



DATE: June 15, 2015
 TO: Board of Water and Soil Resources' Members, Advisors, and Staff
 FROM: John Jaschke, Executive Director 
 SUBJECT: BWSR Board Meeting Notice – June 24, 2015

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, June 24, 2015, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (see hooded parking area).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee (AAC)

1. **Buffalo Creek Watershed District Watershed Management Plan Amendment Hearing** - Buffalo Creek Watershed District 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. A hearing on the Plan Amendment should be presided over by the Southern Region Committee. The Administrative Advisory Committee is scheduled to meet at 8:00 AM on June 24, 2015 to discuss the Plan Amendment and draft Order to proceed with a Hearing. Board action is contingent upon the AAC's recommendation. **DECISION ITEM**

2. **Authorization of Delegation for PRAP Assistance Grants to LGUs** - 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. Board action is contingent upon the AAC's recommendation. **DECISION ITEM**

3. **Method for Establishing Native Prairie Bank Easement Payment Rates** – Minn. Statutes 84.96 subd. 5b, requires the BWSR Board to establish easement payment rates for the DNR's Native Prairie Bank Program. The statute makes reference to using "65 percent of the permanent marginal agricultural land payment rate" to establish NPB payment rates. Unfortunately, there is no fiscal data set 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

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	261 Highway 15 South New Ulm, MN 56073 (507) 359-6074	3555 9 th Street NW Suite 350 Rochester, MN 55901 (507) 206-2889

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

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:

$$\text{NPB Payment Rate} = (\text{Total Marginal Acres} \times 65\% \text{ RIM Non-Crop Rate}) + (\text{Total Non-Marginal Acres} \times 65\% \text{ RIM Crop Rate}) / \text{Total Acres}$$

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. Board action is contingent upon the AAC's recommendation.

DECISION ITEM

Metro Region Committee

- 1. Rice Creek Watershed District Boundary Change Petition** - 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 the proposed boundary change be approved per the attached draft Board Order. **DECISION ITEM**
- 2. Lower Mississippi River Watershed Management Organization (LMRWMO) Plan Amendment** - 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 per the attached draft Order. **DECISION ITEM**
- 3. Lower Minnesota River Watershed District Plan Amendment** - 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 recommends approval of the Plan Amendment per the attached draft Order. **DECISION ITEM**

Northern Region Committee

- 1. St. Louis County Comprehensive Local Water Management Plan Five Year Amendment** - St. Louis County adopted a Resolution December 16, 2014, to complete the required 5-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 5-year amendment of the St. Louis County Comprehensive Local Water Management Plan with conditions included in the draft Order. **DECISION ITEM**

Grants Program & Policy Committee

1. **Proposed FY 2016 Natural Resources Block Grant** - The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, and the MPCA Subsurface Sewage Treatment Systems. The Grants Program & Policy Committee meets on June 17; Board action is contingent upon the Committee's recommendation.
DECISION ITEM

2. **Proposed FY2016 SWCD Programs and Operations Grant Allocations** - The Grants Program & Policy Committee meets on June 17th to review the proposed FY'16 allocations for the Conservation Delivery, Easement Delivery, Non-Point Engineering Assistance, and Cost Share Grant Programs. Board action is contingent upon the Committee's recommendation. **DECISION ITEM**

3. **FY16 Clean Water Fund (CWF) Policy and Program Authorization** - The FY16 Clean Water Fund Competitive Grants Program includes three BWSR grant programs and Minnesota Department of Agricultural AgBMP loans and is proposed to have an application period from July 6 to August 28. The application scoring process will be conducted by staff from DNR, MDA, MDH, PCA and BWSR as has been the case in previous years. The Grants Program and Policy Committee will meet on June 17, to review the draft Policy and Request for Proposals; Board action is contingent upon the Committee's recommendation. **DECISION ITEM**

4. **FY16 Farm Bill Assistance Program Grants** - 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. The Grants Program and Policy Committee will meet on June 17, to review the proposed grants; Board action is contingent upon the Committee's recommendation. **DECISION ITEM**

5. **Grants Noncompliance Policy** - BWSR staff have revised the Noncompliance chapter in the Grant Administration Manual to simplify BWSR's noncompliance policy and procedure, to align it 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. The Grants Program and Policy Committee discussed the draft policy on April 22, 2015 and will be considering it again on June 17, 2015. Board action is contingent upon the Committee's recommendation. **DECISION ITEM**

If you have any questions regarding the agenda, please feel free to call me at 651-296-0878. The Board meeting will adjourn about noon. I look forward to seeing you on June 24th!

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

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MAY 27, 2015 BOARD MEETING

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

CONFLICT OF INTEREST DECLARATION

- FY16 Natural Resources Block Grant
- FY16 SWCD Programs and Operations Grant Allocations
- FY16 Farm Bill Assistance Program Grants

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

Administrative Advisory Committee

1. Buffalo Creek Watershed District Watershed Management Plan Amendment Hearing – Travis Germundson - ***DECISION ITEM***
2. Authorization of Delegation for PRAP Assistance Grants to LGUs – John Jaschke – ***DECISION ITEM***
3. Method for Establishing Native Prairie Bank Easement Payment Rates – Bill Penning – ***DECISION ITEM***

Metro Region Committee

1. Rice Creek Watershed District Boundary Change Petition – Jim Haertel – ***DECISION ITEM***
2. Lower Mississippi River Watershed District Organization Plan Amendment – Mary Peterson – ***DECISION ITEM***
3. Lower Minnesota River Watershed District Plan Amendment – Steve Christopher – ***DECISION ITEM***

Northern Region Committee

1. St. Louis County Comprehensive Local Water Management Plan Five Year Amendment – Tom Schulz – ***DECISION ITEM***

Grants Program & Policy Committee

1. Proposed FY16 Natural Resources Block Grant (NRBG) – Wayne Zellmer – ***DECISION ITEM***
2. Proposed FY '16 SWCD Programs and Operations Grant Allocations – Wayne Zellmer – ***DECISION ITEM***
3. FY16 CWF Competitive Policy and Program Authorization - Dave Weirens – ***DECISION ITEM***
4. FY16 Farm Bill Assistance Program Grants – Dave Weirens – ***DECISION ITEM***
5. Grants Noncompliance Policy – Tim Dykstal and Dave Weirens – ***DECISION ITEM***

AGENCY REPORTS

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

ADVISORY COMMENTS

- Association of Minnesota Counties – 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

- 2015 Conservation in Action Tour, August 11-12, Southeast, MN
- BWSR Board Tour & Meeting, August 26-27, 2015, Red Wing

Noon **ADJOURN**

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 27, 2015**

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Faye Sleeper, MES

STAFF PRESENT:

Mary Jo Anderson, Angie Becker Kudelka, Steve Christopher, Bill Eisele, Travis Germundson, Jenny
Gieseke, Jim Haertel, John Jaschke, Al Kean, Tim Koehler, Melissa Lewis, Karen Matthees, Dave Weirens

OTHERS PRESENT:

Peggy Knapp and Steve Woods, Freshwater Society
Sarah Strommen and Jason Garms, DNR
Ray Bohn, MAWD
LeAnn Buck, MASWCD
Dan Larson, Minnesota Rural Counties Caucus
Duane Maatz, Sugarbeet Growers Association

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

PLEDGE OF ALLEGIANCE

**** 15-28 ADOPTION OF AGENDA** – Chair Napstad noted that #3 under New Business is an information item, not a decision item as listed. Moved by Sandy Hooker, seconded by Steve Sunderlund, to adopt the agenda as amended. *Motion passed on a voice vote.*

**** 15-29 MINUTES OF APRIL 22, 2015 BOARD MEETING** – Moved by Tom Schulz, seconded by Tom Loveall, to approve the minutes of April 22, 2015 as circulated. *Motion passed on a voice vote.*

Chair Napstad introduced Cathee Pullman, newly hired NRCS State Conservationist.

INTRODUCTION OF NEW EMPLOYEES – Angie Becker Kudelka introduced Jenny Gieseke, PRAP Coordinator. Dave Weirens introduced Karen Matthees, Grants & Reporting Specialist. Chair Napstad welcomed Jenny and Karen to BWSR.

REPORTS

Chair's Report – Brian Napstad reported that he attended the EQB meeting on May 20. EQB designated MPCA as the Responsible Governmental Unit (RGU) for the Owatonna Energy Station in Steele County. EQB discussed climate change impacts. The Climate Solutions and Economic Opportunity (CSEO) office presented information to EQB regarding developing a low carbon economy; zero energy utilization to battle climate change. EQB reviewed the State's Water Report update. Chair suggested the Water Report be presented to the Board in the future. Chair Napstad stated that EQB has a new webpage.

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

Executive Director's Report – John Jaschke reviewed information in the board members' packets. John asked board members to contact Mary Jo Anderson if they are interested in ordering business cards. John stated that the U.S. Environmental Protection Agency (EPA) is expected to announce today the Clean Water Rule to protect streams and wetlands.

John reported that the amendment to rules governing Metro Area Local Water Management are on the way to being adopted and are expected to be published in the State Register in June. The rules will take effect after they are published. John thanked Jim Haertel for his efforts on this long process. John mentioned a presentation for local governments in the metro area.

Dispute Resolution Committee – Travis Germundson reported that there are 11 appeals pending. File #15-4 restoration order in Polk County; petition denied, restoration affirmed. Travis reported that File #8-9 appeal in Pine County; a settlement agreement was filed. Travis acknowledged Jim Haertel's effort on this. Discussion followed.

Grants Program & Policy Committee – Steve Sunderland reported that the Grants Program & Policy Committee met on April 22. Committee recommendations will be presented to the Board at a later date. Steve stated that the Grants Program & Policy Committee may meet in June.

Water Management & Strategic Planning Committee – Jack Ditmore stated that the next meeting of the Water Management & Strategic Planning Committee is tentatively scheduled for the evening of June 23. Jack reported that an update of the One Watershed, One Plan (1W1P) pilot projects are in the board members packets for information. Melissa Lewis stated that lessons, feedback, and experience gained from all participants throughout the pilot process will be used to adjust and streamline the framework for the statewide rollout of the program. Melissa stated that consistent communication is so important. Jack stated that the leadership role of each project is important. Chair Napstad stated that selection and direction of the leader is important.

Wetlands & Drainage Committee – Gerald Van Amburg stated that the Wetlands & Drainage Committee will likely meet in June or July.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group (DWG) did not meet; the next meeting is scheduled for June 11. Al Kean reported that DWG meets the second Thursday of the month; the DWG did not meet during Legislative Session, although subcommittees met.

