



DATE: August 17, 2015

TO: Board of Water and Soil Resources' Members, Advisors, and Staff

FROM: John Jaschke, Executive Director

SUBJECT: August 26-27, 2015 – BWSR Board Tour Details and Meeting Notice

The Board of Water and Soil Resources' (BWSR) will tour Goodhue and Rice Counties on Wednesday, August 26, 2015. *See attached tour itinerary.* The accommodations for the Board Tour and Meeting will be at the St. James Hotel in Red Wing. <http://www.st-james-hotel.com/directions/>

Tuesday, August 25th

Sleeping rooms have been reserved at the St. James Hotel, 406 Main Street, Red Wing, on Tuesday and Wednesday evenings, August 25 and 26. *See the attached room reservation list.* Rooms have been direct billed (you do not pay for the room unless noted on the rooming list). Please contact Mary Jo Anderson mary.jo.anderson@state.mn.us immediately if you do not need a sleeping room.

Wednesday, August 26th

Breakfast is included for guests staying at the St. James Hotel on Tuesday evening, served in "The Veranda" restaurant, starting at 6:30 AM. Please let your server know that you are with BWSR.

Registration for the tour, introductions and a brief overview of the day will begin at 7:30 AM in the Historic Lobby of the St. James Hotel. The coach bus will promptly depart from the St. James Hotel at 8:30 AM.

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

The narrated coach bus will travel through Goodhue and Rice Counties. We will see streambank stabilization, and retention structures. We will arrive at Sechler Park in Northfield at noon, have lunch at the park shelter, a presentation on cover crops; board the coach bus and depart at 1:00 PM, tour terraces, grassed waterways, and CWF projects. The bus will arrive in Lake City at 4:00 PM, board the Pearl of the Lake Paddleboat for an issues forum, dinner, and a narrated excursion on Lake Pepin. The coach bus will depart from Lake City at 7:00 PM, arrive back at the St. James Hotel in Red Wing at 7:15 PM.

If you will not be present for the Wednesday coach bus tour, do not plan to stay for dinner aboard the paddleboat; or if you do not need a room reservation on Tuesday or Wednesday evening at the St. James Hotel, please contact Mary Jo Anderson immediately, as we need to know the number of people attending. If you have special food needs, please contact Mary Jo as soon as possible. The expenses during the tour (breaks, meals, paddleboat) are direct billed, you do not pay.

Bemidji	Brainerd	Detroit Lakes	Duluth	Mankato	Marshall	New Ulm	Rochester
403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	1601 Minnesota Drive Brainerd, MN 56401 (218) 203-4470	26624 N. Tower Road Detroit Lakes, MN 56501 (218) 846-8400	394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	12 Civic Center Plaza Suite 3000B Mankato, MN 56001 (507) 344-2821	1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	21371 State Hwy 15 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

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Thursday, August 27th

Breakfast is included for guests staying at the St. James Hotel on Wednesday evening, served in "The Veranda" restaurant, starting at 6:30 AM. Please let your server know that you are with BWSR.

The Board of Water and Soil Resources (BWSR) will meet on Thursday, August 27th beginning at 9:00 AM. The meeting will be held at the St. James Hotel, Laurentine Room, in Red Wing. The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Metro Committee

- 1. Carnelian-Marine-St. Croix Watershed District (District) Plan Amendment** – The final draft Amendment to the Carnelian-Marine-St. Croix Watershed District Plan was filed with the Board on July 1, 2015. The District added or revised information regarding aquatic invasive species, groundwater, wetlands, capital projects, cost-share programs, budgets and updates to data found in the Lake and Stream Management Plans. It also included revisions to District management and prioritization strategies. The Metro Committee met on August 4, 2015 and recommends approval of the Plan Amendment per the attached draft Order. ***DECISION ITEM***
- 2. Bassett Creek Watershed Management Commission Comprehensive Watershed Management Plan** - The Bassett Creek Watershed Management Commission was originally created as a flood control organization in the late 1960's. The Plan Revision is the Third Generation Watershed Management Plan for the organization. The plan continues to build on the organization's past success by continuing to move forward with an extensive implementation program. The Metro Region Committee met earlier this month to discuss the plan and recommends approval per the attached draft Order. ***DECISION ITEM***

Southern Region Committee

- 1. Buffalo Creek Watershed District (BCWD) Watershed Management Plan Amendment** - The final draft Amendment to the Buffalo Creek Watershed District Plan was filed with the Board on August 7, 2015. The primary purpose of this Amendment is to establish a Water Management District for the Marsh Water Project pursuant to Minn. Stat. §§ 104D.411 and 103D.729. The Southern Region Committee met on July 28, 2015 and recommends approval of the Plan Amendment per the attached draft Order. ***DECISION ITEM***
- 2. Freeborn County Comprehensive Local Water Management Plan (CLWMP) Extension** - Freeborn County's Comprehensive Local Water Management Plan is set to expire on December 31, 2015. The County has submitted a request for extension. The request has been reviewed and recommended for approval by BWSR staff, and was considered by the Southern Region Committee at their July 28 meeting. The Committee's recommendation will be presented to the full Board for review and action. ***DECISION ITEM***
- 3. Redwood County Comprehensive Local Water Management Plan (CLWMP) Extension** - Redwood County's Comprehensive Local Water Management Plan is set to expire in January 2016. On April 27, 2015, Redwood County approved and submitted a formal request for an extension of their current Plan. The request has been reviewed and recommended for approval by BWSR staff, and was considered by the Southern Region Committee at their June 24, 2015 meeting. The Committee's recommendation will be presented to the full Board for review and action. The state's expectations for the extension request must be sent to Redwood County. ***DECISION ITEM***

4. **Wabasha County Comprehensive Local Water Management Plan Update** – Wabasha County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the update to the Board for final State review on June 3, 2015. On July 28, 2015, the Southern Region Committee reviewed the recommendation of the state review agencies regarding final approval of the Wabasha County Local Water Management Plan Update; the Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board’s review and action. **DECISION ITEM**
5. **Area II Minnesota River Basins Project Inc. FY 2016 & FY2017 Biennial Work Plan and Grant** – BWSR oversees the administrative funding related to the efforts of the Area II Minnesota River Basins Project Inc. (Area II). The 2015 Minnesota Legislature appropriated administrative funding for Area II Minnesota River Basins Project Inc., resulting in a fiscal year 2016 grant of \$140,000. The overall budget objectives are included in the plan. Staff recommends approval of this plan and execution of the administrative grant agreement for FY 2016. The Board’s Southern Region Committee met on June 24, 2015 to review the Area II Work Plan and recommends approval of the plan and execution of the FY 2016 grant. **DECISION ITEM**
6. **Area II Minnesota River Basins Project Inc. FY 2016 Bonding Work Plan and Grant** – BWSR oversees the Bonding appropriation related to the efforts of the Area II Minnesota River Basins Project Inc. (Area II) for construction of floodwater retarding and retention structures. The 2015 Minnesota Legislature appropriated Bonding funding for Area II Minnesota River Basins Project Inc. resulting in a fiscal year 2016 grant of \$1,000,000. The overall budget objectives are included in the plan. Staff recommends approval of this plan and execution of the grant agreement for FY 2016. The Board’s Southern Region Committee met on June 24, 2015 to review the Area II Bonding Work Plan and recommends approval of the plan and execution of the FY 2016 grant. **DECISION ITEM**

Grants Program & Policy Committee

1. **Cooperative Weed Management Area Program Request for Proposal (RFP)** - Approval of the FY2014 and FY2015 BWSR Cooperative Weed Management Area (CWMA) Program Request for Proposal (RFP) is requested. The Board was appropriated \$100,000 of cost-share grant funds in each year of the biennium for FY2016 and FY2017, \$200,000 total), for “county cooperative weed management programs and to restore native plants in selected invasive species management sites”. Staff developed a request for proposal to make these funds available to qualified cooperative weed management groups. The Grants Program and Policy Committee met earlier this month and recommends approval of the RFP per the attached draft Board Resolution. **DECISION ITEM**
2. **FY 2016 Multipurpose Drainage Management Grant Program Request for Proposal (RFP)** - The 2015 Legislative Session appropriated funds for a Multipurpose Drainage Management Grant Program. The purpose of the program is to facilitate multipurpose drainage management practices to reduce erosion and sedimentation, reduce peak flows and flooding, and improve water quality, while protecting drainage system efficiency and reducing drainage system maintenance for priority Chapter 103E drainage systems. Practices include eligible on-field, on-farm, and on-drainage system practices within the benefited area or the watershed of a priority Chapter 103E drainage system. A Request for Proposal was reviewed by the Grants Program and Policy Committee earlier this month and the Committee recommends approval by the full Board per the attached draft Resolution. **DECISION ITEM**

3. **Reallocation of FY2013 Targeted Drainage Water Management Grant Funds** - Some FY 2013 Targeted Drainage Water Management Grant Funds have been returned. The SWCDs returning the funds are in the Red River basin. Staff made a recommendation to reallocate the returned funds to other SWCDs in the Red River basin. The Grants Program and Policy Committee met earlier this month and recommend the reallocation be approved by the full Board per the attached resolution. **DECISION ITEM**
4. **Grey Cloud Slough Restoration Grant** - The 2015 Legislative Session resulted in an appropriation of a \$520,000 grant from the FY 2016 Clean Water Fund to Washington County for the Grey Cloud Slough Restoration Project. The project would reconnect the slough to the Mississippi River resulting in an improvement to water quality and restoration of an essential backwater aquatic area. The Grants Program and Policy Committee recommends the grant be approved by the full Board per the attached resolution. **DECISION ITEM**
5. **FY2016 Buffer Law and MN Ag Water Quality Certification Funding Allocations** - In conjunction with the buffer policy enacted in the 2015 Legislative Session and amendments to the existing soil loss limits law, funding was appropriated to BWSR to support local implementation of the new buffer law and to the MDA to implement the Agricultural Water Quality Improvement Program state-wide. BWSR and MDA staff developed formulas to allocate the funds. The Grants Program and Policy Committee recommend approval by the full Board of the allocations per the attached draft resolution. **DECISION ITEM**

If you have any questions regarding the agenda, please feel free to call me at 651-296-0878. The meeting will adjourn about noon. I look forward to seeing you on August 26!



BWSR Board Tour Itinerary

August 26, 2015

St. James Hotel – Historic Lobby
406 Main Street, Red Wing, MN 55066

- 7:30 AM Check-in at registration table, Historic Lobby
- 8:00 Welcome & introductions - Brian Napstad and John Jaschke, BWSR
- 8:30 Depart via coach bus
- 9:00 **Tour Welch Bank Stabilization***
Presenters: Beau Kennedy, Goodhue SWCD Water Planner
Jess Greenwood, Goodhue County Deputy Director of Public Works
Project Highlights: Stabilization of Cannon River bank erosion and protection of county road
- 9:45 Depart Welch
- 10:00 **Belle Creek Best Management Practices**
Presenters: Beau Kennedy, Goodhue SWCD Water Planner
Glen Roberson, Goodhue SWCD Administrator
Project Highlights: Belle Creek retention structure, best practices used throughout Cannon Falls
- 10:30 **Refreshment Break – Tour Lake Byllesby***
Presenter: Beth Kallestad, Cannon River Watershed Partnership (CRWP)
Project Highlights: Dam and hydroelectric plant, history, basin implications of WRAPS and 1W1P
- 11:15 Depart Lake Byllesby Park, overview en route: history of feedlots in the Stanton area and projects
- 11:40 **Edgebrook retention basin and channel stabilization**
Presenters: Tom Gile, Board Conservationist
Steve Pahs, Rice SWCD Administrator
Project Highlights: FY12 flood project, challenges of collaboration, ag/urban Interactions
- 12:00 **Lunch - Sechler Park Shelter* presentation on cover crops in southeast MN**
Presenters: Ed McNamara, Goodhue SWCD Supervisor
Gary Wagenbach, Rice SWCD Supervisor
- 1:00 PM Depart Sechler Park
- 1:10 PM **Ron Sommers Farm**
Presenters: Glen Roberson, Goodhue SWCD Administrator
Steve Pahs, Rice SWCD Administrator
Project Highlights: Series of traditional terraces and grass waterways
- Discussion along County Road 9: Landscapes - farmable and traditional terraces, grassed waterways, cover crops and applicability to canning crops*

- 1:40 **Belle Creek WD Pool/Dam Structure***
Presenter: Beau Kennedy, Goodhue SWCD Water Planner
Project Highlights: PL566 watershed district structure, Belle Creek WD Operations
- 2:10 Depart Belle Creek
- 2:15 **Tour Burfeind Dairy***
Presenters: Glen Roberson, Goodhue SWCD Administrator
 Pete Fryer, JPB Engineer
 Pete Burfeind, Farm owner/operator
Project Highlights: Updated dairy operation; Clean Water Fund Manure Storage Facility
- 2:55 Depart Burfeind Dairy
- 3:05 **Tour Wells Creek***
Presenters: Lowell Schafer, Land owner
 Beau Kennedy, Goodhue SWCD Water Planner
Project Highlights: FY15 CWF projects, grade stabilizations
- 3:30 **Depart Wells Creek, overview of buffered/un-buffered areas of Hay Creek**
Presenter: Beau Kennedy, Goodhue SWCD Water planner
Project Highlights: Hayable buffer program, buffer law implementation
- 4:00 **Arrive in Lake City - Pearl of the Lake Paddleboat**, 100 Central Point Road
- 4:15 **Issues Forum*** – Conservation in southeast Minnesota and Water Quality on Lake Pepin
Presenters: Norm Senjem, Retired MPCA
 Rylee Main, Lake Pepin Legacy Alliance
- 5:30 **Dinner** aboard Pearl of the Lake Paddleboat
- 6:00 **Narrated Excursion on Lake Pepin** aboard Pearl of the Lake Paddleboat
- 7:00 **Depart** via coach bus for St. James Hotel
- 7:15 PM **Arrive** at St. James Hotel in Red Wing

*** Participants will exit the bus at this stop.**

Project summaries and fact sheets are included in the tour packet.

Rooming List for Board of Water and Soil Resources

Tuesday, August 25, 2015

1. Jill Crafton
2. Joe Collins
3. Jack Ditmore
4. Doug Erickson
5. Sandy Hooker
6. Kathryn Kelly
7. Tom Loveall
8. Jeff Nielsen
9. Brian Napstad
10. Neil Peterson
11. Tom Schulz
12. Steve Sunderland
13. Gene Tiedemann
14. Gerald Van Amburg
15. Paige Winebarger
16. Ian Cunningham**
17. Chris Elvrum**
18. Rebecca Flood **
19. Tom Landwehr**
20. Rob Sip**
21. Faye Sleeper**
22. Celi Haga

Wednesday, August 26, 2015

1. Jill Crafton
2. Joe Collins
3. Jack Ditmore
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8. Jeff Nielsen
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14. Gerald Van Amburg
15. Paige Winebarger
16. Ian Cunningham**
17. Chris Elvrum**
18. Rebecca Flood**
19. Tom Landwehr**
20. Rob Sip**
21. Faye Sleeper**

22. Mary Jo Anderson
23. Angie Becker Kudelka
24. Tom Gile
25. John Jaschke

*** will pay for room upon arrival*

**BOARD OF WATER AND SOIL RESOURCES
ST. JAMES HOTEL
LAURENTINE ROOM, 406 MAIN STREET, RED WING, MINNESOTA 55066
THURSDAY, AUGUST 27, 2015**

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF JUNE 24, 2015 BOARD MEETING

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

CONFLICT OF INTEREST DECLARATION

- Reallocation of FY2013 Targeted Drainage Water Management Grants Funds
- Grey Cloud Slough Restoration Grant
- FY2016 Buffer Law and MN Ag Water Quality Certification Funding Allocations

INTRODUCTION OF NEW EMPLOYEE

- Ed Lenz, Board Conservationist in Marshall

REPORTS

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

COMMITTEE RECOMMENDATIONS

Metro Region Committee

1. Carnelian-Marine-St. Croix Watershed District (District) Plan Amendment - Jim Haertel – ***DECISION ITEM***
2. Bassett Creek Watershed Management Commission Comprehensive Watershed Management Plan – Jim Haertel – ***DECISION ITEM***

Southern Region Committee

1. Buffalo Creek Watershed District Watershed Management Plan Amendment – Kathryn Kelly - ***DECISION ITEM***
2. Freeborn County Comprehensive Local Water Management Plan Extension – Kathryn Kelly - ***DECISION ITEM***

3. Redwood County Comprehensive Local Water Management Plan Extension – Kathryn Kelly - **DECISION ITEM**
4. Wabasha County Comprehensive Local Water Management Plan Update – Kathryn Kelly - **DECISION ITEM**
5. Area II Minnesota River Basins Project Inc. FY 2016 & FY2017 Biennial Work Plan and Grant – Kathryn Kelly – **DECISION ITEM**
6. Area II Minnesota River Basins Project Inc. FY 2016 Bonding Work Plan and Grant – Kathryn Kelly - **DECISION ITEM**

Grants Program & Policy Committee

1. Cooperative Weed Management Area Program Request for Proposal (RFP) – Dan Shaw – **DECISION ITEM**
2. FY 2016 Multipurpose Drainage Management Grant Program Request for Proposal (RFP) – Tim Gillette – **DECISION ITEM**
3. Reallocation of FY 2013 Targeted Drainage Water Management Grant Funds – Tim Gillette – **DECISION ITEM**
4. Grey Cloud Slough Restoration Grant – Jim Haertel – **DECISION ITEM**
5. FY2016 Buffer Law and MN Ag Water Quality Certification Funding Allocations – Jim Haertel – **DECISION ITEM**

AGENCY REPORTS

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

ADVISORY COMMENTS

- Association of Minnesota Counties – Jennifer Berquam
- Minnesota Association of Conservation District Employees – Tiffany Determan
- 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 – Cathee Pullman

UPCOMING MEETINGS

- BWSR Board Meeting, September 23, 2015, St. Paul

Noon ADJOURN

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 24, 2015**

BOARD MEMBERS PRESENT:

Jill Crafton, Jack Ditmore, Chris Elvrum, MDH; Doug Erickson, Rebecca Flood, MPCA; Sandy Hooker, Kathryn Kelly, Tom Loveall, Brian Napstad, Neil Peterson, Dave Schad, DNR; Tom Schulz, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Rob Sip, MDA

BOARD MEMBERS ABSENT:

Joe Collins

STAFF PRESENT:

Mary Jo Anderson, Angie Becker Kudelka, Steve Christopher, Tim Dykstal, Dan Fabian, Travis Germundson, Celi Haga, Jim Haertel, John Jaschke, Al Kean, Jeff Nielsen, Bill Penning, Mary Peterson, Dave Weirens, Marcey Westrick, Wayne Zellmer

OTHERS PRESENT:

Jason Garms, DNR
Tiffany Determan, MACDE

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

PLEDGE OF ALLEGIANCE

15-34 **ADOPTION OF AGENDA** – Chair Napstad stated that new employee Ed Lenz is not able to attend the meeting today; he will be introduced at a later date. Moved by Sandy Hooker, seconded by Doug Erickson, to adopt the agenda as amended. ***Motion passed on a voice vote.***

15-35 **MINUTES OF MAY 27, 2015 BOARD MEETING** – Moved by Kathryn Kelly, seconded by Jill Crafton, to approve the minutes of May 27, 2015 as circulated. ***Motion passed on a voice vote.***

CONFLICT OF INTEREST DECLARATION

Chair Napstad explained that the conflict of interest disclosure process is being used today on agenda items: FY16 Natural Resources Block Grant; FY16 SWCD Programs and Operations Grant Allocations; and FY16 Farm Bill Assistance Program 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.”

REPORTS

Chair’s Report – Brian Napstad reported that EQB did not meet this month. He attended the Northern Region Committee meeting; the Grants Program & Policy Committee meeting; and the Water Management and Strategic Planning Committee meeting; these Committees have recommendations on the agenda later today.

Chair Napstad reported that the Administrative Advisory Committee (AAC) met this morning; items discussed are on the agenda later today.

Chair Napstad reported that the Governor’s office reappointed board members Brian Napstad, Jill Crafton, Gerald Van Amburg, Doug Erickson, and Neil Peterson. Paige Winebarger has been appointed as citizen member; she intends to attend the Board tour and meeting in August. The effective date of the appointments is June 20, 2015. The metro city position, vacated by Christy Jo Fogarty remains vacant. Chair Napstad asked reappointed members to have their photo taken immediately following adjournment of the meeting today.

Executive Director’s Report – John Jaschke reviewed information in the board members’ packets. John stated that the BWSR Tour will be held August 26 in Red Wing; Mary Jo Anderson is making arrangements and will provide information at a later date. John stated that the Conservation Technology Information Center (CTIC) is holding their national tour in southeast Minnesota on August 11-12. John asked that board members let Mary Jo know today if they plan to attend.

John reviewed the Buffer initiative legislative summary: exemptions; maps; waters covered/widths; compliance; soil erosion; timeline; program funding; landowner financial assistance; and SWCD base capacity (\$11M/year Clean Water Fund). Dave Schad explained that DNR is involved in the buffer mapping process; \$650,000 appropriated to DNR; optimistic that mapping will be accomplished digitally

by county. DNR staff capacity is needed to get the mapping initiative complete. Discussion followed. Jack Ditmore suggested digital mapping by watershed scale. Chair Napstad stated that LIDAR data should help with mapping. John stated that BWSR staffing is also needed for the buffer initiative.

John reviewed the summary of the draft proposal for a Minnesota CREP. Total funding is estimated at \$795,000,000 for five years with delivery systems through SWCDs. John stated that we are in the final phase of the draft proposal development.

Dispute Resolution Committee – Travis Germundson reported that there are 11 appeals pending; two additional appeals since May. File #15-6, an appeal of restoration order in Rice County; and File #15-5, appeal of a replacement plan in Crow Wing County. File #15-3, an appeal of a restoration order in Washington County; the appeal has been denied. Travis stated that the DRC workload will increase this fall. John Jaschke stated that the buffers initiative appeals will also come before BWSR in the future.

Grants Program & Policy Committee – Steve Sunderland reported that the Grants Program & Policy Committee met on June 17; the Committee recommendations are on the agenda later today.

Water Management & Strategic Planning Committee – Jack Ditmore reported that the Water Management & Strategic Planning Committee met last night; no action items today. Jack reported that the Committee's next meeting is September 22; anticipate meetings in October and December, and plan to have the operating procedures and the transition plan of 1W1P to the Board in March 2016.

Wetlands & Drainage Committee – Gerald Van Amburg stated that the Wetlands & Drainage Committee anticipates meeting in July.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group (DWG) met June 11. Tom stated that the DWG will discuss the buffer strip legislation. Al Kean thanked MPCA for use of their stormwater manual as a framework for the drainage manual. Al stated that the CTIC tour will include drainage water management practices. A drainage workshop will be held in Mankato on August 13. The next DWG meeting is July 9.

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee

Buffalo Creek Watershed District Watershed Management Plan Amendment Hearing – Travis

Germundson reported that the Buffalo Creek Watershed District (BCWD) is requesting an Amendment to their Watershed Management Plan. The proposed Amendment establishes a water management district for the Marsh Water Project pursuant to Minn. Stat. §§ 103D.411 and 103D.729. Board authorization is needed to schedule and hold a public hearing on the Plan Amendment. Travis stated that a hearing on the Plan Amendment should be presided over by the Southern Region Committee.

Chair Napstad reported that the Administrative Advisory Committee (AAC) met this morning to discuss the Plan Amendment and draft Order to proceed with a Hearing; the AAC unanimously

recommends moving forward. Moved by Tom Loveall, seconded by Jill Crafton, to approve the AAC's

recommendation to order a public hearing to be held within 45 days after receiving the DNR's recommendation on the Plan Amendment for the BCWD to be presided over by the Southern Region

Committee at a date and location to be determined by the BWSR Executive Director. ***Motion passed on a voice vote.***

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15-36

Authorization of Delegation for PRAP Assistance Grants to LGUs – John Jaschke reported that the PRAP Assistance Grants are to be used for LGUs expenses associated with certain organizational improvements or to address critical issues affecting their operational effectiveness. This program is consistent with Minn. Statutes 103B.102 (PRAP authorizing legislation) that requires BWSR to provide assistance to underperforming local water management entities for improving their performance. As per Board direction, the Executive Director provides regular reports to the Board regarding the grants or contracts executed under this authority. John stated that the change is to make the delegation ongoing rather than annual. Chair Napstad reported that the AAC unanimously recommends approval of the authorization of delegation for PRAP assistance grants to LGUs. Moved by Steve Sunderland, seconded by Sandy Hooker, to approve the AAC’s recommendation of expenditures for the PRAP program and awards are consistent with any appropriation conditions set by the legislature and are reported to the Board at least once per year. **Motion passed on a voice vote.**

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15-37

Method for Establishing Native Prairie Bank Easement Payment Rates – Bill Penning reported that Minn. Statutes 84.96 subd. 5b, requires the BWSR Board to establish easement payment rates for the DNR’s Native Prairie Bank (NPB) Program. The statute makes reference to using “65 percent of the permanent marginal agricultural land payment rate” to establish NPB payment rates. Bill stated that unfortunately, there is no fiscal data available that is linked to marginal agricultural land. BWSR has long used data collected by County Tax Assessors in determining RIM rates and has used 65% of the RIM cropland rate as a proxy for determining NPB payment rates. At this time DNR desires an update to the method being used to calculate NPB payment rates. The new method will use both cropland and non-cropland rates in developing a proxy for the marginal agricultural land rate based upon the following formula: $NPB\ Payment\ Rate = (Total\ Marginal\ Acres\ X\ 65\%\ RIM\ Non-Crop\ Rate) + (Total\ Non-Marginal\ Acres\ X\ 65\%\ RIM\ Crop\ Rate) / Total\ Acres$. This transition allows BWSR staff to provide RIM Cropland and Non-Cropland rates to DNR staff for their use in calculating the NPB easement payment rate. John Jaschke stated that future statute change is recommended for the payment rates. Chair Napstad reported that the AAC unanimously recommends approval of the method for establishing NPB Easement payment rates. Moved by Gene Tiedemann, seconded by Sandy Hooker, to approve the AAC’s recommendation, and authorizes BWSR staff to provide RIM cropland and non-cropland rates to DNR staff who will use the formula presented to determine the MPB easement payments rates that best approximate 65% of the permanent marginal agricultural land. Discussion followed. **Motion passed on a voice vote.**

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15-38

Metro Region Committee

Rice Creek Watershed District Boundary Change Petition – Jim Haertel reported that the Rice Creek Watershed District (RCWD) submitted a boundary change petition together with the required written statements of concurrence from the City of Columbus and the Sunrise River Watershed Management Organization (SRWMO). The proposed boundary change encompasses approximately 572.3 acres of land in Columbus, Minnesota that would change the common boundary of the RCWD and the SRWMO. The proposed boundary change would achieve a more accurate alignment between the hydrologic and legal boundaries of the RCWD and the SRWMO. No comments and no hearing request were received in response to the Notice of Filing. The Metro Region Committee recommends approval of the proposed boundary change. Moved by Faye Sleeper, seconded by Rebecca Flood, to approve the RCWD boundary change as presented. **Motion passed on a voice vote.**

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15-39

Lower Mississippi River Watershed Management Organization (LMRWMO) Plan Amendment – Mary Peterson reported that the final draft Amendment to the Lower Mississippi River Watershed Management Organization’s Watershed Management Plan was filed with the Board on March 31, 2015.

The LMRWMO's Joint Powers Agreement was amended in 2014 bringing an additional 0.3 square miles into the organization. The primary purpose of this Amendment is to incorporate this area into the 2011 Watershed Management Plan. The Metro Region Committee met on June 9, 2015 and recommends approval of the Plan Amendment. Moved by Rebecca Flood, seconded by Jill Crafton, to approve the Lower Mississippi River WMO Watershed Management Plan Amendment. **Motion passed on a voice vote.**

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15-40

Lower Minnesota River Watershed District Plan Amendment – Steve Christopher reported that the final draft Amendment to the Lower Minnesota River Watershed District Plan was filed with the Board on May 15, 2015. The Amendment incorporates the District's Strategic Resource Evaluation as well as the results of a Governance Study and a Dredge Material Management Plan. The Amendment includes additional capital improvement projects as well as direction for the District to partner with businesses to manage dredge materials. The Metro Region Committee met on June 9, 2015 and unanimously recommends approval of the Plan Amendment. Moved by Kathryn Kelly, seconded by Gene Tiedemann, to approve the Lower Minnesota River Watershed District Plan Amendment. **Motion passed on a voice vote.**

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15-41

Northern Region Committee

St. Louis County Comprehensive Local Water Management Plan Five Year Amendment – Tom Schulz reported that the St. Louis County adopted a Resolution December 16, 2014, to complete the required five-year Comprehensive Local Water Management (CLWMP) Plan Amendment. A properly noticed public hearing was held May 14, 2015. The Northern Region Committee met June 3, 2015 to discuss the St. Louis County CLWMP amendment and the comments received on the amendment. Based on the comments received and the County's response to the comments received, the Northern Region Committee recommends approval of the required five-year amendment of the St. Louis County Comprehensive Local Water Management Plan with conditions included in the draft Order. Moved by Tom Schulz, seconded by Neil Peterson, to approve the St. Louis County Comprehensive Local Water Management Plan Five-Year Amendment. Jack Ditmore commended the Northern Region Committee for coordinating the effort of One Watershed One Plan (1W1P). Chair Napstad acknowledged the improvement efforts of the pilot program as we transition to watershed based. Discussion followed. **Motion passed on a voice vote.**

**
15-42

Chair Napstad called for a break in the meeting at 10:33 AM. The meeting reconvened at 10:45 AM.

Chair Napstad stated that board members have submitted their completed Conflict of Interest Disclosure forms; the documents will be filed for the grant decision items. All board members are eligible to vote; one board member is abstaining from voting on the NRBG grant; and the SWCD program and operations grant allocations.

Grants Program & Policy Committee

Proposed FY2016 Natural Resources Block Grant – Wayne Zellmer reported that the 2015 Legislature has appropriated funding for the FY '16 Natural Resources Block Grant (NRBG) to provide assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management (\$1,139,152); the Wetland Conservation Act (\$1,906,479); the DNR Shoreland Management (\$398,332); and the MPCA Subsurface Sewage Treatment Systems. The Grants Program & Policy Committee met on June 17, 2015 and proposes flexibility of grant funds. John Jaschke stated that one board member abstains from voting on the NRBG grant. Moved by Jack Ditmore, seconded by Tom Schulz, to approve the FY16 Natural Resources Block Grant as presented. Jack Ditmore stated that the

**

15-43 flexibility in formula is good to change as the environment changes. Wayne stated that when Wabasha County and Lyon County are in compliance, grant agreements will be executed for the allocations listed. **Motion passed on a voice vote.** One board member abstained from voting.

Proposed SWCD Programs and Operations Grant Allocations – Wayne Zellmer reported that the 2015 Legislature has appropriated funding for the FY '16 SWCD Programs and Operations Grants; Conservation Delivery, Easement Delivery, and Non Point Engineering Assistance, and Cost Share Program. The Grants Program & Policy Committee reviewed the proposed allocations and recommends approval of the following:

1. Staff to allocate grant funds to individual SWCDs up to the amounts listed below and as provided on the attached allocation spreadsheet, *Proposed FY '16 SWCD Programs and Operations Grants*:

State Cost Share Grants	\$1,196,499
Conservation Delivery Grants	\$1,765,001
Easement Delivery Grants	\$ 290,997

2. Authorize SWCDs, to use all or part of their State Cost Share Program allocation for technical assistance, when the following conditions exist:
 - i. Other non-state funds will be leveraged and they couldn't do the project otherwise; Or,
 - ii. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2014 Financial Report indicates less than an 18-month fund balance; and
 - iii. Board Conservationist approval.
3. Allocate the Non Point Engineering Assistance Grants to joint powers boards up to the \$1,060,000, as listed below:

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

** 15-44 Moved by Steve Sunderland, seconded by Neil Peterson, to approve the Grants Program & Policy Committee's recommendations as presented. **Motion passed on a voice vote.** One member abstained.

FY16 Clean Water Fund (CWF) Policy and Program Authorization – Dave Weirens reported that the FY 16 Clean Water Fund Competitive Grants Program includes three BWSR grant programs and Minnesota Department of Agricultural AgBMP loans. Marcey Westrick distributed the FY16 CWF Competitive Grants Request for Proposal (RFP). The application scoring process will be conducted by staff from DNR, MDA, MDH, PCA and BWSR as has been the case in previous years. Marcey presented the proposed changes to the policy and reviewed the RFP. Marcey stated that the proposed application period is from

July 6 to August 28. Dave reported that the Grants Program & Policy Committee reviewed the Clean Water Fund and Competitive Grants Program Policy on June 17, 2015 and recommends

- ** approval. Moved by Gerald Van Amburg, seconded by Chris Elvrum, to: 1) Authorize staff to finalize, distribute and promote a Request for Proposals (RFP) for the FY2016 Clean Water Fund Competitive Grants Program consistent with the provisions of appropriations enacted in 2015, Minn. Stat. 103B.3369 and the Board Resolution; and 2) Adopts the FY2016 Clean Water Fund Competitive Grants Policy.
- 15-45 **Motion passed on a voice vote.** Chair Napstad thanked Marcey for her presentation.

FY16 Farm Bill Assistance Program Grants – Dave Weirens reported that the Farm Bill Assistance Program provides funds to SWCDs to hire staff to accelerate implementation of the Farm Bill as well as other state and federal conservation projects that involve grasslands and wetlands. The FY16 Farm Bill Assistance Program is expected to be funded from several revenue sources, chief among them, the Legislative-Citizens Commission on Minnesota Resources. Dave distributed the Farm Bill Assistance Accomplishments 1999 – present. Dave reported that the Grants Program & Policy Committee met June 17, 2015 and recommends approval of the allocation of funds for the FY16 Farm Bill Assistance Program.

