dakota</u>	<u>Manitoba</u>	<u>Total</u>
State/Province	\$100,000	\$100,000	\$100,000	\$300,000
Local Government	\$100,000	\$100,000	\$100,000	\$300,000
Misc. (Interest)				<u>\$10,000</u>
Base Budget				\$610,000

Project Funds Going To RRBC in 2014

Royal Bank of Canada Blue Water Fund First Nation Outreach	\$40,000
NDSWC/MnDNR Gaging Project	\$39,575
FMDA-Halstad Upstream Retention Project	\$31,250
LCCMR-Aquatic Invasive Species Project	\$25,000
LCCMR Nutrient Capture Project	\$24,500
<u>Annual Conference Funds</u>	<u>\$40,000</u>
Total Project Funds Going to RRBC	\$210,325

<u>Expense Category</u>	<u>U.S.</u>	<u>Canada</u>	<u>Total</u>
Board Expenses	\$31,000	\$16,600	\$47,700
Salary/Benefits	\$425,770	\$176,825	\$602,615
Office/Vehicles	\$94,050	\$62,100	\$156,150
Education/Communication	\$34,850	\$31,100	\$65,850
Work Groups/Goal Areas	\$24,550	\$23,350	\$47,900
<u>Admin(audit,taxes etc)</u>	<u>\$27,300</u>	<u>\$23,000</u>	<u>\$38,250</u>
Totals	\$637,620	\$332,995	\$970,615

2014 Funding Shortfall Coming Out Of Reserves: \$160,290



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Federal Farm Bill – Conservation Title Update

Meeting Date: March 26, 2014

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

Item Type: Decision Discussion Information

Section/Region: _____

Contact: John Jaschke

Prepared by: John Jaschke

Reviewed by: N/A Committee(s)
Don Baloun, NRCS State

Presented by: Conservationist

Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

Overview of new Federal Farm Bill Conservation Title provisions.

LINKS TO ADDITIONAL INFORMATION

National Wildlife Federation summary at: http://www.nwf.org/~media/PDFs/wildlife/farm%20%20bill/NWF-2014-Farm-Bill-Analysis_final.pdf

Congressional Research Service – detailed summary
http://www.farmland.org/programs/federal/documents/2014_0213_CRS_FarmBillSummary.pdf

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

Congress periodically establishes agricultural and food policy in a multi-year, omnibus farm bill. The 2008 farm bill governed policy for farm commodity support, horticulture, livestock, conservation, nutrition assistance, trade and international food aid, agricultural research, farm credit, rural development, bioenergy, and forestry. It originally expired in 2012, but the 112th Congress did not complete action and instead extended the law for one year (P.L. 112-240), leaving consideration of a new farm bill to the 113th Congress. After nearly three years of deliberations, Congress completed action on a new omnibus farm bill when conferees reported a conference agreement on January 27, 2014 (the Agricultural Act of 2014, H.R. 2642/H.Rept. 113-333); the full House and Senate approved the conference agreement on January 29 and February 4, respectively. The President signed the measure into law on February 7 (P.L. 113-79). See attachment specific to Conservation Title.

TITLE II – CONSERVATION – CONFERENCE REPORT 01/31/2014

Program Before	Program After	Program Highlights
<p>Conservation Reserve Program</p>	<p>Conservation Reserve Program</p>	<ul style="list-style-type: none"> • Reduce enrollment cap by 2018 • Acre step-down: <ul style="list-style-type: none"> FY 2014 – 27.5 million FY 2015 – 26 million FY 2016 – 25 million FY 2017 – 24 million FY 2018 – 24 million • 750,000 acre farmable wetland cap • 2 million acre grasslands cap • Remove specific reference to priority watersheds to allow for broader application of the authority to priority areas • Establish grasslands for grazing purposes as an eligible land use – essentially folds GRP rental agreement provisions into CRP • Provide flexibility for increased managed harvesting and grazing • Repeal the Emergency Forestry Conservation Reserve Program • Retain transition incentive payments (TIP), \$33 M for TIP • Authorize incentive payments for tree thinning • Allow enrollment in the Agricultural Conservation Easement Program (ACEP) and facilitates enrollment into the Conservation Stewardship Program (CSP) • Limited early outs
<p>Conservation Security / Stewardship Program</p>	<p>Conservation Stewardship Program</p>	<ul style="list-style-type: none"> • Raise program eligibility to two priority resource concerns • 10 million acre annual enrollment • Contract renewal - must meet stewardship threshold for two additional priority resource concerns, or exceed stewardship threshold for two existing priority resource concerns • Require addressing one additional priority resource concerns during the contract • Eliminate the forest land cap • Increase locally identified priority resource concerns to at least 5 • Make Agricultural Land Easements (ALE) land eligible for enrollment