COMMITTEE RECOMMENDATIONS

Metro Region Committee

Bassett Creek Watershed Management Commission Plan Amendment – Steve Christopher reported that the final draft Amendment to the Bassett Creek Watershed Management Commission’s Watershed Management Plan was filed with the Board on April 3, 2015. The Amendment includes the addition of a capital improvement project to provide additional treatment through an existing pond. The amendment also includes the revision of a project currently on the Capital Improvement Project list that will incorporate reuse opportunities within the City of New Hope. The Metro Region Committee met on May 12, 2015 and recommends approval of the Plan Amendment. Moved by Joe Collins, seconded by Jill Crafton, to approve the amendment dated February 2015 to the Bassett Creek Watershed Management Commission Watershed Management Plan. ***Motion passed on a voice vote.***

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15-30

Northern Region Committee

Lake of the Woods Comprehensive Local Water Management Plan Amendment – Neil Peterson reported that Lake of the Woods County adopted a resolution on February 11, 2014, to complete the required five-year amendment to the Lake of the Woods 2010-2020 Comprehensive Local Water Management Plan. A properly noticed public hearing for the amendment was held on December 10, 2014. Lake of the Woods County submitted the Plan amendment to the BWSR on February 6, 2014. The Northern Region Committee met April 8, 2014 to review the Plan amendment and recommends approval of the required five-year amendment of the Lake of the Woods County Comprehensive Local Water Management Plan. The Plan remains in effect until October 28, 2019. Moved by Neil Erickson, seconded by Kathryn Kelly, to approve the five-year amendment of the Lake of the Woods Local Water Management Plan. ***Motion passed on a voice vote.***

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15-31

Pine County Comprehensive Local Water Management Plan Amendment – Gerald Van Amburg reported that Pine County adopted a Resolution April 1, 2014, to complete the required five-year Comprehensive Local Water Management (CLWMP) Plan Amendment. A properly noticed public hearing on the amendment was held February 17, 2015. The Northern Region Committee met April 8, 2015 to discuss the Pine 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 Pine County Comprehensive Local Water Management Plan. Moved by Gerald Van Amburg, seconded by Tom

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- 15-32 Schulz, to approve the amendment of the Pine County Comprehensive Local Water Management Plan 2010-2020. The Plan will be in effect until June 23, 2020. Gerald will provide MPCA comments to Jill Crafton. *Motion passed on a voice vote.*

Todd County Priority Concerns Scoping Document – Tom Schulz reported that Todd County submitted the Priority Concerns Scoping Document (PCSD) for state review and comment as part of updating their Comprehensive Local Water Management Plan. The Northern Region Committee met April 8, 2015, after the state agencies comment period ended; and recommends approval of the Todd County PCSD.

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15-33 The state's expectations of the final plan must be sent to Todd County. Moved by Tom Schulz, seconded by Neil Peterson, to approve the Todd County Priority Concerns Scoping Document. *Motion passed on a voice vote.*

NEW BUSINESS

Presentation of Report, "Farm to Stream: Recommendations for Accelerating Soil and Water Stewardship" – Peggy Knapp and Steve Woods, Freshwater Society. Peggy presented background information and stated that the Freshwater Society reviewed farmer-led initiatives and collaborated with the National Park Service and the Cannon River Watershed Partnership for three years on the Farmwise program. Results of these efforts uncovered items that both farmers and conservation groups cited as being barriers to doing more. Peggy stated that the intent of the program was to activate social capacity; the common values were economics of conservation. Steve reported that the findings and recommendations are for working with the agencies, associations, and the university. Some were related to this legislative session, some entail changes in procedures within the executive branch. Steve presented the recommendations grouped by: 1) adjust funding structures; 2) invest in local capacity; 3) invest in relationships/partnerships; and 4) invest in research. Discussion followed. Tom Loveall noted the distinction between farmers, producers, and landowners. Chair Napstad thanked Peggy and Steve for the informative presentation.

Chair Napstad called for a break in the meeting at 10:58 a.m.; the meeting reconvened at 11:12 a.m.

Legislative Update –Melissa Lewis, Water Plan & Policy Coordinator and temporary legislative liaison, presented an overview of legislative bills and policy initiatives.

Sarah Strommen, DNR Assistant Commissioner, presented the draft buffer initiative summary as adopted by Conference Committee on May 18, 2015. Sarah reported that both bodies of the Minnesota Legislature passed the Omnibus Agriculture, Environment, and Natural Resources Bill (HF846), that was vetoed by Governor Dayton. The buffer policy language was contained with HF846; funding for the buffer policy is contained in the Legacy Bill, which passed the House but ran out of time in the Senate. John Jaschke stated that the buffer initiative is an overlay section under 103F, and provides flexibility for a drainage authority to retroactively compensate landowners. There is no rulemaking authority in this statutory language. Discussion followed. John stated that guidance and policy will be developed as the needs arise.

Neil Peterson left the meeting at 11:22 a.m.

Dave Weirens, Assistant Director, provided an overview the Wetland Conservation Act (WCA) work; changes in wetland mitigations, targeting, priorities, and efficiencies. Dave stated that the issues were discussed with the Governor's office prior to the legislative session; the ongoing rulemaking process is in place as we go forward. Dave reported that jointly BWSR and DNR will undertake a feasibility study of

the Clean Water Act 404 Study. Dave commented on the Legacy Clean Water Funds implementation; appropriations tied to two initiatives for SWCDs and CREP.

Melissa will provide board members with a summary of the One Watershed, One Plan initiative.

Tom Landwehr stated that Special Session decisions are made by the Governor and Legislature. Layoff notices will be sent to state employees on June 1st for the potential shutdown.

Contingency Planning – John Jaschke reported Governor Dayton vetoed the Omnibus Environment/Ag/Natural Resources Budget and Policy Bill (and also has vetoed the Jobs/Energy Omnibus Bill and the Education Bill). The Legacy Bill was passed by the House but not the Senate. The goal is to resolve these critical items in a Special Legislative Session which will be negotiated in the next few weeks. However, BWSR and all the other affected agencies, in coordination with Minnesota Management & Budget (MMB), must prepare for any scenario, including a partial shutdown. A partial shutdown would be limited to those agencies who do not have a budget agreement by July 1.

John reported that a contingency plan option was discussed with the Administrative Advisory Committee. BWSR will be directed by MMB; if necessary, there may be an emergency Board meeting scheduled. The Board will be notified of updates as they are available.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip distributed the tour itinerary of the Red River Basin Commission's drainage tour on June 14 in Moorhead; board members are invited to attend. Rob also distributed a fact sheet on 'Reducing Ditch System Maintenance Costs in the Red River Basin of Minnesota' for board members' information.

Minnesota Department of Health (MDH) – Chris Elvrum reported that MDH's budget bill passed; no shutdown for MDH.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that the Governor's buffer initiative is being discussed statewide; this is the beginning of discussions also needed on groundwater issues. Tom stated that Governor Dayton announced that he will seek to establish a Water Quality Coordinator position in his office.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood stated that buffers is the first step not the last step to addressing agricultural water quality issues. MPCA is also engaged in the shutdown process. Rebecca stated that EPA will announce Waters of the U.S. rule language and clarifications today.

ADVISORY COMMENTS

Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck reported that MASWCD was appropriated \$11M annually for capacity from the Clean Water Fund; not the General Fund as requested. LeAnn stated that buffers is the new land use policy that accelerates local government implementation. LeAnn thanked BWSR for assistance.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT's legislative committee meets next week.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn stated that his current opinion is that the buffer initiative language is poor public policy developed with little input from local government. MAWD is opposed to SWCD funding from the Clean Water Fund; it should have been from the General Fund. Ray will send a memo to board members regarding the buffer bill language; should have been in 103E not in 103F. Chair Napstad stated that BWSR understands MAWD's frustration on how the bill language was developed, there is a process in place, we've worked through things in the past and we'll work through this also. Ray stated that MAWD will be involved with the Special Session, he will be talking with legislators. Chair Napstad stated that BWSR is committed to working with MAWD.

Dan Larson, Minnesota Rural Counties Caucus (MRCC) stated that MRCC wants BWSR to know their concerns regarding the buffer initiative. Dan briefly expressed concerns regarding drainage authorities and optional buffer strips.

UPCOMING MEETINGS

- Next BWSR Board Meeting, June 24, 2015, St. Paul – *will be notified of potential shutdown.*

Chair Napstad adjourned the meeting at 12:42 PM.

Respectfully submitted,

Mary Jo Anderson
Recorder



Conflict of Interest Disclosure Form for Board Members

Grant Program: FY16 Natural Resources Block Grant

Name of Review Group: BWSR Grants Program & Policy Committee

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

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

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

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

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

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

ACTUAL CONFLICT OF INTEREST:

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

POTENTIAL CONFLICT OF INTEREST:

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

PERCEIVED CONFLICT OF INTEREST:

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

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

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

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

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

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

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 5/13



Conflict of Interest Disclosure Form

Grant Program: FY '16 SWCD Programs and Operations Grants, NPEA Allocations

Name of Review Group: BWSR Grants Program & Policy Committee

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

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

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

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

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

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

ACTUAL CONFLICT OF INTEREST:

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

POTENTIAL CONFLICT OF INTEREST:

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

PERCEIVED CONFLICT OF INTEREST:

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

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

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

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

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

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

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 5/13



Conflict of Interest Disclosure Form for Board Members

Grant Program: FY16 Farm Bill Assistance Program Grants

Name of Review Group: BWSR Grants Program & Policy Committee

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

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

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

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

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

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

ACTUAL CONFLICT OF INTEREST:

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

POTENTIAL CONFLICT OF INTEREST:

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

PERCEIVED CONFLICT OF INTEREST:

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

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

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

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

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

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

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 5/13



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: June 24, 2015

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

Item Type: Decision Discussion Information

Section/Region: Land and Water Section

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)

Travis Germundson/Gerald

Presented by: VanAmburg

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

None.

LINKS TO ADDITIONAL INFORMATION

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

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

Dispute Resolution Report
June 12, 2015
By: Travis Germundson

There are presently **12** appeals pending. All of the appeals involve WCA. There have been **2** new appeals filed since the last report dated May 27th (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 15-6 (6-3-15) This is an appeal of a Restoration Order in Rice County. The appeal regards the unauthorized placement of fill material in an alleged wetland associated with the development of a residential property within the Shoreland Management District of Mazaska Lake. No decision has been made on the appeal.

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 Long Lake. At issue are environmental factors associated with the impact site. No decision has been made on the appeal.

~~File 15-3 (3-5-15) This is an appeal of a Restoration Order in Wabasha County. The appeal regards the unauthorized placement of approximately 2,980 square feet of fill in a wetland associated with the development of a residential parcel. The appeal has been denied.~~

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 and a pre-hearing conference was held on April 28, 2015. At which time the parties agreed to proceed with filing of written briefs and a hearing before the DRC.

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 a series 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 and a request to set a briefing schedule has been filed.*

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.