- ** Moved by Kathryn Kelly, seconded by Jill Crafton, to authorize staff to allocate up to \$500,000 in Environmental Natural Resources Trust Fund (ENRTF); \$250,000 in FY 2016 DNR funds; \$200,000 of BWSR FY2016 Clean Water Fund Accelerated Implementation Grant funds, and any rollover or slippage from this program consistent with appropriations and the resolution. Discussion followed. **Motion passed on a voice vote.**
- 15-46

Grants Noncompliance Policy – Dave Weirens reported that BWSR staff have revised the Noncompliance chapter in the Grant Administration Manual to simplify BWSR's noncompliance policy and procedure. Tim Dykstal reported that the Policy is to align with the procedure to be followed when noncompliance is noted during a grant verification site visit, and to clarify the consequences of noncompliance which can include a repayment or penalty. Dave reported that the Grants Program & Policy Committee recommends approval. Tim Dykstal provided a brief overview of failure to follow required administrative procedures; statute, rule, policy, or grant agreement; noncompliance

- ** procedures, and appeal process. Moved by Steve Sunderland, seconded by Jill Crafton, to adopt the Grants Noncompliance Policy. Discussion followed regarding the Office of the Legislative Auditor (OLA) policy. Dave stated that the Grants Program & Policy Committee will discuss this in the future. Jack Ditmore requested that a date be added for clarity; the effective date on or after the resolution. Moved by Jack Ditmore, seconded by Jill Crafton, to amend the resolution, adding an effective date; the Grants Noncompliance Policy will apply to grants issued on or after July 1, 2015. **The amendment to the Motion passed on a voice vote.** Chair called the question on the original motion to adopt the Grants Noncompliance Policy. **Motion passed on a voice vote.**
- 15-47
- 15-48

Dave Weirens distributed a summary of the 2015 Wetland Conservation Act (WCA) statute changes for board members information.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that the NRCS State Technical Committee met yesterday. The State Technical meetings will now be conducted quarterly; NRCS will be announcing dates and locations this fall. Rob reported that Farmfest will be held August 4-6, 2015 in Redwood Falls; the buffers initiative will likely be discussed.

Minnesota Department of Natural Resources (DNR) – Dave Schad reported that the legislature required DNR to identify large scale water retention projects by August 1, 2015. Dave reported that work

continues on the DNR Pheasant Action Plan. Kevin Lines, former BWSR employee, is the Pheasant Action Plan Coordinator; he's working with BWSR and other agencies on implementation of the Plan. Dave suggested presenting the Pheasant Action Plan to the Board in the future.

Dave reported that DNR researchers continue surveillance of the pathogenic avian flu among wildlife. After collecting and testing more than 3,300 samples from wild birds, nearly all of the test results are back and DNR has found only one positive for highly pathogenic avian influenza (HPAI), a Cooper's hawk from Yellow Medicine County reported in late April.

Minnesota Extension Service (MES) – Faye Sleeper announced that Jeff Peterson has been hired as Director of the Water Resources Center, starting in August; hopeful he is able to attend the BWSR tour. Faye reported that the Water Conference will be held October 13-14; and the Climate Conference will be held January 28, 2016. Faye reported that the Water Resources Center has been working with MASWCD on pollinator projects, information is on their website.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that the MPCA Citizens Board has been abolished by the Legislature; the Citizen's Board had its final meeting yesterday. Rebecca stated that MPCA has a new requirement for water quality standards which increases the cost of implementation; new staff will be hired to implement. Rebecca stated that MPCA received a decreased appropriation for the WRAP water quality focus; this will impact 1W1P.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MACDE) – Tiffany Determan, Vice President of MACDE, was introduced. Tiffany reported that MACDE is interested in representation on MASWCD committees; a MACDE representative will attend BWSR Board Meetings and MASWCD meetings. Tiffany stated that MACDE is in support of the buffer initiative and interested in funding assistance for pollinator plots. MACDE provides communication through a quarterly newsletter; they exchange information and ideas that encourage unification and coordination of district programs; promote training and support a continuing education program for all district employees. Chair Napstad thanked Tiffany for attending today.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT's legislative meetings were held in St. Cloud in early June; MAT appreciated Dave Weirens attendance.

UPCOMING MEETINGS

- Chair Napstad stated that BWSR will not meet in July.
- 2015 Conservation in Action Tour, August 11-12, Southeast, MN
- BWSR Board Tour & Meeting, August 26-27, 2015, Red Wing

Chair Napstad adjourned the meeting at 12:18 PM.

Respectfully submitted,

Mary Jo Anderson
Recorder



Conflict of Interest Disclosure Form for Board Members

Grant Program: Reallocation of FY13 Targeted Drainage Water Management Grant Funds

Name of Review Group: Board of Water and Soil Resources

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



Conflict of Interest Disclosure Form for Board Members

Grant Program: Grey Cloud Slough Restoration

Name of Review Group: Board of Water and Soil Resources

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."

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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.

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- 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



Conflict of Interest Disclosure Form for Board Members

Grant Program: FY16 Buffer Law & Ag Water Quality Certification Funding Allocations

Name of Review Group: Board of Water and Soil Resources

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."

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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.

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ACTUAL CONFLICT OF INTEREST:

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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.

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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: Dispute Resolution Committee Report

Meeting Date: August 27, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Office

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)

Travis Germundson/Gerald

Presented by: VanAmburg

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

None

LINKS TO ADDITIONAL INFORMATION

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

The report provides a monthly update on the number of appeal filed with BWSR.

Dispute Resolution Report
August 7, 2015
By: Travis Germundson

There are presently **eleven** appeals pending. All of the appeals involve WCA. There has been **one** new appeal filed since the last report, dated June 24, 2015 (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 15-7 (7-20-15) This is an appeal of a Restoration Order in Olmsted County. The appeal regards the unauthorized placement of drain tile in a purported wetland. Applications for exemption and no-loss determinations have been submitted to the local unit of government concurrently with the appeal. No decision has been made on the appeal.

~~File 15-6 (6-3-15) This is an appeal of a Restoration Order in Rice County. The appeal regards the unauthorized placement of fill material in a purported wetland associated with the development of a residential property within the Shoreland Management District of Mazaska Lake. The appeal has been denied and the Restoration Order affirmed.~~

File 15-5 (6-1-15) This is an appeal of a replacement plan decision in Crow Wing County. The appeal regards the approval of a replacement plan application for wetland impacts associated with the construction of a residential driveway and structure within the Shoreland Management District of South Long Lake. At issue are environmental factors associated with the impact site. *The appeal has been remanded for technical and administrative proceedings.*

File 15-2 (1-16-15) This is an appeal of an exemption and no-loss decision in Otter Tail County. The appeal regards the denial of after-the-fact wetland applications for an exemption and no-loss that resulted from issuance of a Restoration Order. The Restoration Order was appealed and placed in abeyance until there is a final decision on the applications (Appeal File 14-7). The appeal has been granted. *Following months of discussion the parties have reached a tentative agreement. The briefing schedule is stayed to allow additional time to work towards finalizing an agreement.*

File 15-1 (1-8-15) This is an appeal of a Restoration Order in Morrison County. The appeal regards 5,000 square feet of alleged wetland impact associated with a residential building pad. The petitioners have filed after-the-fact wetland applications for an exemption and no-loss with the LGU concurrently with the petition. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on the wetland applications.

File 14-9 (12-3-14) This is an appeal of multiple exemption and no-loss decisions in McLeod County. The appeal regards the approval of three exemption and no-loss decisions. At issue is the LGU's assessment that the applications were approved by operation of law under Minn. Stat. §15.99 (60 day rule). The after-the-fact applications were submitted in conjunction with an appeal of a restoration order (File 14-4). The appeal has been granted. A pre-hearing conference was held on March 11, 2015 and there was agreement among the parties to continue settlement discussions. *Settlement discussions have ceased. The briefing schedule was extended to allow the parties time to develop a complete and accurate record. In addition a tentative date has been scheduled for a DRC Hearing (October 29th (following the Board Meeting)).*

File 14-7 (6-23-14) This is an appeal of duplicate restoration orders in Otter Tail County. The appeal regards the alleged drainage alterations to a Type 4 wetland. The petitioners have filed after-the-fact wetland applications for an exemption and no-loss with the LGU concurrently with the petition. The appeal has been placed in abeyance and the restoration orders stayed until there is a final decision on the wetland applications. Those decisions were appealed (File 15-2).

File 14-6 (5-28-14) This is an appeal of a replacement plan decision by DNR Land and Minerals involving the Hibbing Taconite Mine and Stockpile Progression and Williams Creek Wetland Mitigation. The appeal regards the approval of a wetland replacement plan application for mining related activities. A similar appeal was also filed simultaneously with DNR under procedures required for permit to mine. The appeal has been placed in abeyance for completion of DNR's contested case proceedings. The hearing is tentatively scheduled to take place during the week of October 5th.

File 14-4 (4-28-14) This is an appeal of a restoration and replacement order in McLeod County. The appeal regards alleged drainage improvements associated with the excavation of a private drainage system. At issue is a prior exemption determination. The appeal was placed in abeyance and the restoration and replacement orders stayed for the LGU to make a final decision on the after-the-fact wetland applications. The applications were determined to be approved by operation of law under Minn. Stat. §15.99. That decision has been appealed (File 14-9). The appeal will continue to be held in abeyance.

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 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. A revised wetland bank plan application has been approved with conditions. Those conditions require the approval of partial ditch abandonment along with a Conditional Use Permit for alterations in the floodplain.

Summary Table

Type of Decision	Total for Calendar Year 2014	Total for Calendar Year 2015
Order in favor of appellant		
Order not in favor of appellant	2	3
Order Modified		
Order Remanded	1	1
Order Place Appeal in Abeyance	3	1
Negotiated Settlement	2	
Withdrawn/Dismissed	2	

COMMITTEE RECOMMENDATIONS

Metro Region Committee

1. Carnelian-Marine-St. Croix Watershed District (District) Plan Amendment - Jim Haertel – ***DECISION ITEM***
2. Bassett Creek Watershed Management Commission Comprehensive Watershed Management Plan – Jim Haertel – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Carnelian-Marine St. Croix Watershed District 2015 Plan Amendment

Meeting Date: August 27, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region

Contact: Mary Peterson, BC

Prepared by: Mary Peterson, BC

Reviewed by: Metro Region Committee Committee(s)

Presented by: Jim Haertel

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

Approval of the Carnelian-Marine-St. Croix Watershed District 2015 Plan Amendment

LINKS TO ADDITIONAL INFORMATION

http://www.bwsr.state.mn.us/boardpackets/carnelian_wd/carnelian_plan_clean_copy.pdf

http://www.bwsr.state.mn.us/boardpackets/carnelian_wd/carnelian_plan_redlined.pdf

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

The Carnelian-Marine Watershed District (District) was established in 1981 and enlarged to include the area of the Marine on St. Croix Watershed Management Organization (MWMO) on March 28th, 2007. The District is located exclusively in Washington County in the northeast portion of the Minneapolis – St. Paul seven county metropolitan area and consists of a total of 81.48 square miles. The mission of the District is to protect and improve the water resources, natural habitat, and personal property within its boundaries; to educate property owners and the community on the value of water resources; and to promote progressive public relationships and interagency consistency.

The current District watershed management plan was approved by Board Order on August 26, 2010. The need for a Plan amendment became evident in 2012 as the managers and administrator began to formalize an Aquatic Invasive Species (AIS) Plan to address the increasing concerns of its residents on this issue and more District

involvement was sought with ground water issues and health of wetlands. In addition, work was being completed on several studies which required updating existing data within the plan as well as revising and adding to the implementation schedule and budget for the balance of the decade. Planning for this amendment was initiated in 2013 to response to the concerns of its residents and better work toward prioritized, targeted, and measurable solutions in water resource management. BWSR staff assisted the District and partners throughout this time to implement a transparent major amendment following the then proposed revised MR 8410 which includes early input and coordination with stakeholders.

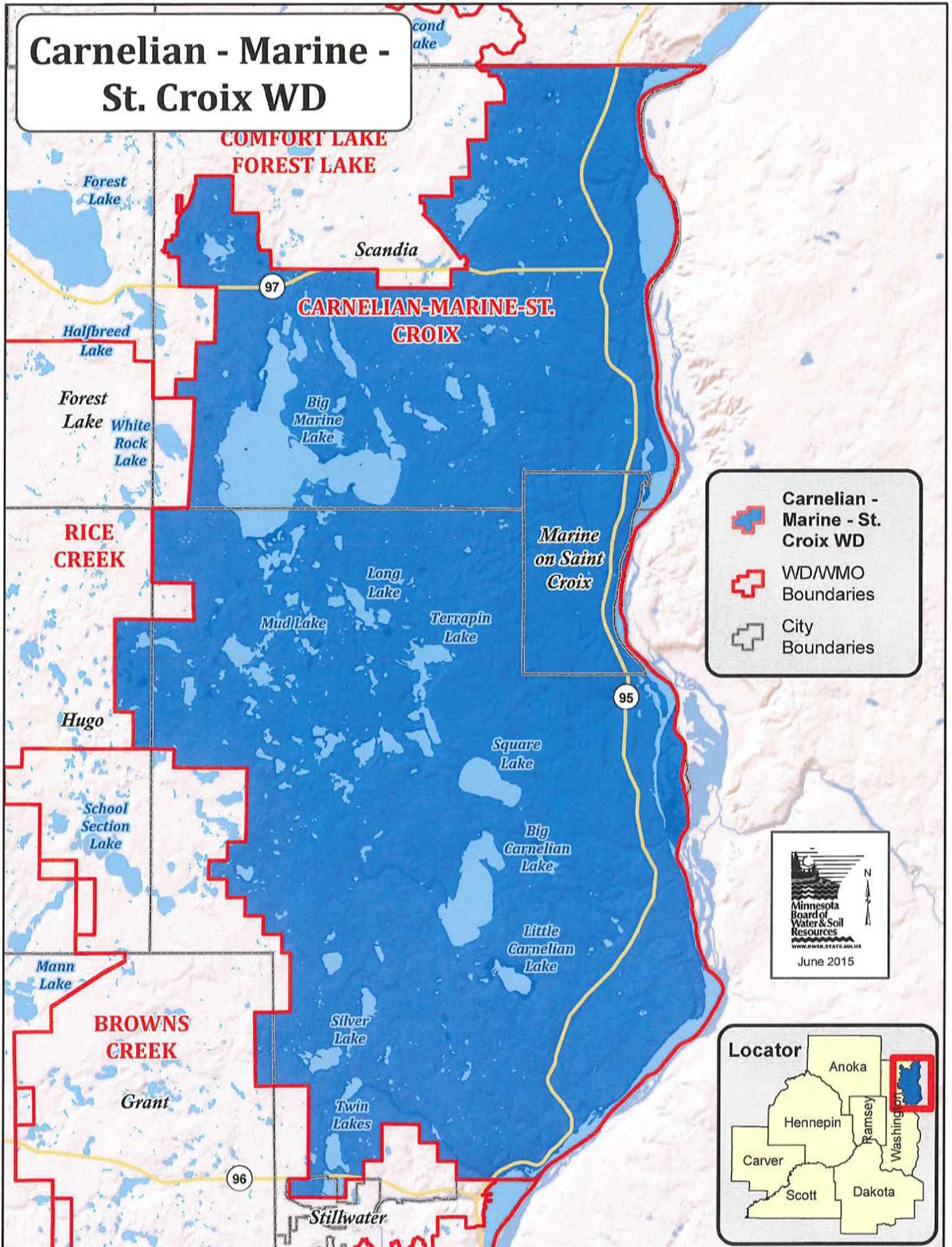
The District has completed the 60 day review and has responded to comments from its local and county partners and regional and state reviewing agencies. There were no public comments received at the Public Hearing held on June 10, 2015. BWSR staff received the draft Amendment for the final 90 day agency review on July 1, 2016. All comments received have been sufficiently addressed by the District.

The Board's Metro Region Committee met on August 4, 2015 in St. Paul to review and discuss the Amendment. The Committee unanimously voted to recommend approval of the Amendment to the full Board. The attached Board Order lays out the findings of fact, including agency reviews, Amendment highlights, metro region committee review and recommended conclusions.

Attachments:

1. Board Order for approval of the Carnelian-Marine St. Croix Watershed District Plan Amendment.
2. Location Map of the District
3. Table of Contents, Executive Summary and Implementation Table (Links to full Amendment provided above)

Carnelian - Marine - St. Croix WD



- Carnelian - Marine - St. Croix WD
- WD/WMO Boundaries
- City Boundaries

Minnesota Board of Water & Soil Resources
www.bwsr.state.mn.us
June 2015

Locator

The locator map shows the following counties: Anoka, Hennepin, Ramsey, Washington, Carver, Scott, and Dakota. The watershed district is highlighted in red in the northern part of the state.

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

In the Matter of the review of the Amendment
to the Watershed Management Plan for the
Carnelian-Marine-St. Croix Watershed District,
pursuant to Minnesota Statutes Section
103B.231, Subdivision 11.

**ORDER
APPROVING
AMENDMENT TO
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Carnelian-Marine-St. Croix Watershed District (District) submitted a Watershed Management Plan Amendment (Amendment) dated July 1, 2015, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The District was originally established in 1981 and was enlarged to encompass the Marine on St. Croix Watershed Management Organization in 2007. The mission of the District is to protect and improve water resources within the jurisdiction of the Carnelian-Marine-St. Croix Watershed District through coordination with local units of government, citizens, and other government agencies.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current District watershed management plan was approved by Board Order on August 26, 2010. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 11.
3. **Nature of the Watershed.** The District is located exclusively in Washington County in the northeast portion of the Minneapolis – St. Paul seven county metropolitan area and consists of a total of 81.48 square miles. Included in the District are 27.33 square miles within the City of Scandia, 4.18 square miles within the City of Marine on St. Croix, 0.74 square miles within the City of Hugo, 34.58 square miles within the Town of May, 0.25 square miles within the City of Grant, and 14.40 square miles within the Town of Stillwater. The District is bound by the St. Croix River to the east, the Comfort Lake- Forest Lake and Rice Creek Watershed Districts to the west, and the Brown's Creek Watershed District to the south.

4. **Amendment Development and Review.** The need for the Amendment became evident in 2012 as the District began to formalize an Aquatic Invasive Species (AIS) Plan to address the increasing concerns of its residents on this issue, and more evident as District involvement was sought with groundwater issues and the health of wetlands. In addition, work had been completed on several studies requiring updates to existing data within the plan as well as the implementation schedule and budget. Planning for this Amendment began in 2013 to respond to the concerns of its residents and to better work toward prioritized, targeted, and measurable solutions in water resource management. BWSR staff assisted the District and partners through this planning process which emphasized early input and coordination with stakeholders.

The draft Amendment was submitted to the Board, other state review agencies and local government for the 60-day review on February 27, 2015. A Public Hearing was held on June 10, 2015. The final draft Amendment was received by the Board on July 1, 2015.

5. **Local Review.** The District distributed copies of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. Washington Conservation District (WCD) provided comments relating to updating current projects and WCD advisory members. Washington County found the Amendment was generally consistent with the County activities such as the 2014-2024 Groundwater Plan, supports exploring use of county bridge funds prior to other options, and appreciated inclusion of funds for groundwater monitoring and coordinating efforts with partners. No other comments were received.
6. **Metropolitan Council Review.** During the 60 day review, the Metropolitan Council commented the Amendment is consistent with Council policies and plans. They provided comments on water monitoring and sampling frequency and provided a number of technical resources for reference. The District incorporated comments into the final draft Amendment. No additional comments were received.
7. **Department of Agriculture Review.** During the 60 day review, the MDA commented that they had no comments on the Amendment at the present time. MDA comments were received during the 90 review period relating to drainage recommendations and BMPs, reference to the MDA Loan Program and a reference clarification for USDA rather than MDA for East Boot Lake. The District has responded to these comments and has incorporated as appropriate.
8. **Department of Health Review.** The MDH did not comment on the Amendment.
9. **Department of Natural Resources Review.** During the 60-day review, the DNR commented they appreciated the opportunity to review and provided comments primarily relating to formatting, grammar, etc. The District incorporated these changes in the final draft Amendment. During the final 90-day review, the DNR stated they had no additional comments on the Amendment.

10. **Pollution Control Agency Review.** No comments were received during the 60-day review period. During the 90-day review, MPCA commented that they had no issues with what the District was proposing.
11. **Department of Transportation Review.** During the 60-day review, MnDOT asked for clarification on the Routine Management Cost-Share Program and listed various projects identified in the Amendment that they would be willing to review proposed plans and issue permits for work on MnDOT right-of-way. The District so noted this willingness and provided more clarification on their proposed cost-share programs in the final draft. No additional comments were received during the 90-day review period.
12. **Board Review.** During the 60 day review, Board staff commented that the overall format of the Amendment presented the proposed changes in an understandable way. Board staff provided general comments relating to 1) clarifying the District's wetland management priorities in the Amendment and any regulatory impact, 2) clarifying the District's management strategies, prioritization methods and implementation plan, and 3) identifying sideboards for changes to the implementation plan based on an evaluation process. Board staff requested the District further define and develop policy for their implementation activities and the District's cost-share program prior to submitting the final draft for review. More specific comments were provided and discussed with the District to assist them in addressing the comments and incorporating changes into the final draft Amendment.

All comments have been sufficiently addressed in the final draft Amendment submitted to BWSR for review.

13. **Plan Summary and Highlights.** The following changes and highlights of the plan include:
 - Table of Contents and Executive Summary have been revised to reflect and acknowledge the content of the Amendment.
 - Changes to the Habitat and Open Space policy now allows the use of chemical treatment of Aquatic Invasive species which are approved by the DNR.
 - Section III – “Strategic Priorities” was deleted and replaced by “Resources Management Strategy”. Much of the content from Section V was relocated here as well. This new section redefines and expands the term “Focused Watershed Management” into a three step process of assessment, diagnostics and implementation strategies where implementation is prioritized on the basis of declining water quality trends. The District's Wetland Management Plan and rules were in place and fully vetted with the 2010 plan; however, additional wetland assessment work was incorporated to prioritize and establish a ranking for implementation of voluntary protection and positive improvements with landowner cooperation. The 2014 Washington County Groundwater Plan was incorporated by reference in the District's Amendment.
 - Section IV – primarily restructure and update of the Implementation Program and Table IV-4 to reflect the Section III Resources Management Strategy revisions, TMDL approval and updated Capital Improvement Program. Changes to the structure of the Implementation Plan and budgeted programs and projects drive the revisions to this Section.
 - Section V – significant paring down of content with the updated lake and stream diagnostic protocols moved to Appendix D. The revised contents of this section focus on the Individual Resources Plans and an explanation of the layout of the Plans for Lakes and Streams. Most recent

- data is compiled into charts ranking their current assessments. Other resources in Plans and Strategies are noted for wetland and groundwater.
- New Appendix D added – lake and stream diagnostic protocol.
- New appendix E added – AIS Plan

14. **Metro Water Planning Committee Meeting.**

On August 4, 2015, the Board's Metro Region Committee and staff met with LGU representatives in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were Joe Collins as chair, Jack Ditmore, Rebecca Flood, Faye Sleeper and Jill Crafton. Board staffs in attendance were Jim Haertel, Central Region Manager, and Board Conservationists Mary Peterson and Steve Christopher. LGU representatives in attendance were Jim Shaver, District Administrator; Dave DeVault, Board Member; and Carl Almer, District Engineer. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Carnelian-Marine-St. Croix Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.
3. The Carnelian-Marine-St. Croix Watershed District Watershed Management Amendment attached to this Order updates water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program.
4. The attached Watershed Management Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

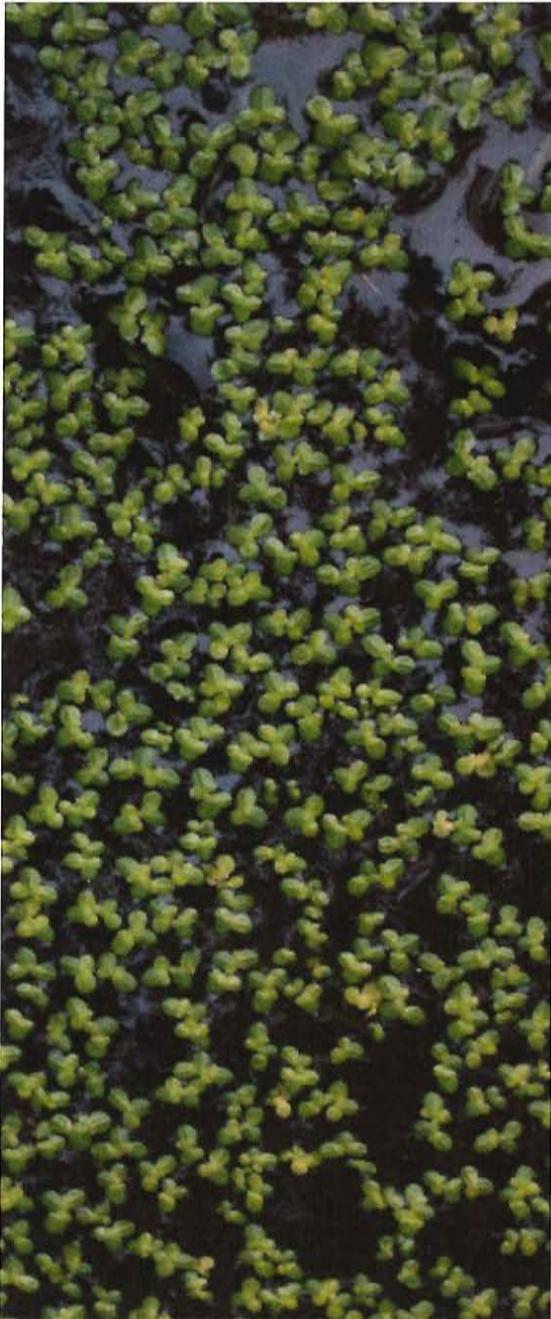
The Board hereby approves the attached Amendment, dated July 1, 2015, as the Carnelian-Marine-St. Croix Watershed District Watershed Management Plan.

Dated at Red Wing, Minnesota this 27th day of August, 2015.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

I. EXECUTIVE SUMMARY



Lesser duckweed, Big Marine Lake area wetland

This section will give the reader an understanding of the Carnelian-Marine-St. Croix Watershed District (CMSCWD) and purpose of the 2010 Watershed Management Plan.

Section Contents

- A. Introduction
- B. History
- C. Assessment
- D. Implementation program
- E. Objectives and Policies
- F. Focused Watershed Management
- G. Program History
- H. Resource Management Plans
- I. Planning Process
- J. [Plan Amendment 2015](#)

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I. Executive Summary



Big Carnelian Flooding prior to 1985 outlet project.

A. Introduction

This fourth Carnelian-Marine-St. Croix Watershed District (CMSCWD) watershed management Plan contains the goals, policies and management plans of the Carnelian-Marine-St. Croix Watershed District and shall serve as the official operational guide until the year 2020. In this Plan, the reader will find the objectives and policies of the District, a description of operations and programs including a 10-year master plan budget and an activities calendar with a list of projects. The Plan also includes individual management plans for 31 lakes and 22 streams; resource management plans for district wetlands and groundwater; physical and societal characteristics; an overall watershed assessment; a list of priorities; future resource goals; and a comprehensive land and natural resource inventory.

B. History

The Carnelian-Marine-St. Croix Watershed District is operated under the authority of Minnesota Statutes Chapter 103B and Chapter 103D to protect and improve the water resources, natural habitat, and personal property within its boundaries; to educate property owners and the community on the value of water resources; and to promote progressive public relationships and interagency consistency. The District is a government agency created in 2007 from the enlargement of the Carnelian-Marine Watershed District to encompass the Marine Watershed Management Organization.

The Carnelian-Marine Watershed District was formed in 1981 to address specific flooding problems in the Big Marine Lake drainage area which were alleviated by the installation of a 3 mile gravity pipe which outlets this large, landlocked sub-watershed.

The Marine Watershed Management Organization was formed during the same time period to satisfy the requirements of Minnesota Statute 103D which required all the land within the seven county metropolitan area to be covered by a water management organization. Addressing local concerns at the time, the founders of the organization chose to omit the northeasterly portion of the county, thereby creating an "orphan area" not covered by watershed management.

In 1999, Washington County began a comprehensive study of water management governance within its jurisdiction. From this two-year exercise came several recommendations endorsed by the County Board of Commissioners. One suggested that the 11 watershed organizations in the county should begin to explore ways of merging to achieve economies of scale and combined tax base to support professional administration.

I. Executive Summary



Small group breakout session at community TMDL meeting

The Managers of both predecessor organizations began talks and a series of public meetings shortly after the release of “The Washington County Water Governance Report” and achieved consensus in 2006 to begin the formal combination process. The County petitioned the Board of Water and Soil Resources for the expansion of Carnelian Marine Watershed District to include the area of the Marine WMO and the “orphan area” in the northeast corner of the county. In addition, it requested that the Board of Managers be increased from 5 to 7 and the name be changed to Carnelian-Marine-St. Croix Watershed District.

The current Managers of the Watershed District are:		
Kristin Tuenge	Steve Kronmiller	
President		
Andy Weaver	Victoria Dupre	Secretary
Treasurer		
Dave DeVault	John Bower	Manager
(1992-2010)		
Richard Caldecott	Wade Johnson	
Manager		
Jason Husveth	Eric Lindberg	Manager
John Lennes		Manager
Tom Polasik		Manager
Kristin Tuenge	Joel Stedman	Manager

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A listing of all past managers can be found in Appendix C.

C. Assessment

The lakes, streams and wetlands of the District are generally in good condition. The four largest lakes, Big Marine, Big Carnelian, Little Carnelian, and Square Lake have an “A” water quality. Five of the District’s lakes were ranked in the top ten lakes in the Minneapolis St. Paul metro area (MPCA, 2006). However, the Minnesota Pollution Control Agency, in conjunction with the Environmental Protection Agency and the Clean Water Act of 1971, has deemed ~~nine~~ eleven of the District’s shallow lakes as impaired for nutrients and aquatic recreation. These lakes are identified in Section ~~VIII~~ VIII. In addition, the St. Croix River on the District’s eastern boundary feeds Lake St. Croix downstream which is also listed as impaired for nutrients.

The EPA mandates a process to monitor and allocate the sources of the nutrients which are causing impairments. The process prescribes the “Total Maximum Daily Load” (TMDL) of these nutrients that can be contributed to water resources to achieve the required water quality. This information can be used to implement projects which will lead to a reduction in nutrients and the “de-listing” of impaired waters when the water quality meets the state standard. ~~In 2012, the District is currently undertaking~~ completed the “Carnelian-Marine-St.

I. Executive Summary

Croix Watershed District Multi-Lakes TMDL~~The Carnelian-Marine-St. Croix 12 Lakes TMDL Study~~” which ~~will~~ resulted in strategies for improving water quality in all of in-these impaired lakes with the exception of Barker Lake which was listed as impaired after completion of the study.



Ozark Trail north BMP

~~At the current time, the~~ The St. Croix Basin team ~~is working on the creation of~~ has completed a TMDL strategy for the impairment of the St. Croix River. The St. Croix Basin team is an interagency and multi-state group consists of the Minnesota Pollution Control Agency, the Departments of Natural Resources from both Minnesota and Wisconsin, the National Park Service and other agencies and private organizations. The District ~~has~~ participated in the development of this strategy and will continue its involvement through implementation of programs to lower nutrient contributions to improve this valuable Wild and Scenic river.

D. Strategic Plan

The Board of Managers prepared a Strategic Plan in the summer of 2008 in preparation for the development of this Watershed Management Plan. Through the strategic planning process, the Board of Managers defined the mission statement for the District. The District's mission is to:

Protect and improve water resources within the jurisdiction of the Carnelian-Marine-St. Croix Watershed District through coordination with local units of government, citizens, and other government agencies.

The Strategic Plan lists seven objectives with underlying strategies that advance this mission for all the water resources of the District. The plan not only defines these objectives but addresses the manner in which they will be achieved, using open communications and operations while keeping the public informed and involved in the process. The Strategic Plan is an organic document which will be reviewed by the Board on an annual basis and will provide a general framework to guide and evaluate the District's progress in achieving its mission.

E. Objectives and Policies

This Watershed Management Plan takes the philosophies expressed in the Strategic Plan and translates them into the objectives and policies of the District in five functional areas of operations and management. These areas reflect all aspects of Minnesota State Statutes governing Watershed Districts, their obligations and powers. *A detailed discussion of these objectives and policies is found in Plan Section II.*

F. Focused Watershed Management

At the intersection of this plan and the Strategic Plan is the District's concept of Focused Watershed Management which allows the Board of Managers to prioritize its activities and expenditures to protect and improve the water resources of the District.



Silver Creek Corridor survey

Similar to the TMDL process described above, it establishes a framework to monitor conditions to identify problem areas; to notify and involve citizens and agencies in defining solutions to the problems; to design, finance, and implement projects to solve these problems; and to evaluate the success of projects.

The Board recognizes the potential of the TMDL process and designed Focused Watershed Management to be proactive in the management of water resources and the acknowledgement of the Board's responsibility to preserve outstanding water quality as well as improve degraded water resources. The concept also recognizes the limited financial resources of the District and provides a flexible framework to effectively direct the funding of all District programs and projects to improving and preserving water quality and to take advantage of outside funding sources as the opportunities are presented.

The Board of Managers realizes its fiduciary responsibility to achieve measurable results in performing its obligation to improve and protect the water resources of the District. The program includes methods to monitor future efforts to protect and improve water quality and the effectiveness of the District's expenditures relating to its water quality projects, education efforts, and its rules and their enforcement. Water quality goals will be set for those water resources under the District's Focused Watershed Management with input from lake owner's associations, agencies, and area citizens. As water quality projects are initiated within the contributing subwatersheds, monitoring will be used to gauge the effectiveness of these projects as well as educational and regulatory efforts to achieve improving water quality. For more specific information on focused watershed management, see Section III.