TITLE II – CONSERVATION – CONFERENCE REPORT 01/31/2014

Program Before	Program After	Program Highlights
		<ul style="list-style-type: none"> • Payment amounts based upon cost, income foregone, expected conservation benefits, extent to which priority resource concerns will be addressed, level of stewardship in place and maintained, degree to which conservation activities integrated across agricultural operation, and such other factors determined appropriate by the Secretary.
Wetlands Reserve Program		<ul style="list-style-type: none"> • Establish two tracks – wetland reserve easements (WRE) and agricultural lands easements (ALE) • Allow landowner donation for ALE, so long as entity provides at least 50 percent of what the Secretary is contributing
Farmland Protection Program		<ul style="list-style-type: none"> • Waiver to pay up to 75 percent for certain grassland ALE easements • Reduce length of prior land ownership for wetland reserve easement eligibility from 7 to 2 years
Grassland Reserve Program	Agricultural Conservation Easement Program	<ul style="list-style-type: none"> • Authority for easement subordination, modification, exchange, and termination • Funding: 2014 - \$ 400 M 2015 - \$ 425 M 2016 - \$ 450 M 2017 - \$ 500 M 2018 - \$ 250 M • New easement management authority limited to ACEP easements • Land enrolled in FRPP, GRP, and WRP considered enrolled in ACEP • Specify “wetland reserve” easements • Waiver to county cap for wetland reserve easements, excludes wet and saturated soils • Waiver to entity cash resources match for ALE, if landowner voluntarily donates the funding and the land is in active agricultural production
Environmental Quality Incentives Program	Environmental Quality Incentives Program	<ul style="list-style-type: none"> • Specifies wildlife habitat development as a program purpose • Revise to “at least” 60 percent of funds to go to livestock • Wildlife Habitat – sets a floor of 5 percent of funding and requires State Tech Committee review of practices annually
Wildlife Habitat Incentive Program		<ul style="list-style-type: none"> • Extend advance of funds for historically underserved to 90 days and include veterans • 50 percent advance for historically underserved producers • Remove 6-year rolling payment limit and set limit for the period 2014 - 2018

TITLE II – CONSERVATION – CONFERENCE REPORT 01/31/2014

Program Before	Program After	Program Highlights
		<ul style="list-style-type: none"> • Contract term NTE 10 years • Add performance reporting requirement Conservation Innovation Grants • Payment limit - \$450,000 and waiver removed • Funding: 2014 – \$1.35 B 2015 - \$1.6 B 2016 - \$1.65 B 2017 - \$1.65 B 2018 - \$1.75 B
Cooperative Conservation Partnership Initiative		<ul style="list-style-type: none"> • Establish new single partnership program by combining authorities of 4 existing programs (AWEP, CBWI, CCPI, and GRBP)
Agricultural Water Enhancement Program		<ul style="list-style-type: none"> • Project selections are competitive, merit-based, leverage partner funding, and address regionally important resources • Projects may focus on water quality and quantity, erosion, wildlife habitat, drought and flood control or other regional priorities
Chesapeake Bay Watershed Program		<ul style="list-style-type: none"> • Partnership agreements are for up to 5 years with potential 1 year extension • Partner must contribute to the cost of the project, leverage funding and conduct assessment on conclusion of project
Great Lakes Basin Program for Soil Erosion and Sediment Control	Regional Conservation Partnership Program	<ul style="list-style-type: none"> • Allow the Secretary to waive AGI if needed to fulfill purposes of the program • Allow adjustments to discretionary rules of covered program with Secretary's approval, if requested by partner • Funding is delivered through CSP, EQIP, HFRP, and ACEP rules • Provide annual mandatory funding of \$100 million per year 2014-2018. Plus 7 percent of covered programs funding or acres (EQIP, ACEP, CSP, HFRP) • No funding may be used to cover partner administrative costs • Authorize the Secretary to designate Critical Conservation Areas for a period of 5 years, may be extended • Include irrigation districts as eligible partners • Include air quality as project focus • Allow up to 8 critical conservation areas