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

File 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	2
Order Modified		
Order Remanded	1	
Order Place Appeal in Abeyance	3	1
Negotiated Settlement	2	
Withdrawn/Dismissed	2	

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee

1. Buffalo Creek Watershed District Watershed Management Plan Amendment Hearing – Travis Germundson - ***DECISION ITEM***

2. Authorization of Delegation for PRAP Assistance Grants to LGUs – John Jaschke – ***DECISION ITEM***

3. Method for Establishing Native Prairie Bank Easement Payment Rates – Bill Penning – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Buffalo Creek Watershed District Watershed Management Plan Amendment Hearing Order

Meeting Date: June 24, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Southern Region

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: Administrative Advisory Committee(s)

Presented by: _____

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

Contingent upon the Administrative Advisory Committee recommendation, Board authorization is needed to schedule and hold a public hearing regarding the proposed Watershed Management Plan Amendment for the Buffalo Creek Watershed District (BCWD). The hearing must be held within 45 days after receiving the Department of Natural Resources' recommendation on the Plan Amendment.

LINKS TO ADDITIONAL INFORMATION

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

On April 30, 2015 the Board received a proposed Amendment to the Plan from BCWD to establish a water management district for the Marsh Water Project. Subsequently, the BCWD submitted a petition dated May 26, 2015 clarifying the proposed amendment pursuant to Minn. Stat. §103D.411 and §103D.729

The purpose of the proposed Amendment is to establish a water management district for the Marsh Water Project (Appendix D) pursuant to Minn. Stat. §103D.729. This will allow BCWD to create a funding mechanism to implement a comprehensive stormwater management project for the entire Marsh Ditch drainage system.

In the Matter a petition for an Amendment of
Watershed Management Plan for the Buffalo Creek
Watershed District pursuant to Minnesota Statutes 103D.411

**ORDER
WATERSHED
MANAGEMENT PLAN
AMENDMENT HEARING**

Whereas, the Buffalo Creek Watershed District (BCWD) filed a petition for an Amendment to their Watershed Management (Plan) dated and received on May 26, 2015 with the Board of Water and Soil Resources (Board), 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 Plan from BCWD to establish a water management district for the Marsh Water Project. Subsequently, the BCWD submitted a petition dated May 26, 2015 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. **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. 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.
4. **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 southern-most portion of the South Fork of the Crow River Watershed which is a part of the larger Upper Mississippi River Drainage Basin.

5. **Filing.** The BCWD cover letter indicates a copy of the Plan Amendment was sent to local units of government for their review pursuant to Minnesota Statutes Section 103D.411.
6. **Public Hearing.** The Board must give notice and hold a hearing on the Petition within 45 days after receiving the Department of Natural Resources' recommendation on the Plan Amendment pursuant to Minn. Stat. § 103D.411 and §103D.401 Subd. 4(a).
7. **Hearing Panel.** Board members of the South Region Committee should preside over the hearing and bring a recommendation to the Board.
8. **Hearing Time.** The Executive Director should determine the date of the hearing after coordinating with the appropriate parties.
9. **Hearing Location.** The Executive Director should determine the location of the hearing after coordinating with the appropriate parties.

CONCLUSIONS

1. The petition for an Amendment to the BCWD Plan is valid in accordance with Minn. Stat. § 103D.411.
2. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a watershed district Plan Amendment hearing.
4. The hearing on the Plan Amendment for the BCWD should be presided over by the South Region Committee.
5. The Executive Director shall make a decision on the date, time, and location of the public hearing after coordinating with the appropriate parties.
6. If scheduling conflicts arise the Executive Director shall choose another suitable location.

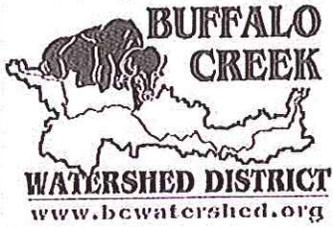
ORDER

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

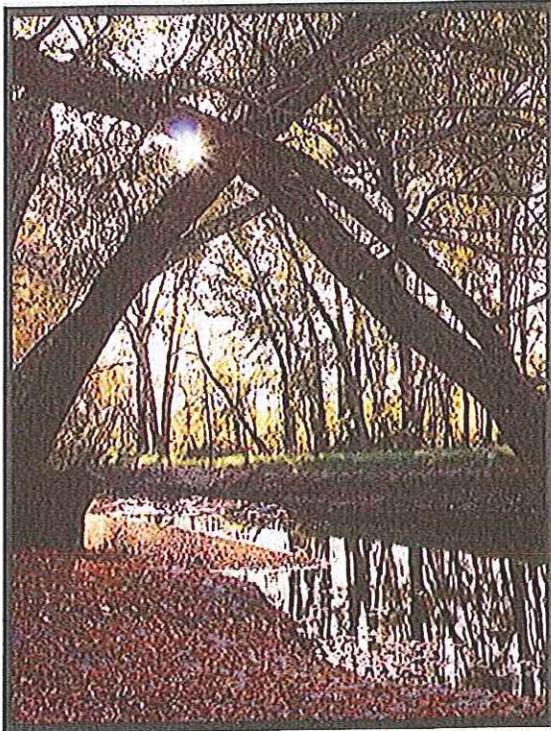
Dated at Saint Paul, Minnesota this 24th day of June, 2015.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair



Buffalo Creek Watershed District Overall Plan (2014-2023)



1st Place ~ Melody Ruehling

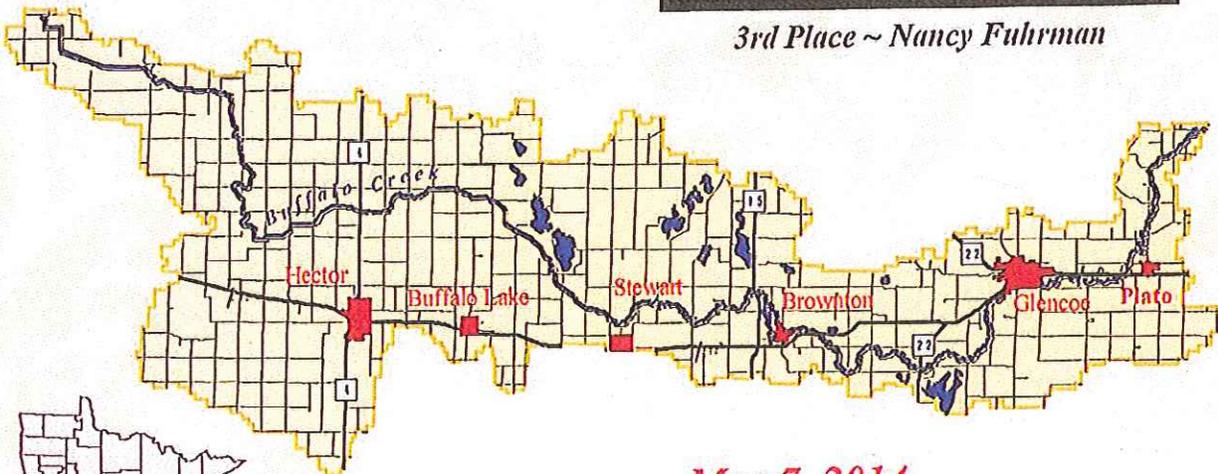
2013 Photo Contest Winners



2nd Place ~ Justin Selle



3rd Place ~ Nancy Fuhrman



Buffalo Creek
Watershed District

May 7, 2014

Prepared by the

Buffalo Creek Watershed District

and the Mid-Minnesota Development Commission



May 26, 2015

Mr. John Jaschke, Executive Director
Board of Water and Soil Resources
520 Lafayette Road North; St. Paul, Minnesota 55155

Re: Petition to Amend the Buffalo Creek Watershed District Overall Plan (2014-2023)

Dear Mr. Jaschke:

The Buffalo Creek Watershed District (BCWD) respectfully petitions the Board of Water and Soil Resources (BWSR) to facilitate the amendment process of the BCWD Overall Plan (2014-2023). The BCWD Overall Plan has been revised to clarify the establishment of a Water Management District to Implement the Marsh Water Project highlighted in the existing plan.

Specifically, the following revisions to the BCWD Overall Plan (2014-2023) were made:

1. A new Appendix D was added which profiles the establishment of a Marsh Water Management District. Appendix D contains a) a description of the area to be included in the water management district; b) the amount to be raised by charges; c) the method that was used to determine the charges; and d) the length of time the water management district will be in force.
2. The Table of Contents was revised to include Appendix D.
3. A copy of the Resolution to Adopt the Revised Plan (dated May 26, 2015) is included.
4. The cover of the Overall Plan was revised to show the Adoption of the revised Plan (May 26, 2015).

It should be noted the BCWD Overall Plan (2014-2023), which had previously been approved by BWSR and adopted by the BCWD on May 7, 2014, extensively profiled the Marsh Water Project and listed it as a priority implementation project. As a result, this revision is not a new project being added to the Plan.

Sincerely,

A handwritten signature in cursive script that reads "Don Belter".

Donald Belter, Chairman
Buffalo Creek Watershed District Board of Managers



**Resolution to Adopt the Revised
Buffalo Creek Overall Plan (2014-2023)**

WHEREAS, the Buffalo Creek Watershed District (BCWD) has an adopted Overall Plan (2014-2023) in accordance with Minnesota Statutes 103B; and

WHEREAS, the BCWD needed to revise the Overall Plan to better clarify the establishment of a Water Management District to implement the Marsh Water Project; and

WHEREAS, the revised BCWD Overall Plan included the following revisions:

1. A new Appendix D was added which profiles the establishment of a Marsh Water Management District. Appendix D contains a) a description of the area to be included in the water management district; b) the amount to be raised by charges; c) the method that was used to determine the charges; and d) the length of time the water management district will be in force.
2. The Table of Contents was revised to include Appendix D.
3. A copy of the Resolution to Adopt the Revised Plan (dated May 26, 2015) is included.
4. The cover of the Overall Plan was revised to show the Adoption of the revised Plan (May 26, 2015).

THEREFORE BE IT RESOLVED, the Buffalo Creek Watershed District hereby adopts the revised Buffalo Creek Watershed District Overall Plan (2014-2023).

Motion by BCWD Board of Manager Henke

Second by BCWD Board of Manager Phillips

to adopt this Resolution was passed on May 26, 2015.

Donald Belter

Donald Belter, Chairman
Buffalo Creek Watershed District Board of Managers

Appendix D:

Water Management Districts

Overview

The BCWD plans on using water management districts 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 (MS 103D.729 and 444.075) allows a watershed district, through the amendment of its plan or during an update to the 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 watershed 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 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.

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. 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 Watershed District to re-establish the Marsh Water Project under MS 103D.605 as a phased Basic Water Management Project. The petition described 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*. Phase 2 was completed via a subsequent report, *Marsh Water Project - Addendum to the Engineering Report* dated October 8, 2014. This addendum recommended five project components as a first phase to the Marsh Water Project, including:

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

Funds collected through the 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 March 10, 2015 memorandum entitled *Marsh Water Project Phase 3 – Implementation Timeline and Cost Allocation* which concludes Phase 3 of the City of Glencoe's petition.