G. Program History

The District has used several programs to achieve its goals. The activity of these programs has reflected the needs and priorities of the District as perceived by its managers:

1. Flood Prevention & Channel Maintenance

The early activities of the Carnelian Marine Watershed District involved solving the flooding issues in the Big Marine Lake sub-watershed which included Big Carnelian Lake, Little Carnelian Lake and a series of wetland systems connecting them. A period of high precipitation in the late 70's and early 80's increased water levels in this land-locked basin to unacceptable levels which flooded lake-side houses and saturated private septic systems.

2. Water Quality Monitoring

The District has monitored its lakes and streams since its inception. It participates in the Met Council's WOMP (Watershed Outlet Monitoring Program) for both Carnelian and Silver Creeks.

I. Executive Summary



Shoreline BMP implementation for private residence within District.

With the inclusion of the Marine WMO, the District assumed responsibility for over 20 spring creeks tributary to the St. Croix River and now monitors a total of 31 lakes and is gradually increasing the number of streams under its monitoring program.

The trends established through monitoring become instrumental in both setting priorities and evaluating performance of its Focused Watershed Management Program. See Plan Section IV-C for more information about the District's monitoring activities.

3. Education

Environmental education has always been important to the District and with the creation of its Watershed Wisdom program in 1997 and the 2000 Watershed Management Plan, it became a priority. That Plan defined its goals to be citizens' understanding of:

- Certain watershed concepts
- Responsibilities and operations of a watershed district
- Basics of water science
- Homeowners and local governments abilities to protect and enhance water resources.

This Plan proposes using many aspects of the same program while cooperating with local partners and schools to take advantage of available expertise and assets to achieve measurable improvements in residents' knowledge of water resources and their relationships with land use and other natural resources. Details are available in Plan Section IV-B.

4. Best Management Practices

The District created a Best Management Practices program in 1999. The purpose of the project is to share the costs of projects built by private property owners and local governments which lead to improvements in water quality, reducing sediment and erosion in shoreland zones, and increasing infiltration of storm water. This program is responsible for 72 projects since its inception. This program will continue under this Plan as the District's "Cost Share Program" and will be an integral piece in the Focused Watershed Management to achieve measurable and cost effective improvements in water quality. More detail on this program is found in Plan Section IV.

The future integration and prioritization of these programs is found in Plan Section III describing ~~Focused Watershed Management~~ [the District's Resource Management Strategy](#).



*Prescribed burn,
Silver Creek Corridor restoration*

H. Resource Management Plans

Management plans for each of the District's water resources and their associated sub-watersheds are a major tool for the implementation of this Plan. They are formatted to be used as separate fact and strategy sheets for each of these areas. They contain information on the resource's water quality and environmental characteristics as well as their management status of Focused, Impaired, or Routine and the strategies this status assigns. These plans are found in Plan Section V.

I. Planning Process

This Plan is the result of a comprehensive public involvement procedure using both a technical advisory committee and a citizens' advisory committee to gather input in all areas. It utilized the District's website at www.cmscwd.org to minimize structured meetings and to allow comment on all aspects as it was developed. The following meeting schedule allowed further in-depth discussion with the public:

Citizens' Advisory Committee Meeting Dates:

September 27, 2008 (Kick-off Event)

December 10, 2008

April 28, 2009

November 10, 2009

Citizens' Advisory Committee Members:

Scott Alexander

Kate Carlsen

Jed Chesnut

Rex Ewert

Burt Fisher

Mark Forliti

Maurice Grogan

Stephen Huberty

Dave Hume

Bob Iverson

Harold Johnson

Larry Kennedy

Sally Leider

Kris Levine

Dave & Lynn Linder

Fran & Ann Michaud

Gary Orlich

Jack Parcheta

Jessica Parcheta

Roeland Reyers

Pete & Elsie Riehle

Diane Rohan

Jim Schoeller

Bruce Swensen

Dean Tharp

Dana Vogen

Larry Whitaker

Mike White

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*Slender leaf false foxglove,
Big Marine Lake – surrounding wetlands*

Technical Advisory Committee Meeting Dates:

January 01, 2009

April 15, 2009

Technical Advisory Committee Members:

Jim Almendinger	St. Croix Watershed Research Station
Erik Anderson	Washington Conservation Dist.
Michael Blehert	Big Marine Lake Association
Amy Carolan	Washington Conservation Dist.
Jed Chesnut	Washington Conservation Dist.
Jessica Collin-Pilarski	Washington County
Steve Duff	City of Hugo
Dan Fabian	Emmons & Olivier Resources
Randy Ferrin	St. Croix River Assoc.
Len Ferrington	U of M
John Freitag	Washington County
Jack Frost	Metropolitan Council
Chuck Haas	City of Hugo
Kate Hanson	National Park Service
Jane Harper	Washington County
Anne Hurlburt	Scandia
David Johnson	Stillwater Township
Christopher Klucas	MPCA
Frank Kubitschek	Mill Stream Assoc.
Melissa K. Lewis	BWSR
Ron Lawrenz	Warner Nature Center
Randy Lorenzen	William O'Brien State Park
Everett Meyers	Marine-on-St. Croix
Glen Mills	Marine on St. Croix
Dennis O'Donnell	Washington County
Jay Riggs	Washington Conservation Dist.
Amanda Strommer	Washington County
Jyneen Thatcher	Washington Conservation Dist.
Sheila Marie Untiedt	Stillwater Township
Bill Voedisch	May Township
Craig Wills	MNDNR

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Willowbrook – photo courtesy of Jim Schoeller

Meetings were recorded and comments transcribed into a master table along with those received from the website. Comments were wide-ranging with topics including, but not limited to:

- The high value residents place on the quality lake, stream and wetlands found in the District, and that their ability to actively and passively enjoy them is a major reason they live in the area.
- Allocation and prioritization of District financial resources
- Individual program expense and utilizing partnerships with citizens and other organizations
- Aquatic vegetation and invasive species
- Effects of run-off, commercial land-use and agriculture
- Coordination with the St. Croix River TMDL, and
- The integration and concentration of District programs

The Board reviewed all comments and made clarifications or revisions to the Plan which reflects the input of the CAC and the TAC. Input received during this process contributed to the development of Focused Watershed Management efforts.

J. Plan Amendment 2015

The need for a Plan amendment became evident in 2012 as the managers and administrator began to formalize an Aquatic Invasive Species Plan to address the increasing requests and concerns of its residents on this issue. The administrator and managers also sought more District involvement with ground water issues and health of our wetlands. In addition, work was being completed on several studies which required updating existing data within the plan as well as revising and adding to the implementation schedule and budget for the balance of the decade.

The concept of “Focused Watershed Management” remained valid but needed revising to remove as much of its subjective criteria as possible and to insure that high quality resources were being protected while improving degraded lakes and streams. The structure of the Implementation Program and budget was revised to correspond to the balance of Section IV, District Operations. Additional detail for “Focused/Impaired Resource Management” was included as a second level of detail within the overall Implementation Program and the new Washington County Groundwater Plan was adopted by reference. The Plan now incorporates separate Appendices D and E as Lake and Stream Diagnostic Studies protocol and an Aquatic Invasive Species Plan, respectively. This revised

I. Executive Summary



*Willowbrook—photo courtesy
of Jim Schoeller Tanglewood Nature
Preserve*

structure is better suited for future revisions as science and technology advance in these fields.

The Board of Managers approved to issue the (draft) amendment for 60-day review on (February 11th, 2015). With this amendment, the Carnelian-Marine-St. Croix Watershed District can respond to the concerns of its residents and better work toward prioritized, accountable, and measurable solutions in water resource management.

Table IV - 4-3 Implementation Program

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
1. Capital Improvement Projects										
A. Cost-share Program										
i. Annual Program	65,000	65,000	65,000	65,000	65,000	75,000	75,000	75,000	75,000	75,000
ii. Major Bluff and Gully Erosion Control Projects	12,000	12,000	12,000	12,000	12,000					75,000
iii. Stream and St. Croix River Sediment Management to reduce sediment impacts to aquatic habitat and sediment loadings to St. Croix River	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
iv. Joint Project with City of Scandia, 205th Street, St. Croix River Bluff Erosion control and stormwater quality project.					15,000					
v. Joint project with City of Scandia, 197th Street, St. Croix River Bluff Erosion control and stormwater quality project.						65,000				
vi. Joint projects with Washington County at the Big Marine Park Reserve and Square Lake Regional Park.	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
B. Neighborhood Wide Small Lot Stormwater Management Incentive Program										
C. Agriculture Incentives	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
D. Maintenance Program										
i. On-going Channel Maintenance and Operations	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
ii. District Outlet Pipe Inspection and Repairs	20,000	20,000				20,000				
iii. Turtle Lake Weir Stop-log Structure Improvements	7,500	7,500								
iv. Installation of Clemson Leveler or similar device to mitigate beaver dam blockage of Carmelian Creek (outlet channel) upstream of Hwy. Ave.										
v. Improvements to access to Carmelian Creek (outlet channel) downstream of May Avenue.										
vi. Lake Carmelian Lake Outlet Structure Improvements.	1,500	1,500	1,500	1,500	1,500					
vii. Maintenance and monitoring of previously installed Silver Creek restoration work.										
viii. Improvements to Carol Lake outlet structure, channel and access to for maintenance.		15,000								
ix. Stormwater Management at 100th and Deer Trail in Stillwater Township										
F. TMDL Study Implementation Projects	8,000				5,000					
G. Focused Watershed Management Implementation Projects	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000
	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000
2. Non-Structural Projects and Studies										
A. District Monitoring Program	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000
B. Hydrologic Study of Former MWMO Area	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
C. Inventory and Monitor Constructed Stormwater Treatment Facilities	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500
D. Highway 95 Wetlands in Marine Management Plan										
E. Focused Watershed Management Watershed Assessment Studies	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000
3. Administrative Projects and Initiatives										
A. District Education/Communication Program	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
B. Implementation of Wetland Restoration Fund Projects	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
C. Initiative to Identify and Seek Non-Typical District Funding	2,000	2,000								
D. Pursue and Facilitate Conservation Easements and Other Land Protection Efforts	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
E. Facilitate and Encourage Establishment of Lake Associations for District Lakes	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
F. Administration and Office Operations	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
G. General Engineering	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
H. Regulatory Program (permitting)	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000
I. 2020 Watershed Management Plan Update										
Yearly Cost Estimates	516,000	677,500	623,000	660,500	650,500	725,000	725,000	725,000	725,000	725,000

Implementation Program Years 2015 - 2019 continued on next page and structured per the revised District Operations framework and organization.

Table IV-5 Implementation Program		2015	2016	2017	2018	2019
Administrative		172,000	172,000	172,000	172,000	172,000
A. Administration and Office Operations						
Plan Implementation Programs and Projects						
B. Education/Communication						
1. Standard		30,000	30,000	30,000	30,000	30,000
2. Watershed Award		10,000	10,000	10,000	10,000	10,000
3. AIS		2,000	2,000	2,000	2,000	2,000
4. Groundwater		2,000	2,000	2,000	2,000	2,000
C. Monitoring						
1. Lakes		50,000	50,000	50,000	50,000	50,000
2. Streams		15,000	15,000	15,000	15,000	15,000
3. AIS		5,000	5,000	5,000	5,000	5,000
4. Wetlands						
5. Groundwater		10,000	10,000	10,000	10,000	10,000
D. Cost-Share						
1. Residential		40,000	40,000	40,000	40,000	40,000
2. Commercial		5,000	5,000	5,000	5,000	5,000
3. AIS		5,000	5,000	5,000	5,000	5,000
4. Agricultural		2,000	2,000	2,000	2,000	2,000
5. Groundwater		2,000	2,000	2,000	2,000	2,000
E. Maintenance						
1. On-going Channel Maintenance and Operations		6,000	6,000	6,000	6,000	6,000
2. District Outlet Pipe Inspections and Repairs						
3. Turtle Lake Wet Stop-Log Structure Improvements		5,000	5,000	5,000	5,000	5,000
4. Access Improvements to Carletons Creek Gwaintham of Hwy Ave		1,500	1,500	1,500	1,500	1,500
5. Little Carletons Lake Outlet Structure Improvements						
6. Maintenance and Monitoring of Silver Creek Restoration						
7. Maintenance of District So. Twin Lake Property including Buffer						
8. BMP Maintenance		5,000	5,000	5,000	5,000	5,000
F. Regulatory						
1. District Rule Enforcement, Permittivity & Development Reviews		20,000	20,000	20,000	20,000	20,000
2. District-Wide H&H Study		5,000	5,000	5,000	5,000	5,000
3. Inventory & Monitoring of Constructed Sustainable BMPs		1,500	1,500	1,500	1,500	1,500
4. Wetland Rehabilitation Fund - see detail in rppd						
G. Plans						
1. 2020 Watershed Management Plan		50,000	50,000	50,000	50,000	50,000
2. Local Surface Water Management Plan Review		1,500	1,500	1,500	1,500	1,500
3. Local Watershed Management Plan Review		240,000	240,000	240,000	240,000	240,000
4. Focused/Impaired Management Summary - see detail in rppd						
5. Capital Improvements - see Section VI for plan implementation procedures if necessary per 804 Statute 8476						
6. Major Buff and Gully Erosion Projects		12,000	12,000	12,000	12,000	12,000
7. Stream and SW. Creek Sediment Management		3,000	3,000	3,000	3,000	3,000
8. Low House Landfill Petrochemicals with City of Escabe		30,000	30,000	30,000	30,000	30,000
9. 107th Street BMP Retrofit & Reuse Station		45,000	45,000	45,000	45,000	45,000
10. Washington County Regional Park (BMP Retrofit)		3,000	3,000	3,000	3,000	3,000
11. Neighborhood Wide Small Lot Stormwater Management Incentive Program		20,000	20,000	20,000	20,000	20,000
12. Pansone / 133rd Street Stormwater Management BMPs						
13. Fair Park Stormwater & Erosion Management		15,000	15,000	15,000	15,000	15,000
14. Boone Site Stormwater Management						
15. Mill Stream Remediation - Year 1						
16. Mill Stream Remediation - Year 2						
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BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Bassett Creek Watershed Management Plan

Meeting Date: August 27, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Metro Region

Contact: Steve Christopher

Prepared by: Steve Christopher

Reviewed by: Metro Region Committee(s)

Presented by: Jim Haertel

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of Bassett Creek Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

http://www.bassettcreekwmo.org/NextGenerationPlan2015/90DayDraft/BCWMC_2015_2025_Plan_90day.pdf

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

Background

The Bassett Creek Watershed Management Commission (Commission or BCWMC) is located in the heart of Hennepin County. It is bound by the Mississippi River WMO to the east, on the south and west by the Minnehaha Creek Watershed District, on the northwest by the Elm Creek WMO, and on the north by Shingle Creek WMO. The watershed encompasses all or part of the following nine cities: Plymouth, Medicine Lake, Golden Valley, Robbinsdale, Crystal, New Hope, Minnetonka, St. Louis Park, and Minneapolis. Bassett Creek discharges into the Mississippi River in downtown Minneapolis below St. Anthony Falls. The watershed contains five major lakes and three creek branches. The Bassett Creek watershed covers 39.6 square miles and is predominantly fully developed (>90%).

The Bassett Creek Flood Control Commission was formed in 1968, primarily to study the flooding issues in the watershed, and later adopted a watershed management plan in 1972. In 1984, the Commission was created after revising the Flood Control Commission's joint powers agreement. The Commission prepared its first generation watershed management plan that BWSR approved in July 1989. The second generation plan was approved by BWSR in August 2004. Subsequently, the Commission completed five major and four minor plan amendments between years 2005 and 2015.

Plan Summary

The Third Generation Management Plan (Plan) development utilized an extensive public participation process called the Watershed Assessment and Visioning Exercise (WAVE). The WAVE included input from member cities, the Commission, TAC members and technical partners. The process assisted in establishing the numerous goals for the plan including, but not limited to, the following:

- Manage the surface water resources of the watershed to meet or exceed state standards and BCWMC water quality goals for wetlands, lakes, and streams.
- Improve the quality of stormwater runoff reaching the Mississippi River by reducing nonpoint source pollution.
- Reduce stormwater runoff volume for the purposes of improving water quality.
- Protect human life, property, and surface water systems that could be damaged by flood events.
- Reduce stormwater runoff rates and volumes to minimize flood problems, flood damages, and the future costs of stormwater management systems.
- Provide leadership and assist member cities with coordination of intercommunity stormwater runoff issues.
- Increase the quality and quantity of wetlands in the BCWMC.
- Protect the quantity and quality of groundwater resources.
- Develop a greater understanding of climate change and its impact on water resources, including stormwater infrastructure capacity and flooding, and develop strategies to appropriately manage future impacts.

Implementation Program

The Commission has demonstrated a commitment to the improvement of water resources and this Plan continues to provide a strategic means of accomplishing the goals listed above. The Commission's Capital Improvement Plan (CIP) will be financed through an ad valorem tax levied by Hennepin County (MN Stat. 103B.251) as well as city contributions and grant funding, as available.

The Commission does not have a permit program, but it will continue to provide review of improvements and developments as well as providing standards/requirements for member city ordinances. The Commission is also responsible for administrative responsibilities, monitoring programs, Flood Control Project activities and education programming.

The Commission holds the member cities accountable and depends on local leadership through the following roles:

- Commissioner and Alternate Commissioner appointment
- Technical Advisory Committee participation

- Project Review & Permitting
- Local Water Management Plan
- Official Controls (Ordinances)
- Capital Improvement Projects
- Land Acquisition
- Finances

Discussion

The most recent Commission accomplishments (since adoption of 2004 plan) are included in Table 5-5 and is highlighted by numerous water quality improvement projects including successful efforts to de-list Wirth Lake along with an extensive list of water quality studies and robust education programming.

The Commission received letters from the Board of Water and Soil Resources, the Pollution Control Agency, the Association of Medicine Lake Area Citizens, Hennepin County, the Department of Natural Resources, Metropolitan Council, the Minneapolis Park and Recreation Board, the Department of Agriculture, the Department of Transportation, the Plymouth Environmental Quality Committee, and the City of Minneapolis. The Commission has held additional meetings with the City of Minneapolis and the Department of Transportation to address concerns. The Commission has addressed all of the other concerns within their 60-day response to comments and in the most recent draft version of the plan.

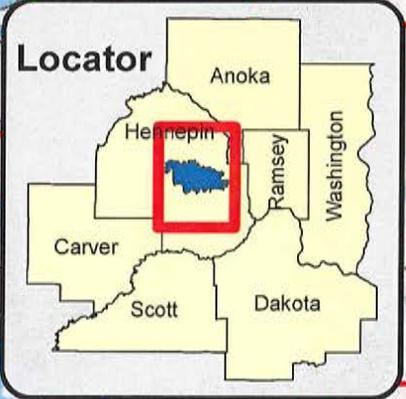
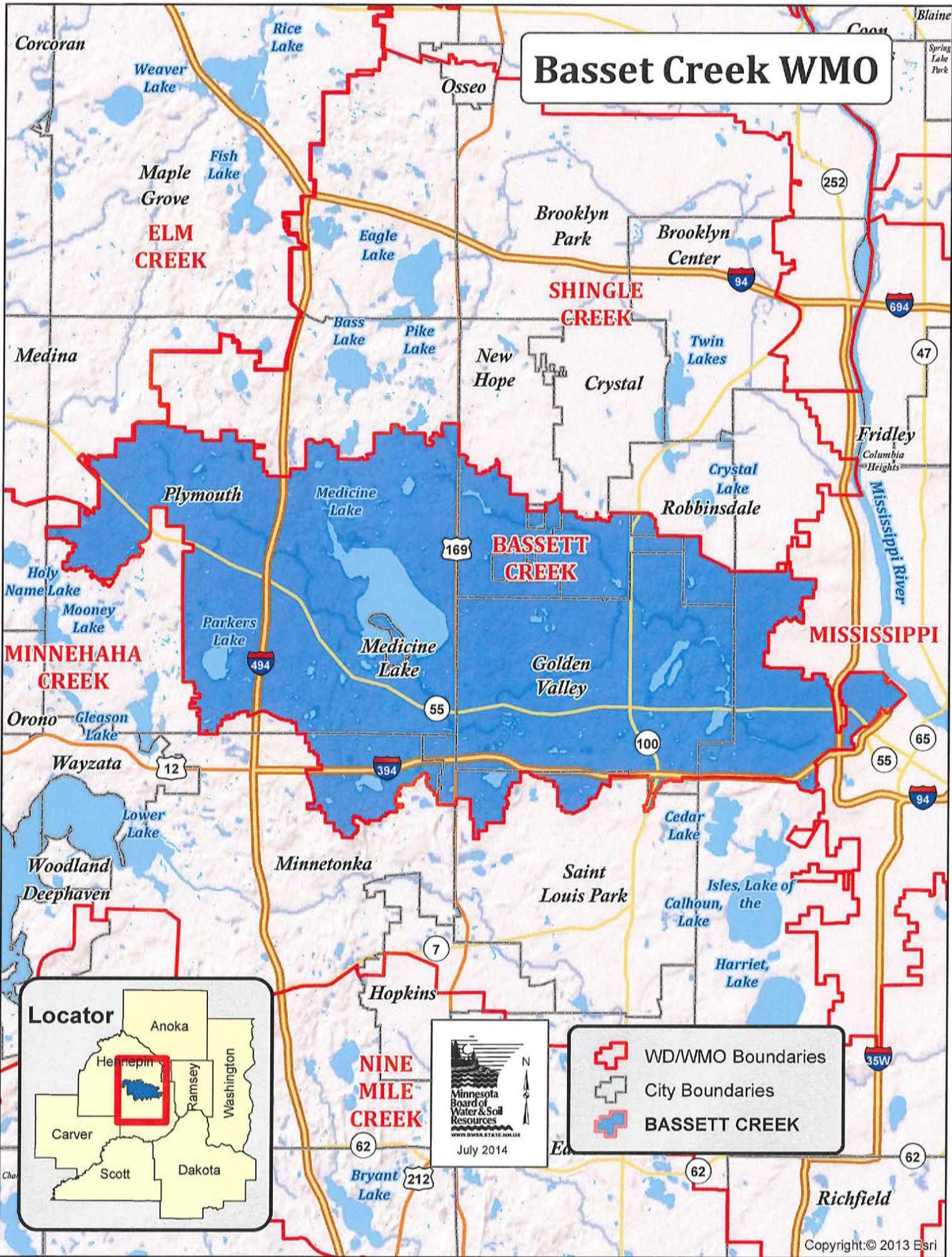
Recommendation

The Metro Region Committee met on August 4, 2015 to review the Plan, comments received and the BWSR staff recommendation. The Metro Region Committee unanimously voted to recommend approval of the Plan to the full Board per the attached draft Order.

Attachments

1. Draft Order for approval of the Bassett Creek Watershed Management Commission's Plan
2. BCWMC 3rd Generation Plan Executive Summary and CIP table
3. Map of the Bassett Creek Watershed Management Commission

Basset Creek WMO



- WD/WMO Boundaries
- City Boundaries
- BASSETT CREEK

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

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

**ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Commissioners of the Bassett Creek Watershed Management Commission (Commission) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **WMO Establishment.** The Bassett Creek Flood Control Commission was formed in 1968 primarily to study flooding issues in the watershed and adopted a watershed management plan in 1972. In 1984, the Bassett Creek Watershed Management Commission was created after revising the Flood Control Commission's joint powers agreement. The Commission prepared its first generation watershed management plan that the Board approved in July 1989.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, subd. 11. The second generation plan was approved by the Board in August 2004. Subsequently, the Commission completed five major and four minor amendments between 2005 and 2015.
3. **Nature of the Watershed.** The Commission is located in the heart of Hennepin County. It is bound by the Mississippi River WMO to the east, on the south and west by the Minnehaha Creek Watershed District, on the northwest by the Elm Creek WMO, and on the north by Shingle Creek WMO. The watershed encompasses all or part of the following nine cities: Plymouth, Medicine Lake, Golden Valley, Robbinsdale, Crystal, New Hope, Minnetonka, St. Louis Park, and Minneapolis. Bassett Creek discharges into

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

4. **Plan Development and Review.** The Commission began the Plan development process in late 2012 with early input from the agencies and stakeholders. They followed that with an extensive public participation process called the Watershed Assessment and Visioning Exercise (WAVE) which included input from member cities, the Commission, TAC members and technical partners. The Commission created a Plan Steering Committee to review and discuss Plan elements and make recommendations to the Commission. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on December 2, 2014. A public hearing was held on May 21, 2015. On June 1, 2015, the final draft of the revised Plan was received by the Board and other state agencies for the final 90-day period.
5. **Local Review.** The Commission circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, subd. 7. The City of Minneapolis, Minneapolis Park and Recreation Board, Association of Medicine Lake Area Citizens and Hennepin County all provided comments which were addressed by the Commission.
6. **Metropolitan Council Review.** The Metropolitan Council commended the Commission on their efforts and offered assistance where available in the implementation of the Plan.
7. **Department of Agriculture Review.** The MDA provided several references to be included in the Plan which have been included.
8. **Department of Health Review.** The MDH did not comment on the Plan.
9. **Department of Natural Resources Review.** The DNR provided comments on Rare Species and project design.
10. **Pollution Control Agency Review.** The PCA requested corrections to several tables which have been made.
11. **Department of Transportation Review.** The DOT comments focused largely on the Standards. The Commission has held separate meetings with the DOT to address these.
12. **Board Review.** Board staff requested additional clarifications within the CIP, which have been addressed.
13. **Plan Summary.** The Plan development utilized an extensive public participation process which included input from member cities, the Commission, TAC members and technical

partners to establish numerous goals. The goals include, but are not limited to, the following:

- Manage the surface water resources of the watershed to meet or exceed state standards and Commission water quality goals for wetlands, lakes, and streams.
- Improve the quality of stormwater runoff reaching the Mississippi River by reducing nonpoint source pollution.
- Reduce stormwater runoff volume for the purposes of improving water quality.
- Protect human life, property, and surface water systems that could be damaged by flood events.
- Reduce stormwater runoff rates and volumes to minimize flood problems, flood damages, and the future costs of stormwater management systems.
- Provide leadership and assist member cities with coordination of intercommunity stormwater runoff issues.
- Protect the quantity and quality of groundwater resources.
- Raise awareness of the Commission's existence and its role in protecting and improving water quality, minimizing flooding, and preserving the watershed's ecological functions and aesthetics.
- Minimize the spread and manage the adverse impacts of harmful aquatic invasive species.
- Develop a greater understanding of climate change and its impact on water resources, including stormwater infrastructure capacity and flooding, and develop strategies to appropriately manage future impacts.

The Commission will continue its success in the implementation of Capital Improvement Projects through financing from an ad valorem tax levied by Hennepin County under MN Stat. § 103B.251 as well as city contributions and grant funding, as available.

The Commission will continue to provide review of improvements and developments as well as providing standards and requirements for member city ordinances. The Commission holds the member cities accountable and depends on local leadership through the following roles:

- Commissioner and Alternate Commissioner appointment
- Technical Advisory Committee participation
- Project Review & Permitting
- Local Water Management Plan
- Official Controls (Ordinances)
- Capital Improvement Projects
- Land Acquisition
- Finances

14. **Metro Region Committee Meeting.** On August 4, 2015, the Board's Metro Region Committee and staff met in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Jill Crafton, Jack Ditmore, Rebecca Flood, Faye Sleeper and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Steve Christopher. The Commission representatives included Administrator Laura Jester, Chair Jim de Lambert, Vice Chair Guy Mueller and Commission Engineers Karen Chandler and Greg Williams. Following a presentation by the Commission, Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

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

ORDER

The Board hereby approves the attached Watershed Management Plan dated May 2015, as the Watershed Management Plan for the Bassett Creek Watershed Management Commission.

Dated at Red Wing, Minnesota this 27th day of August 2015.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

BCMWC 2015 Watershed Management Plan

Executive Summary

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Executive Summary

The Bassett Creek Watershed Management Commission (BCWMC) established the following vision to provide strategic direction to its work.

Stewardship of water resources to protect and enhance our communities

The BCWMC *Watershed Management Plan* (Plan) sets the guidelines for managing the water resources within the boundaries of the BCWMC to achieve the organization's vision. The Plan provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the BCWMC and its members, and lists implementation tasks to achieve the goals. The Plan is organized into five major sections. The general content and highlights of each section follows.

Section 1 – Introduction

Section 1 of the Plan summarizes the BCWMC's location and history, and lists the general authorities of watershed management organizations (WMOs) like the BCWMC. The BCWMC is a local unit of government that manages water resources within the Bassett Creek watershed per authorities given in Minnesota Statutes, 103B and Minnesota Rules 8410. The Bassett Creek watershed is located in Hennepin County, in the northwestern portion of the Twin Cities. The watershed of Bassett Creek and its three branches cross nine cities: Plymouth, Medicine Lake, Golden Valley, Robbinsdale, Crystal, New Hope, Minnetonka, St. Louis Park, and Minneapolis.

The Metropolitan Surface Water Management Act (Minnesota Statutes 103B.201 – 103B.255) states these purposes of watershed management organization:

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

The BCWMC was originally created in 1968 as the Bassett Creek Flood Control Commission to address flooding concerns within the watershed through a joint powers agreement (JPA) among the nine member cities. In 1984, in accordance with provisions of the 1982 Metropolitan Surface Water Management Act, the Bassett Creek Flood Control Commission revised its JPA and created the Bassett Creek Watershed Management Commission (BCWMC).

The BCWMC is governed by an appointed Board of Commissioners (Board). Each of the nine member cities in the BCWMC appoints one commissioner and one alternate commissioner to the Board. The Board has duties and powers granted through the JPA which, include adopting a watershed management plan that sets policies and standards, accumulating funds, setting an annual budget, implementing projects and programs that benefit the watershed, and overseeing staff and contractors. Each member city also appoints a member (typically a city staff person) to the BCWMC Technical Advisory Committee (TAC). This committee works closely with the Board to implement the goals and policies of the BCWMC.

Section 2 – Land and Water Resource Inventory

Section 2 of the Plan contains information on land use and public utilities, climate and precipitation, topography, soils, geology and groundwater resources, surface water resource information, flood control systems, natural communities and rare species, and pollutant sources in the BCWMC. This important information describes the condition of the watershed and affects decisions about infrastructure, development, and ecological preservation. By way of summary, some of the most notable information in Section 2 follows:

Land Use: Almost all of the land in the BCWMC is now fully developed with just small parcels vacant for development in some areas. Low density residential is the major land use found in the Bassett Creek watershed (49%) followed by parks, recreational, and natural areas (11%), industrial land uses (8%), and open water (6%). Additional land use found in the watershed includes undeveloped areas, institutional, major highways, retail/commercial, office space, medium density residential, and limited amounts of agriculture.

Climate: The climate of the Minneapolis-St. Paul area is a humid continental climate characterized by moderate precipitation, wide daily temperature variations, large seasonal variations in temperature, warm humid summers, and cold winters with moderate snowfall. Average weather imposes little strain on the typical drainage system, however extremes of precipitation and snowmelt are important for design of flood control systems. The National Oceanographic and Atmospheric Administration (NOAA) published data on extreme precipitation events that can be used to aid in the design of flood control systems, now called Atlas 14. This data indicates increased precipitation depths for more extreme storm events relative to previously published values.

Topography and soils: The topographic relief of the Bassett Creek watershed is modest. The land slopes generally from higher elevations in the west to lower elevations in the east with only a net loss of 210 feet. Hydrologic soil groups are identified for 53% of the watershed, with the remaining 47% unknown or not rated or unavailable. Of the 53% of the watershed with available soil information, the majority consists of hydrologic soil group B (30%), group C (26%), and group C/D soils (20%). The majority of the western

portion of the watershed has soil with moderate to slow infiltration rates. With only a small portion of the watershed consisting of soils with higher infiltration rates, the Bassett Creek watershed has the potential to produce high volumes of runoff.

Groundwater: The City of Minneapolis and the cities where it supplies water (Golden Valley, Crystal, and New Hope) obtain their water supply from the Mississippi River. The cities of Plymouth, Robbinsdale, Minnetonka, St. Louis Park, and Medicine Lake obtain their water supplies from groundwater aquifers. The Bassett Creek watershed is underlain by four major bedrock aquifers - the St. Peter Sandstone, the Prairie du Chien-Jordan, the Wonewoc (formerly known as the Iron-ton-Galesville) Sandstone, and the Mt. Simon-Hinckley Sandstone. In addition, there are numerous aquifers in the glacial drift. Some groundwater from the glacial drift and the St. Peter aquifer discharges into Bassett Creek. The remaining aquifers discharge into the Minnesota and Mississippi rivers; movement of groundwater within these aquifers is complicated by the intersecting buried bedrock valleys.

Surface water: Surface waters in the Bassett Creek watershed include not only the Main Stem of Bassett Creek but many tributaries, lakes, ponds and wetlands. The BCWMC has classified several lakes as Priority 1 deep lakes including Medicine, Parkers, Sweeney, Twin, and Wirth Lakes. Northwood Lake and Westwood Lake are classified by the BCWMC as Priority 1 shallow lakes while Crane Lake, Lost Lake and [Turtle Lake Cavanaugh \(Sunset Hill\) Pond](#) are classified as Priority 2 shallow lakes. The Main Stem of Bassett Creek, North Branch Bassett Creek, Sweeney Branch Bassett Creek and Plymouth Creek are classified as Priority 1 streams by the BCWMC. [Classification as priority waterbodies is relevant to BCWMC monitoring, application of water quality standards, and eligibility for water quality improvement projects. Waterbodies within the BCWMC not classified as priority waterbodies may still be eligible for BMCWC capital projects, and will be managed in accordance with the policies established in this Plan.](#)

For BCWMC priority waterbodies, the BCWMC adopted water quality standards that are the same as those established by the Minnesota Pollution Control Agency (MPCA). Waterbodies that do not meet these standards are considered impaired. There are currently five lakes and three streams in the Bassett Creek watershed that are on the MPCA's Impaired Waters List (Table 2-5). Waterbodies impaired for chlorides include Medicine, Parkers, Northwood and Wirth Lakes, Main Stem Bassett Creek and Plymouth Creek. Sweeney Lake and Northwood Lake are impaired for excess nutrients. Plymouth Creek, the Main Stem of Bassett Creek, and the North Branch of Bassett Creek are impaired for bacteria.