TITLE II – CONSERVATION – CONFERENCE REPORT 01/31/2014

Program Before	Program After	Program Highlights
		<ul style="list-style-type: none"> • Can use watershed authorities (except rehab) in critical conservation areas • Include municipal water or wastewater treatment entities as eligible partners • Provide that irrigation history is not required for participation under limited circumstances • Allow not more than 20 alternative funding arrangements with multi-state water resource agencies • Allocate funding as 25 percent at State, 40 percent National, and 35 percent for critical areas
Voluntary Public Access and Wildlife Incentive Program	Voluntary Public Access and Habitat Incentive Program	<ul style="list-style-type: none"> • Continue current authority at a reduced funding level • Add performance reporting requirement • Funding: \$40 million for 2014-2018

Other Programs and Provisions:

- Grassroots Source Water Protection Program – reauthorizes at \$20 million per year and adds \$5 million mandatory funding through 2018.
- Conservation of Private Grazing Lands – reauthorizes at same level of \$60 million per year 2014-2018
- Watershed Rehabilitation Program – provides \$250 million in mandatory funding in FY 2014, available until expended. Appropriations of \$85,000,000 can be authorized for each of fiscal years through FY 2018.
- Terminal Lakes Assistance – includes \$150 million in mandatory funding for desert terminal lakes, and provides authorization of \$25 million for funding for land purchase in flooded terminal lake areas
- Agricultural Management Assistance Program – not in new farm authorization
- Regional Equity – resets the threshold from \$15,000 to 0.6 percent of covered programs to accommodate variations in funding availability.
- Adjusted Gross Income – Sec 1605. AGI may not exceed \$900,00 and removes ability to waive for projects of environmental significance
- Authorizes conservation program funds as no-year funds
- Emergency Watershed Protection Program— Authorizes the Secretary’s to modify or terminate a floodplaine easement to address compelling public needs and where there is no practicable alternative.
- Conservation Compliance –includes crop insurance as a covered program and authorizes \$10 million for the mitigation banking pilot.
- Prohibition on breaking native sod –reduces crop insurance coverage and subsidy for a 4 year period in Praire Pothole states for land that has never been cropped.
- Lesser Prairie Chicken Conservation Report – requires a report no later than 90 days afer enactment containing the results of a review and analysis of each program of the Secretary that pertains to the conservation of the lesser prairie-chicken.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY2014 - Clean Water Fund Outcomes

Meeting Date: March 26, 2014

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

Item Type: Decision Discussion Information

Section/Region: _____

Contact: Dave Weirens

Prepared by: John Jaschke

Reviewed by: N/A Committee(s)

Presented by: Dave Weirens, Acting Asst. Director

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

Overview via PowerPoint of BWSR Clean Water Fund FY2014 outcomes.

LINKS TO ADDITIONAL INFORMATION

<http://www.bwsr.state.mn.us/cleanwaterfund>

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

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 presentation is to provide a comprehensive overview of implementation activities conducted via the BWSR Clean Water Fund (CWF) grant programs. BWSR's Clean Water Fund goal is to help meet statewide water quality goals through the prevention and reduction of non-point source pollution.

The Competitive Grants program works through the local conservation delivery system to fund projects that are prioritized and targeted to the most critical source areas.

CWF easements provide permanent protection of private land in riparian and groundwater locations, resulting in improved surface water quality and the health and security of community water supplies.