Estimated Costs: 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. 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 and then reduced and used to pay for the continued maintenance and repair of the system.

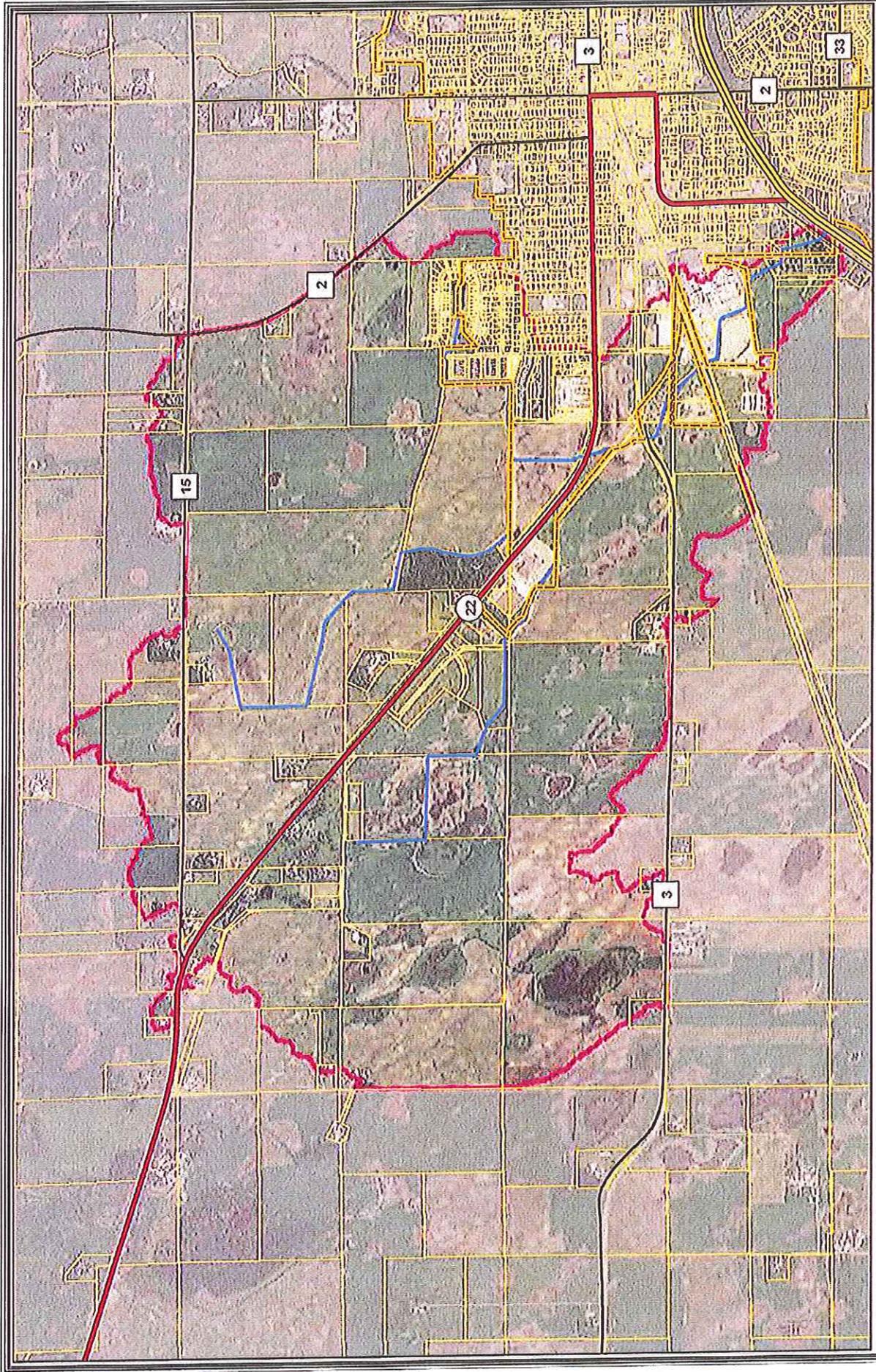
Area for Inclusion: The hydrological boundary of the Marsh Ditch drainage system will comprise the area for the Marsh WMD as shown in Map 1.

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.

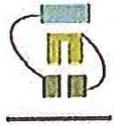
Duration: This Marsh WMD is intended to be a permanent WMD. Initial charges will be effective for a duration consistent with the time necessary to repay the capital cost for the project, which currently is estimated at 10-years. Thereafter, the Marsh WMD charges may be reinitiated to generate revenue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



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

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

Map 1: Marsh Water Management District



Houston Engineering Inc.

Maple Grove

P: | 763.493.4522
F: | 763.493.5572



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Board Authorization of Delegation for PRAP Assistance Grants to LGUs

Meeting Date: June 24, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Organizational Effectiveness Division

Contact: Jenny Gieseke, PRAP Coordinator

Prepared by: Angie Becker Kudelka

Reviewed by: AAC Committee(s)

Presented by: John Jaschke

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other: Authorization within existing spending plan that uses returned cost-share funds (GF)
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

Board decision to approve resolution authorizing delegation for PRAP Assistance Grants

LINKS TO ADDITIONAL INFORMATION

PRAP Program, including Assistance Grants information can be found at: <http://www.bwsr.state.mn.us/PRAP/index.html>

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

In March 2012 and again in September 2013, the Board authorized the PRAP Assistance Grants as a delegated authority to the BWSR Executive Director for the 2012-13 and 2014-15 biennia, respectively. This resolution creates an ongoing delegation authority to the BWSR ED.

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.



Board Resolution # _____

**Minnesota Board of Water and Soil Resources
Board Authorization of Delegation for PRAP Assistance Grants to LGUs**

WHEREAS the Board of Water and Soil Resources (BWSR) is mandated under Minnesota Statutes Chap 103B.102 to regularly review the performance of local government water management entities in the state and provide assistance for “underperforming entities,” and

WHEREAS BWSR routinely monitors the performance of Minnesota’s local government water and land management entities, and during the course of those reviews has identified the need for specialized assistance to improve their operational performance, and

WHEREAS BWSR receives other requests for specialized assistance to address particularly difficult operational or performance problems that cannot be addressed by routine BWSR staff support, and

WHEREAS the legislature has specifically authorized use of cost share rollover funds for local government assistance to address specialized assistance needs, and

WHEREAS the BWSR board has previously authorized the PRAP Assistance Grants as a delegated authority to the Executive Director,

NOW THEREFORE BE IT RESOLVED THAT the BWSR Board authorizes the Executive Director to expend up to \$10,000 per grant or contract for specialized assistance to local government water management entities to address operational or service delivery needs identified through a PRAP assessment or specialized assistance request, and

BE IT FURTHER RESOLVED THAT the BWSR Board requires that all such funds awarded be cost shared by the grantee at a percentage dependent on the size of the grant and determined by the Executive Director, and

BE IT FURTHER RESOLVED THAT the aggregate amount 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.

Date: _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Resolution Updating the Method for Establishing Native Prairie Bank Payment Rates

Meeting Date: June 24, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Conservation Easement

Contact: Bill Penning

Prepared by: Bill Penning

Reviewed by: Administrative Advisory Committee Committee(s)

Presented by: Bill Penning

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

The Board is requested to approve the recommendation of the Administrative Advisory Committee to update the method used to determine Native Prairie Bank easement payment rates.

LINKS TO ADDITIONAL INFORMATION

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

MS 84.96 subd. 5b requires the BWSR Board to establish easement payment rates for the DNR's Native Prairie Bank Program. The statute makes reference to using "65 percent of the permanent marginal agricultural land payment rate" to establish NPB payment rates. Unfortunately there is no fiscal data set 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:

$$\text{NPB Payment Rate} = (\text{Total Marginal Acres} \times 65\% \text{ RIM Non-Crop Rate}) + (\text{Total Non-Marginal Acres} \times 65\% \text{ RIM Crop Rate}) / \text{Total Acres}$$

This Board Resolution memorializes this transition and allows BWSR staff to provide RIM Cropland and Non-Cropland rates to DNR staff for their use in calculating the NPB easement payment rate.

Board Resolution # _____

Method for Establishing Native Prairie Bank Easement Payment Rates

WHEREAS Minnesota Statue 84.96 establishes the Minnesota Department of Natural Resources' Native Prairie Bank Program (NPB); and

WHEREAS Minnesota Statue 84.96 subd. 5(b) requires that "for permanent easements, the Commissioner must pay 65 percent of the permanent marginal agricultural land payment rate as established by the Board of Water and Soil Resources for the time period when the application is made."; and

WHEREAS the Board has directed staff to establish RIM payment rates that best approximate 90% of land value for permanent easements on land with cropping history and 60% of land value for permanent easements on lands without cropping history, subject to the following factors:

1. The township land values as established by the Department of Revenue and posted on the University of Minnesota Land Economics website shall be used as the basis for determining the 2013 payment rates;
2. The payment rate maximum in Hennepin and Ramsey Counties will not exceed the highest average township rate from any of the other surrounding seven metro counties due to a limited number of tillable land acres, and values that are influenced by development potential;
3. The payment rate maximum for the other five Twin Cities metro counties (Anoka, Carver, Dakota, Scott and Washington) will not exceed the average Scott County rate to more accurately reflect tillable values; and

WHEREAS the data used to establish RIM rates is based upon land tax categories with no definition or category for "marginal agricultural land"; and

WHEREAS BWSR staff have previously calculated NPB payment rates for DNR based upon the average township cropland value as described above as a surrogate for "marginal agricultural land"; and

WHEREAS NPB acquisitions can include both non-crop and crop acres that may be marginal agricultural land; and

WHEREAS there is no data set that provides financial value for marginal agricultural land and a proxy substitution that provides these values for marginal agricultural land is needed; and

WHEREAS the Department of Natural Resources desires an update to the NPB rate calculation method;
and

WHEREAS BWSR Administrative Advisory Committee met June 24, 2015 and recommends the following provisions.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

Provide RIM Cropland and Non-Cropland rates to DNR staff who will use the following formula to determine NPB easement payment rates that best approximate 65 percent of the permanent marginal agricultural land.

$$\text{NPB Payment Rate} = (\text{Total Marginal Acres} \times 65\% \text{ RIM Non-Crop Rate}) + (\text{Total Non-Marginal Acres} \times 65\% \text{ RIM Crop Rate}) / \text{Total Acres}$$

Dated at Saint Paul, Minnesota this 24th day of June, 2015.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

COMMITTEE RECOMMENDATIONS

Metro Region Committee

1. Rice Creek Watershed District Boundary Change Petition – Jim Haertel – ***DECISION ITEM***
2. Lower Mississippi River Watershed District Organization Plan Amendment – Mary Peterson – ***DECISION ITEM***
3. Lower Minnesota River Watershed District Plan Amendment – Steve Christopher – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Rice Creek Watershed District Boundary Change Petition

Meeting Date: 6/24/15

Agenda Category: X Committee Recommendation New Business Old Business

Item Type: X Decision Discussion Information

Section/Region: Metro

Contact: Jim Haertel

Prepared by: Jim Haertel

Reviewed by: Metro Region Committee(s)

Presented by: Jim Haertel

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution X Order X Map X Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approve Boundary Change of the Rice Creek Watershed District

LINKS TO ADDITIONAL INFORMATION

[http://www.bwsr.state.mn.us/boardpackets/water_plans_for_bd_packet/RCWD-SRWMO Boundary Change Petition.pdf](http://www.bwsr.state.mn.us/boardpackets/water_plans_for_bd_packet/RCWD-SRWMO_Boundary_Change_Petition.pdf)

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

The Rice Creek Watershed District (RCWD) submitted a boundary change petition dated March 25, 2015. The Petition was submitted pursuant to Minn. Stat. § 103B.215 together with the required written statements of concurrence from the City of Columbus and the Sunrise River Watershed Management Organization (SRWMO). The statute allows the boundary change to be approved by BWSR with no public hearing after proper notice and if no timely request for a hearing is received pursuant to Minn. Stat. § 103B.215, Subd. 3. The legal Notice of Filing was published on April 16 and 23, 2015, and mailed in compliance with the statutory requirements. No timely request for a hearing was received. No comments were received.