The BCWMC monitors its priority waterbodies for chemical, physical, and biological parameters on a rotating schedule according to the BCWMC Monitoring Plan (see Appendix A) and cooperates with many other entities that are also monitoring water resources in the watershed.

Water quantity and flooding: From 1987 to 1996, the U.S. Army Corps of Engineers in cooperation with the BCWMC, BCWMC member cities, the Minnesota Department of Transportation and the Minnesota Department of Natural Resources, constructed the Bassett Creek Flood Control Project. This \$40 million project controls flooding in several BCWMC cities. The principal feature of the flood control project is the new 1.7-mile tunnel through downtown Minneapolis, which replaced the century-old Bassett Creek tunnel. The BCWMC inspects the Flood Control Project features and ensures adequate maintenance of the

structures by member cities. The roles, responsibilities and funding mechanisms for rehabilitation and replacement of the Flood Control Project structures will be studied by the BCWMC during the life of this watershed plan.

The BCWMC monitors water levels on various lakes, along with stream flow on Bassett Creek near the tunnel entrance. The BCWMC also cooperates with member cities to ensure accurate and updated floodplain delineations and flood insurance studies.

Natural areas-communities and rare species: Prior to settlement, the Bassett Creek watershed was covered by oak forests interrupted by tall grass prairie and vast areas of marshland. Although parks and open areas remain, agriculture and then urbanization altered the native vegetation, wetlands, and wildlife communities that once covered these areas. Remaining wetland areas are concentrated in the western part of the watershed. Surveys indicate the presence of a tamarack swamp in Theodore Wirth Park and five occurrences of federally- or state-listed rare animal species in the watershed. Game fish are present in several BCWMC lakes including Medicine, Parkers, and Sweeney Lakes.

Pollutant sources: The sources of pollution impacting water resources in the BCWMC are many and varied. While there are point sources of pollution that are regulated under State permits, the vast majority of pollution reaching the BCWMC waters comes from non-point source – those which cannot be traced back to a single source or pipe. Instead, pollutants are carried from land to water in stormwater or snowmelt runoff, in seepage through the soil, and in atmospheric transport. These pollutants include nutrients, bacteria, sediment, chlorides, pesticides, solvents, and chemicals.

Section 3 – Assessment of Issues and Opportunities

Development of this Plan relied heavily on the assessment of issues and the identification of opportunities. The BCWMC performed a gaps analysis (see Appendix [C-D](#)) along with a rigorous public participation process called the Watershed Assessment and Visioning Exercise (WAVE). The WAVE included an online survey with 174 respondents, small group discussions in each member city, a Watershed Summit event where the public prioritized issues, and a prioritization of issues by the Commission, TAC members, and technical partners (see Appendix [D-E](#) for WAVE results).

Key issues identified through the gaps analysis and the WAVE process span several topics, including water quality, water quantity and flooding, erosion and sedimentation, streams, wetlands, (along with habitat and shoreland management), groundwater, education and outreach, and implementation responsibilities. For each of these topics, the gaps analysis identified issues and opportunities the BCWMC should consider in the development of this Plan. Additionally, the public weighed in on the importance of these [and other](#) topics through survey responses, small group discussions, and prioritization at the Watershed Summit. [Many residents identified low water levels in Medicine Lake as a key issue \(see Section 3.2\).](#) These results [of the public input process](#) were consulted during the development of this Plan.

Section 4 – Goals and Policies

The BCWMC established the following goals for this Plan [\(see Section 4.1\)](#):

-
- Manage the surface water resources of the watershed to meet or exceed state standards and BCWMC water quality goals for wetlands, lakes, and streams.
 - Improve the quality of stormwater runoff reaching the Mississippi River by reducing nonpoint source pollution.
 - Protect and enhance fish and wildlife habitat in the BCWMC.
 - Consider aesthetics and recreational opportunities within the watershed when completing BCWMC projects.
 - Reduce stormwater runoff volume for the purposes of improving water quality.
 - Protect against flood risks along the Bassett Creek trunk system.
 - Protect human life, property, and surface water systems that could be damaged by flood events.
 - Reduce stormwater runoff rates and volumes to minimize flood problems, flood damages, and the future costs of stormwater management systems.
 - Provide leadership and assist member cities with coordination of intercommunity stormwater runoff issues.
 - Notwithstanding that which occurs from natural processes, minimize erosion and sedimentation to protect the BCWMC's water resources and health, safety and welfare.
 - Maintain or improve shoreland integrity and implement stream restoration measures to maintain or enhance ecological functions as well as human health, safety, and welfare.
 - Increase the quality and quantity of wetlands in the BCWMC.
 - Protect the quantity and quality of groundwater resources.
 - Manage public ditches in a manner that recognizes their current use as urban drainage systems and as altered natural waterways.
 - Raise awareness of the BCWMC's existence and its role in protecting and improving water quality, minimizing flooding, and preserving the watershed's ecological functions and aesthetics.
 - Strengthen public confidence in the BCWMC's expertise and enable meaningful public participation in the planning process and ongoing projects conducted by the BCWMC.
 - Raise awareness of the impact that individuals, businesses, and organizations have upon water resources and motivate these audiences to change personal/corporate behavior that has a negative impact on the watershed.

-
- Minimize the spread and manage the adverse impacts of harmful aquatic invasive species.
 - Develop a greater understanding of climate change and its impact on water resources, including stormwater infrastructure capacity and flooding, and develop strategies to appropriately manage future impacts.

Policies

The BCWMC developed a total of 122 policies to reach these goals. The policies are specific and measurable and include actions the BCWMC will take, along with required actions by member cities and requirements for development and redevelopment projects. [Policies are included in Section 4.2 of the Plan.](#) The most notable changes to the BCWMC policies from the 2004 Watershed Management Plan include the following:

Policy 12: The BCWMC requires all stormwater to be treated in accordance with the MPCA's Minimal Impact Design Standards (MIDS) performance goal for new development, redevelopment, and linear projects. [If the MIDS performance goal is not feasible and/or is not allowed for a proposed project, then the project proposer must implement the MIDS flexible treatment options, as shown in the MIDS Design Sequence Flow Chart.](#)

Policy 32: The BCWMC requires the retention of on-site runoff from development and redevelopment projects consistent with the MPCA's Minimal Impact Design Standards (MIDS) performance goals. [These include the retention of:](#)

- [1.1 inches of runoff from impervious areas for new development creating more than 1 acre of new impervious area.](#)
- [1.1 inches of runoff from new or fully reconstructed impervious areas for redevelopment creating one or more acres of new or fully redeveloped impervious area.](#)
- [0.55 inches of runoff from new or fully reconstructed impervious areas for linear projects creating one or more acres of new or fully redeveloped impervious area \(or 1.1 inches from the net increase in impervious area, whichever is greater\).](#)
- [If an applicant is unable to achieve the performance goals due to site restrictions, the MIDS flexible treatment options approach shall be used, following the MIDS design sequence flow chart.](#)

[For all other projects, the BCWMC encourages the use of infiltration, filtration, or other abstraction of runoff from impervious areas for all development and redevelopment projects as a best practice to reduce stormwater runoff.](#)

Policy 47: The BCWMC will collaborate with local and state agencies if/when these agencies develop a groundwater action plan in an effort to gain a better understanding of groundwater-surface water interaction and develop management strategies that consider the protection of both resources.

Policy 64: ~~Member cities shall maintain and enforce buffer requirements adjacent to priority streams. For~~ projects that will result in more than 200 yards of cut or fill, or more than 10,000 square feet of land disturbance, ~~the BCWMC requires a~~ buffer widths adjacent to priority streams ~~of~~ must be 10 feet or 25 percent of the distance between the ordinary high water level (i.e., the top of the bank of the channel) and the nearest existing structure, whichever is less. ~~Member cities may~~ The BCWMC will allow exemptions for public recreational facilities parallel to the shoreline (e.g. trails) up to 20 feet in width, with that width being added to the required buffer width.

Policy 66: The BCWMC requires member cities to develop and implement wetland protection ordinances that consider the results of wetland functions and values assessments, and are based on comprehensive wetland management plans, if available. For wetlands classified as Preserve or Manage 1, member cities shall implement standards for bounce, inundation, and runout control that are similar to BWSR guidance; member cities are encouraged to apply standards for other wetland classifications.

Policy 68: Member cities shall maintain and enforce buffer requirements for projects containing more than one acre of new or redeveloped impervious area. Average minimum buffer widths are required according to the MnRAM classification (or similar classification system):

- An average of 75 feet and minimum of 50 feet from the edge of wetlands classified as Preserve
- An average of 50 feet and minimum of 30 feet from the edge of wetlands classified as Manage 1
- An average of 25 feet and minimum of 15 feet from the edge of wetlands classified as Manage 2 or 3.

Allowable land uses and vegetative criteria for buffers are specified in the BCWMC's Requirements for Development and Redevelopment (as amended). Member cities may allow exemptions for public recreational facilities parallel to the shoreline (e.g. trails) up to 20 feet in width, with that width being added to the required buffer width.

Policy 110: The BCWMC will consider including projects in the CIP that meet one or more of the following "gatekeeper" criteria:

- Project is part of the BCWMC trunk system (see Section 2.8.1, Figure 2-14 and Figure 2-15)
- Project improves or protects water quality in a priority waterbody
- Project addresses an approved TMDL or watershed restoration and protection strategy (WRAPS)
- Project addresses flooding concern

The BCWMC will use the following criteria, in addition to those listed above, to aid in the prioritization of projects:

- Project protects or restores previous Commission investments in infrastructure
- Project addresses intercommunity drainage issues
- Project addresses erosion and sedimentation issues
- Project will address multiple Commission goals (e.g., water quality, runoff volume, aesthetics, wildlife habitat, recreation, etc.)
- Subwatershed draining to project includes more than one community
- Addresses significant infrastructure or property damage concerns

The BCWMC will place a higher priority on projects that incorporate multiple benefits, and will seek opportunities to incorporate multiple benefits into BCWMC projects, as opportunities allow.

Section 5 – Implementation Program

Section 5 of this Plan describes the responsibilities of the BCWMC and the responsibilities the BCWMC has delegated to its member cities. Many agencies have jurisdiction within the BCWMC; Section 5 also discusses the roles and responsibilities of those agencies relevant to the management of water resources. The section presents the BCWMC implementation program, including its capital improvement program and other implementation responsibilities.

Responsibilities

The BCWMC has many specific responsibilities including: reviewing improvements and developments, managing the BCWMC trunk system and [BCWMC Flood Control Project](#), implementing the BCWMC capital improvement program (CIP), reviewing and assisting with intercommunity planning and design, dispute resolution, reporting and evaluation, monitoring, and total maximum daily load (TMDL) implementation.

The BCWMC does not have a permit program. The BCWMC Plan and the BCWMC *Requirements for Improvements and Development Proposals* (as amended, [see Appendix H of this Plan](#)) establish goals, standards, and requirements that the member cities must incorporate into their official controls (e.g., ordinances). The BCWMC relies on its member cities to review improvement (e.g., street reconstruction projects), redevelopment, and development proposals for compliance with BCWMC requirements, when applicable, and to issue permits only after compliance has been determined.

Additional responsibilities of BCWMC member cities include:

- Appointing commissioners and alternate commissioners to the Commission

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- Appointing technical advisory committee members
 - Incorporating the BCWMC's requirements into its official controls and implementing BCWMC policies at the time of development and redevelopment
 - Preparing a local water management plan that conforms to this Plan
 - Updating its ordinances (or official controls) to conform to and implement the requirements of this Plan
 - Implementing the capital improvement projects list in Table 5-3 of this Plan
 - Acquiring the necessary easements or right-of-way or interest in land upon order of the BCWMC
 - Contributing annually to the BCWMC general fund

Section 5 in this Plan provides a brief description of the responsibilities of other units of government, including the Minnesota Department of Natural Resources, the Minnesota Board of Water and Soil Resources, the Minnesota Pollution Control Agency, the Minnesota Department of Health, the Minnesota Environmental Quality Board (EQB), the Minnesota Department of Transportation, the U.S. Army Corps of Engineers, and the Metropolitan Council.

Implementation Program

The Plan includes comprehensive lists of the projects, programs, and official controls that comprise the BCWMC implementation program. Table 5-3 is the BCWMC's 10-year capital improvement program (10-year CIP) that will be financed through an ad valorem tax levied by Hennepin County (per Minnesota Statutes 103B.251) along with grant funding and city contributions, when available. Table 5-4 lists the BCWMC's annual water quality and flood control programs, administrative actions, and education actions (i.e., non-capital projects) that will be financed through the BCWMC general fund. Table 5-5 lists the past accomplishments of the BCWMC.

Plan Amendments

This Plan remains in effect for ten (10) years from the date it was adopted by the Board of Water and Soil Resources, unless it is superseded by approval and adoption of a succeeding Plan. All amendments to this Plan must follow the procedures set forth in this Plan, or as required by revised laws and rules. The BCWMC will follow the plan amendment process (for either minor or general amendments) as described in Minnesota Statutes 103B.231, Subd. 11 and in Minnesota Rules 8410.

Table 5-3 BCWMC 2015-2025 CIP

BCWMC ID	Capital Project Description	Estimated Capital Cost ⁴	Year												
			2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025		
Watershed-wide															
WS-1	Remove sediment deltas in lakes downstream of intercommunity watersheds to reduce phosphorus and sediment loading, following evaluation of sediment sources and upstream source control (Policy 5B)										TBD	TBD	TBD	TBD	TBD
	Implementation of water quality improvement projects resulting from Metro Chloride TMDL (pending) to address chloride loading (Policy 1B)										TBD	TBD	TBD	TBD	TBD
	Implementation of water quality improvement projects resulting from the Upper Mississippi River Bacteria TMDL (Study and Remediation Plan pending) (Policy 7, generally)										TBD	TBD	TBD	TBD	TBD
	Implementation of water quality improvement projects resulting from future TMDLs (Policy 7, generally)										TBD	TBD	TBD	TBD	TBD
Medicine Lake															
ML-12	Phosphorus and sediment loading reduction projects in the Medicine Lake watershed	Medley Park Stormwater Treatment Facility, Golden Valley	\$ 600,000							\$ 500,000					
ML-14 ⁵		Medicine Lake shoreline restoration	\$ 100,000											After 2020	
ML-15		Net pond (0.6 acre) at downstream end of each major subwatershed	\$ 2,000,000											After 2020	
ML-16		Water quality retrofits to existing ponds upstream of Medicine Lake	\$ 11,000,000											After 2020	
ML-17		In-lake alum treatment (Option 1B in Medicine Lake Plan)	\$ 1,400,000											After 2020	
ML-19 ⁶		Chemical treatment of inflow to Medicine Lake from watershed	\$ 1,000,000											After 2020	
Plymouth Creek															
2017CR-P ¹	Plymouth Creek Restoration, from Annapolis Lane to 2,500 feet upstream (east) of Annapolis Lane to reduce phosphorus and sediment loading, and improve habitat	\$ 600,000			\$ 200,000	\$ 400,000									
Reston Lake															
None Proposed															
With Lake															
WTL-2	Reston With Lake TMDL - Highway 46 abatement pond, if necessary to reduce phosphorus loading (option 3 in With-Lake Plan)	\$218,000									TBD	TBD	TBD	TBD	TBD
Sweeney Lake															
SL-3 ⁷	Projects to address phosphorus load reduction in the Sweeney Lake watershed	Schaefer Pond Diversion Project	\$ 512,000												
SL-4		Sweeney Lake shoreline restoration	\$ 300,000											After 2020	
SL-5		Water quality retrofits to existing ponds upstream of Sweeney Lake	\$ 600,000											After 2020	
SL-6		Dredging of Spring Pond and diversion of Sweeney Lake branch into Spring Pond	\$ 1,000,000											After 2020	
SL-7		Projects to reduce loading from untreated Hennepin County and MnDOT right-of-way	\$ 400,000											After 2020	
SL-8		In-lake alum treatment of Sweeney Lake	\$ 275,000											After 2020	
SL-9 ⁸		Chemical treatment of inflow to Sweeney Lake from Sweeney Lake Branch of Bassett Creek	\$ 1,000,000											After 2020	
SL-10		Impervious area runoff retention and retrofits, including bioretention, rainwater gardens, and soil restoration (various locations)	\$ 500,000											After 2020	
SL-11		Stormwater treatment system for dissolved phosphorus removal in Golden Valley	\$ 400,000												
Twin Lake															
TWL-2 ⁹	In-lake alum treatment of Twin Lake to reduce internal phosphorus loading	\$ 160,000													
Wendell Lake															
None Proposed															
Bassett Creek Park Pond															
BCP-2	Dredging of Bassett Creek Park Pond and upstream channel improvements for water quality treatment to reduce phosphorus loading										TBD	TBD	TBD	TBD	TBD
Northwood Lake															
NL-1 ¹⁰	Northwood Lake Water Quality Project to reduce phosphorus loading (includes abatement of ponds 4B-20A, B - remaining pond located on Northwood Lake itself)	\$ 1,352,000		\$ 678,000	\$ 678,000										
NL-2 ¹¹	Four Seasons Mall Area Water Quality Improvements to reduce phosphorus loading	\$ 990,000													
	Implementation of water quality improvement projects recommended in future Northwood Lake TMDL study										TBD	TBD	TBD	TBD	TBD
Bassett Creek Main Stem															
2015CR-M ¹²	Restore Main Stem channel, 10th Avenue to DuMh Street, Golden Valley to reduce phosphorus and sediment loading	\$ 1,503,000	\$ 1,503,000												
2017CR-M ¹³	Main Stem Channel Restoration, Cedar Lake Road to Irving Ave to reduce phosphorus and sediment loading	\$ 800,000			\$ 400,000	\$ 400,000									
2021CR-M	Main Stem Channel Restoration, Bassett Creek Drive to Golden Valley Road (in Golden Valley) to reduce phosphorus and sediment loading	\$ 500,000								\$ 500,000					
BC-2/BC-6 ¹¹	Sandburg Rd and Louisiana Ave Water Quality Improvement and Flood Reduction Project, Main Stem Watershed (Golden Valley) to reduce phosphorus loading and reduce flooding	\$ 501,000							\$ 201,000	\$ 300,000					
BC-3	Water Quality Improvement Site in Theodore With Regional Park-Main Stem Watershed (Golden Valley) to treat untreated stormwater runoff to reduce phosphorus and sediment loading	\$ 1,100,000					\$ 501,000	\$ 599,000							
BC-4 ¹²	Honeywell Pond Expansion, Main Stem Watershed (Golden Valley) to reduce phosphorus loading and provide water quality benefits	\$ 1,202,000		\$ 1,202,000											
BC-5 ¹³	Water Quality Improvements (phosphorus reduction) in Bryn Mawr Meadows, Main Stem Watershed (Minnesota)	\$ 500,000						\$ 500,000							
BC-7	Dredging of accumulated sediment in Main Stem of Bassett Creek just north of Highway 56, Theodore With Regional Park, to reduce phosphorus loading and improve habitat	\$ 400,000								\$ 400,000					
BC-9	Restoration and stabilization of historic Bassett Creek channel, Main Stem Watershed (Minnesota) to reduce phosphorus and sediment loading	\$ 500,000								\$ 500,000					
Sweeney Lake Branch															
None Proposed															
North Branch															
None Proposed															
Grimes, North & South Allen Ponds															
None Proposed															
Crane Lake															
CL-3 ¹⁴	Retention of impervious area drainage at Ridgedale area (e.g., sidewalks, tree boxes, rain gardens) to reduce phosphorus loading										TBD	TBD	TBD	TBD	TBD
Hurtle Lake															
None Proposed															
Leak Lake															
None Proposed															
Total Annual Estimated Cost			\$31,395,000	\$1,603,000	\$1,878,000	\$1,276,000	\$1,261,000	\$1,200,000	\$1,300,000	\$1,300,000					

Notes:
 TBD = To be determined, usually at the time the project is listed in the working 5-year CIP.
 1. Project costs presented in 2015 dollars.
 2. Estimated costs are from TMDL studies or from BCWMC 2006-2020 2017-2021 working CIP, as projects are added to the CIP, preliminary cost estimates will be added to the 5-year working CIP and refined through the feasibility study process.
 3. ML-14: Project may include lakeshore restoration projects administered by the BCWMC. The City of Plymouth has already performed lakeshore restoration on some properties adjacent to Medicine Lake.
 4. Estimated cost of projects ML-19 and SL-9 do not include the annual cost of chemical precipitant and operational/maintenance of treatment facility.
 5. 2017CR-P: Project is based on recommendations in the 2009 Plymouth Creek Restoration feasibility study.
 6. SL-3 and TW-2: Projects already levied, to be constructed in 2015.
 7. NL-1: Project based on Option 1 of the 1996 Northwood Lake Watershed and Lake Management Plan. Project includes construction of a pond upstream of Northwood Lake and installation of underground stormwater treatment and reuse system, and biofiltration cells. Jordan-Guthrie Road and Pond 4B-20A, B. The City of Four Seasons has already completed ponds 4B-20A, B, C but not to the degree as proposed in the lake and watershed management plan. Costs shown are for Jordan-Guthrie and 4B-20A, B ponds only.
 8. NL-2: The Four Seasons Mall Area Water Quality Project could include construction of two new water quality stormwater treatment ponds, and restoration of an existing stream channel, alum treatment of stormwater, or other projects to address phosphorus loading. One of the ponds will be located on the Four Seasons Mall site, the other pond will be located southwest of the mall site, near the intersection of 10th Ave. S. and 21st Lane. The original proposed project (The projects stem from recommendations from the 1996 Northwood Lake Watershed and Lake Management Plan) was to design and charge ponds 4B-20 to provide additional treatment of stormwater runoff. The 2012 feasibility study for the Four Seasons Mall Area Water Quality Project is still being considered and refined. The BCWMC has already levied for the project (levied as option 1 in the 2012 feasibility study), estimated that it was not feasible to construct pond 4B-20 to provide additional treatment of stormwater runoff. The feasibility study also included two scenarios as alternatives to the proposed dredging. The Commission selected Scenario 1 as the preferred alternative.
 9. 2015CR-M: Project is based on recommendations in the Feasibility Study for 2015 Bassett Creek Main Stem Restoration Project (2014). Project already levied to be funded by BCWMC certified a levy to the county for 2015 (\$1,000,000), remaining costs to be funded by BCWMC closed 10. 2017CR-M: Project is based on recommendations in the Feasibility Study for 2017 Bassett Creek Main Stem Restoration Project (2011).
 11. BC-2/BC-6: BC-2 and BC-6 are future projects included in 2020 BCWMC Plan (Option 2 BC-H1111-1 and Option 3 BC-H111-1 in the Bassett Creek Main Stem Watershed Management Plan (2009), respectively.
 12. BC-4: Project would divert currently untreated stormwater runoff to the pond.
 13. BC-5: Project based on Option 7 in the Bassett Creek Main Stem Watershed Management Plan to treat currently untreated stormwater runoff to reduce phosphorus loading.
 14. CL-3: Project based on Option 7 in the Bassett Creek Main Stem Watershed Management Plan to treat currently untreated stormwater runoff to reduce phosphorus loading.

COMMITTEE RECOMMENDATIONS

Southern Region Committee

1. Buffalo Creek Watershed District Watershed Management Plan Amendment – Kathryn Kelly -
DECISION ITEM
2. Freeborn County Comprehensive Local Water Management Plan Extension – Kathryn Kelly -
DECISION ITEM
3. Redwood County Comprehensive Local Water Management Plan Extension – Kathryn Kelly -
DECISION ITEM
4. Wabasha County Comprehensive Local Water Management Plan Update – Kathryn Kelly -
DECISION ITEM
5. Area II Minnesota River Basins Project Inc. FY 2016 & FY2017 Biennial Work Plan and Grant –
Kathryn Kelly – ***DECISION ITEM***
6. Area II Minnesota River Basins Project Inc. FY 2016 Bonding Work Plan and Grant – Kathryn Kelly -
DECISION ITEM



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Buffalo Creek WD Watershed Management Plan Amendment

Meeting Date: August 27, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Southern Region

Contact: Adam Beilke/Travis Germundson

Prepared by: Travis Germundson

Reviewed by: Southern Region Committee(s)

Presented by: Kathryn Kelly/Jeff Nielsen

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of Amendment to the Buffalo Creek WD Watershed Management Plan to establish a Water Management District for the Marsh Water Project

LINKS TO ADDITIONAL INFORMATION

Link to District's overall plan with Appendix D
<http://bcwatershed.org/>

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

Buffalo Creek Watershed District (BCWD) submitted a petition for a Watershed Management Plan Amendment on May 26, 2015. A public hearing was held on July 28, 2015.

The current BCWD Plan was prescribed by the BWSR Board on June 25, 2014. The purpose of the proposed Amendment is to establish a Water Management District for the Marsh Water Project pursuant to Minn. Stat. §§ 104D.411 and 103D.729. The current plan highlights the Marsh Water Project as a priority project. However, the plan does not propose the establishment of a Water Management District to create a funding mechanism to implement a comprehensive stormwater management project. The territory is limited to the Marsh Ditch drainage area which encompasses approximately 3.8 square miles located along the western edge of the City of Glencoe in McLeod County.

BWSR gave legal notice and held the public hearing on July 28, 2015 in Glencoe, Minnesota. No oral or written comments were provided from interested parties at the hearing. The Southern Region Committee convened following the close of the public hearing and unanimously recommended approval of the

Amendment as described in the attached draft Order with conditions that the Amendment address staff recommendations. The final draft Amendment received on August 7, 2015 incorporates these recommendations.

Attached is a copy of the Petition and Appendix D along with a draft Board Order that would approve the proposed Amendment to establish a Water Management District for the Marsh Water Project.

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

In the Matter of approving an Amendment of
Watershed Management Plan for the
Buffalo Creek Watershed District pursuant to
Minnesota Statutes Sections 103D.411 and 103D.729

**ORDER
APPROVING
AMENDMENT OF
WATERSHED MANAGEMENT
PLAN**

Whereas, the Buffalo Creek Watershed District (BCWD) filed a Petition for an Amendment to the BCWD Watershed Management Plan dated May 26, 2015 with the Board of Water and Soil Resources (Board) and a final revised Amendment received August 7, 2015, pursuant to Minn. Stat. §§ 103D.411 and 103D.729, and;

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

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

FINDINGS OF FACT

1. **Petition.** On April 30, 2015 the Board received a proposed Amendment to the Watershed Management Plan from BCWD to establish a Water Management District for the Marsh Water Project (Exhibit 1). Subsequently, the BCWD submitted a Petition dated May 26, 2015 (Exhibit 2) clarifying the proposed Amendment pursuant to Minn. Stat. §§103D.411 and 103D.729.
2. **District Establishment.** The District was established on January 30, 1969 by Order of the Minnesota Water Resource Board. The District is located in south-central Minnesota and includes parts of Carver, Kandiyohi, McLeod, Renville, and Sibley counties.
3. **Water Management Plan.** A watershed district is required to revise their Watershed Management Plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board on June 25, 2014. The District's 2014-2023 Water Management Plan highlights the Marsh Water Project as a priority. However, the plan does not propose the establishment of a Water Management District for that area.

4. **Amendment of Plan.** The purpose of the proposed Amendment is to establish a Water Management District for the Marsh Water Project pursuant to Minn. Stat. §103D.729. The proposed Appendix D (Exhibit 1) profiles the establishment of the Water Management District that would provide a funding mechanism to assist in the implementation of a comprehensive stormwater management project. The City of Glencoe previously petitioned the BCWD to establish the Marsh Water Project under Minn. Stat. §103D.605 and subsequent engineering reports were developed for the project area (Exhibit 7 and 11). As proposed, the Water Management District will fund a portion of the project and the remaining amount will be funding through Ad valorem levy.
5. **Nature of the Watershed.** The BCWD is approximately 422 square miles in size and is located in south-central Minnesota. Lands within the District are distributed in Carver (<1%), Kandiyohi (2%), McLeod (38%), Renville (55%), and Sibley (4%). Majority of the land cover falls within cultivated land, and grass land or deciduous forest. BCWD is located in the southernmost portion of the South Fork of the Crow River Watershed which is a part of the larger Upper Mississippi River Drainage Basin.
6. **Local Review.** The BCWD sent a copy of the draft Plan to local units of government for their review pursuant to Minn. Stat. § 103D.411.
7. **Department of Natural Resource Resources Review.** The DNR did not provide comments on the BCWD Amendment.
8. **Hearing Notice.** Legal notice of the public hearing on the Petition, pursuant to Minn. Stat. §103D.411, was published in the Lakes Area Review on July 11, and 18, 2015 (Exhibit 12), in the McLeod County Chronicle on July 15 and 22, 2015 (Exhibit 13), in the News – Mirror/Union on July 15 and 22, 2015 (Exhibit 14), in the Norwood Young America Times on July 16 and 23, 2015 (Exhibit 15), and in the in the Gaylord Hub. Further, a copy of the hearing notice was mailed to several addressees notifying them of the public hearing, including the McLeod, Renville, Sibley, Carver, and Kandiyohi county auditors, administrators, and soil and water conservation districts; all of the cities within the watershed district; and representatives for the Watershed District (Exhibit 9). No written comments were received during the specified period of time.
9. **Public Hearing.** A public hearing was held on the Amendment on July 28, 2015 at the Glencoe City Center, 1107 11th St. E, Glencoe, Minnesota (Exhibit 9 and 10). The proceedings were recorded. The hearing panel consisted of the Southern Region Committee Board members Doug Erickson, Rob Sip, Chris Elvrum, Steve Sunderland, and Kathryn Kelly as Chair. Board staff in attendance were Travis Germundson, Jeff Nielsen, and Adam Beilke. Travis Germundson entered Exhibit 1 through Exhibit 15 into the record by reading a brief description of each exhibit. No oral or written comments were provided from interested parties at the hearing.

The following list of exhibits comprises the hearing record.

Exhibit 1. Draft Watershed Management Plan Amendment “Appendix D” for the Buffalo Creek Watershed District, received April 30, 2015.

Exhibit 2. Petition to amend the Buffalo Creek Watershed District Overall Plan, dated May 26, 2015 from Donald Belter, Chairman Buffalo Creek Watershed District to John Jaschke, Board of Water and Soil Resources.

Exhibit 3. Buffalo Creek Watershed District Resolution dated May 26th adopting the proposed draft plan amendment for submittal.

Exhibit 4. Email correspondence dated May 19, 2015 from Ryan Clark with Renville SWCD to Adam Beilke, Board of Water and Soil Resources providing comments on the proposed amendment.

Exhibit 5. Letter dated June 17, 2015 from Adam Beilke, Board of Water and Soil Resources to Donald Belter President Buffalo Creek Watershed District providing comments on the proposed amendment.

Exhibit 6. Board of Water and Soil Resources’ Order for a public hearing to be held on the watershed management plan amendment for the Buffalo Creek Watershed District, dated June 24, 2015.

Exhibit 7. Letter dated June 23, 2015 from Donald Belter, Chairman Buffalo Creek Watershed District to Adam Beilke, Board of Water and Soil Resources and Garry Bennett, Department of Natural Resources requesting review of the Marsh Water Project under Minn. Stat. 103D.605.

Exhibit 8. Buffalo Creek Watershed District Responses to Board of Water and Soil Resources’ comments on the plan amendment, dated June 25, 2015.

Exhibit 9. Letter dated July 10, 2015 from Travis Germundson with the Board of Water and Soil Resources to several addresses notifying them of the public hearing, including list of addressees, and legal notice.

Exhibit 10. Southern Region Committee Agenda Notice dated July 20, 2015 from Jeff Nielsen with the Board of Water and Soil Resources to the Board’s Southern Region Committee notifying them of the July 28 public hearing, including copy of the plan amendment.

Exhibit 11. Advisory Report on the engineering reports and associated documents for the Marsh Water Project dated July 23, 2015 from Al Kean, Board of Water and Soil Resources to Buffalo Creek Watershed District and Christopher Otterness, Houston Engineering.

Exhibit 12. Affidavit of Publication dated July 22, 2015 of Legal Notice in the Lakes Area Review on July 11, and 18, 2015.

Exhibit 13. Affidavit of Publication dated July 22, 2015 of Legal Notice in the McLeod County Chronicle on July 15, and 22, 2015.

Exhibit 14. Affidavit of Publication dated July 22, 2015 of Legal Notice in the News Mirror/Union on July 15, and 22, 2015.

Exhibit 15. Affidavit of Publication dated July 23, 2015 of Legal Notice in the Norwood Young America Times on July 16, and 23, 2015.

10. **Board Staff Report.** Staff participated with the District and their consultant through the Amendment process, providing guidance, comments, and recommendations (Exhibit 5). The Amendment will be inserted in the plan as "Appendix D". The final proposed Amendment conforms to the requirements of Minnesota Statue 103D. Therefore staff recommends approval of the proposed Amendment received August 7, 2015 and looks forward to assisting the District in its implementation.

11. **Southern Region Committee.** The committee deliberated on Tuesday, July 28, 2015 following the close of the public hearing, at the Glencoe City Center, 1107 11th Street East, in Glencoe Minnesota. Committee members present were Doug Erickson, Rob Sip, Chris Elvrum, Steve Sunderland, and Kathryn Kelly as Chair. Board staff present were Jeff Nielsen, Adam Beilke, and Travis Germundson. Based on the public hearing record, the proposed Amendment meeting the requirements of Minn. Stat. §§103D.411 and 103D.729, and staff recommendation to approve the Amendment with conditions that the final draft Amendment incorporate BWSR staff comments (Exhibits 5 and 8). After discussion and based on the entire record the committee unanimously recommended approval of the BCWD Watershed Management Plan Amendment contingent with those conditions.

CONCLUSIONS

1. The Petition for an Amendment to the BCWD Plan is valid in accordance with Minn. Stat. §§ 103D.411 and 103D.729.
2. Proper notice of hearing was given and one public hearing was held in accordance with applicable laws.
3. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
4. The Board has proper jurisdiction in the matter of approving an Amendment of a Watershed Management Plan.
5. The attached Amendment to the Plan as proposed in the Petition would be for the public welfare and public interest and the purpose of Minn. Stat. Chapter 103D would be served.

ORDER

The Board hereby approves the attached Plan Amendment received on August 7, 2015 as a formal Amendment to the 2014 Revised Watershed Management Plan for the Buffalo Creek Watershed District. The Buffalo Creek Watershed District must include an evaluation of the use and effectiveness of the water management district in the next ten-year plan revision.

Dated at Red Wing, Minnesota, this 27th of August, 2015.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Buffalo Creek Watershed District Overall Plan (2014-2023)

Appendix D: Water Management Districts

- A. Use of Water Management Districts
- B. Establishment of Marsh Water Management District

Attachment 1 – City of Glencoe’s Petition for Marsh Water
Project (4/8/14)

Attachment 2 – Marsh Water Project Addendum to the
Engineering Report (10/8/2014)

Attachment 3 – Marsh Water Project Implementation
Preliminary Charge Analysis and Timeline

Water Management Districts

A. Use of Water Management Districts

The Buffalo Creek Watershed District (BCWD) plans on using Water Management Districts (WMD) as one of several funding mechanisms for the implementation of activities to solve local and regional problems and issues. The provision for collection of charges found under Minnesota Statutes (MS) 103D.729 and 444.075) allows a watershed district, through the amendment of its plan or during an update to the Water Management Plan (WMP), the authority to establish one or more water management districts for the purpose of collecting revenues and paying the costs of projects initiated under MS 103B.231, 103D.601, 103D.605, 103D.611, or 103D.730.

To establish a water management district, the WMP update, or an amendment to the WMP, must describe the area to be included, the amount of the necessary charges, the methods used to determine the charges, and the length of time the water management district will remain in effect. After adoption, the amendment or WMP must be filed with the county auditor and county recorder of each county affected by the water management district. The water management district may be dissolved by the same procedures as prescribed for the establishment of the water management district.

A distinguishing element of the water management district over an assessment, or ad valorem tax is that the watershed district assumes the authority similar to that of a municipality; the ability to establish a system of charges based a prescribed method, such as a property's contribution of storm water and/or pollutants to a receiving body of water. Thus, funds generated by utilizing a water management district can be based upon a mechanism related to a property's contribution to a problem rather than the value of the property. Ultimately the water management district provides a supplemental financing tool for the BCWD and is especially useful in situations where project components are required to address a locally generated need or problem.

Through this amendment to the WMP (the addition of Appendix D in the Buffalo Creek Watershed District Overall Plan 2014-2023), the BCWD intends to establish the Marsh Water Management District (Marsh WMD) and the framework for creating and implementing additional water management districts by amendment to this Plan.

B. Establishment of the Marsh Water Management District

Establishment Purpose: Marsh Ditch is a privately constructed and owned ditch which conveys runoff from the west side of the City of Glencoe and portions of Glencoe Township, into Buffalo Creek. The drainage system is necessary for stormwater management. Because the drainage system is privately owned and not managed by a public entity, little or no coordinated efforts have been taken to repair the drainage system, and thus its condition and function has deteriorated throughout the system. To address this deterioration and provide an opportunity to address nutrient loading to Buffalo Creek, the BCWD initiated a watershed project called the "Marsh Water Project" which would provide a comprehensive stormwater management project over the entire contributing drainage area to Marsh Ditch.

On April 8, 2014 the City of Glencoe petitioned the BCWD to re-establish the Marsh Water Project under MS 103D.605 as a phased Basic Water Management Project. The petition, included as ***Appendix D Attachment 1***, described the following four project phases:

- 1) Identifying existing conditions and opportunities for stormwater management;
- 2) Regional comprehensive stormwater management planning;
- 3) Development of implementation timelines and cost allocation; and
- 4) Project implementation.

The goals of Phase 1 were addressed through an August 13, 2012 report entitled, *Marsh Water Project – Engineering Report* (refer to Appendix C of the BCWD Overall Plan). Phase 2 was completed via a subsequent report, *Marsh Water Project - Addendum to the Engineering Report* dated October 8, 2014 (included as **Appendix D Attachment 2**). This addendum recommended five project components as a first phase to the Marsh Water Project, including:

- 1) Construction of a stormwater wetland;
- 2) Completion of repairs to the Main Trunk stormsewer system ;
- 3) Acquisition of easements for access and maintenance;
- 4) Replacement of culverts; and
- 5) Creation of buffer strips.

Funds collected through the Marsh WMD will be used to construct specific project features. The specific project features to be planned for, designed, constructed and maintained using the WMD are described with a May 15, 2015, memorandum entitled *Marsh Water Project Implementation Preliminary Charge Analysis and Timeline* (included as **Appendix D Attachment 3**) which concludes Phase 3 of the City of Glencoe's petition.

Estimated Costs: Charges will be based on properties that contribute runoff to Marsh Ditch. The charge collected will be used for the implementation of those features providing benefit to properties located within the boundary of the Marsh WMD. These features yield direct benefit by providing predictable drainage to largely agricultural lands now and urban stormwater conveyance as development proceeds. The Engineer's Opinion of Probable Cost for the project is an estimated \$941,800 of which an estimated \$402,200 will be paid by the charge collected through the Marsh WMD. These estimated costs could be reduced due to minor revisions to the project scope (please refer to Attachment 3). The remaining portion of the Opinion of Probable Cost, primarily for all or portions of those features which provide water quality benefit, will be paid for through the district-wide Ad valorem levy. The initial charge will be used to repay the capital construction cost. Continued maintenance and repairs to the system, as necessary, shall not exceed an average of \$25,000 annually without a public hearing, review by the Board of Water and Soil Resources, and approved by the Board of Managers. In addition, Marsh WMD issues and charges will be readdressed in future revisions to the Buffalo Creek Watershed District Overall Plan.

Area for Inclusion: The hydrological boundary of the Marsh Ditch drainage system will comprise the area for the Marsh WMD as shown in **Map 1**.

Methods for Determining Charges: The method to determine the per-acre charge will generally consist of evaluating the runoff amount by land use type. Specifics of the method of determining the stormwater charge are expected to include:

- Use soils and land use data to determine the existing curve numbers or runoff coefficients for each current land use within the Marsh WMD;

- Use the curve number or runoff coefficients for each current land use and the annual average precipitation depth to compute the annual runoff volume for each land use;
- Sum the annual runoff volumes for all land uses within the Marsh WMD to determine the total annual runoff volumes for current conditions. Divide the sum of the annual runoff volumes by the total annual runoff volume for each land use, respectively, within the Marsh WMD. This represents a “charge ratio” for each land use.
- Apply the charge ratio to the total amount of revenue needed for the Marsh WMD to carry out the projects, programs and activities of the BCWD within the Marsh WMD.
- The charge for a specific parcel will be determined by area-weighting the per acre charges based on the land use within a parcel.

This approach may be further defined or revised once the BCWD develops the necessary data required to determine the charge.

Duration: This Marsh WMD is intended to be a permanent WMD. Initial charges will be effective for a duration consistent with the time necessary to repay the capital cost for the project, which currently is estimated at 10 years. Thereafter, the Marsh WMD charges imposed will be to pay for project maintenance.

Local Appeal Procedures for Water Management Districts

Subpart 1. Applicability. This part applies when an owner of land in a water management district disputes the charges to be collected for their land in the water management district. This part does not apply to the validity of a water management district being in place.

Subpart 2. Petition. A petition may be made by an owner of land in a water management district to appeal the charges to be collected for their land in the water management district. A petition must be made in writing to the Buffalo Creek Watershed District. The petition must state the reasons the water management district charges are calculated improperly for their land.

Subpart 3. Petition review process.

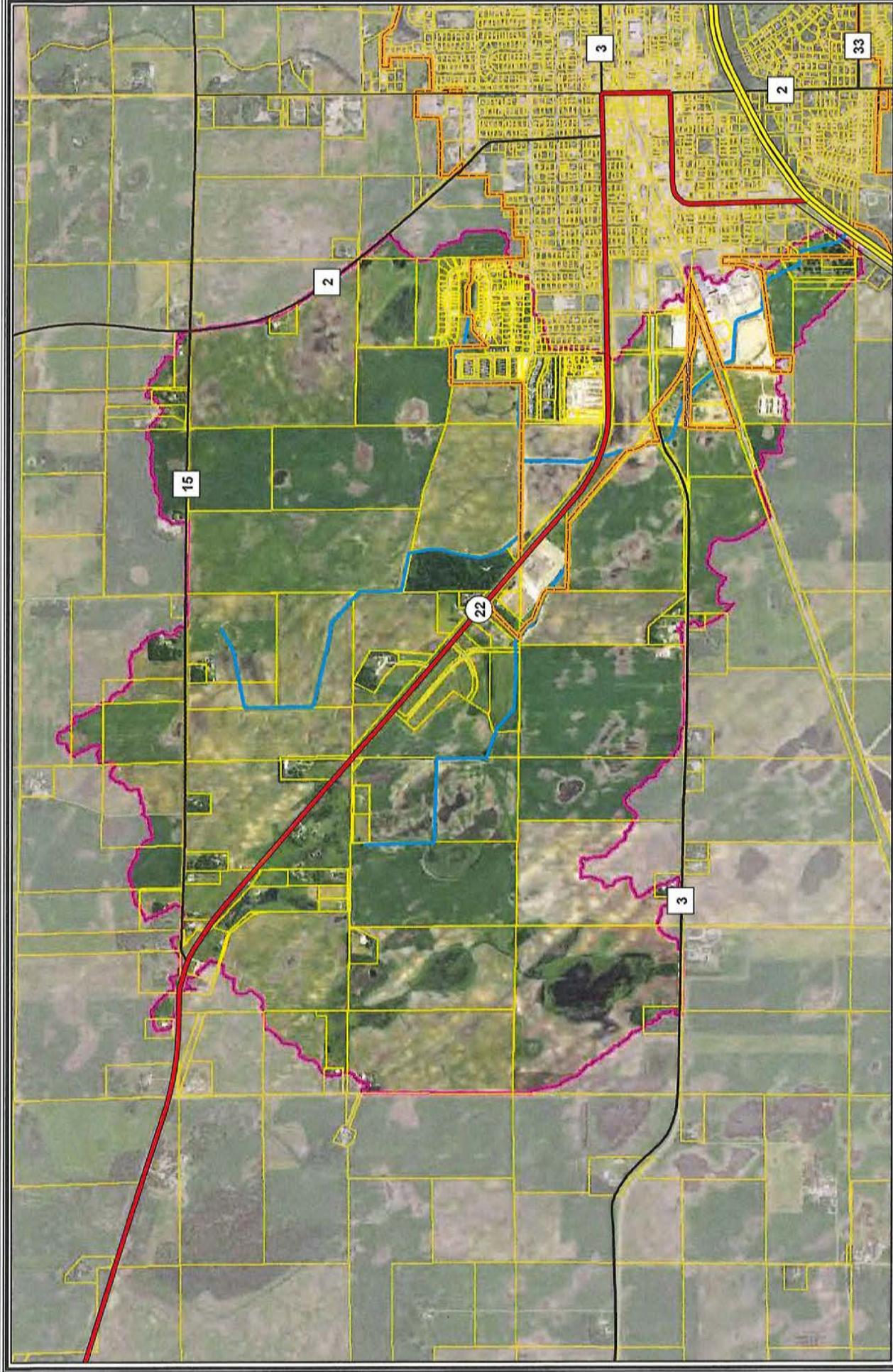
- A. Within ten working days of receiving a petition, the watershed district, its staff, legal counsel or consultants (District), are required to acknowledge in writing to the petitioner receipt of the petition.
- B. The District must complete an assessment of the reasons stated in the petition to revise the charges. The District may request further information from the petitioner, have discussions with the petitioner or their legal counsel, view the property that is the subject of the petition, conduct onsite investigations, and such other fact finding as the District deems necessary to evaluate the petition.
- C. The results of the assessment shall be reviewed by the Board of Managers and a decision made on the findings and recommendations in the assessment.
- D. Upon the Board of Managers approval of an assessment, the assessment must be provided to the petitioner or their legal counsel accompanied with notification of the deadline for the petitioner to submit evidence to the District refuting the assessment.

Subpart 4. Decisions.

- A. The District must notify the petitioner or their legal counsel in writing at least ten working days before the meeting in item B takes place.
- B. On receipt of any information from, or lapse of the time period in, subpart 3, item D, the Board of Managers must:
 - 1. Advise staff to conduct additional fact finding it considers necessary and report back to the managers accordingly;
 - 2. Direct staff to attempt to resolve the matter and to advise the managers further; or
 - 3. Issue findings of fact and conclusions of its investigation on the petition.
- C. The District shall provide written notice of the decision in item B to the petitioner or their legal counsel within five working days of the decision.

Subpart 6. Limitations. A petition may not be filed more than once in five years for a specific parcel of land unless significant land alterations or land use changes have occurred since the charges were calculated or since a previous petition was filed with the watershed district.

Subpart 7. Withdrawal of petition. If agreement is reached at any time before the above procedures are completed, the petitioner may withdraw their petition and the District may revise the charges if needed.



0 1,050 2,100 4,200 Feet

-  US Hwy
-  State Hwy
-  County Hwy
-  County Roads
-  Marsh Ditch
-  Marsh Water Management District
-  Glencoe Municipal Boundaries

Map 1: Marsh Water Management District



Maple Grove
 P: | 763-493-4522
 F: | 763-493-5572

Date Saved: 3/26/2015 9:19:14 AM



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Freeborn County CLWM Plan Extension

Meeting Date: August 27, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Chris Hughes

Reviewed by: Southern Region Committee(s)

Presented by: Kathryn Kelly

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval to extend the Freeborn County Comprehensive Local Water Management Plan until December 31, 2016.

LINKS TO ADDITIONAL INFORMATION

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

Freeborn County has submitted a request for an extension of the Freeborn County Comprehensive Local Water Management Plan (Plan). The existing Plan will expire on December 31, 2015. This extension is needed to facilitate Freeborn County's interests in synchronizing water management efforts between partners in order to develop and complete watershed-based plans through One Watershed, One Plan. The request for an extension is deemed acceptable. In conformance with Board policy, BWSR staff recommends a one-year extension, which would make the Plan update deadline December 31, 2016. At that time Freeborn County will provide an update, which would expire on December 31, 2020. The BWSR Southern Region Committee met on July 28, 2015 and recommends approval.

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

In the Matter of Extending the Comprehensive
Local Water Management Plan for Freeborn
County, pursuant to Minnesota Statutes, Section
103B.3367.

**ORDER
EXTENDING
COMPREHENSIVE
LOCAL WATER
MANAGEMENT PLAN**

Whereas, on August 24, 2006, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Freeborn County Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2015; and

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

Whereas, the Board adopted Resolution #14-76 *Local Water Plan Extensions Policy* on December 17, 2014;

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

FINDINGS OF FACT

1. On June 22, 2015, Freeborn County submitted to the Board a letter of request to extend their Comprehensive Local Water Management Plan from the current date of December 31, 2015 until a new date of December 31, 2020. Freeborn County requests to amend the implementation section and re-write the executive summary to December 31, 2020. The amended plan will allow them to prioritize and target the implementation of conservation needs in the watersheds allowing for greater measurable outcomes. This effort will provide adequate time for stakeholders to organize efforts and develop strategy for future water plan development in the Cedar, Blue Earth and Le Sueur watersheds.

Freeborn County intends to participate in and more effectively utilize the Minnesota Pollution Control Agency's ten-year approach for monitoring, assessing, and developing Watershed Restoration and Protection Strategies (WRAPS). The following table shows the WRAPS schedules for the County.

Major Watershed	% of County	Scheduled WRAPS Completion Date
Cedar River	66.5%	2016
Cannon River	2.0%	End of 2015
Le Sueur River	14.9%	End of 2015
Blue Earth River	6.9%	2021
Winnebago River	9.7%	End of 2019

2. **Southern Region Committee.** On July 28, 2015, the Southern Region Committee (Committee) of the Board reviewed the Freeborn County extension request. Those in attendance from the Board's Committee were Kathryn Kelly – Chair, Chris Elvrum, Doug Erickson, Rob Sip, and Steve Sunderland. Board staff in attendance were Southern Region Manager Jeff Nielsen, Board Conservationist Adam Beilke, and Water Management Specialist Travis Germundson. Board regional staff provided its recommendation of approval of the request to the Committee. After discussion, the Committee's decision was to present a recommendation of approval of the Extension request to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law have been fulfilled.
2. The Board has proper jurisdiction in the matter of extending Comprehensive Local Water Management Plans, pursuant to Minnesota Statutes, Section 103B.3367.
3. The Freeborn County extension request is in conformance with the requirements of Minnesota Statutes, Section 103B.3367 and the Board's *Local Water Plan Extensions Policy* dated December 17, 2014.

ORDER

The Board hereby approves the extension of the Freeborn County Comprehensive Local Water Management Plan until December 31, 2016. Freeborn County will submit to BWSR an amendment to the current Plan, in an effort to synchronize water management efforts between partners in order to develop and complete watershed-based plans through One Watershed, One Plan. The amendment will revise the executive summary and implementation section of the Plan, including prioritized, targeted and measurable goals; and with expiration date no later than December 31, 2020.

Dated at Red Wing, Minnesota, this 27th of August, 2015.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Redwood County CLWM Plan Extension

Meeting Date: August 27, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Mark Hiles

Reviewed by: Southern Region Committee(s)

Presented by: Kathryn Kelly

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval to extend the Redwood County Comprehensive Local Water Management Plan until June 30, 2016.

LINKS TO ADDITIONAL INFORMATION

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

Redwood County has submitted a request for an extension of the Redwood County Comprehensive Local Water Management Plan (Plan). The existing Plan will expire on January 1, 2016. This extension is needed to facilitate Redwood County's interests in synchronizing water management efforts between partners in order to develop and complete watershed-based plans through One Watershed, One Plan. The request for an extension is deemed acceptable. In conformance with Board policy, BWSR staff recommends a six-month extension, which would make the Plan update deadline June 30, 2016. At that time Redwood County will provide an update, which would expire on December 31, 2020. The BWSR Southern Region Water Planning Committee met on June 24, 2015 and recommends approval.

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

In the Matter of Extending the Comprehensive Local Water Management Plan for Redwood County, pursuant to Minnesota Statutes, Section 103B.3367.

**ORDER
EXTENDING
COMPREHENSIVE
LOCAL WATER
MANAGEMENT PLAN**

Whereas, on December 14, 2005, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Redwood County Comprehensive Local Water Management Plan (Plan) that is effective until January 1, 2016; and

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

Whereas, the Board adopted Resolution #14-76 *Local Water Plan Extensions Policy* on December 17, 2014;

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

FINDINGS OF FACT

1. On April 27, 2015, Redwood County approved and submitted to the Board a petition from Redwood County requesting an extension to their Comprehensive Local Water Management Plan from the current date of January 1, 2016 until a new date of June 30, 2016. The following are the reasons for the request.
 - A. Redwood County intends to participate in and more effectively utilize the Minnesota Pollution Control Agency's ten-year approach for monitoring, assessing, and developing Watershed Restoration and Protection Strategies (WRAPS). The following table shows the WRAPS schedules for the County.

Major Watershed	% of County	Scheduled WRAPS Completion Date
Redwood	22.72%	2020
Cottonwood	52.8%	2020
Hawk Creek-Yellow Med	8.41%	
Middle MN	16.07%	

2. **Southern Region Committee.** On June 24, 2015, the Southern Region Committee (Committee) of the Board reviewed the Extension request. Those in attendance from the Board's Committee were Chair Kathryn Kelly, Steve Sunderland, Tom Loveall, Sandy Hooker, Doug Erickson, Chris Elvrum

(MDH), and Rob Sip (MDA). Board staff in attendance were Southern Region Manager Jeff Nielsen and Water Management Specialist Travis Germundson. Board regional staff provided its recommendation of approval of the request to the Committee. After discussion, the Committee's decision was to present a recommendation of approval of the Extension request to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law have been fulfilled.
2. The Board has proper jurisdiction in the matter of extending Comprehensive Local Water Management Plans, pursuant to Minnesota Statutes, Section 103B.3367.
3. The Redwood County extension request is in conformance with the requirements of Minnesota Statutes, Section 103B.3367 and the Board's *Local Water Plan Extensions Policy* dated December 17, 2014.

ORDER

The Board hereby approves the extension of the Redwood County Comprehensive Local Water Management Plan until June 30, 2016.

Dated at Red Wing, Minnesota, this 27th of August, 2015.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Wabasha County Comprehensive Water Management Plan

Meeting Date: August 27, 2015

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: Kathryn Kelly

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

LINKS TO ADDITIONAL INFORMATION

[http://wabashawcd.com/uploads/2015 Water Plan.pdf](http://wabashawcd.com/uploads/2015_Water_Plan.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 their 2012 plan which was approved by the BWSR Southern Region Committee on August 21, 2012. That extension was valid through December 31, 2014. The County's Priority Concerns Scoping Document was approved by the BWSR Board on March 26, 2014. The County Water Plan expired on December 31, 2014.

On July 28, 2015, the BWSR Southern Region Committee (Committee) met to review the Comprehensive Local Water Management Plan. All required components of the Plan have been addressed. After review and discussion, the Committee decided with a unanimous vote to recommend approval of the Wabasha County Comprehensive Local Water Management Plan and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the Wabasha County Comprehensive Local Water Management Plan will be sent to Wabasha County.

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

In the Matter of the review of the Comprehensive Local Water Management Plan for Wabasha County, pursuant to Minnesota Statutes, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.

**ORDER
APPROVING
COMPREHENSIVE
LOCAL WATER
MANAGEMENT PLAN**

Whereas, the Wabasha County Board of Commissioners of Wabasha County (County) submitted a Comprehensive Local Water Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on June 3, 2015, pursuant to Minnesota Statutes, Section 103B.315, Subdivision 5, and;

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

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

FINDINGS OF FACT

1. On June 28, 2012 The County Board requested an extension of the County Comprehensive Water Management plan from December 31, 2012 to December 31, 2014.
2. On August 23, 2012 the BWSR Board approved the extension request to December 31, 2014.
3. On December 13, 2013, the Board received a Priority Concerns Scoping Document from Wabasha County, pursuant to Minnesota Statutes, Section 103B.312.
4. On March 26, 2014, the Board approved official comments on Wabasha County's Priority Concerns Scoping Document. The approval was mailed to the county on March 26, 2014.
5. On December 31, 2014, the Wabasha County Comprehensive Local Water Management Plan expired.
6. The Plan focuses on the following priority concerns through 2025:
 - A. Soil Erosion
 - B. Nutrient Management
 - C. SSTS/Wells/Ground Water
 - D. Forest & Pasture Land
 - E. Watershed Management Approach
 - F. Urban Issues

7. On June 3, 2015, the Board received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review pursuant to Minnesota Statutes, Section 103B.315, Subd. 5. State agency representatives attended and provided input at advisory committee meetings during development of the Plan. The following state review comments were received during the 90-day comment period.
 - A. Minnesota Department of Agriculture: Minor adjustment of wording related to crop price trends and its potential effect on soil erosion. MDA recommends approval of the Plan.
 - B. Minnesota Department of Health: The Minnesota Department of Health commends Wabasha County for its recognition of the importance of protecting groundwater. We look forward to working with the county on this important initiative. MDH recommends approval of the Plan.
 - C. Minnesota Department of Natural Resources: Letter submitted with no comments. DNR recommends approval of the Plan.
 - D. Minnesota Pollution Control Agency: MPCA includes comments related to minor wording adjustments and grammatical changes for clarification purposes. MPCA recommends approval of the Plan.
 - E. Minnesota Environmental Quality Board: No comments received.
 - F. Minnesota Board of Water and Soil Resources regional staff: Encourage strong efforts to build on the watershed approach and build on the collaborations and efforts with neighboring entities to strengthen water management on a watershed basis. BWSR recommends approval of the Plan.
8. **Southern Region Committee.** On July 28, 2015, the Southern Region Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Plan. Those in attendance from the Board's Committee were Kathryn Kelly – Chair, Chris Elvrum, Doug Erickson, Rob Sip, and Steve Sunderland. Board staff in attendance were Southern Region Manager Jeff Nielsen, Board Conservationist Adam Beilke, and Water Management Specialist Travis Germundson. Board regional staff provided its recommendation of Plan approval to the Committee. After discussion, the Committee's decision was to present a recommendation of approval of the Plan to the full Board.
9. This Plan will be in effect for a ten-year period until August 27, 2025.

CONCLUSIONS

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

ORDER

The Board hereby approves the attached update of the Wabasha County Comprehensive Local Water Management Plan 2015-2025. An amendment to this County Comprehensive Local Water Management Plan implementation section is due no later than August 27, 2020.

Dated at Red Wing, Minnesota, this 27th of August, 2015.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Wabasha County

Comprehensive Local Water Plan

2015-2024 (with 2020 update)

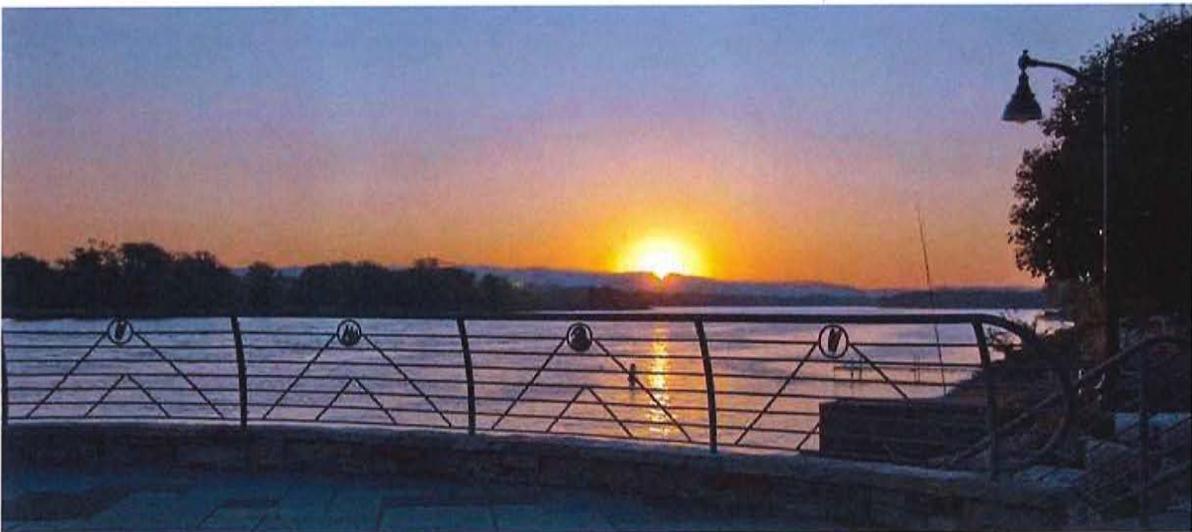


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Executive Summary

Profile

Wabasha County is located in the southeastern portion of Minnesota (see below map). It is bordered by the Mississippi River to the east with bordering counties including; Goodhue County to the north and west, Olmsted county to the south and southwest, and Winona County to the southeast. Wabasha County has a total land area of 351, 891 acres (550 square miles). Seventeen townships or parts of townships are contained within Wabasha County, along with 11 cities. The City of Wabasha, the county seat, lies approximately 30 miles northwest of the City of Winona, 35 miles north of the City of Rochester and 70 miles southeast of Minneapolis/St. Paul.

According to the Minnesota Census of the Land information, Wabasha County's dominant land use is cultivated land (53.7%), followed by deciduous forest (25.3%) and grasslands (13.1%). Over the past years there has been a decrease in the size of feedlots, not only by animal units, but by how many exist in Wabasha County. Due to the loss of feedlots, there were not as many animals to feed, which caused a decrease in permanent vegetation or hay, wheat, alfalfa, which caused an increase in cash, row crops, such as corn and beans. A slight loss of deciduous forest has been occurring and may have a slight decrease in the same percentage over the next five years, due to commodity prices. It is unlikely Wabasha County will experience any significant changes in the next five years.

Population and Population Trends

The population of Wabasha County at the 2010 census was 21,676, according to information provided by Rochester, MN Metropolitan Statistical Area. The average population growth over the last ten years was 66 people or a 0.3% increase. The Minnesota Demographic Center estimates there may be a 0%-5% increase in population between now and 2040, which is not a significant increase.

Water Resources Profile

Due to the geology contained in Wabasha County there is an abundance of Karst features found throughout the county. Karst features include sinkholes, springs, caves, disappearing streams, and blind valleys. These karst features can be direct corridors between the surface and ground water. The direct link between surface and ground water makes the county's ground water more susceptible to contamination from surface water pollution. This makes the protection of surface water a higher priority in Wabasha County since it can be a direct threat to human health.

Background of Comprehensive Local Water Management Plan

Resolution

The Wabasha County Board of Commissioners designated the Wabasha County Soil & Water Conservation District as the Local Unit of Government responsible for the management of the Comprehensive Local Water Management Plan. The Wabasha County water planning process started when the Board of Commissioners passed a resolution on March 27th, 2012 to enter into the Comprehensive Local Water Planning (CLWP) process under chapter 103B.311 and 103B.315. On June 28, 2012 Wabasha County Board of Commissioners approved a resolution requesting an extension. On August 21, 2012, the Southern Region Water Planning Committee approved the extension with a December 31, 2014 deadline for completion of the Comprehensive Local Water Plan. The original Comprehensive Local Water Management Plan was adopted July 2, 1990 and was updated in 1995. The second plan was adopted on December 19, 2007 and was effective through the expiration date was December 31, 2014.

Purpose of the Comprehensive Local Water Management Plan

The purpose of the comprehensive local water management plan is to address potential and existing water resource related issues and establish goals to protect, enhance, and manage water resources for Wabasha County. Citizens of Wabasha County heavily rely on its water resources for drinking, recreation, and production. It is important that the county take a proactive approach to protect these resources by addressing priority concerns identified by citizens, agencies and the task force committee. The water management plan will provide a framework and guideline for implementing action to address the identified priority concerns, goals and objectives.

It is written in Minnesota Statute 103B.301 to 103B.355 that a local water management plan must be written and also states several requirements that need to be included:

1. The plan must cover the entire county.
2. The plan must address problems in the context of watershed units and groundwater systems.
3. The plan must be based upon principals of sound hydrologic management of water, effective environmental protections, and efficient resource management.
4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water systems.
5. The final requirement speaks to the duration of the plan (5 or 10 years) and the use of other plans when preparing the local water management plan.

Summary of Priority Concerns

The following priority concerns were identified through reviewing task force surveys that had been sent out and received with varying degrees of concerns listed, including citizen input through interviews, survey input, and follow up with any questions about their data, responses from other local units of government through surveys, follow up calls, and interviews, and from recommendations from state agencies and local and regional associations through surveys and networking. Grouping the data helped to create the top priority concerns for this water plan. The 2008-2012 Wabasha County Comprehensive Water Plan listed the top 5 priority concerns as soil

erosion, nutrient and manure management, SSTS/ground water protection, forest and pastureland, and impaired waters. The 2012-2022 Wabasha County Comprehensive Water Plan indicates the following priorities in no particular order:

OLD PRIORITIES

- 1) Soil Erosion
- 2) Nutrient and Manure Management
- 3) SSTS/Groundwater Protection
- 4) Forest and Pastureland
- 5) Impaired Waters

NEW PRIORITIES

- 1) Soil Erosion
- 2) Nutrient and Manure Management
- 3) SSTS/Wells/Groundwater
- 4) Forest and Pastureland
- 5) Watershed Management Approach
- 6) Urban Issues

The priority concern, called impaired waters in the 2008-2012 Comprehensive Water Plan, was eliminated in this priority concerns scoping document. After reviewing the feedback that was received it was necessary to broaden the old priority into watershed management approach and urban issues. The subject matter has become a larger issue in the last 5 years, thus the need for an expanded view and different approach to dealing with impaired waters. There was a need to eliminate the priority of impaired waters, and add the two priorities of watershed management approach, and urban issues, which addresses everything involving impaired waters, just at a narrower scope. Each of the new priority concerns will address different issues that include impaired waters from different sources.

Each of the listed concerns is broken down with a summary of the individual feedback, listed next. Following the summary listings, the individual feedback is also included. Fortunately, all of the feedback was contained within one, or more of the priority concerns.