The proposed boundary change would achieve a more accurate alignment between the hydrologic and legal boundaries of the RCWD and the SRWMO. The proposed boundary change encompasses approximately 572.3 acres of land in Sections 1, 2, 10, and 11 of Columbus, Minnesota that would change the common boundary of the RCWD and the SRWMO. The Petition proposes the following:

1. Transferring 98.52 acres currently within RCWD legal boundaries to the SRWMO, and

2. Transferring 473.76 acres currently within SRWMO legal boundaries to the RCWD.

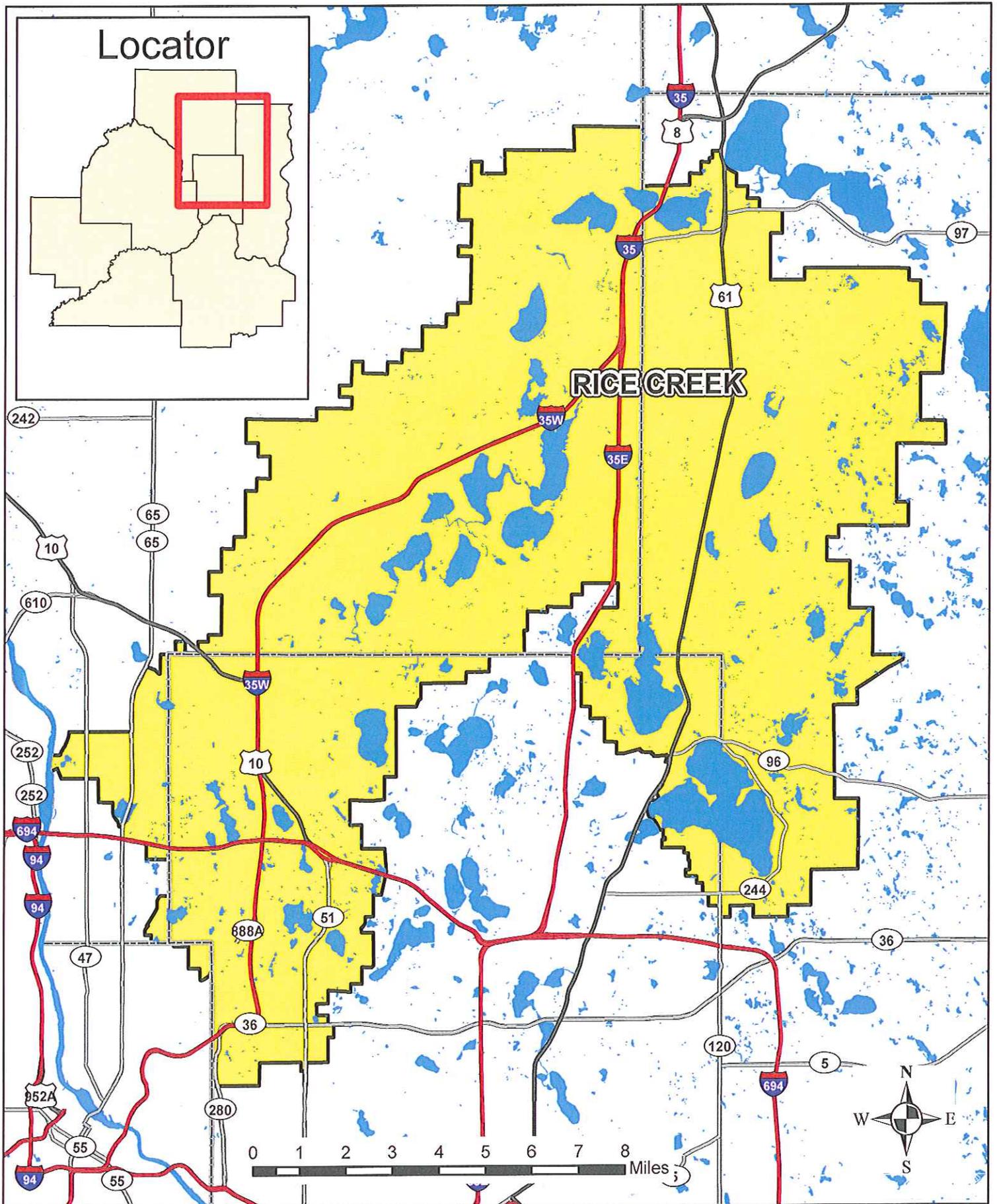
A map illustrating the proposed boundary change is attached to the draft Board Order.

The Board has the statutory authority to change the boundary of a watershed district, however the Board lacks the authority to change the boundary of a joint powers agreement watershed management organization. The draft Board Order would approve the boundary change of the RCWD and recommends the SRWMO take immediate action to change their boundary. There should be no issue with the SRWMO revising their boundary because the SRWMO adopted a resolution concurring with the proposed boundary change.

It appears the Petition is not controversial. No requests for a public hearing nor any questions or comments have been received.

The Metro Region Committee met on June 9, 2015 in St. Paul to discuss the Petition. Board staff provided an overview of the Petition and recommended approval of the proposed boundary change. After discussion, the Committee voted unanimously to recommend to the full Board the boundary change be approved as proposed in the Petition per the attached draft Board Order.

Rice Creek Watershed District



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

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

**ORDER
BOUNDARY
CHANGE**

Whereas, the Rice Creek Watershed District (RCWD) filed a Petition dated March 25, 2015 with the Board of Water and Soil Resources (Board) on March 26, 2015, to change the boundary of the RCWD pursuant to Minn. Stat. § 103B.215, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petition to change the boundary of the RCWD with the Sunrise River Watershed Management Organization (SRWMO) was filed by the RCWD Board of Managers with the Board on March 26, 2015.
2. **Property Description.** The territory included in the boundary change, the Petitioned Area, is located in the City of Columbus in Sections 1, 2, 10, and 11 in Anoka County entirely within the metropolitan area and totals approximately 572.3 acres of land. The Petitioned Area includes the transfer of 98.52 acres from the RCWD to the SRWMO, and the transfer of 473.76 acres from the SRWMO to the RCWD. The Petitioned Area is depicted on a map attached to the Petition and further identified in property identification tables attached to the Petition.
3. **Reasons for Boundary Change.** The proposed boundary change would achieve a more accurate alignment between the hydrologic and legal boundaries of the RCWD and the SRWMO. The requested boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.
4. **Statements of Concurrence.** The required statements of concurrence pursuant to Minn. Stat. §103B.215, Subd. 2 (c) from the City of Columbus and the SRWMO were submitted with the Petition.

5. **Effect on Benefits and Damages.** The Petition states the proposed boundary change will not affect the benefits or damages for any improvements previously constructed by the RCWD or the SRWMO pursuant to Minn. Stat. § 103B.225.
6. **Notice of Filing.** Legal Notice of Filing of the proposed boundary change, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published in the Forest Lake Times on April 16 and 23, 2015, and mailed to the Anoka County Auditor, the Anoka Conservation District, the City of Columbus, the SRWMO and the RCWD.
7. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103B.215, Subd.3, which requires within 20 days of the last date of publication of the Notice of Filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period of time and no hearing was held.
8. **Metro Region Committee.** On June 9, 2015, the Board's Metro Region Committee and staff met in St. Paul to review and discuss the boundary change Petition. Those in attendance from the Board's Committee were Jill Crafton, Faye Sleeper, Jack Ditmore, Teresa McDill, and Joe Collins as chair. Board staff in attendance were Metro Region Manager Jim Haertel, and Board Conservationists Mary Peterson and Steve Christopher. Board staff recommended approval of the boundary change. After discussion, the Committee unanimously voted to recommend approval of the RCWD boundary change to the full Board.

CONCLUSIONS

1. The Petition for boundary change of the RCWD is valid in accordance with Minn. Stat. § 103B.215.
2. All relevant substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.
4. The territory included in the requested boundary change is within the hydrologic boundaries of the RCWD or the SRWMO.
5. The governing bodies of the City of Columbus and SRWMO concur with the requested boundary change.
6. The requested boundary change is consistent with the purpose and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

7. The requested boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.
8. The proposed boundary change should be approved per the Petition for the RCWD, and the SRWMO should be encouraged to change their organizational boundaries consistent with this Order.

ORDER

The Board hereby orders that the boundaries of the Rice Creek Watershed District are changed per the Petition as depicted on the map attached to this Order and made a part hereof, including the data sets the map was created from. The Board recommends that the Sunrise River Watershed Management Organization take immediate action to change its organizational boundary consistent with this Order.

Dated at Saint Paul, Minnesota this _____ day of June, 2015.