Soil Erosion -

- Enforce Row Crop setbacks–Minnesota Department of Natural Resources
- Upland treatment to slow erosion from fields – Trout Unlimited
- Erosion and sediment control through retention ponds, waterways, terracing – Trout Unlimited
- Working through soil health to increase infiltration to reduce runoff and erosion -
- Implementation of cover crops– Whitewater Watershed Project
- Installation and maintenance of waterways – Whitewater Watershed Project
- Education on and compliance with existing rules and regulations such as shoreland and sensitive features buffers – Whitewater Watershed Project
- Implementation of no till practices–
- Reduce upland runoff and restoring floodplain connectivity – The Nature Conservancy
- Include buffers, natural floodplains, and areas of perennial vegetation – The Nature Conservancy
- Improved nutrient management – the Nature Conservancy
- Improve crop rotations – the Nature Conservancy

- Add more residue – The Nature Conservancy
- Use more reduced tillage – The Nature Conservancy

Nutrient and Manure Management

- Nutrient runoff from farmland after fertilizer, herbicides, and pesticides applications– Wabasha County Farmers Union
- Nutrient runoff from farmland after manure applications -
- Overuse of both fertilizer and manure applications -
- Implementing livestock, feedlot, and manure management -
- Runoff from city lawns, gardens, and infrastructure– Wabasha County Farmers Union
- Education on nutrient and manure management – Whitewater Watershed Project

SSTS/Wells/Ground Water

- Unused, Unsealed wells – Minnesota Department of Health
- Wellhead protection of public water supplies - Minnesota Department of Health
- Water quality of private wells – Minnesota Department of Health
- Address failing septic systems – Whitewater Watershed Project
- Septic systems needing repair
- Communities in need of proper community sewer systems (Theilman, Weaver, and Minneiska) – Minnesota Pollution Control Agency

Forest & Pasture Land

- Implementation of rotational grazing
- Properly managing forest land
- Protecting environmental buffers
- Control of invasive species
- Promote Grazing – Whitewater Watershed Project

Watershed Management Approach

- Watershed restoration and protection approach
- Targeting BMP's to align local plans while engaging ag partners (civic engagement)
- Work with upstream counties to control runoff and slow the flow – Wabasha County Farmers Union
- Ag drainage, wetlands and water retention
- Protecting, maintaining, and expanding priority natural areas for watershed health – The Nature Conservancy

- Increased use of BMP's, increased use of NRCS and SWCD programs – Whitewater Watershed Project

Urban Issues

- Runoff filtration issues with stormwater drainage
- Sedimentation and nutrient delivery to streams from lawns and infrastructure without filtering
- Use of chemicals within city parks
- Lack of shoreland buffers in urban settings
- Educational needs on water quality issues and karst geology – Whitewater Watershed Project

Assessment of Priority Concerns

Soil Erosion

(text in this section largely taken from Minnesota Department of Ag website <http://www.mda.state.mn.us/en/protecting/conservation/practices.aspx>)

Soil erosion results from topsoil loss that occurs more quickly than soil formation processes that can replace it; this process is continual due to natural causes and accelerated by animal and human activities. These factors added to the rolling to steep topography of Wabasha County can cause soil erosion rates well above the tolerable soil loss amount (T), T being 2 to 5 tons per acre/per year, depending on soil type.

Land management practices such as changes in traditional crop rotations, residue management and tillage practices have led to an increase in soil erosion. The decline in livestock farming has caused permanent vegetative crops such as hay and pasture to be converted to row crop production, especially corn and soybeans.

There are many “best management practices” (BMP's) available to help decrease soil erosion throughout Wabasha County. BMP's for agricultural land include; contour farming, buffers, no-till farming, cover crops, grassed waterways, terraces, rotational grazing, soil health, etc. These practices help to stabilize soil, which in turn will help prevent or reduce soil erosion. Some of these practices are described in the following:

Gully or Grade Stabilizations – “an embankment or spillway built across a drainageway to prevent soil erosion. Grade stabilization structures are especially important in areas of Minnesota where sediment loading from gully erosion is a major water quality concern...”

(<http://www.mda.state.mn.us/protecting/conservation/practices/gradestab.aspx>)

Gullies tend to advance upslope at overfalls (small, concentrated waterfalls) below which turbulent water undercuts the head of the gully & dash; a process called head-cutting. Grade stabilization



BOARD MEETING AGENDA ITEM

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

Meeting Date: August 27, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: South

Contact: Jeff Nielsen

Prepared by: Carla Swanson-Cullen

Reviewed by: Southern Region Committee(s)

Presented by: Kathryn Kelly

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

Approval and execution of fiscal year 2016 grant agreement.

LINKS TO ADDITIONAL INFORMATION

<http://www.bwsr.state.mn.us/boardpackets/2015/AreaII FY16 17 BIENNIAL PLAN.pdf>

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

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



Board Resolution # _____

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

WHEREAS, the Area II Minnesota River Basins Inc. (Area II) is eligible to receive a \$140,000 FY 2016 grant through Minnesota Statutes 2015 First Special Session, Chapter 4, Article 3, Section 4 from the Minnesota Board of Water and Soil Resources (BWSR). This grant is available for administrative and implementation efforts of Area II within their nine-county project area. This grant is available with a 25% local match requirement; and

WHEREAS, Area II has developed a Biennial Work Plan to cover activities for FY 2016 and 2017; and

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

THEREFORE BE IT RESOLVED, the BWSR hereby approves the Area II FY 2016 and 2017 Biennial Work Plan; and

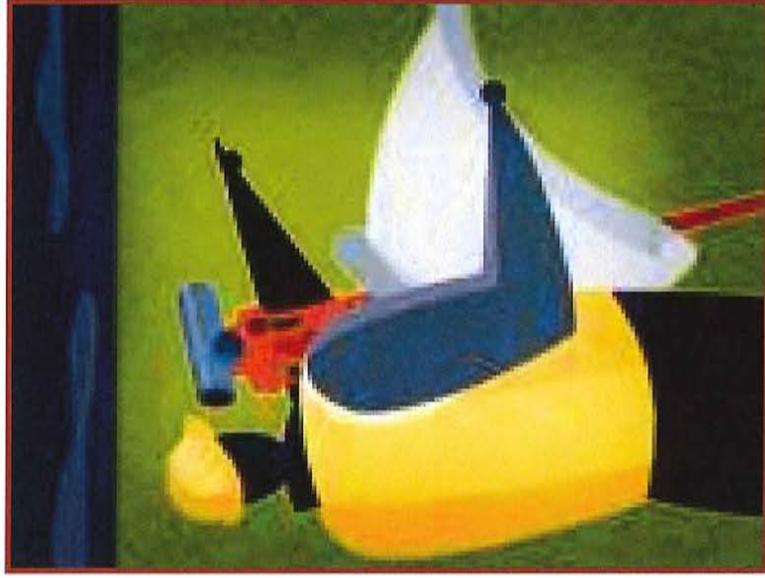
BE IT FURTHER RESOLVED, the Board of Water and Soil Resources enter into a grant agreement with the Area II Minnesota River Basins Project Inc. for these funds.

Date: _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

BIENNIAL PLAN – FY 2016 & 2017

JULY 1, 2015 – JUNE 30, 2017



Member Counties

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

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

1424 EAST COLLEGE DRIVE - SUITE 300 - MARSHALL, MN 56258

WWW.AREA2.ORG



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B – FY 2015 COMPLETED PROJECTS

C – FY 2014 ADMINISTRATIVE GRANT SUMMARY

D – FY 2015 ADMINISTRATIVE GRANT SUMMARY



2015 BOARD OF DIRECTORS

BIENNIAL PLAN – FY 2016 & 2017

BROWN COUNTY

DENNIS POTTER – VICE CHAIR

DEAN SIMONSEN (ALTERNATE)

MURRAY COUNTY

ROBERT MOLINE

GERALD MAGNUS (ALTERNATE)

COTTONWOOD COUNTY

NORMAN HOLMEN

JIM SCHMIDT (ALTERNATE)

PIPESTONE COUNTY

LUKE JOHNSON – CHAIR

BRUCE KOOIMAN (ALTERNATE)

LAC QUI PARLE COUNTY

ROY MARIHART

TODD PATZER (ALTERNATE)

REDWOOD COUNTY

LON WALLING

SHARON HOLLATZ (ALTERNATE)

LINCOLN COUNTY

JOE DRIETZ

DON EVERS (ALTERNATE)

YELLOW MEDICINE COUNTY

LOUIS SHERLIN

RON ANTONY (ALTERNATE)

LYON COUNTY

RODNEY STENSURD - SECRETARY/TREASURER

RICK ANDERSON (ALTERNATE)

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



WORK PLAN NARRATIVE

BIENNIAL PLAN – FY 2016 & 2017

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

This Biennial Plan provides direction for a 2-year period while the Technical Office Budget serves one fiscal year. By May 30, 2016, updates to the Biennial Plan as well as to the Technical Office Budget for FY 2017 will be provided for BWSR staff review.

1) Initiative: FY 2016 – ADMINISTRATIVE SERVICES

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

Actions:

- Maintain a complete Board of Directors of nine (9) delegates and nine (9) alternates.
- Maintain adequate staffing to address the goals of AREA II. Evaluate job performance of all employees yearly.
- Conduct 12 monthly board meetings and an Annual Legislative Gathering.
- Utilize engineering consultant services to assist with engineering, hydrologic and planning/prioritization issues.
- Maintain policies and procedures. Review Operating Policies, Joint Powers Agreement and Articles of Incorporation annually.
- Maintain a public outreach and information program. Accomplish by maintaining the AREA II web site; conduct tours as necessary to highlight projects completed; prepare an annual report. Complete website reporting requirements by March 15 of each year.
- Strive for fiscal accountability. Accomplish by preparing and adopting an annual budget; reviewing monthly financial reports, conducting an annual audit of the financial records.
- Actively pursue new funding sources with local partners through Clean Water Fund and federal programs.
- Continue administrative/operational efficiency discussions with RCRCRA. Schedule board meetings for the same day and same location to lessen per diems and expenses paid to board members. Future discussions may include sharing technical resources.
- Meet and communicate with member county commissioners, engineers, water planners, watershed districts, SWCD, NRCS, watershed project staff regarding technical services and potential projects.
- Serve on technical committees (as requested) for watershed projects, TMDL project assessment and implementation efforts.
- Provide input to USDA Environmental Quality Incentive Program (EQIP) local work group committees.

2) Initiative: FY 2016 – ENGINEERING SERVICES

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

Actions:

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

3) Initiative: FY 2016 – OPERATIONAL & SUPPORT EXPENSES

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

4) Initiative: FY 2016 – PROJECT IMPLEMENTATION VIA ADMINISTRATIVE GRANT

Description: See Potential Project List for FY2016 & FY2017 – Page 6 of this document.

5) Initiative: FY 2012 BONDING APPROPRIATION

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

Actions:

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



OTHER PROJECT ENDEAVORS

BIENNIAL PLAN – FY 2016 & 2017

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

ISSUE: The Yellow Medicine River watershed was awarded one of the five **One Watershed, One Plan** pilot projects. A pilot plan with a regional approach was desirable as: 1) many commonalities of the Area II watersheds exist due to the Buffalo Ridge, and 2) the established and active joint powers board. Although the watersheds have unique issues of their own, topography and flooding bind these southwestern watersheds together. Area II agreed to be the umbrella organization which would oversee this regional **One Watershed, One Plan** approach.

ACTION: Following a Memorandum of Agreement between the 10 water planning partners (Lac qui Parle County and SWCD, Lincoln County and SWCD, Lyon County and SWCD, Yellow Medicine County and SWCD, Yellow Medicine River Watershed District, and Area II) a Work Plan was developed. Upon approval of this Work Plan, Area II entered into a grant agreement with BWSR on November 25, 2014 for \$191,610 with 10% of the grant for administration, coordination and reporting.

STATUS: To date, public notice has been issued of the planning effort and three Kick-Off meetings were held. The combined audience of 147 people was informed of the water planning effort and public comments were solicited using the facilitation skills of the U of M Extension Watershed Educators. RESPEC has been contracted to provide plan writing and modeling services with Emily Javens, PE serving as Project Manager and Julie Blackburn as Principal-In-Charge. The completion of the Yellow Medicine Watershed Restoration and Protection Strategies (WRAPS) is expected June 2015. With the WRAPS results, stressors will be identified and scenarios developed to help target the implementation of conservation efforts by the partners.

PLAN: Over the next several months, the Advisory and Policy Committees will be working diligently to prioritize resource concerns, target implementation strategies, and develop realistic methods to measure results. An aggressive timeline has been established where a final plan is to be submitted to BWSR by December 2015. With the necessary approvals, public hearing, and local adoption, it is anticipated to have completed the planning process by July 1, 2016.

● SHARED ADMINISTRATION WITH RCRCA

ISSUE: Beginning January 1, 2014, RCRCA and Area II have shared administration of both joint powers organizations. By the end of 2014, payroll savings were realized of \$18,111.82 by RCRCA and \$18,968.70 by Area II.

ACTION: Both entities have co-located into one office location in Marshall, MN.

PLAN: Cost savings are continuing to be realized. Both Boards of Directors meet on the same day and at the same location to reduce administrative costs. Consideration is being given to other ways to more closely tie the organizations together without losing current funding and capacity.



POTENTIAL PROJECTS

BIENNIAL PLAN – FY 2016 & 2017

KEY: *FY 2016 Construction Planned*

COTTONWOOD COUNTY

- Stately 11 Grade Stabilization
- *Storden 21 Grade Stabilization*

LINCOLN COUNTY

- Verdi 1 Grade Stabilization Repair
- Lake Stay 3 Grade Stabilization

LYON COUNTY

- Amiret 33 Grade Stabilization Repair
- Custer 10 NE Grade Stabilization
- Custer 10 SE Grade Stabilization
- Monroe 17 Road Retention
- Nordland 6 Road Retention
- Nordland 34 Grade Stabilization Repair
- Sodus 21 Grade Stabilization Repair
- Sodus 22 Grade Stabilization
- Sodus 24 Grade Stabilization
- Sodus 36 Grade Stabilization (*permit pending*)

MURRAY COUNTY

- Holly 22 Road Retention
- Holly 10 Grade Stabilization

REDWOOD COUNTY

- *Charlestown 28 Grade Stabilization (permit pending)*
- *Charlestown 30 Grade Stabilization*
- *Gales 15 Grade Stabilization*
- *Lamberton 19 Grade Stabilization Repair (in construction)*
- *Lamberton 25 Grade Stabilization Repair (in construction)*
- *Lamberton 29 Grade Stabilization (in construction)*
- *North Hero 7 Grade Stabilization*
- *North Hero 34 Road Retention*
- *Redwood Falls 17 Grade Stabilization*
- *Redwood Falls 19 Grade Stabilization*
- *Sheridan 23 Grade Stabilization Repair (in construction)*
- *Sherman 9 Grade Stabilization*
- *Springdale 21 Road Retention (in construction)*
- *Springdale 22 Grade Stabilization (permit pending)*
- *Springdale 28 Grade Stabilization*
- *Swede's Forest 35 Grade Stabilization Repair (in construction)*

YELLOW MEDICINE COUNTY

- Norman 7 Grade Stabilization Repair
- Norman 10 Grade Stabilization



FY 2016 TECHNICAL OFFICE BUDGET

BIENNIAL PLAN – FY 2016 & 2017

OFFICE OPERATIONS PERSONAL SERVICES:

Directors' Compensation.....	\$ 2,250.00
Directors' FICA.....	172.00
Employees' Salaries.....	126,000.00
Employees' FICA.....	8,900.00
Employees' Medical Insurance.....	23,275.00
Employees' Retirement.....	9,375.00
Employee' FlexPlan.....	420.00
Total Personal Services.....	\$ 170,392.00

SUPPLIES:

Office.....	\$ 2,000.00
Field.....	500.00
Capital Outlay.....	0.00
Total Supplies.....	\$ 2,500.00

OTHER SERVICES AND COSTS:

Directors' Expenses.....	\$ 1,000.00
Employees' Expenses.....	2,000.00
Contract Services.....	10,000.00
Professional Services.....	30,000.00
Maintenance & Repairs.....	3,000.00
Telephone.....	250.00
Postage.....	1,000.00
Vehicle Expense.....	3,550.00
Director's Insurance.....	2,005.00
Other Insurance.....	10,540.00
Rent.....	10,044.00
Utility Expenses.....	1,000.00
Miscellaneous Expenses.....	2,000.00
Total Other Services and Costs.....	\$ 76,389.00

TOTAL OFFICE OPERATIONS.....	\$ 249,281.00
Total Ineligible for Cost-Share by the State.....	5,427.00*
Total Eligible for Cost-Share by the State.....	\$ 243,854.00

* These items not cost-shared by the State

STATE SHARE OF ELIGIBLE OFFICE COSTS.....	\$ 140,000.00
Local Share of Eligible Office Costs.....	\$ 56,354.00
Income from Other Sources.....	\$ 47,500.00

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

ATTACHMENTS

BIENNIAL PLAN – FY 2016 & 2017

ATTACHMENT A – SUMMARY OF FY 2012 BONDING APPROPRIATION

ATTACHMENT B – FY 2015 COMPLETED PROJECTS

ATTACHMENT C – FY 2014 ADMINISTRATIVE GRANT SUMMARY

ATTACHMENT D – FY 2015 ADMINISTRATIVE GRANT SUMMARY

ATTACHMENT A

SUMMARY OF FY 2012 BONDING APPROPRIATION (AS OF JUNE 15, 2015)

AMIRET 18/19 ROAD RETENTION – Lyon County	\$ 94,490.81
AMIRET 32/33 ROAD RETENTION – Lyon County	\$ 71,605.55
LYND 17 GRADE STABILIZATION – Lyon County	\$ 22,995.07
HOLLY 4 DAM REPAIR -- Murray County	\$ 4,547.38
GERMANTOWN 1 DAM REPAIR – Cottonwood County	\$ 690.00
SPRINGDALE 29 DAM REPAIR – Redwood County	\$ 25,815.08
STORDEN 4 GRADE STABILIZATION – Cottonwood County	\$ 1,981.88
LAMBERTON 18 DAM REPAIR – Redwood County	\$ 1,421.25
LIMESTONE 1 ROAD RETENTION – Lincoln County	\$117,118.93
LAKE MARSHALL 31 DAM REPAIR – Lyon County	\$ 6,790.51
LYND 8 GRADE STABILIZATION – Lyon County	\$ 24,390.29
NORLAND 15 GRADE STABILIZATION – Lyon County	\$ 18,402.11
COON CREEK 11 DAM REPAIR – Lyon County	\$ 35,528.63
ISLAND LAKE 4 DAM -- Lyon County	\$ 994.24
AMIRET 27 DAM REPAIR – Lyon County	\$ 15,837.42
NORTH HERO 25 DAM REPAIR – Redwood County	\$ 393.09
MONROE 2 DAM REPAIR – Lyon County	\$ 21,344.63
HONNER 32 GRADE STABILIZATION – Redwood County	\$ 740.62
ROYAL 10 ROAD RETENTION – Lincoln County	\$ 9,120.13
REDWOOD FALLS 7 DAM REPAIR – Redwood County	\$ 20,947.73
CHARLESTOWN 29 STABILIZATION – Redwood County	\$ 18,432.60
SIOUX AGENCY 3 DAM REPAIR – Yellow Medicine County	\$ 26,948.40
AMIRET 32 DAM REPAIR -- Lyon County	\$ 13,550.81
MONROE 17 DAM REPAIR – Lyon County	\$ 14,943.90
LIMESTONE 11 DAM REPAIR – Lincoln County	\$ 41,564.32
LAMBERTON 16SW GRADE REPAIR – Redwood County	\$ 8,317.71
SHERMAN 17 GRADE STABILIZATION REPAIR -- Redwood	\$ 4,617.00
SHERMAN 18 GRADE STABILIZATION REPAIR – Redwood	\$ 7,748.85
SPRINGDALE 21 ROAD RETENTION—Redwood County	\$ 7,810.50

NOTE: \$1,000,000 grant extended to 12/31/2015 **TOTAL \$ 639,089.44**

APPROPRIATION SUMMARY	
<i>(as of June 15, 2015)</i>	
Total Project Costs =	\$1,400,295.32
Local Match Provided =	\$314,162.25
Other State Funds =	\$175,176.66
Federal Funds =	\$271,866.98
State/Local Cost-Share Ratio =	1:2.03
	<i>(\$314,162.25 / \$639,089.44)</i>
Acre-Feet of storage created =	429.0
Total Acre-Feet of storage =	543.3

ATTACHMENT B

FY2015 COMPLETED PROJECTS (AS OF JUNE 15, 2015)

<p>Limestone 11 Repair – Lincoln <u>\$ 56,236.59</u></p> <p>2012 Bonding Funds \$ 41,564.32</p> <p>Landowner \$ 10,354.77</p> <p>YM Watershed District \$ 3,500.00</p> <p>Area II Counties \$ 817.50</p>	<p>Gales 17 Grade Stabilization -- RW <u>\$ 10,980.75</u></p> <p>RCRCA \$ 7,920.56</p> <p>Landowner \$ 2,640.19</p> <p>Area II Counties \$ 420.00</p>
<p>Amiret 32 Grade Stab. Repair – Lyon <u>\$ 21,597.91</u></p> <p>2012 Bonding Funds \$ 13,550.81</p> <p>Lyon SWCD \$ 7,837.10</p> <p>Area II Counties \$ 210.00</p>	<p>Monroe 17 Grade Stab. Repair - Lyon <u>\$ 23,061.63</u></p> <p>2012 Bonding Funds \$ 14,943.90</p> <p>Lyon SWCD \$ 7,837.10</p> <p>Area II Counties \$ 280.63</p>
<p>Lowville 36 Repair – Murray <u>\$ 19,972.70</u></p> <p>Murray SWCD \$ 6,800.00</p> <p>Murray Co. Water Plan \$ 2,500.00</p> <p>Landowner \$ 10,517.70</p> <p>Area II Counties \$ 155.00</p>	<p>Shaokatan 32 Dam Repairs – Lincoln <u>\$ 15,660.27</u></p> <p>Clean Water Funds \$ 11,464.00</p> <p>Landowner \$ 3,821.27</p> <p>Area II Counties \$ 375.00</p>
<p>Lamberton 16SW Repair - Redwood <u>\$ 36,876.95</u></p> <p>2012 Bonding Funds \$ 8,317.71</p> <p>Landowner \$ 8,349.24</p> <p>RCRCA \$ 13,000.00</p> <p>Redwood SWCD \$ 7,000.00</p> <p>Area II Counties \$ 210.00</p>	<p>Redwood Falls 18 Grade Stab. – RW <u>\$ 64,741.52</u></p> <p>RCRCA \$ 47,874.11</p> <p>Landowner \$ 15,958.03</p> <p>Area II Counties \$ 909.38</p>
<p>Sherman 17 Grade Stab. Repair – RW <u>\$ 10,846.00</u></p> <p>2012 Bonding Funds \$ 4,617.00</p> <p>Landowner \$ 2,539.00</p> <p>Redwood SWCD \$ 3,000.00</p> <p>Area II Counties \$ 690.00</p>	<p>Sherman 18 Repair – Redwood <u>\$ 25,786.80</u></p> <p>2012 Bonding Funds \$ 7,748.85</p> <p>Landowner \$ 6,414.95</p> <p>EQIP Federal Funds \$ 11,496.00</p> <p>Area II Counties \$ 127.00</p>
<p>Johnsonville 19 Grade Stab. – RW <u>\$ 60,767.31</u></p> <p>EQIP Federal Funds \$ 23,630.20</p> <p>Landowner \$ 14,967.83</p> <p>RCRCA \$ 21,273.28</p> <p>Area II Counties \$ 896.00</p>	<p>Redwood Falls 10 Grade Stab. – RW <u>\$ 15,399.90</u></p> <p>RCRCA \$ 5,761.59</p> <p>Landowner \$ 2,689.31</p> <p>EQIP Federal Funds \$ 6,514.00</p> <p>Area II Counties \$ 451.88</p>
<p>Wergeland 5 Streambank – YM <u>\$ 16,103.00</u></p> <p>LQP-YB Clean Water Funds \$ 12,077.25</p> <p>YMRWD \$ 4,025.75</p>	<p>Underwood 17 Grade Stab – RW <u>\$ 30,110.03</u></p> <p>EQIP Federal Funds \$ 29,486.40</p> <p>Area II Counties \$ 674.26</p>
<p>Sheridan 13 Grade Repair - Redwood <u>\$ 19,803.48</u></p> <p>Redwood SWCD Flood Recovery \$ 19,449.10</p> <p>Area II Counties \$ 354.38</p>	

FY2015 COMPLETED PROJECTS

2012 Bonding Funds	\$ 90,742.59
EQIP Federal Funds	\$ 71,126.60
Clean Water Funds	\$ 11,464.00
RCRCA	\$ 95,829.54
SWCDs	\$ 51,923.30
Watershed Districts	\$ 19,603.00
County Water Plan	\$ 2,500.00
Area II Counties	\$ 6,571.03
Landowners	\$ 78,252.29
TOTAL	<u>\$ 428,012.35</u>

ATTACHMENT C

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



GRANT PERIOD:

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

AREA II STATUTORY AUTHORITY:

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

Administrative Services Grant Expenditures

*NOTE: Totals from
Audited Financial Report for
Year Ended June 30, 2014
Richard W. Holmberg, Ltd.*

Personal Services	\$156,686
Other Services	\$ 89,763
Supplies	\$ 2,127
Investigation & Testing	\$ 32,250
Capitol Outlay	\$ 4,725
TOTAL FISCAL YEAR EXPENDITURE	\$285,551

PROJECT CONTACT:

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

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



Area II Minnesota River Basin Watershed Boundary

Member Counties:

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

Overall Project Description

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

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

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

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

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

ATTACHMENT D

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



GRANT PERIOD:

(Incl. extensions)
From: July 1, 2014
To: June 30, 2015

AREA II STATUTORY AUTHORITY:

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

Administrative Services Grant Expenditures

*NOTE: Totals from
Area II Treasurer's Report
for the
11 months ended
May 31, 2015*

Personal Services	\$150,794.24
Other Services	\$140,421.45
Supplies	\$1,590.82
Investigation & Testing	\$ 0
Capitol Outlay	\$11,840.00
TOTAL FISCAL YEAR EXPENDITURE	\$304,646.51

PROJECT CONTACT:

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

**Project Title: FY'15 ADMINISTRATIVE SERVICES GRANT
CONTRACT NO. P15-0961 \$120,000.00**



Area II Minnesota River Basin Watershed Boundary

Member Counties:

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

Overall Project Description

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

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

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

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

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



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

**Area II Minnesota River Basins Project Inc.
Bonding Work Plan & Grant**

Meeting Date:

August 27, 2015

Agenda Category:

Committee Recommendation New Business Old Business

Item Type:

Decision Discussion Information

Section/Region:

South

Contact:

Jeff Nielsen

Prepared by:

Carla Swanson-Cullen

Reviewed by:

Southern Region Committee(s)

Presented by:

Kathryn Kelly

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval and execution of fiscal year 2016 bonding grant agreement.

LINKS TO ADDITIONAL INFORMATION

<http://www.bwsr.state.mn.us/boardpackets/2015/AreaII FY16 17 BIENNIAL PLAN.pdf>

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

Legislative appropriation (Bonding) to Area II Minnesota River Basins Project Inc. to assist its nine member counties flood control projects in southwestern Minnesota. A cost share rate of 75% state funding and 25% non-state sources is required for project implementation; oversight is provided by BWSR.



Board Resolution # _____

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

WHEREAS, via Statutory Authority (MS 103F.171 – 103F.187) and appropriation language (Minnesota Statutes 2015 First Special Session, Chapter 5, Article 1, Section 6) Area II Minnesota River Basins Project Inc. (Area II) is eligible to receive a \$1,000,000 FY 2016 grant from the Minnesota Board of Water and Soil Resources (BWSR). This grant is available for construction of floodwater retarding and retention structures within the nine-county project area of Area II, and

WHEREAS, floodwater retarding and retention structures may include Road Retentions, Grade Stabilizations, Grade Stabilization Restorations and Wetland Restoration, and

WHEREAS, Area II has developed a Bonding Work Plan to cover activities for FY 2016.

THEREFORE BE IT RESOLVED, the BWSR hereby approves the Area II FY 2016 Bonding Work Plan; and

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

Date: _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

1. Cooperative Weed Management Area Program Request for Proposal (RFP) – Dan Shaw –
DECISION ITEM

2. FY 2016 Multipurpose Drainage Management Grant Program Request for Proposal (RFP) –
Tim Gillette – ***DECISION ITEM***

3. Reallocation of FY 2013 Targeted Drainage Water Management Grant Funds – Tim Gillette –
DECISION ITEM

4. Grey Cloud Slough Restoration Grant – Jim Haertel – ***DECISION ITEM***

5. FY2016 Buffer Law and MN Ag Water Quality Certification Funding Allocations – Jim Haertel –
DECISION ITEM



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Cooperative Weed Management Area Rfp

Meeting Date: August 27, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: _____

Contact: Dan Shaw

Prepared by: Dan Shaw

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

Presented by: Jim Haertel

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of FY2016 and FY2017 Cooperative Weed Management Area (CWMA) Program RFP.

LINKS TO ADDITIONAL INFORMATION

BWSR CWMA Webpage: <http://www.bwsr.state.mn.us/grants/cwma/CWMA.html>

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

The Board was appropriated \$100,000 of cost-share grant funds in each year of the biennium for FY2016 and FY2017, \$200,000 total, for "county cooperative weed management programs and to restore native plants in selected invasive species management sites". Staff have developed a request for proposal (RFP) to make these funds available to qualified cooperative weed management groups. The individual grants would come before the Board at a later date. The Grants Program and Policy Committee met earlier this month and recommends approval by the full Board of the RFP per the attached resolution.



Board Resolution # _____

Cooperative Weed Management Area Program Authorization

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

WHEREAS, Minnesota Legislature, 2015 Session Laws, Chapter 4 has appropriated funding to BWSR, and

WHEREAS, the BWSR has adopted the following grant allocation policies:

SWCDs are the eligible grant applicants for this program. Other groups may consider applying in partnership with SWCDs to help develop and run Cooperative Weed Management Area projects. Existing CWMAs or new terrestrial weed management groups partnering with SWCDs in Minnesota are eligible applicants.

\$200,000 is available for the program for FY2016 and FY2017 combined. Eligible applicants may receive up to \$15,000.

This grant can be used for a wide variety of activities related to setting up a CWMA, conducting outreach and education, weed mapping, managing invasive species and monitoring.

Applicants may propose using more than 20% technical and administrative costs as provided in 3.1 of the Erosion Control and Water Management Policy, August 2013.

To the extent possible, projects must plant vegetation following BWSR's Native Vegetation Establishment and Enhancement Guidelines.

Proposals will be reviewed and scored by both BWSR staff members and members of the Project Advisory Team using the program ranking criteria. The Advisory Team is an interagency group established to assist in the development of this grant program. Proposals will be scored to determine which projects can be funded, based on available dollars. Once projects are selected for funding, the project manager will be notified.

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

WHEREAS, the FY 2016 & FY 2017 Cooperative Weed Management Area Program Request for Proposal (RFP) dated August 3, 2015 follows the grant allocation policies.

NOW THEREFORE, the BWSR hereby authorizes staff to proceed with the FY 2016 & FY 2017 Cooperative Weed Management Area Program Request for Proposal (RFP) dated August 3, 2015.

Date: _____

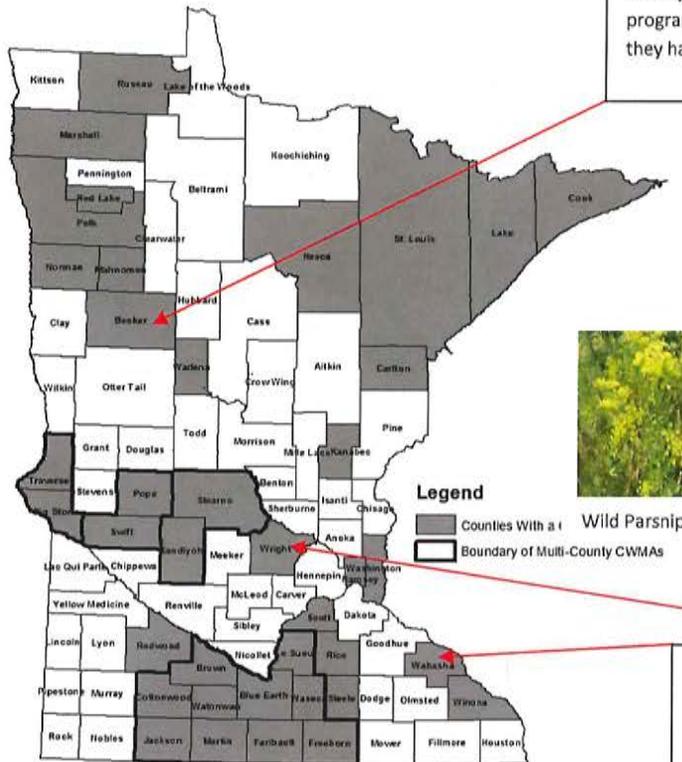
Brian Napstad, Chair, Board of Water and Soil Resources

CWMA Models: The following are three examples of how CWMA's are tackling weed issues across Minnesota:



Marsha Watland of Becker CWMA meeting with landowners

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



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

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



Terri Peters of Wabasha CWMA monitoring invasive species



FY 2016 & FY 2017 Cooperative Weed Management Area Program Request for Proposal (RFP)

Cooperative Weed Management Areas are partnerships of federal, state and local government agencies along with tribes, individual landowners and various other interested groups that manage noxious weeds or invasive plants in a defined area. The [BWSR Cooperative Weed Management Area \(CWMA\) Program](#) was developed in 2008 to promote the cooperative control of invasive species across geographic boundaries to manage and protect natural areas and conservation lands. \$200,000 is available for FY2016 and FY2017 (combined) for newly developing and existing CWMA/terrestrial weed management partnerships in Minnesota through this Request for Proposal.

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CWMA Program Goals

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

Applicant Eligibility

- As the CWMA Program is a State Cost-share Program, SWCDs are the only eligible applicants. Other organizations may consider applying in partnership with SWCDs to help develop and run the Cooperative Weed Management Area project.
- Newly developing and existing CWMA are eligible for this RFP.
- Applicants must be in compliance with BWSR requirements for grantee website and eLINK reporting before grant execution and payment.
- Proposals from applicants that were previously awarded CWMA Funds will be considered during the review process for applications submitted in response to this RFP. However, applicants that have expended less than 50% of previous award(s) at the time of this application will need to demonstrate organizational capacity to finalize current projects and complete new projects concurrently.

Application Guidelines

- Applications will be submitted via eLINK. Eligible applicants without a current eLINK user account must submit a request to establish an eLINK account no later than 7 days prior to the application deadline. As part of the application, eLINK will require applicants to map the location of the proposed project area.
- Proposals should demonstrate significant, measureable project outputs and outcomes¹. As appropriate, outputs should include scientifically credible estimates of both short-term and long term benefits as well as other measures such as: acres of invasive species treated, increases in diversity levels, etc.
- Proposals must have plans for long-term maintenance and inspection monitoring for the duration of the project's effective life.
- Proposals should demonstrate that, when appropriate, a sufficient partnership exists to implement the project.