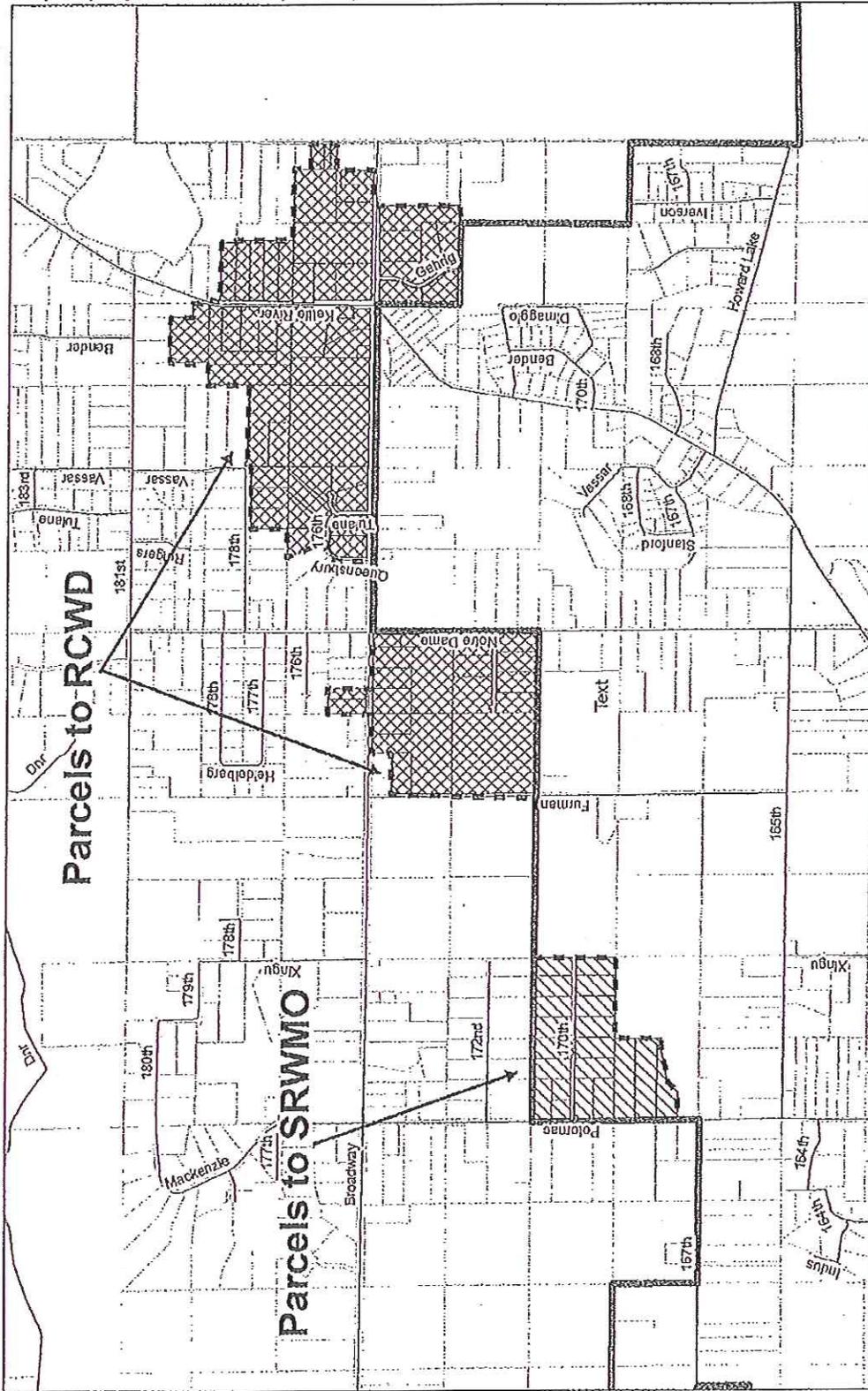
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

EXHIBIT C

Map of proposed Boundary Changes



Proposed RCWD/SRWMO Boundary Changes

Legend

- RCWD Current Boundary
- RCWD Proposed Boundary
- Local Roads
- Parcels
- Parcel Exchange
- Parcels Going To RCWD
- Parcels Going to SRWMO



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Lower Mississippi River Watershed Management Plan Amendment

Meeting Date: June 24, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Metro Region

Contact: Jim Haertel

Prepared by: Mary Peterson

Reviewed by: Metro Region Committee(s)

Presented by: Mary Peterson

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the Lower Mississippi River Watershed Management Organization Plan Amendment

LINKS TO ADDITIONAL INFORMATION

Link to complete Plan Amendment with strikeouts/additions.
[http://www.bwsr.state.mn.us/boardpackets/water_plans_for_bd_packet/Complete Second Draft 90dayReview 032515.pdf](http://www.bwsr.state.mn.us/boardpackets/water_plans_for_bd_packet/Complete_Second_Draft_90dayReview_032515.pdf)

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

The Lower Mississippi River Watershed Management Organization (LMRWMO) was originally established on October 25, 1985 through a Joint Powers Agreement (JPA) between seven cities wholly or partially within the LMRWMO boundary including Inver Grover Heights, Lilydale, Mendota Heights, South St. Paul, Sunfish Lake, West St. Paul and St. Paul. The LMRWMO developed the following vision statement on December 23, 2009.

“Water resources and related ecosystems are managed to sustain their long-term health and integrity through member city collaboration and partnerships with other water management organizations with member city citizen support and participation.”

The current WMO Watershed Management Plan was approved by BWSR Board Order on September 28, 2011. The LMRWMO JPA was amended in 2014 with the last of the required city signatures being dated October 7, 2014. The JPA brought the additional western portion of Mendota Heights, approximately 0.3 square miles, into the Lower Mississippi River Watershed Management Organization. The Mendota Heights area was previously covered by the Gun Club Watershed Management Organization but when it was reformed into the Eagan-Inver Grove Heights WMO the area was not included in the new JPA leaving it without watershed management coverage.

The LMRWMO is located in the southeast part of the Twin Cities Metropolitan Area, in northern Dakota County and southern Ramsey County. It encompasses 55.8 square miles, abutting the south and west sides of the Mississippi River from the confluence of the Mississippi and the Minnesota Rivers to Rosemount. Adjoining watershed management entities include the Lower Minnesota River Watershed District, Eagan-Inver Grove Heights WMO, and the Vermillion River Watershed Joint Powers Organization.

Amendment Summary:

The primary purpose of this Amendment is to address the addition of the western portion of Mendota Heights into the LMRWMO and incorporate it into the Watershed Management Plan (Plan). The Executive Summary, Land and Water Resource Inventory, Problems and Approaches for Addressing Problems, Implementation Program, and References sections have been updated to reflect the expanded area and other minor additions as presented in ~~strikeout~~ and underlined text. The current amended JPA is included as an Appendix to the Plan.

Amendment Highlights:

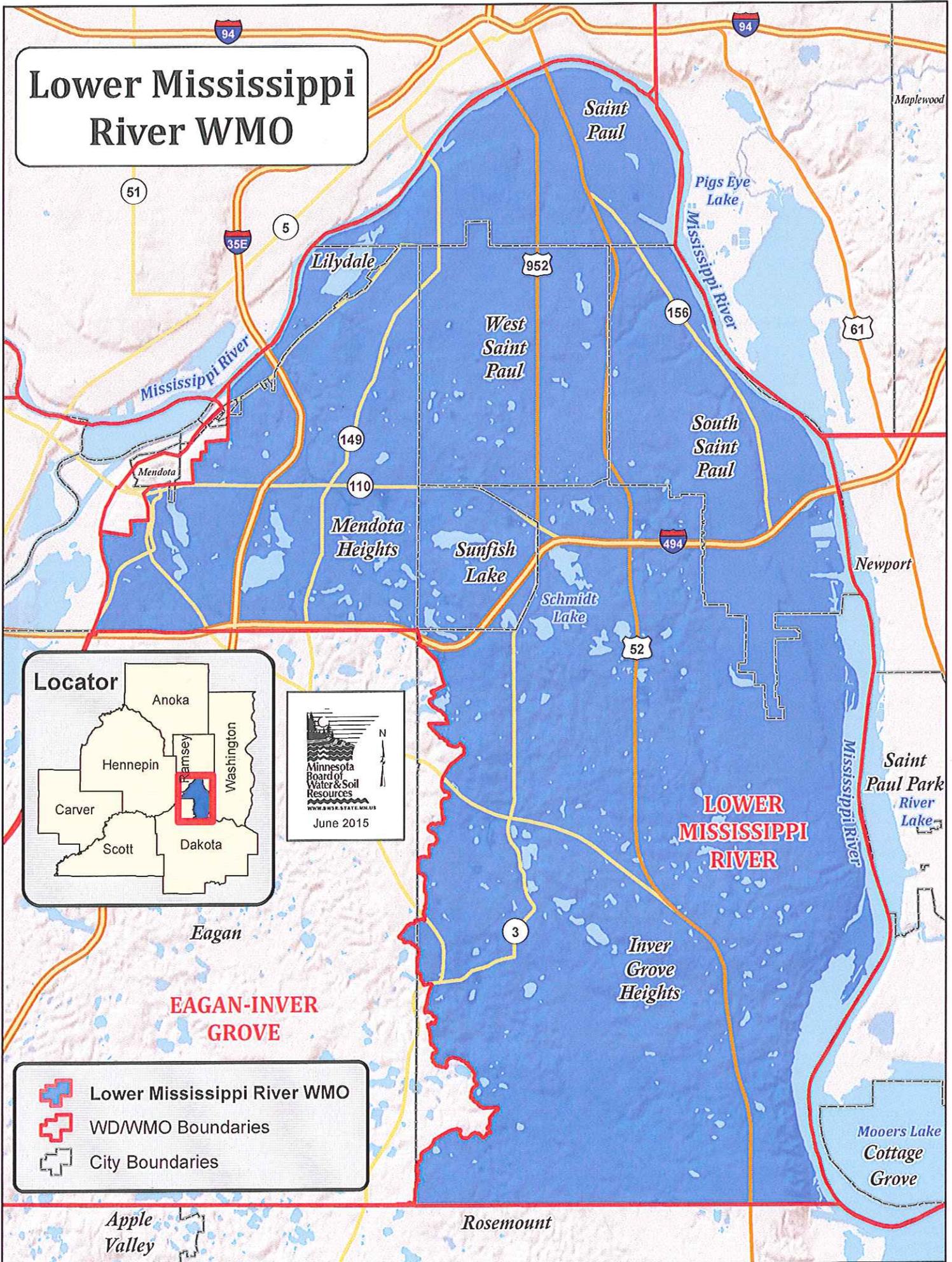
- The Executive Summary includes reference to the 2014 Amendment and recently amended JPA.
- The Land and Water Resource inventory section has incorporated the expanded areas and all maps, figures, data inventories, and references have been updated to include current information.
- The Problems and Approaches for Addressing Problems sections have been updated to include Augusta Lake, Thompson Lake and Interstate Valley Creek impairments. The Amendment incorporates:
 - Priority strategies described in the 2014 WRAPS for Thompson, Pickerel, Sunfish, Augusta and Rogers Lakes.
 - Improvement options for erosion issues as outlined in the St. Paul City feasibility study. Grant opportunities will be sought for projects identified.
- The Implementation Program section incorporates strategies, budgets and timelines for addressing the additional resource problems identified and covers the expanded area of the WMO.

All local and state comments received in regards to the amendment have been sufficiently addressed.

Committee Recommendation:

The Board's Metro Region Committee met on June 9, 2015 in St. Paul to review and discuss the Amendment. The Committee unanimously voted to recommend approval of the Amendment to the full Board.

Lower Mississippi River WMO



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

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

**ORDER
APPROVING
AMENDMENT TO
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Lower Mississippi River Watershed Management Organization (WMO) submitted a Watershed Management Plan Amendment (Amendment) dated March 31, 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 Management Organization Establishment.** The WMO was established in 1985. The vision of the WMO is to manage water resources and related ecosystems to sustain their long-term health and integrity through member city collaboration and partnerships with other water management organizations with member city citizen support and participation.
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 WMO watershed management plan was approved by Board Order on September 28, 2011. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.
3. **Nature of the Watershed.** The WMO is located in the southeast part of the Twin Cities Metropolitan Area, in northern Dakota County and southern Ramsey County. It encompasses 55.8 square miles, abutting the south and west sides of the Mississippi River from the

confluence of the Mississippi and the Minnesota Rivers to Rosemount. Adjoining watershed management entities include the Lower Minnesota River Watershed District, the Eagan-Inver Grove Heights WMO, and the Vermillion River Watershed Joint Powers Organization. The WMO is composed of seven cities wholly or partially within the boundary including Inver Grove Heights, Lilydale, Mendota Heights, St. Paul, South St. Paul, Sunfish Lake, and West St. Paul.

4. **Amendment Development and Review.** The Amendment has primarily been developed to account for the inclusion of the western portion of Mendota Heights, approximately 0.3 square miles, into the Lower Mississippi River WMO. The area was previously covered by the Gun Club WMO that was reformed into the Eagan-Inver Grove Heights WMO and that excluded the area covered by the Amendment. The new executed Joint Powers Agreement has been added to the appendices of the Amendment. The Amendment assures the WMO vision and guidelines for managing surface water within the WMO covers this western portion of the City of Mendota Heights.

The draft Amendment was submitted to the Board, other state review agencies, and local governments for the 60-day review on August 20, 2014. A public hearing was held on March 11, 2015 and no comments were received. The final draft of the revised Amendment was received by the Board on March 31, 2015.

5. **Local Review.** The WMO distributed copies of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. No comments were received.
6. **Metropolitan Council Review.** During the 60-day review, the Metropolitan Council commented the Amendment was consistent with Council policies and the Council's Water Resources Management Policy Plan and provides a good framework to protect the water resources in the watershed. The Council had no further comments on the Amendment.
7. **Department of Agriculture Review.** The MDA did not comment on the Amendment.
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 recommended goals and policies to address protection of rare species and native plant communities be included and Natural Heritage Database information be updated. The WMO stated these recommendations were outside the scope of the Amendment.

In addition, the DNR requested the Amendment stress the value of NOAA Atlas 14 and how it is used by LGUs for planning, development and redevelopment; update the Thompson Lake section to reflect that the feasibility study has been completed; and to refer to the findings from the Watershed Restoration and Protection Strategy (WRAPS) throughout the Amendment. The WMO made changes in the Amendment that addressed these comments.

During the final review, the DNR stated previous comments had been sufficiently incorporated into the final draft and had no additional comments.

10. **Pollution Control Agency Review.** During the 60-day review, the PCA provided additional monitoring information for Sunfish Lake and Augusta Lake for inclusion in the Amendment and requested that the full title of the Watershed Restoration and Protection Strategy (WRAPS) and an internet link to the document be added to the text. The WMO addressed all comments. No additional comments were received during the final review.
11. **Department of Transportation Review.** During the 60-day review, the DOT requested the Amendment mention the drainage, erosion and flooding issues caused by Mendota Heights runoff, remove the passive recreational opportunities for ponds as they are not managed for sport fisheries, clarify policy for managing Waste Load Allocations associated with TMDL findings, remove DOT from potential funding sources for Project #13, and correctly label various State Highways in Appendix A. The WMO addressed all comments and no additional DOT comments were received during the final review.
12. **Board Review.** During the 60-day review, Board staff requested minor Amendment formatting and edits of deletions and additions, note the Amendment highlights and date in the Executive Summary, changes to the implementation tables to clearly present proposed projects and edits to the figures to reflect the changes to the WMO's border. All comments have been sufficiently addressed.
13. **Amendment Summary and Highlights.**
 - The Executive Summary includes reference to the 2015 Amendment and recently amended JPA.
 - The Land and Water Resource inventory section has incorporated the expanded areas and all maps, figures, data inventories, and references have been updated to include current information.
 - The Problems and Approaches for Addressing Problems section have been updated to include Augusta Lake, Thompson Lake and Interstate Valley Creek impairments. The Amendment incorporates:
 - Priority strategies described in the 2014 Watershed Restoration and Protection Strategy (WRAPS) for Thompson, Pickerel, Sunfish, Augusta and Rogers Lakes.
 - Improvement options for erosion issues as outlined in the St. Paul City feasibility study and grant opportunities will be sought for projects identified.
 - The Implementation Program section incorporates strategies, budgets and timelines for addressing the additional resource problems identified and covers the expanded area of the WMO.
14. **Metro Region Committee Meeting.** On June 9, 2015, the Board's Metro Region Committee and staff met in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were Jack Ditmore, Teresa McDill, Jill Crafton, Faye Sleeper, and Joe Collins as chair. Board staff in attendance was Metro Region Supervisor Jim Haertel, Board Conservationist Mary Peterson and Board Conservationist Steve Christopher. 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 Lower Mississippi River Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 11.
3. The Lower Mississippi River Watershed Management Organization Amendment attached to this Order defines water and water-related problems within the WMO's boundaries, possible solutions thereto, an implementation program and an updated Joint Powers Agreement.
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 March 31, 2015, to the Lower Mississippi River Watershed Management Organization Watershed Management Plan.

Dated at St. Paul, Minnesota this 24th day of June, 2015.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brain Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Lower Minnesota River Watershed District Plan Amendment

Meeting Date: June 24, 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: Steve Christopher

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 Lower Minnesota River Watershed District Plan Amendment

LINKS TO ADDITIONAL INFORMATION

http://www.bwsr.state.mn.us/boardpackets/water_plans_for_bd_packet/Lower MN WD Amend Pages 2015.pdf

SUMMARY

Background

The Lower Minnesota River Watershed District (District) was originally petitioned for establishment in 1957 but was challenged and defeated in the courts. The District was later re-petitioned by the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott and was established on March 23, 1960, by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). The District's original charter specified that it serve as the local sponsor to the U.S. Army Corps of Engineers for assisting in the maintenance of the Minnesota River nine-foot navigation channel. The first water resources management plan for the District was prepared and adopted in 1961. The second plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982 (Minnesota Statutes, Chapter 103B), and approved by the Board of Water and Soil Resources in September 1999.

The District is approximately 80 square miles in size and located in the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott, which includes the bluffs on either side of the Minnesota River from Fort Snelling at the confluence of the Minnesota and Mississippi Rivers, 32 miles upstream to the City of Carver. The land use in the watershed consists of a mix of single family residential, commercial, industrial, and agriculture. A large component in the central portion of this linear watershed is within the 100-year floodplain and the Minnesota Valley National Wildlife Refuge. Much of the MSP airport property is also located in the District. Development pressure within the watershed is projected to slightly increase in the municipalities south of the river through the life of this Plan. Water resources in the District include floodplain lakes, quarry lakes, creeks and streams including trout streams, springs, calcareous fens, and other wetlands. However, the headwaters to most of those resources originate outside of the District boundary. The following municipalities lie partially within the District: Bloomington, Burnsville, Carver, Chanhassen, Chaska, Chaska Township, Eagan, Eden Prairie, Lilydale, Jackson Township, Louisville Township, Mendota, Mendota Heights, Savage, and Shakopee. The District is bound by four watersheds to the south: Prior Lake Spring Lake WD, Scott WMO, Black Dog WMO, and Gun Club WMO, and six watersheds to the north: Carver County WMO, Riley Purgatory Bluff Creek WD, Nine Mile Creek WD, Minnehaha Creek WD, Richfield Bloomington WMO, and Capitol Region WD.

Plan Amendment Summary

The current Plan was approved by the Board in December 2011 with the condition that the District amend the implementation program to incorporate the results of the Strategic Resource Evaluation and Management Process.

Strategic Resource Evaluation (SRE)

The SRE presents a comprehensive survey and review of on-going resource management and monitoring efforts within the District. Based on the findings and recommendations of the SRE, the Plan, as amended, incorporates the District's decision to proceed as follows:

- Update the monitoring program to include the recommended actions for category 1 lakes and streams (trout)
- Complete a wetland and fen assessment
- Add projects with a priority score of seven and higher to Table 4-1: Lower Minnesota River Watershed District - Implementation Program Budget for 2012-2020

Governance Study

The District commissioned the Governance Study to examine alternatives to its current role in water governance on the Lower Minnesota River. The study evaluated four water governance options based on extensive qualitative analysis of stakeholder interviews and a literature review. Based on the information gleaned, the Plan, as amended, incorporates the District's decision to proceed as follows:

- Maintain its boundary
- Continue to exist and increase its role as an advocate for the Lower Minnesota River
- Start conversations with county board members, cities, and state legislators to further examine the feasibility of a port authority for dredge material management
- Proactively engage stakeholders

Dredge Material Management Plan

The District commissioned the dredge material management plan (DMMP) to review options for managing the Cargill East River (MN-14.2 RMP) site and deposited material and to review the District's financial liability as the local sponsor. Based on the DMMP, the District will maintain its role as the local sponsor, generate funds to operate and manage the Cargill East River (MN-14.2 RMP) site, and purchase additional dredge placement sites, if necessary. The Plan, as amended, incorporates the District's decision to partner with businesses to manage the site and to reuse dredge materials placed by the Army Corps of Engineers.