¹ The term "outcome" means the result, effect or consequence that will occur from carrying out the environmental program or activity associated with the application. Outcomes may be environmental, behavioral, health related or programmatic in nature but must be quantitative. They may not necessarily be achievable within the grant agreement timeline.

The term "output" or "intermediate outcome" means an environmental activity, effort and/or associated work product related to an environmental goal and objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during the grant agreement timeline.

- **\$200,000 is available for the program for FY 2016 and FY 2017 combined. Up to \$15,000 can be requested by CWMAs/terrestrial weed management partnerships in Minnesota.**
- Grant funding can be used for a wide variety of activities related to setting up a CWMA, conducting outreach and education, weed mapping, managing invasive species and monitoring.
- A minimum non-state match equal to at least 25% of the amount requested and/or received is required. The match must be cash or in-kind cash value of goods, materials, and services directly attributed to project accomplishments.
- Applicants are required to fill out a project budget summarizing proposed activities and expenditures including proposed actual technical and administrative costs. Applicants may propose using more than 20% of the grant funds for technical and administrative costs as provided in 3.1 of the Erosion Control and Management Policy, August 2013.
- Proposals may include one image file (.jpg, .tiff, .png) as part of the application in eLINK. General attachments will not show up as a part of the application report in eLINK.
- Applications may receive partial funding if there are insufficient funds remaining to fully fund a project. Prior to final selection, the Board may engage applicants to discuss modifications to the project or funding request.
- The grant application must be in "Submitted" status in eLINK by 4:30 PM on October 30th, 2015.

Ranking Criteria	Maximum Points Possible
<u>Anticipated Outcomes:</u> The outcomes expected upon completion of the project initiatives are identified, consistent with project goals, and it is clear how these outcomes will be obtained.	40
<u>Relationship to CWMA and Conservation Plans:</u> The proposal and species of focus are based on priority actions listed in or derived from CWMA planning, and other local, state and federal conservation and invasive species plans.	30
<u>Management Approach:</u> An approach is defined to manage invasive species using integrated pest management and an ecosystem restoration approach.	30
Total Points Available	100

BWSR Assistance

BWSR Board Conservationists are available to help applicants with grant application development and questions. A map showing the Board Conservationist work areas is available at:

http://www.bwsr.state.mn.us/maps/Website/Administrative%20Boundaries/BWSR%20Administrative/BC_areas.pdf. Questions can also be directed to the Dan Shaw, the Program Manager at dan.shaw@state.mn.us, 651-296-0644.

Project Period

The project period starts when the grant agreement is “executed,” meaning all required signatures have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds, and cannot be used as match. All grants must be completed by December 31, 2018.

Payment Schedule

Grant payments will be distributed in three installments to the grantee. The first payment of 50% of the grant amount will be paid after work plan approval and execution of the grant agreement provided the grant applicant is in compliance with all BWSR website and eLINK reporting requirements for previously awarded BWSR grants. The second payment of 40% of the grant amount will be paid once the grantee has provided BWSR with notification and BWSR has reconciled expenditures of the initial payment. The last 10% will be paid after all final reporting requirements are met, the grantee has provided BWSR with a final financial report, and BWSR has reconciled these expenditures.

Native Vegetation

Vegetative practices must follow the Native Vegetation Establishment and Enhancement Guidelines found at:

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

Minnesota Session Law 114, Article 4, Section 12 (b) requires that any prairie planting conducted with state funding include pollinator habitat through the growing season. For information regarding pollinators, see information at:

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

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

Application Deadline and Timeline for CWMA Funding

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

- August 31, 2015 Application period begins
- October 30, 2015 **Application deadline at 4:30 PM***
- December 16th, 2015 BWSR Board authorizes grant awards (proposed)
- January 2016 BWSR grant agreements sent to recipients
- February 19, 2016 Work plan submittal deadline
- March 18, 2016 Grant execution deadline

*The application must be submitted by 4:30 PM. Late responses will not be considered. The burden of proving timely receipt is upon the grant applicant.

Incomplete Applications:

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

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

Project Reporting Requirements

All grant recipients are required to report on the outcomes, activities, and accomplishments of CWMA grants.

- All BWSR funded projects will be required to develop a work plan and budget, including detail relating to the outcome(s) of the proposed project. All activities will be reported via the eLINK reporting system. Grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing this activity. For more information go to <http://www.bwsr.state.mn.us/outreach/eLINK/index.html>.
- BWSR CWMA funds will be administered via a standard grant agreement. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.
- Grant recipients must display their program goals and major program activities on their website, or a CWMA program fact sheet linked to their website.

Grants and Public Information

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

Prevailing Wage

It is the responsibility of the grant recipient or contractor to pay prevailing wages on construction projects to which state prevailing wage laws apply (Minn. Stat. 177.42 – 177.44). All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with state funds included in this RFP shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality. Additional information on prevailing wage requirements is available on the Department of Labor and Industry (DOLI) website:

<http://www.dli.mn.gov/LS/PrevWage.asp> . Questions about the application of prevailing wage rates should be directed to DOLI at 651-284-5091.

Conflict of Interest

State Grant Policy 08-01 (see http://mn.gov/admin/images/grants_policy_08-01.pdf), Conflict of Interest for State Grant-Making, also applies to BWSR grantees. Grantees' conflicts of interest are generally considered organizational conflicts of interest. Organizational conflicts of interest occur when:

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

Minimum Software Requirements

Internet Explorer 9 or above or the Firefox web browser is required to complete the application in eLINK.

Questions

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



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

**FY 2016 CWF Multipurpose Drainage Management
Competitive Grants**

Meeting Date:

August 27, 2015

Agenda Category:

Committee Recommendation New Business Old Business

Item Type:

Decision Discussion Information

Section/Region:

Central Office - Technical Services

Contact:

Tim Gillette

Prepared by:

Tim Gillette

Reviewed by:

Grants Program and Policy Committee(s)

Presented by:

Tim Gillette

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 Multipurpose Drainage Management Competitive Grants Program and associated RFP for distribution and use.

ATTACHED SUPPLEMENTAL INFORMATION

1. Request for Proposal (RFP)
2. Background Information

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

The purpose of this program is to facilitate multipurpose drainage management practices to reduce erosion and sedimentation, reduce peak flows and flooding, and improve water quality, while protecting drainage system efficiency and reducing drainage system maintenance for priority Chapter 103E drainage systems. Practices include eligible on-field, on-farm, and on-drainage system practices within the benefited area or the watershed of a priority Chapter 103E drainage system.

These grants can be an "external source of funds" for water quality improvements, wetland restoration or flood control purposes, in accordance with: 1) M.S. Section 103E.011, Subd. 5. Use of external sources of funding;

2) the multipurpose water management provisions in M.S. Section 103E.015 Considerations before drainage work is done; and/or; 3) to implement the side inlet control provisions of Section M.S. Section 103E.021, Subd. 6. Incremental implementation of vegetated ditch buffer strips and side inlet controls.

LGUs are eligible to receive grant funds if they are working under a current, as defined in the FY 2016 Clean Water Fund Competitive Grant Policy, water management plan that has been state approved and locally adopted by October 1, 2015. This grant program requires a M.S. Chapter 103E drainage authority (i.e. County, Joint County Board, or Watershed District) and Soil and Water Conservation District(s) to establish a partnership to apply for and use these grant funds.

- One LGU partner is eligible to apply on behalf of a partnership, but must verify in the application the applicable letter(s) of intent by the partners for the project.
- The drainage authority involved in an application must have submitted its current Annual Ditch Buffer Strip Report, in accordance with M.S. Section 103E.067.

The primary purpose of activities funded with Clean Water Fund grants is to restore, protect, and enhance water quality. Eligible activities must be consistent with a watershed management plan that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy (WRAPS), surface water intake plan, or well head protection plan. Local governments may include programs and projects in their grant application that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government submitting the grant application and the local government that has adopted the plan. Eligible activities can consist of structural practices and projects, non-structural practices and measures, project support, and grant management and reporting. Reasonable engineering and other technical assistance necessary to implement these activities are considered essential and are to be included in the total project or practice cost. See FY 2016 Clean Water Fund Policy for more detail.

Proposed activities/practices must be conducted on Chapter 103E drainage system(s) or within the watershed of the drainage system. Ranking criteria will award points to projects proposing a combination of eligible activities that increase the overall effectiveness of the implemented practices/activities.

Applications for the Multipurpose Drainage Management Grant Program established with funds appropriated in Laws of Minnesota 2015, 1st Special Session, Chapter 2, Article 2, Section 7(k) will be evaluated based on the following criteria:

Table 2: Multipurpose Drainage Management Ranking Criteria	
Ranking Criteria	Maximum Points Possible
<u>Project Description:</u> The project description succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.	5
<u>Prioritization:</u> The proposal is based on priority protection or restoration actions associated with a "Priority Chapter 103E Drainage System" (as defined in this RFP) and is consistent with a watershed management plan that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy (WRAPS), surface water intake plan, or well head protection plan.	20
<u>Targeting:</u> The proposed project addresses identified critical pollution sources or risks impacting the water resource identified in the application.	20

<u>Measurable Outcomes:</u> The proposed project has a quantifiable reduction in pollution and directly addresses the water quality concern identified in the application.	20
<u>Project Readiness:</u> The application has a set of specific activities that can be implemented soon after grant award.	5
<u>Cost Effectiveness:</u> The application identifies a cost effective solution to address the non-point pollution concern(s).	20
<u>Effective Combination of Practices:</u> Use of a combination of eligible activities that increase the overall effectiveness of the implemented practices/activities.	10
Total Points Available	100



Board Resolution # 15-

**FY 2016 CLEAN WATER FUND COMPETITIVE
MULTIPURPOSE DRAINAGE MANAGEMENT GRANT
PROGRAM
REQUEST FOR PROPOSAL**

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 2015, 1st Special Session, Chapter 2, Article 2, Section 7(k) for technical assistance and grants for the conservation drainage program in consultation with the Drainage Work Group, coordinated under Minnesota Statutes, section 103B.101, subdivision 13, that includes projects to improve multipurpose water management under Minn. Stat. section 103E.015.; and

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

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

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

WHEREAS, applications for the Multipurpose Drainage Management Grant Program established with funds appropriated in Laws of Minnesota 2015, 1st Special Session, Chapter 2, Article 2, Section 7(k) will be evaluated based on the following criteria:

Ranking Criteria

Table 2: Multipurpose Drainage Management Ranking Criteria	
Ranking Criteria	Maximum Points Possible
<u>Project Description</u> : The project description succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.	5

<u>Prioritization:</u> The proposal is based on priority protection or restoration actions associated with a “Priority Chapter 103E Drainage System” (as defined in this RFP) and is consistent with a watershed management plan that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy (WRAPS), surface water intake plan, or well head protection plan.	20
<u>Targeting:</u> The proposed project addresses identified critical pollution sources or risks impacting the water resource identified in the application.	20
<u>Measurable Outcomes:</u> The proposed project has a quantifiable reduction in pollution and directly addresses the water quality concern identified in the application.	20
<u>Project Readiness:</u> The application has a set of specific activities that can be implemented soon after grant award.	5
<u>Cost Effectiveness:</u> The application identifies a cost effective solution to address the non-point pollution concern(s).	20
<u>Effective Combination of Practices:</u> Use of a combination of eligible activities that increase the overall effectiveness of the implemented practices/activities.	10
Total Points Available	100

WHEREAS, the Grants Program and Policy Committee reviewed the Multipurpose Drainage Management Grant Program Request for Proposal developed by staff, on August 10, 2015.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

Authorizes staff to finalize, distribute and promote a Request for Proposal (RFP) for the FY2016 Clean Water Fund Competitive Multipurpose Drainage Management Grant Program consistent with the provisions of appropriations enacted in 2015, Minn. Stat. section 103B.3369, and this Board resolution.

 Brian Napstad, Chair
 Board of Water and Soil Resources

Date: _____

Attachment: FY2016 Clean Water Fund Multipurpose Drainage Management Grant Program Request for Proposal

**FY16 Clean Water Fund
BWSR Multipurpose Drainage Management Grant Program
Background and Summary Information
8-9-15**

Appropriation – 2015 First Special Session, Chapter 2, Article 2, Sec. 7. BWSR

(k) \$750,000 the first year and \$750,000 the second year are for technical assistance and grants for the conservation drainage program in consultation with the Drainage Work Group, coordinated under Minnesota Statutes, section 103B.101, subdivision 13, that includes projects to improve multipurpose water management under Minnesota Statutes, section 103E.015.

Key Program Characteristics

- 1) Include a focus on Section 103E.015 multipurpose water management considerations / practices for Chapter 103E public drainage system repairs and improvements, through partnerships between drainage authorities and SWCDs. Eligible practices include on-field, on-farm and on-drainage system conservation practices within the benefited area, or watershed, of priority Chapter 103E drainage systems, primarily to:
 - a. reduce erosion and sedimentation and associated drainage system maintenance,
 - b. reduce runoff and peak flows,
 - c. improve water quality, and
 - d. maintain or improve drainage system efficiency.
- 2) Provide a means to better enable wetland restorations on, and within the watershed of, public drainage systems that have a primary purpose of drainage water storage and treatment.
 - a. The drainage authority would secure a flowage and conservation easement on behalf of the drainage system. (Existing state and federal wetland restoration programs provide opportunity for storage and treatment, but as secondary purposes.) (Wetland banking programs focus on achieving wetland restorations with broad functions and values and depend on landowner financing.)
- 3) Provide incentives for producers to implement drainage water management practices on new and existing private tile drainage systems that drain to a priority Chapter 103E drainage system.
- 4) The required non-CWF match can be provided by a priority Chapter 103E drainage system, landowners, federal programs, and/or LGUs.

Consultation with the Drainage Work Group, BWSR Clean Water Specialists & Board Conservationists

- 1) A program concept and discussion paper was provided to the DWG for discussion at its meeting on July 9, 2015 to help inform development of the draft RFP.
- 2) The draft RFP was provided to BWSR CWSs and BCs for review in mid-July, updated and then provided to the DWG for review and comment later in July.
- 3) The final draft RFP reflects this coordination and consultation.

Pertinent Chapter 103E Drainage Law and Buffer Law Provisions

- 1) **Section 103E.011 Drainage Authority Powers.**
Subd. 4. Flood control.

The drainage authority may construct necessary dams, structures, and improvements and maintain them to impound and release flood water to prevent damage. The dams, structures, and improvements may be constructed with or without a drainage project. For a water body or watercourse that is not public waters the drainage authority may:

- (1) lower or establish the level of water in the water body or watercourse to control flood waters;
- (2) build structures and improvements to maintain a water body or watercourse for flood control or other public purposes; and
- (3) construct dikes or dams in a water body to maintain water at the level designated by the drainage authority and to drain part of the water body.

Subd. 5. Use of external sources of funding. Notwithstanding other provisions in this chapter, a drainage authority may accept and use funds other than, or in addition to, those derived from assessments based on the benefits of the drainage system for the purposes of wetland preservation or restoration or creation of water quality improvements or flood control. The sources of funding authorized under this subdivision may also be used outside the benefited area but must be within the watershed of the drainage system.

2) **Section 103E.015 Considerations Before Drainage Work is Done.**

Subdivision 1. Environmental, land use, and multipurpose water management criteria. Before establishing a drainage project, the drainage authority must consider each of the following criteria:

- (1) private and public benefits and costs of the proposed drainage project;
- (2) alternative measures, including measures identified in applicable state-approved and locally adopted water management plans, to:
 - (i) conserve, allocate, and use drainage waters for agriculture, stream flow augmentation, or other beneficial uses;
 - (ii) reduce downstream peak flows and flooding;
 - (iii) provide adequate drainage system capacity;
 - (iv) reduce erosion and sedimentation; and
 - (v) protect or improve water quality;
- (3) the present and anticipated land use within the drainage project or system, including compatibility of the project with local land use plans;
- (4) current and potential flooding characteristics of property in the drainage project or system and downstream for 5-, 10-, 25-, and 50-year flood events, including adequacy of the outlet for the drainage project;
- (5) the effects of the proposed drainage project on wetlands;
- (6) the effects of the proposed drainage project on water quality;
- (7) the effects of the proposed drainage project on fish and wildlife resources;
- (8) the effects of the proposed drainage project on shallow groundwater availability, distribution, and use; and
- (9) the overall environmental impact of all the above criteria.

Subd. 1a. Investigating potential use of external sources of funding and technical assistance. When planning a drainage project or a repair under section 103E.715, and prior to making an order on the engineer's preliminary survey report for a drainage project or the engineer's report for a repair, the drainage authority shall investigate the potential use of external sources of funding to facilitate the purposes indicated in section 103E.011, subdivision 5, and alternative measures in subdivision 1, clause (2). This investigation shall include early coordination with applicable soil and water conservation district and county and watershed district water planning authorities about potential external sources of funding and technical assistance for these purposes and alternative measures. The drainage authority may request additional information about potential funding or technical assistance for these purposes and alternative measures from the executive director of the Board of Water and Soil Resources.

Subd. 2. **Determining public utility, benefit, or welfare.** In any proceeding to establish a drainage project, or in the construction or repair of or other work affecting a public drainage system under any law, the drainage authority or other authority having jurisdiction over the proceeding must give proper consideration to conservation of soil, water, wetlands, forests, wild animals, and related natural resources, and to other public interests affected, together with other material matters as provided by law in determining whether the project will be of public utility, benefit, or welfare.

- 3) **Section 103E.021 Ditches must be planted with perennial vegetation. Subd. 6. Incremental implementation of vegetated ditch buffer strips and side inlet controls.** (a) Notwithstanding other provisions of this chapter requiring appointment of viewers and redetermination of benefits and damages, a drainage authority may implement permanent buffer strips of perennial vegetation approved by the drainage authority or side inlet controls, or both, adjacent to a public drainage ditch, where necessary to control erosion and sedimentation, improve water quality, or maintain the efficiency of the drainage system. Preference should be given to planting native species of a local ecotype. The approved perennial vegetation shall not impede future maintenance of the ditch. The permanent strips of perennial vegetation shall be 16-1/2 feet in width measured outward from the top edge of the existing constructed channel. Drainage system rights-of-way for the acreage and additional property required for the permanent strips must be acquired by the authority having jurisdiction.
(b) A project under this subdivision shall be implemented as a repair according to section 103E.705, except that the drainage authority may appoint an engineer to examine the drainage system and prepare an engineer's repair report for the project.
- 4) **Section 103E.701 Repairs. Subd. 6. Wetland restoration and replacement; water quality protection and improvement.** Repair of a drainage system may include the preservation, restoration, or enhancement of wetlands; wetland replacement under section 103G.222; the realignment of a drainage system to prevent drainage of a wetland; and the incorporation of measures to reduce channel erosion and otherwise protect or improve water quality.
- 5) **Section 103E.705 Repair procedure. Subd. 3. Drainage inspection report.** For each drainage system that the board designates and requires the drainage inspector to examine, the drainage inspector shall make a drainage inspection report in writing to the board after examining a drainage system, designating portions that need repair or maintenance of the permanent strips of perennial vegetation and the location and nature of the repair or maintenance. The board shall consider the drainage inspection report at its next meeting and may repair all or any part of the drainage system as provided under this chapter. The permanent strips of perennial vegetation must be maintained in compliance with section 103E.021.
- 6) **Section 103E.227 Impounding, rerouting and diversion of drainage system waters. Subd. 3. Procedure to establish project.**
 - (a) After receiving the petition and bond, if required, the drainage authority must appoint an engineer to investigate the effect of the proposed installation and file a report of findings.
 - (b) After filing of the engineer's report, notice must be given and a public hearing held as provided in section 103E.261.
 - (c) If at the hearing it appears from the engineer's report and other evidence presented that the project will be of a public or private benefit and that it will not impair the utility of the drainage system or deprive affected land owners of its benefit, the drainage authority shall make an order modifying the drainage system, to include the amount, if any, of drainage system funds approved for the project at the discretion of the drainage authority, and issue an order authorizing the project.

Subd. 4. Permits and flowage easements required.

Before installing or constructing the project, the petitioner or drainage authority shall obtain all required permits and all necessary rights-of-way and flowage easements from owners of land to be affected by it.

Subd. 5. Construction, operation, maintenance, and repair responsibilities.

The order of the drainage authority modifying the drainage system must identify the parties responsible for construction, operation, and maintenance of the drainage system modification and the amount, if any, of drainage system funds for the project. If the part of the drainage system located within the project boundaries is in need of repairs, the petitioner's engineer shall estimate the cost at the time of petition of these separable repairs. The drainage authority shall consider the separable repair costs that will be avoided as a result of the petitioned project, as well as any other benefits of the project to the drainage system, when determining whether or how much to contribute to the petitioned project.

7) **Section 103F.48 Riparian protection and water quality practices. (Buffer law)**

Subd. 10. Landowner financial assistance and public drainage system procedure.

- (a) A landowner or drainage authority may contact the soil and water conservation district for information on how to apply for local, state, or federal cost-share grants, contracts, or loans that are available to establish buffers or other water resource protection measures.
- (b) The provisions of sections 103E.011, subdivision 5; 103E.021, subdivision 6; and 103E.715 may be used in advance or retroactively to acquire or provide compensation for all or part of the buffer strip establishment or alternative riparian water quality practices as required under subdivision 3, paragraph (a), within the benefited area of a public drainage system. Implementation of this subdivision is not subject to limitation of project costs to the current benefits adopted for the drainage system.



**FY 2016 CWF
Multipurpose Drainage
Management
Competitive Grants
Request for Proposal
(RFP)**



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RFP General Information

The Clean Water Fund was established in Minnesota Statutes Section 114D.50 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 in addition to protecting ground water and drinking water sources from degradation. These funds must supplement traditional sources of funding and may not be used as a substitute to fund activities or programs.

The appropriation language governing the use of these funds is in Laws of Minnesota 2015, First Special Session, Chapter 2, Article 2, Sec. 7(k).

Table 1: FY 2016 Multipurpose Drainage Management Grant Funding Available

Agency Fund	Funding Amount	Governmental Units Eligible for Funding	Required Match
BWSR Multipurpose Drainage Management	\$675,000	Partnership of a Chapter 103E Drainage Authority ¹ and Soil and Water Conservation District(s)	25%

¹County, Joint County Board, or Watershed District

Application Guidelines

- Proposals should demonstrate significant, measurable project outputs and outcomes targeted to critical pollution source areas that will help achieve water quality objectives for the water resource of concern; consistent with a watershed management plan that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy (WRAPS), surface water intake plan, or well head protection plan.
- As appropriate, proposals should include scientifically credible estimates of pollutant reductions expected as a result of the project, as well as other measures such as acres of wetlands restored, acres treated by stormwater BMPs, or acres of specific agricultural conservation practices implemented, including acres

treated by the installation of the practice. Unrealistic pollution reduction estimates will not be considered.

- Proposals submitted under the Clean Water Fund must request state funds that equal or exceed \$30,000 for each grant. Applications submitted that do not meet this minimum dollar amount will not be accepted. Actual awards may be less than this minimum when applications receive partial funding.
- Conservation drainage and multipurpose drainage management practices must be of long-lasting public benefit. LGUs must provide assurances that the drainage authority, landowner(s) or land occupier(s) will keep the project in place for the expected life of the project. Such assurances may include applicable drainage system proceedings, easements, enforceable contracts, and termination or performance penalties.
- Practices must be designed and maintained for a minimum effective life of 10 years, except that flowage and conservation easements must be perpetual.
- Effective life is the length of time that a project or practice provides the anticipated environmental benefits for which it was designed and the minimum length of time that it is intended to remain in place. Periodic routine maintenance activities may be required to preserve treatment capacity for the life of the project or practice. Information defining expected life not provided in the application must be defined in the work plan.

Proposals must have plans for long-term maintenance and inspection monitoring for the duration of the project's effective life. Work plans developed for funded applications will rely on this information for operation, maintenance and inspection requirements.

- Drinking Water Supply Management Area maps (DWSMA), Wellhead Protection Area maps (WHPA), Emergency Response Area maps (ERA), Surface Water Protection Areas, and vulnerability information can be found at: <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>
- Applications must be submitted via eLINK. Eligible applicants without a current eLINK user account must submit a request to establish an eLINK account no later than 7 days prior to the application deadline. As part of the application, eLINK will require applicants to map the location of the proposed project area.
- Proposals may include one image file (.jpg, .tiff, .png) as an application image within eLINK. General attachments will not show up as a part of the application report in eLINK.
- Applications may receive partial funding for the following reasons: 1) an absence of or limited identification of specific project locations; 2) budgeted items that were not discussed in the application or have no connection to the central purpose of the application were included by an applicant; 3) to address budget categories out of balance with the project scope and; 4) insufficient funds remaining in a grant category to fully fund a project. Prior to final selection, the Board may engage applicants to resolve questions or to discuss modifications to the project or funding request.
- Proposals from applicants that were previously awarded Clean Water Funds will be considered during the review process for applications submitted in response to this RFP. However, applicants that have expended less than 50% of previous award(s) at the time of this application will need to demonstrate organizational capacity to finalize current projects and complete new projects concurrently.

Project Period

The project period starts when the grant agreement is executed, meaning all required signatures have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds and cannot be used as match. All grants must be completed by December 31, 2018.

If a project receives federal funds, the period of the grant agreement may be extended to equal the length of time that the federal funds are available, subject to limitation. Applicants using federal funds are encouraged to contact BWSR soon after award of funds to ensure the grant agreement can be developed appropriately.

Payment Schedule

Grant payments will be distributed in three installments to the grantee. The first payment of 50% of the grant amount will be paid after work plan approval and execution of the grant agreement provided the grant applicant is in compliance with all BWSR website and eLINK reporting requirements for previously awarded BWSR grants. The second payment of 40% of the grant amount will be paid once the grantee has provided BWSR with notification and BWSR has reconciled expenditures of the initial payment. The last 10% will be paid after all final reporting requirements are met, the grantee has provided BWSR with a final financial report, and BWSR has reconciled these expenditures.

Permitting

If applicable, successful applicants will be required to provide sufficient documentation that the project expects to receive or has received all necessary federal, state and local permits and meets all water quality rules, including those that apply to the utilization of an existing water body as a water quality treatment device. Applicants are encouraged to contact the appropriate regulatory agencies early in the application development process to ensure potential projects can meet all applicable regulatory requirements.

Native Vegetation

Vegetative practices must follow the Native Vegetation Establishment and Enhancement Guidelines found at: http://www.bwsr.state.mn.us/native_vegetation/seeding_guidelines.pdf

Minnesota 2013 Session Laws, Chapter 114, Article 4, Section 12 (b) requires that any prairie planting conducted with state funding include an appropriate diversity of native species selected to provide habitat for pollinators throughout the growing season. For information regarding pollinators, see:

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

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

Incomplete Applications

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

- Components of the application are incomplete or missing, including information on pollution reduction estimates where applicable;
- Any required documentation is missing;
- The match amount does not meet grant requirements; or
- The minimum grant dollar amount is not met.

CWF Project Reporting Requirements

- All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. Outputs will serve as surrogates for outcomes and will be reported as estimated pollutant reductions and progress toward goal based on the best available information.
- All BWSR funded projects will be required to develop a work plan and budget, including detail relating to the outcome(s) of the proposed project. All activities will be reported via the eLINK reporting system. Grant funds may be used for local grant management and reporting that are directly related to and

necessary for implementing this activity. For more information go to:
<http://www.bwsr.state.mn.us/outreach/eLINK/index.html>.

- BWSR Clean Water Funds will be administered via a standard grant agreement. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.
- When practicable, grant recipients shall prominently display on their website the legacy logo. Grant recipients must display on their website either a link to their project from the Legislative Coordinating Commission Legacy Site(<http://legacy.leg.mn>) or a clean water project summary that includes a description of the grant activities, including expenditure of grant funds and measurable outcomes (<http://www.bwsr.state.mn.us/cleanwaterfund/stories/>).
- When practicable, grant recipients must display a sign with the Legacy Logo at the project site or other public location identifying the project was built with assistance from Clean Water, Land and Legacy Amendment. When practicable, grant recipients must display the Legacy Logo on printed and other media funded with money from the Clean Water Fund. The logo and specifications can be found at: <http://www.legacy.leg.mn/legacy-logo>.

Grants and Public Information

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

Prevailing Wage

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

Conflict of Interest

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

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

Minimum Browser Requirements

The applicant must use Microsoft (MS) Internet Explorer 9 and above or Mozilla Firefox.

Questions

This RFP and the 2016 Clean Water Fund Competitive Grants Policy adopted by the BWSR provide the framework for funding and administration of the 2016 Clean Water Fund Competitive Grant Programs (www.bwsr.state.mn.us/grants/apply/index.html).

Questions regarding grant applications should be directed to your area Board Conservationist or Clean Water Specialist. A map of work areas and contact information is available at: www.bwsr.state.mn.us/contact/BC_areas.pdf. Questions may also be submitted by email to Tim Gillette, BWSR Conservation Drainage Engineer at: tim.gillette@state.mn.us. Responses will be posted on the BWSR website weekly.

DRAFT

BWSR Multipurpose Drainage Management Grants

Program Purpose

The purpose of this program is to facilitate multipurpose drainage management practices to reduce erosion and sedimentation, reduce peak flows and flooding, and improve water quality, while protecting drainage system efficiency and reducing drainage system maintenance for priority Chapter 103E drainage systems. Practices include eligible on-field, on-farm, and on-drainage system practices within the benefited area or the watershed of a priority Chapter 103E drainage system.

These grants can be an "external source of funds" for water quality improvements, wetland restoration or flood control purposes, in accordance with: 1) Section 103E.011, Subd. 5. *Use of external sources of funding*; 2) the multipurpose water management provisions in Section 103E.015 *Considerations before drainage work is done*; and/or; 3) to implement the side inlet control provisions of Section 103E.021, Subd. 6. *Incremental implementation of vegetated ditch buffer strips and side inlet controls*.

Applicant Eligibility

LGUs are eligible to receive grant funds if they are working under a current (as defined in the FY 2016 Clean Water Fund Competitive Grant Policy) water management plan that has been **state approved and locally adopted by October 1, 2015**. This grant program requires a Chapter 103E drainage authority (County, Joint County Board, or Watershed District) and Soil and Water Conservation District(s) to establish a partnership to apply for and use these grant funds.

- One LGU partner is eligible to apply on behalf of a partnership, but must verify in the application applicable letter(s) of intent by the partners for the project.
- The drainage authority involved in an application must have submitted its current Annual Ditch Buffer Strip Report, in accordance with Section 103E.067.

Priority Chapter 103E Drainage System

A "Priority Chapter 103E Drainage System" is one that has priority sediment and/or water quality concerns documented in an analysis, study, strategy, plan, or engineer's repair report, or in an engineer's preliminary survey report for a drainage system improvement project.

Eligible Activities

The primary purpose of activities funded with Clean Water Fund grants is to restore, protect, and enhance water quality. Eligible activities must be consistent with a watershed management plan that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy (WRAPS), surface water intake plan, or well head protection plan. Local governments may include programs and projects in their grant application that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government submitting the grant application and the local government that has adopted the plan. Eligible activities can consist of structural practices and projects, non-structural practices and measures, project support, and grant management and reporting. Reasonable engineering and other technical assistance necessary to implement these activities are considered essential and are to be included in the total project or practice cost. See FY 2016 Clean Water Fund Policy for more detail.

Proposed activities/practices must be conducted on Chapter 103E drainage system(s) or within the watershed of the drainage system. Ranking criteria will award points to projects proposing a combination of eligible activities that increase the overall effectiveness of the implemented practices/activities. Following is a list of eligible conservation practices and activities.

1. NRCS Conservation Practice (CP) Code 410 *Grade Stabilization Structure, Side Inlet*: Along existing priority Chapter 103E and tributary drainage ditches to reduce erosion and provide temporary detention to trap sediment and nutrients, reduce peak flows, improve water quality and maintain the efficiency of the drainage system, in accordance with Sec. 103E.021 Subd. 6, as applicable. Drop inlet type side inlets with temporary detention are preferred.
2. NRCS CP Code 412 *Grassed Waterway*: To convey concentrated runoff without causing erosion or flooding, prevent or reduce gully erosion, and improve water quality.
3. NRCS CP Code 638 *Water and Sediment Control Basin*: To prevent or reduce gully erosion, trap sediment and nutrients, reduce and manage onsite and downstream runoff, improve downstream water quality, and improve farmability of sloping land.
4. *Open tile inlet replacement*: Replacement of existing open tile inlets with water quality improvement inlets (e.g. perforated riser, dense pattern tile, or gravel inlet) in accordance with NRCS CP Code 606 *Subsurface Drain*, as applicable, to reduce sediment entering a Chapter 103E drainage system via subsurface drainage tile.
5. *Perpetual flowage and conservation easement* held by the Chapter 103E drainage authority on behalf of the drainage system and approved by the Board of Water and Soil Resources (BWSR) for entire contiguous storage and treatment wetland restoration(s) on, or within the watershed of, a Chapter 103E drainage system. Total payment rates (CWF and match) shall not exceed Reinvest in Minnesota (RIM) rates. The perpetual flowage and conservation easement must include an upland buffer of perennial native vegetation around the wetland area having a minimum width of 30 feet and average width of 50 feet, except where the wetland boundary is adjacent to a road right-of-way or property boundary, as approved by BWSR. The maximum upland buffer to increase multipurpose benefits or square off the easement area is limited to a 1:1 upland to wetland area ratio for each wetland, as approved by BWSR. Payable non-cropland buffer acres are limited to 20% of the total buffer acres.
6. NRCS Conservation Activity Plan (CAP) 130 *Drainage Water Management Plan*: To reduce and treat nutrient loss and improve downstream water quality. The CAP 130 can include controlled subsurface drainage, denitrifying bioreactor, vegetated subsurface drain outlet (aka saturated buffer), and nutrient management components. The plan must be developed by a Technical Service Provider (TSP) certified in the NRCS TechReg for CAP 130.
7. NRCS CP Code 587 *Structure for Water Control*: For use on existing or new tile drainage systems to improve downstream water quality by managing tile water levels using controlled subsurface drainage to reduce tile flow and nutrient transport, in accordance with an associated CAP 130.
8. NRCS CP Code 554 *Drainage Water Management, Implementation/Operation*: A CAP 130 is required. For areas where controlled subsurface drainage structures have been installed to manage water levels, \$6.63 per acre per year for the first three (3) years of implementation / operation, up to a maximum of 300 acres per cooperator.
9. NRCS CP Code 739 *Vegetated Subsurface Drain Outlet* (aka Saturated Buffer): For existing or new tile drainage systems to improve downstream water quality primarily by reducing the nitrate content of subsurface drainage water.
10. NRCS CP Code 747 *Denitrifying Bioreactor*: For existing or new tile drainage systems to improve downstream water quality primarily by reducing the nitrate content of subsurface drainage water.
11. NRCS Conservation Activity Plan (CAP) 104 *Nutrient Management Plan*: For fields where controlled subsurface drainage, saturated buffer(s) and/or denitrifying bioreactor(s) are planned. Plan must be developed by a TSP certified in the NRCS TechReg for CAP 104.
12. NRCS CP 590 *Nutrient Management*: For fields where controlled subsurface drainage, denitrifying bioreactor, saturated buffer, and/or replacement of existing open tile inlet(s) are implemented. A CAP 104 is required. Nutrient management plan implementation for the first three (3) years at \$8.17 per acre per year for CAP 104 acres without manure and \$11.73 per acre per year for CAP 104 acres with manure, up to a maximum of 300 acres per cooperator.

Ineligible Activities

- Tile, except for additional tile required to make eligible tile drainage water management practices function and dense pattern tile to replace existing open tile inlet(s);
- Ditching not associated with a storage and treatment wetland restoration;
- Bridges or culverts through roads;
- Water quality monitoring;
- Buffers that are required by law and incremental buffers under Section 103E.021, Subd. 6.

Match

- All BWSR CWF grants require a minimum non-state match equal to at least 25% of the amount of Clean Water Funds requested and/or received. The match must be cash or in-kind cash value of goods, materials, and services directly attributed to project accomplishments.
- Match may be provided by a combination of sources including, but not limited to, federal grant funds, the applicable Chapter 103E drainage system, cooperating landowners, or LGU(s).

Ranking Criteria

Ranking Criteria	Maximum Points Possible
<u>Project Description:</u> The project description succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.	5
<u>Prioritization:</u> The proposal is based on priority protection or restoration actions associated with a "Priority Chapter 103E Drainage System" (as defined in this RFP) and is consistent with a watershed management plan that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy (WRAPS), surface water intake plan, or well head protection plan.	20
<u>Targeting:</u> The proposed project addresses identified critical pollution sources or risks impacting the water resource identified in the application.	20
<u>Measurable Outcomes:</u> The proposed project has a quantifiable reduction in pollution and directly addresses the water quality concern identified in the application.	20
<u>Project Readiness:</u> The application has a set of specific activities that can be implemented soon after grant award.	5
<u>Cost Effectiveness:</u> The application identifies a cost effective solution to address the non-point pollution concern(s).	20
<u>Effective Combination of Practices:</u> Use of a combination of eligible activities that increase the overall effectiveness of the implemented practices/activities.	10
Total Points Available	100

Application Deadline and Grant Timeline

Eligible applicants without a current eLINK user account must submit a request to establish an eLINK account no later than 7 days prior to the application deadline.

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

- August 31, 2015 Application period begins
- October 30, 2015 Application deadline at 4:30 PM*
- December 16, 2015 BWSR Board authorizes grant awards (proposed)
- January 2016 BWSR grant agreements sent to recipients
- February 19, 2016 Work plan submittal deadline
- March 18, 2016 Grant execution deadline

*The application must be submitted by 4:30 PM. Late responses will not be considered. The burden of proving timely receipt is upon the grant applicant.

DRAFT



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Reallocation of FY 2013 Targeted Drainage Water Management Grant Funds¹

Meeting Date: August 27, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Office - Technical Services

Contact: Tim Gillette

Prepared by: Tim Gillette

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Tim Gillette

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
 - General Fund Budget
 - Capital Budget
 - Outdoor Heritage Fund Budget
 - Clean Water Fund Budget
- Other: Amended resolution for grant reallocation requested

ACTION REQUESTED

Amend BWSR Board resolution approved in June 2012 allocating Targeted Drainage Water Management grants and amended in December 2012, to reallocate grant funds returned from the Buffalo Red River Watershed District and the Two Rivers Watershed District to the Wilkin and Traverse Soil and Water Conservation Districts.

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

The 2012 Legislature appropriated an additional \$700,000 for the CWF Conservation Drainage Program for FY 2013, with a focus on drainage water management. The Board approved FY 2013 Targeted Drainage Water Management Grants (TDWVG) to 7 local government units in June 2012. In December 2012 the Board reallocated \$170,000 in grant monies declined by the Board of Managers of the Bois de Sioux WD to the Traverse and Wilkin SWCDs.

The Buffalo Red River Watershed District (BRRWD) FY13 Drainage Water Management grant final report indicates that they have spent only \$4,663.48 of their \$70,000 grant. They have released \$65,336.52 back to BWSR. The Two Rivers Watershed District (TRWD) was unable to use any of its \$30,000 Targeted grant and has released it back to BWSR.

Both the BRRWD and TRWD are located in the Red River of the North Basin (RRB). Since the Wilkin and Traverse Soil and Water Conservation Districts are also located in the RRB, have been able to spend their targeted grant funds, and have indicated to BWSR that they have a desire and the capacity to use any additional funds allocated to them, BWSR staff would propose to reallocate a total of \$95,336.52 to them with a grant end date of March 18, 2018 via an amended grant agreement.



Board Resolution # _____

BWSR Targeted Drainage Water Management Grants

WHEREAS, the BWSR Board passed Resolution 12-55 on June 27, 2012 specifying the recipients of the FY 2013 BWSR Targeted Drainage Water Management (DWM) Grants and subsequently amended that resolution on December 12, 2012 with Resolution #12-114 to reallocate funds from the Bois De Sioux WD to the Wilkin and Traverse Soil and Water Conservation Districts, and

WHEREAS, by resolution of the Board of Managers the Buffalo Red River Watershed District returned \$65,336.52 of Targeted Drainage Water Management Grant funds, and

WHEREAS, by resolution of the Board of Managers the Two Rivers Watershed District returned \$30,000.00 of Targeted Drainage Water Management Grant funds, and

WHEREAS, the Buffalo Red River Watershed District and the Two Rivers Watershed District are in the Red River Basin, and

WHEREAS, the Wilkin and Traverse Soil and Water Conservation Districts are in the Red River Basin, and

WHEREAS, the Wilkin and Traverse Soil and Water Conservation Districts will have spent their previously granted Targeted Drainage Water Management Grant funds by December 31, 2015, and

WHEREAS, the Wilkin and Traverse Soil and Water Conservation Districts have indicated a desire and the capacity to spend additional Targeted Drainage Water Management Grant funds allocated to them.

NOW THEREFORE, the Board hereby resolves to direct BWSR staff to reallocate \$95,336.52 of BWSR Targeted Drainage Water Management Grant funds to the Wilkin and Traverse Soil and Water Conservation Districts.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: _____



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Grey Cloud Slough Restoration Grant

Meeting Date: August 27, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region

Contact: Brad Wozney

Prepared by: Brad Wozney

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Jim Haertel

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of a grant to Washington County from the FY2016 Clean Water Fund for the Grey Cloud Slough Restoration project

LINKS TO ADDITIONAL INFORMATION

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

The 2015 Legislature has appropriated a \$520,000 grant from the FY2016 Clean Water Fund to Washington County for the Grey Cloud Slough Restoration project. The project will improve water quality and restore an essential backwater aquatic area by reconnecting Grey Cloud Slough to the main channel of the Mississippi River. The Grants Program and Policy Committee is recommending the Board award the grant to Washington County.



Board Resolution #15-_____

Grey Cloud Slough Restoration Grant

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 2015, First Special Session, Chapter 2, Section 7 (p), for "a grant to Washington County for a water quality improvement project that will improve water quality and restore an essential backwater aquatic area by reconnecting Grey Cloud Slough to the main channel of the Mississippi River Area"; and,

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

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

WHEREAS, Washington County will commit the required \$520,000 or greater amount of match; and,

WHEREAS, Washington County will develop a Board approved workplan for this water quality improvement project; and,

WHEREAS, on August 10, 2015, the Grants Program and Policy Committee recommended approval of the allocation of \$520,000 of the FY2016 Clean Water Fund to Washington County pending workplan approval and grant agreement execution.

NOW THEREFORE, the Board hereby resolves to direct BWSR staff to allocate \$520,000 of the BWSR FY2016 Clean Water Fund to Washington County consistent with the provisions of appropriations enacted in 2015, Minn. Stat. 103B.3369 and this Board resolution.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: _____



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY 2016 Buffer Law & MN Agricultural Water Quality Certification Funding Allocations

Meeting Date: August 27, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: _____

Contact: Doug Thomas/Jim Haertel

Prepared by: Doug Thomas

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Jim Haertel

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 non-competitive grant allocations that have been developed to support SWCD implementation of new buffer law and the MN agricultural water quality certification program. Authorize staff to finalize, distribute and promote a SWCD request for funding to implement the FY 2016 Buffer Law and MN Agricultural Water Quality Certification program consistent with the provisions of appropriations enacted in 2015, Minn. Stat. 103B.3369, and Board resolution. Authorize staff to execute grant agreements with individual SWCDs after receipt and approval of requests for funding not to exceed grant allocation amounts approved by the Board.

LINKS TO ADDITIONAL INFORMATION

- Draft Board Resolution (attached)
- MN Agricultural Water Quality Certification Program- SWCD Funding Allocations 8-10-15 (attached)
- Proposed SWCD Buffer Implementation Funding Formula & Allocation 8-11-15 (attached)

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

Laws of 2015 included new state policy for required buffers on public waters and public drainage systems and amendments to the State’s existing soil loss limits law which eliminated enforcement of it to only counties with a local soil loss limits ordinance. The 2015 legislature also appropriated clean water funds to BWSR to support local implementation of the new buffer law and to the MDA to implement the MN agricultural water quality improvement program state-wide.

As a result of the new law and appropriations to support local implementation of the two activities, agency executives directed staff to develop a non-competitive formula based mechanism to allocate funds in FY 2016 to SWCDs. This resulted in a proposed funding allocation that was presented to the Grants Program and Policy Committee on August 10, 2016. The Grants Program and Policy Committee voted to recommend approval of the attached Board Resolution to 1) approve the non-competitive grant allocations that have been developed to support SWCD implementation of new buffer law and the MN agricultural water quality certification program, 2) not require a local match, 3) will be awarded as an up front lump sum payment, 4) only require annual and final eLINK reporting, 5) authorize staff to finalize, distribute and promote a SWCD request for funding to implement the FY 2016 Buffer Law and MN Agricultural Water Quality Certification program and 6) authorize staff to execute grant agreements with individual SWCDs after receipt and approval of requests for funding not to exceed grant allocation amounts approved by the Board.



Board Resolution # 15-

**FY 2016 CLEAN WATER FUND NON-COMPETITIVE
GRANTS TO SWCDs FOR BUFFER LAW AND AGRICULTURAL WATER
QUALITY CERTIFICATION PROGRAM IMPLEMENTATION**

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

WHEREAS, Clean Water Funds have been appropriated to BWSR in Laws of Minnesota 2015, 1st Special Session, Chapter 2, Article 2, Section 7(d) for grants to local units of government to enhance compliance with riparian buffer or alternative practice requirements; and

WHEREAS, Clean Water Funds have been appropriated to MDA in Laws of Minnesota 2015, 1st Special Session, Chapter 2, Article 2, Section 3(g) to implement the Minnesota agricultural water quality certification program statewide; and

WHEREAS, the Board has authority under M. S. section 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, MDA and BWSR have the authority to enter into interagency agreement to facilitate implementation of their respective authorities; and

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

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

WHEREAS, requests for Buffer Implementation and MN Agricultural Water Quality Certification Program implementation with funds appropriated in Laws of Minnesota 2015, 1st Special Session, Chapter 2, Article 2, Section 7(d), and Section 3(g) will be awarded on a non-competitive formula basis; and

WHEREAS, the Grants Program and Policy Committee reviewed the proposed non-competitive Buffer Law and MN Agricultural Water Quality Certification grant allocations and proposed Board resolution developed by staff, on August 10, 2015.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

Establishes the following Buffer Implementation and MN Agricultural Water Quality Certification Program implementation allocations as follows:

FY 2016 SWCD MN Agricultural Water Quality Certification Program Funding Allocations

Group 1 - \$2,000 grant allocation (Ramsey, South St. Louis, North St. Louis, Lake and Cook)

Group 2 - \$4,000 grant allocation (Carlton, Pine, Kanabec, Mille Lacs, Aitkin, Crow Wing, Cass, Hubbard, Itasca, Clearwater, Beltrami, Koochiching, Lake of the Woods)

Group 3 - \$6,000 grant allocation (covers remaining 72 SWCDs)

FY 2016 SWCD Buffer Implementation Funding Allocations

Category 1 - \$3,000 (Lake, Cook and Ramsey)

Category 2 - \$5,000 (South St. Louis, Koochiching, Itasca, North St. Louis and Carlton)

Category 3 - \$10,000 (Anoka, Hennepin, Aitkin, Hubbard, Crow Wing, Scott, Cass, Kanabec, Washington, Lake of the Woods, Mille Lacs, Pine, Sherburne, Isanti, Chisago and Wadena)

Category 4 - \$20,000 (Clearwater, Benton, Carver, Beltrami, Wright, Mahnommen, Root River, Winona, Rice, McLeod, Dakota, Todd, Douglas, Nicollet, Wabasha, Waseca and Red Lake)

Category 5 - \$25,000 (Morrison, Steele, Dodge, Big Stone, Pipestone, Meeker, Watonwan, Le Sueur, Becker, East Otter Tail, Olmsted, Rock, Sibley, Pope, Lincoln, Grant, Pennington, West Otter Tail, East Polk and Goodhue)

Category 6 – \$30,000 (Chippewa, Traverse, Stevens, Brown, Jackson, Kandiyohi, Freeborn, Fillmore, Swift, Cottonwood, Mower, Lyon, Blue Earth, Faribault, Lac Qui Parle and Murray)

Category 7 - \$35,000 (Nobles, Martin, Yellow Medicine, Wilkin, Roseau, Clay, Stearns, Kittson, Redwood and Norman)

Category 8 - \$45,000 (Renville, West Polk and Marshall)

BE IT FURTHER RESOLVED, the Board hereby:

Approves the non-competitive grant allocations as described in this resolution, and;

BE IT FURTHER RESOLVED, the Board hereby:

Establishes that grants awarded pursuant to this resolution will conform to the BWSR FY 2016 Clean Water Fund Competitive Grants Policy except that 1) no match will be required, 2) grants will be awarded as a lump sum up-front payment, and 3) only annual and final eLINK reporting will be required; and

BE IT FURTHER RESOLVED, the Board hereby:

Authorizes staff to finalize, distribute and promote a SWCD request for funding to implement the FY2016 Buffer Law and MN Agricultural Water Quality Certification program consistent with the provisions of appropriations enacted in 2015, Minn. Stat. 103B.3369, and this Board resolution; and

BE IT FURTHER RESOLVED, the Board hereby:

Authorizes staff to execute grant agreements with individual SWCDs after receipt and approval of a request for funding not to exceed grant allocation amounts identified in this resolution.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: _____

Attachments: MN Agricultural Water Quality Certification Program- SWCD Funding
Allocations 8-10-15
Proposed SWCD Buffer Implementation Funding Formula & Allocation 8-11-15

Proposed SWCD Buffer Implementation Funding Formula & Allocation 8-11- 2015

2015 Clean Water Fund appropriations to BWSR included \$2.5 million per year for purposes of supporting local government implementation of the new buffer initiative. This allocation is designed to make year one funds available on a non-competitive formula based basis to SWCDs to support local implementation of the buffer initiative.

Data sources used:

- 2014 reported planted acres by SWCD in Minnesota - USDA Farm Service Agency
- Minnesota Land Use Land Cover Inventory
- Minnesota Land Ownership Layer
- Minnesota DNR Hydrography Data Set

Available Funding: \$2.5 million/year (\$ 2 million to SWCDs & \$500,000 BWSR/DNR). Second year funding may change. Grants will be awarded as lump-sum payments to SWCD’s after BWSR approval of request and receipt of signed grant agreement.

Reporting Requirements: Each SWCD will be required to prepare an eLINK report (similar to requirement for conservation delivery grants) by February 1, 2017.

Allocation Methodology

SWCDs were split into 8 categories based on 2014 reported planted acres (USDA – FSA). This data set was compared to a GIS analysis of total miles of streams, ditches, altered water courses, and landuse/land cover to see if there was good correlation between planted acres and total miles of streams within lands classified as cultivated. Based on a positive correlation the proposed allocation is based on 2014 reported planted acres. The 8 categories were established using break points based on acres planted as a surrogate for potential workload.

Category 1 =	3 SWCDs	@ \$3,000/yr	= \$9,000
Category 2 =	5 SWCDs	@ \$5,000/yr.	= \$25,000
Category 3 =	16 SWCDs	@ \$10,000/yr.	= \$160,000
Category 4 =	17 SWCDs	@ \$20,000/yr.	= \$340,000
Category 5 =	20 SWCDs	@ \$25,000/yr.	= \$500,000
Category 6 =	16 SWCDs	@ \$30,000/yr.	= \$480,000
Category 7 =	10 SWCDs	@ \$35,000/yr.	= \$350,000
Category 8 =	3 SWCDs	@ \$45,000/yr.	= \$135,000

* (see table on page 3 for SWCD names by category)

		\$1,999,000/yr. one
BWSR/DNR costs		+ \$ 501,000
Total	-----	\$2,500,000

Rationale:

Rationale is that the buffer initiative is fundamentally directed to addressing those areas where cultivation is occurring next to a public waters or ditches.

Other Assumptions/Eligible Activities

- This allocation is intended to be year one start up and that funding formulas and/or allocations, and recipients may change in year two.
- Each SWCD would be required to coordinate with county shoreland and drainage system authorities on needed activities to implement buffer law requirements is year 1.

SWCD roles in buffer/soil erosion law eligible for funding

- Meeting/s with county and drainage authority (county or watershed district) to discuss year ne implementation roles and responsibilities.
- Pass through funding to counties and/or drainage authority to support local implementation.
- Assistance to collect and provide drainage system benefitted area maps, files, and/or GIS files to DNR to support mapping.
- Landowner outreach and information .(2015 – ongoing)
- Provide technical and financial assistance to landowners, e.g., seed cost-share, drill loan, etc.. (2015 - ongoing)
- Purchase of equipment to support implementation, such as grass drill. (2015 – ongoing)
- Provide alternative practice validations, if requested, where the prescribed buffer may not be the right the water quality practice for a site. (2015 - ongoing)
- Review DNR maps and landowner outreach prior to finalization. (late 2015 - early 2016)
- Adopt buffer recommendations for waters not mapped by DNR for inclusion in local water management plans. (July 2016 - June 2017; then get into LWPs 2018 and beyond)
- Implement the now statewide excessive soil erosion provisions that protect downstream waters and property owners from negligent or absent soil and water conservation management practices. (2015 - ongoing)
- Inventory of baseline conditions. (2015 - 2016)

**FY 2016 SWCD Buffer Implementation Funding Allocations by Category
8-11-15**

(Total Allocation = \$1,999,000)

1	2	3	4	5	6	7	8
\$3,000	\$5,000	\$10,000	\$20,000	\$25,000	\$30,000	\$35,000	\$45,000
Lake	South St. Louis	Anoka	Clearwater	Morrison	Chippewa	Nobles	Renville
Cook	Koochiching	Hennepin	Benton	Steele	Traverse	Martin	West Polk
Ramsey	Itasca	Aitkin	Carver	Dodge	Stevens	Yellow Medicine	Marshall
	North St. Louis	Hubbard	Beltrami	Big Stone	Brown	Wilkin	
	Carlton	Crow Wing	Wright	Pipestone	Jackson	Roseau	
		Scott	Mahnomen	Meeker	Kandiyohi	Clay	
		Cass	Root River	Watonwan	Freeborn	Stearns	
		Kanabec	Winona	Le Sueur	Fillmore	Kittson	
		Washington	Rice	Becker	Swift	Redwood	
		Lake of the Woods	McLeod	East Otter Tail	Cottonwood	Norman	
		Mille Lacs	Dakota	Olmsted	Mower		
		Pine	Todd	Rock	Lyon		
		Sherburne	Douglas	Sibley	Blue Earth		
		Isanti	Nicollet	Pope	Faribault		
		Chisago	Wabasha	Lincoln	Lac Qui Parle		
		Wadena	Waseca	Grant	Murray		
			Red Lake	Pennington			
				West Otter Tail			
				East Polk			
				Goodhue			

FY 2016 SWCD Buffer Implementation Funding Allocations by Category

8-8-15

(Total Allocation = \$1,996,000)

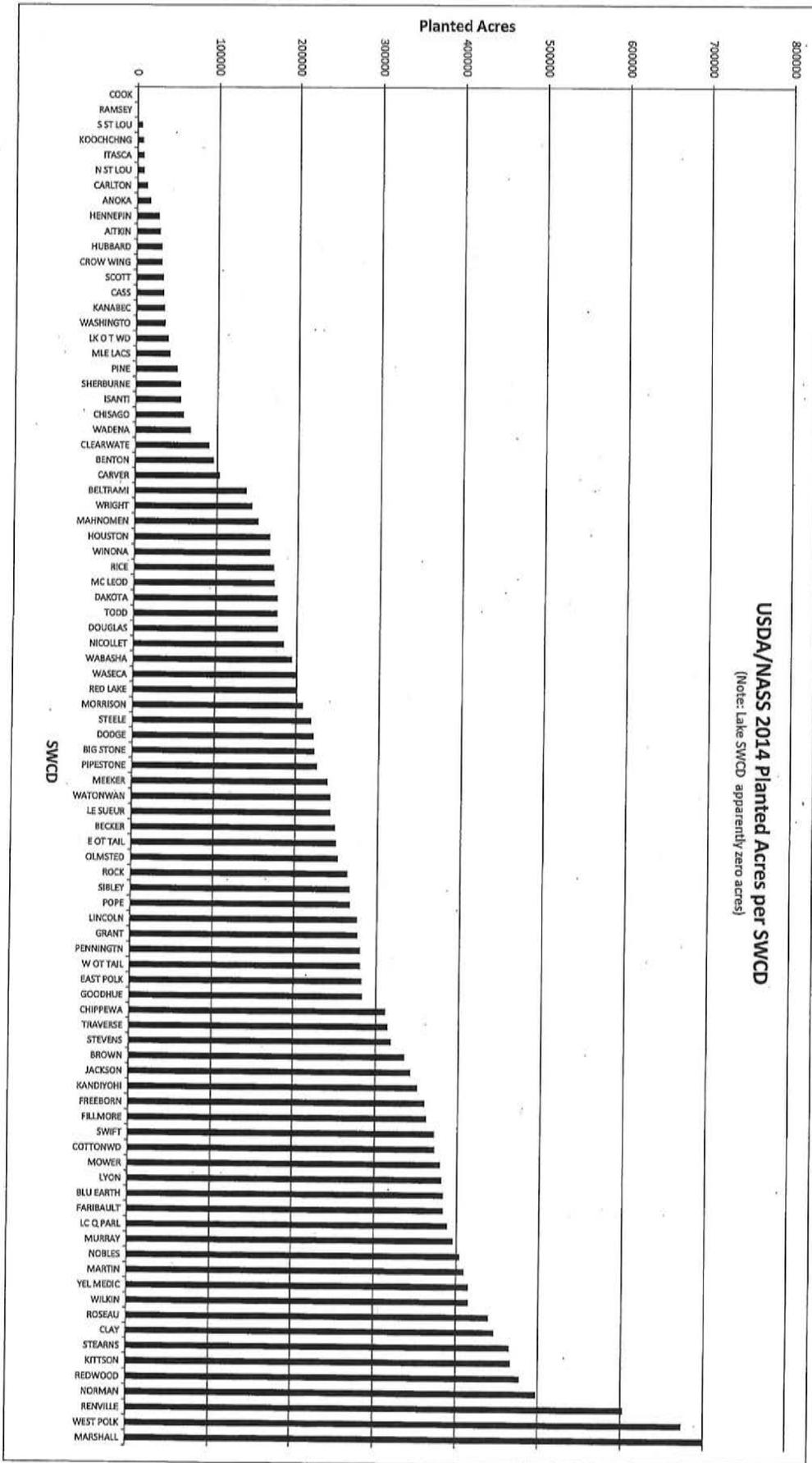
1	2	3	4	5	6	7	8
\$2,000	\$5,000	\$10,000	\$20,000	\$25,000	\$30,000	\$35,000	\$45,000
Lake	South St. Louis	Anoka	Clearwater	Morrison	Chippewa	Nobles	Renville
Cook	Koochiching	Hennepin	Benton	Steele	Payse	Martin	West Polk
Ramsey	Itasca	Aitkin	Carver	Dodge	Stearns	Yellow Medicine	Marshall
	North St. Louis	Hubbard	Beltrami	St. Louis	Browns	Wilkin	
	Carlton	Crow Wing	Becker	Pipestone	Jackson	Roseau	
		Scott	Mahnomen	Meehan	Kandiyohi	Clay	
		Cass	Root River	Watonwan	Freeborn	Stearns	
		Kanabos	Winona	Isanti	Fillmore	Kittson	
		Washington	Rice	Becker	Swift	Redwood	
		Lake of the Woods	McLeod	East Otter Tail	Cottonwood	Norman	
		Mille Lacs	St. Louis	Olmsted	Mower		
		Wadena	Todd	Rock	Lyon		
		Sherburne	Douglas	Sibley	Blue Earth		
		Isanti	Nemadji	Pope	Faribault		
		Chisago	Wabasha	Lincoln	Lac Qui Parle		
		Wadena	Waseca	Grant	Murray		
			Red Lake	Pennington			
				West Otter Tail			
				East Polk			
				Goodhue			

FY 2016 SWCD Buffer Implementation Funding Allocations by Category

8-7-15

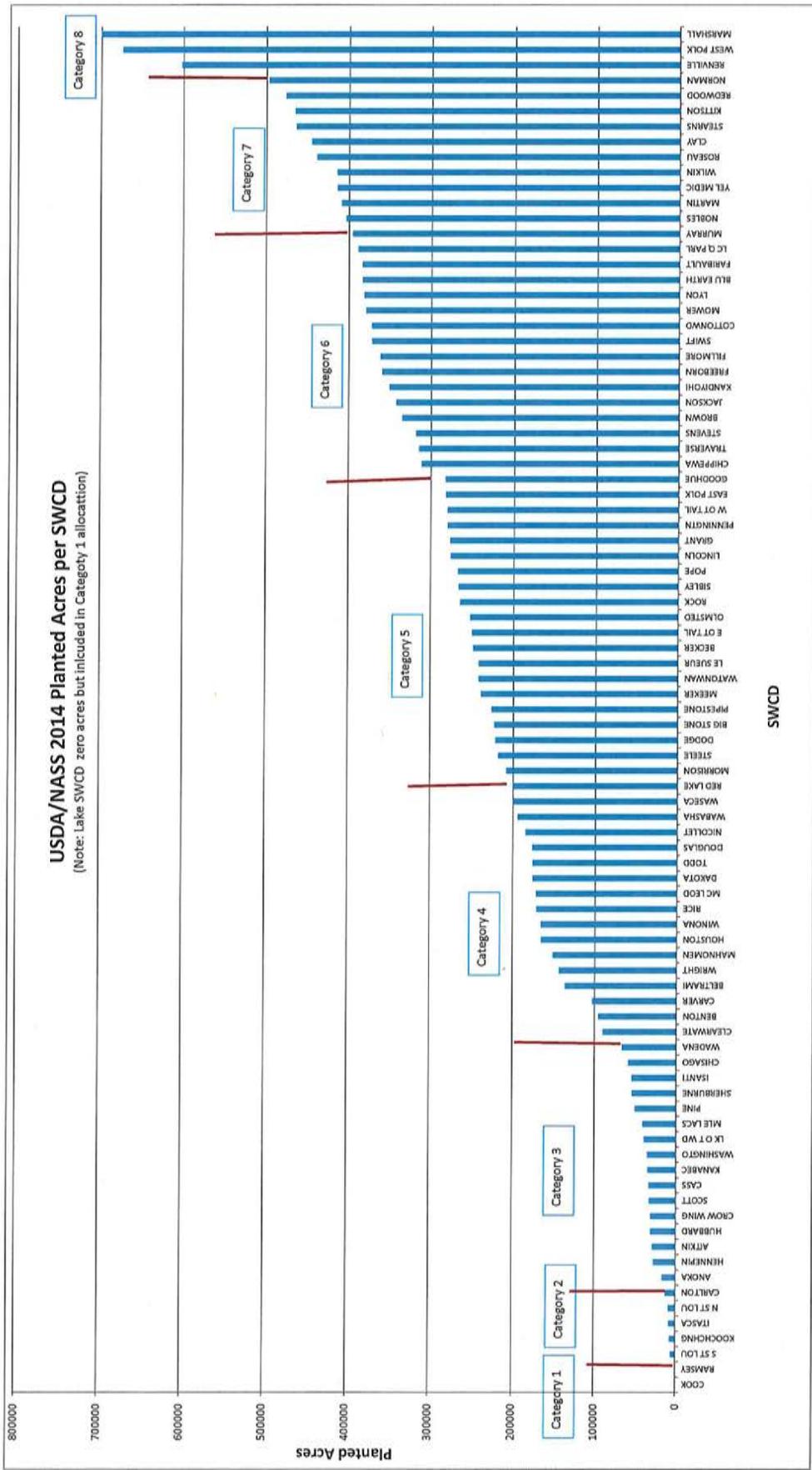
(Total Allocation = \$2,005,000)

1	2	3	4	5	6	7
\$5,000	\$10,000	\$20,000	\$25,000	\$30,000	\$35,000	\$45,000
Lake	Anoka	Clearwater	Morrison	Chippewa	Nobles	Renville
Cook	Hennepin	Benton	Stearns	Traverse	Martin	West Polk
Ramsey	Aitkin	Carver	Dodge	Stevens	Flow Medicine	Marshall
South St. Louis	Hubbard	Beltrami	Big Stone	Brown	Wilkin	
Koochiching	Crow Wing	Wright	Rainstone	Jackson	Roseau	
Itasca	Scott	Mahnomen	Muskegon	Indiyohi	Clay	
North St. Louis	Cass	Root River	Antonwan	Frederick	Stearns	
Carlton	Kanabec	Wadena	DuRoi	Fillmore	Kittson	
	Washington	Rice	Becker	Swift	Redwood	
	Lake of the Woods	Wadena	East Otter Tail	Cottonwood	Norman	
	Mille Lacs	Dakota	Olmsted	Mower		
	Plymouth	Todd	Wadena	Lyon		
	Shenandoah	Douglas	Sibley	Blue Earth		
	Isanti	Nicollet	Pope	Faribault		
	Chisago	Wabasha	Lincoln	Lac Qui Parle		
	Wadena	Waseca	Grant	Murray		
		Red Lake	Pennington			
			West Otter Tail			
			East Polk			
			Goodhue			



USDA/NASS 2014 Planted Acres per SWCD
 (Note: Lake SWCD apparently zero acres)

USDA/NASS 2014 Planted Acres per SWCD
 (Note: Lake SWCD zero acres but included in Category 1 allocation)



MN Agricultural Water Quality Certification Program- SWCD Funding Allocations
8-10-15

2015 Clean Water Fund appropriations to MDA included \$2.5 million for purposes of implementing the Minnesota agricultural water quality certification program state-wide. MDA via an agreement with BWSR will provide up to \$494,000 to award as non-competitive formula based grants to support the promotion and coordination of the program in each district in the state.

Available Funding: \$494,000 for voluntary one-time grants to SWCDs. Allocated funds must be expended by May 31, 2016. Grants will be awarded as lump-sum payments to SWCD's after BWSR approval of request and receipt of signed grant agreement.

Reporting Requirement: SWCD will enter eLINK work plan on planned activities by February 1, 2016 and a final report by September 1, 2016.

Allocation Methodology

Each SWCD will be placed in one of three groupings. Each group will be assigned which of the following deliverables will be required as part of accepting the defined/designated grant award.

Deliverables:

1. Promote the MAWQCP through general producer contacts, SWCD newsletters, local newspaper articles and radio spots provided by MAWQCP and tailored for the county. (Funds may be used for staff time and publication expenses)..
2. MAWQCP Program and Assessment Tool Training (Funds may be used for staff time and travel)
3. Each district works to secure a specified number of MAWQCP producer applications based on its grouping.

SWCD Groupings:

Group 1 - \$2,000 grant allocation for deliverable #1 (Ramsey, South St. Louis, North St. Louis, Lake and Cook)

Group 2 - \$4,000 grant allocation for deliverables 1, 2, and 3 which will set a goal of a minimum of 5 signed applications. (Carlton, Pine, Kanabec, Mille Lacs, Aitkin, Crow Wing, Cass, Hubbard, Itasca, Clearwater, Beltrami, Koochiching, Lake of the Woods)

Group 3 - \$6,000 grant allocation for deliverables 1, 2, and 3 which set a goal of a minimum of 10 signed applications. (covers remaining 72 SWCDs)