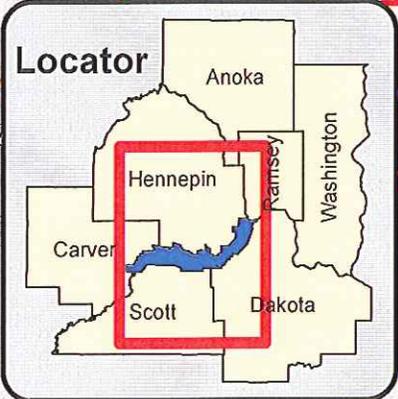
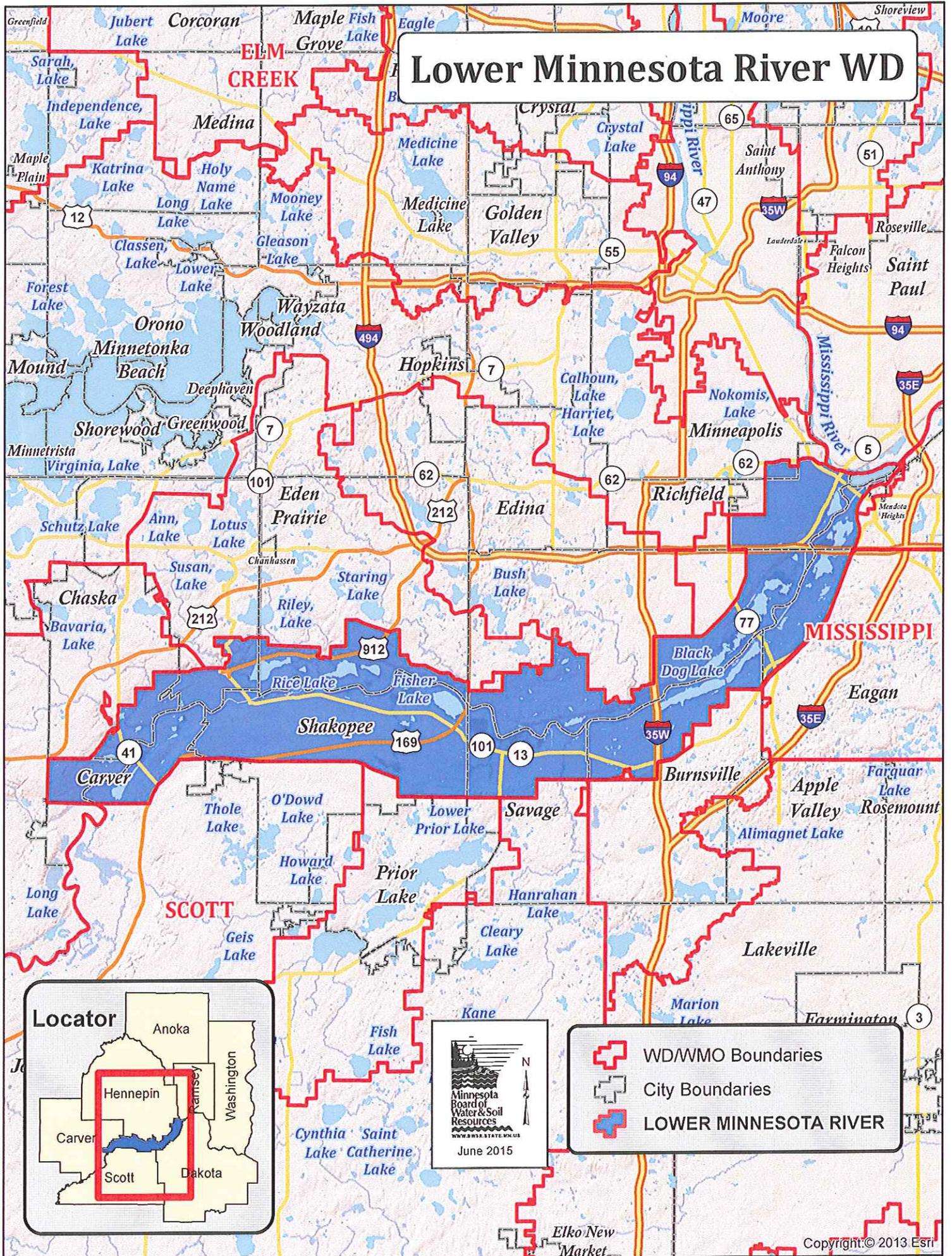
The District received comments from BWSR, the Carver County WMO, the City of Burnsville, Dakota Soil and Water Conservation District, the Metropolitan Council, the Department of Agriculture, the Department of Natural Resources, and the Department of Transportation.

The majority of the comments focused on suggestions for partnerships and assistance as well as comments on the District's monitoring program. The District has addressed all comments received.

Metro Region Committee Meeting

The Metro Region Committee met on June 9, 2015 in St. Paul to discuss the Amendment. Board staff provided an overview of the Amendment, followed by several questions to the Lower Minnesota River Watershed District administrator and engineer. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board per the attached draft Board Order.

Lower Minnesota River WD



- WDWMO Boundaries
- City Boundaries
- LOWER MINNESOTA RIVER

Minnesota Board of Water and Soil Resources

520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the
Amendment to the Watershed Management
Plan for the Lower Minnesota River
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 Lower Minnesota River Watershed District (District) submitted a Watershed Management Plan Amendment (Amendment) dated June 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 Lower Minnesota River Watershed District (District) was originally petitioned for establishment in 1957 but was challenged and defeated in the courts. The District was later re-petitioned by the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott and was established on March 23, 1960, by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). The District's original charter specified that it serve as the local sponsor to the U.S. Army Corps of Engineers for assisting in the maintenance of the Minnesota River nine-foot navigation channel. The first water resources management plan for the District was prepared and adopted in 1961. The second plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982 (Minnesota Statutes, Chapter 103B), and approved by the Board of Water and Soil Resources in September 1999.
- 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 plan was approved by the Board in December 2011.
- 3. Nature of the Watershed.** The District is approximately 80 square miles in size and located in the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott, which

includes the bluffs on either side of the Minnesota River from Fort Snelling at the confluence of the Minnesota and Mississippi Rivers, 32 miles upstream to the City of Carver. The land use in the watershed consists of a mix of single family residential, commercial, industrial, and agriculture. A large component in the central portion of this linear watershed is within the 100-year floodplain and the Minnesota Valley National Wildlife Refuge. Much of the MSP airport property is also located in the District. Development pressure within the watershed is projected to slightly increase in the municipalities south of the river through the life of this Plan. Water resources in the District include floodplain lakes, quarry lakes, creeks and streams including trout streams, springs, calcareous fens, and other wetlands. However, the headwaters to most of those resources originate outside of the District boundary. The following municipalities lie partially within the District: Bloomington, Burnsville, Carver, Chanhassen, Chaska, Chaska Township, Eagan, Eden Prairie, Lilydale, Jackson Township, Louisville Township, Mendota, Mendota Heights, Savage, and Shakopee. The District is bound by four watersheds to the south: Prior Lake Spring Lake WD, Scott WMO, Black Dog WMO, and Gun Club WMO, and six watersheds to the north: Carver County WMO, Riley Purgatory Bluff Creek WD, Nine Mile Creek WD, Minnehaha Creek WD, Richfield Bloomington WMO, and Capitol Region WD.

4. **Amendment Development and Review.** The draft Amendment was submitted to the Board, the plan review agencies, and local governments for the required 60-day review on December 17, 2014. The District held a public hearing on March 18, 2015. The final draft Amendment was submitted to the Board and plan review agencies on May 15, 2015, for final review and approval.
4. **Local Review.** The District circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, subd. 7. Dakota Soil and Water Conservation District made several comments regarding the monitoring program which were addressed by the District.
5. **Metropolitan Council Review.** The Metropolitan Council stated that there were no comments on the Amendment.
6. **Department of Agriculture Review.** The MDA provided a link to their priority concerns as well as a recommendation for the inclusion of additional language of the MDA responsibility. The additional language has been added by the District.
7. **Department of Health Review.** The MDH did not comment on the Amendment.
9. **Department of Natural Resources Review.** The DNR commented requesting updates of several resource inventory items as well as support for the prioritization of projects that the District has done. The District has addressed all comments.
10. **Pollution Control Agency Review.** The PCA did not comment on the Amendment.

11. **Department of Transportation Review.** The DOT commented that some resource concerns are being addressed through a current project. The District will assess the outcomes of the project prior to the development of future work in this area.
12. **Board Review.** Board staff commended the Commission for completing the Strategic Resource Evaluation, encouraged the District to continue to seek opportunities for partnership and made a recommendation on the budgeting within Table 4-1. The budgeting recommendation was included in the final draft Amendment.
13. **Amendment Summary.** The current Plan was approved by the Board in December 2011 with the condition that the District amend the implementation program to incorporate the results of the Strategic Resource Evaluation (SRE) and Management Process. The SRE presents a comprehensive survey and review of on-going resource management and monitoring efforts within the District. Based on the findings and recommendations of the SRE, the Plan, as amended, incorporates the District's decision to update the monitoring program, complete a wetland and fen assessment, and add projects to the Implementation Program. The District commissioned a Governance Study to examine alternatives to its current role in water governance on the Lower Minnesota River. Based on the information, the Plan, as amended, incorporates the District's decision to maintain its boundary, continue to exist and increase its role as an advocate for the Lower Minnesota River, start conversations with county board members, cities, and state legislators to further examine the feasibility of a port authority for dredge material management, and proactively engage stakeholders. The District also commissioned the dredge material management plan (DMMP) to review options for managing deposited material and to review the District's financial liability as the local sponsor. Based on the DMMP, the District will maintain its role as the local sponsor, generate funds to operate and manage the Cargill East River site, and purchase additional dredge placements sites, if necessary. The Plan, as amended, incorporates the District's decision to partner with businesses to manage the site and to reuse dredge materials placed by the Army Corps of Engineers.
14. **Metro Region Committee Meeting.** On June 9, 2015, the Board's Metro Region Committee and staff met in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were Jack Ditmore, Jill Crafton, Faye Sleeper, Teresa McDill, and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel, Board Conservationist Mary Peterson and Board Conservationist Steve Christopher. Also in attendance were Linda Loomis, Lower Minnesota River Watershed District Administrator and Della Schall Young, Lower Minnesota River Watershed District engineer. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

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

DRAFT

ORDER

The Board hereby approves the attached Amendment dated June 2015 to the Lower Minnesota River Watershed District Watershed Management Plan.

Dated at Saint Paul, Minnesota this 24th day of June 2015.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

COMMITTEE RECOMMENDATIONS

Northern Region Committee

1. St. Louis County Comprehensive Local Water Management Plan Five Year Amendment –
Tom Schulz – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: St. Louis County Comprehensive Water Plan Five Year Amendment

Meeting Date: June 24, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: North

Contact: Ryan Hughes

Prepared by: Ryan Hughes

Reviewed by: North Region Committee(s)

Presented by: Tom Schulz

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the St. Louis County Comprehensive Local Water Management Plan Amendment.

LINKS TO ADDITIONAL INFORMATION

The Amended Plan is available electronically at the following link:

<https://stlouiscountymn.gov/GOVERNMENT/CountyPlanOrdinances/WaterPlan.aspx>

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

St. Louis County submitted a petition for a County Local Water Management Plan (Plan) amendment on December 16, 2014. A public hearing was held on May 14, 2015.

The current St. Louis Plan was adopted by the County September 14, 2010. This five year amendment was required per the BWSR Order approving the Plan.

On June 3, 2015, the North Regional Committee met to review and discuss the amendment. After discussion the Committee required minor revisions to the Plan. A revised Plan addressing the Committee's required revisions was received by BWSR on June 11, 2015. The Committee's decision was to recommend approval of the St. Louis County Comprehensive Local Water Management Plan amendment to the full Board per the attached draft Order.

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

In the Matter of the review of the Comprehensive Local Water Management Plan Amendment for St. Louis County, pursuant to Minnesota Statutes Section 103B.315, Subdivision 6.

**APPROVING
COMPREHENSIVE
LOCAL WATER
MANAGEMENT PLAN
AMENDMENT
ORDER**

Whereas, on August 26, 2010, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the St. Louis County 2010-2020 Comprehensive Local Water Management Plan (Plan); and

Whereas, this Board Order stipulated that St. Louis County was required to update the goals, objectives, and action items of the Plan through amendment by August 26, 2015; and

Whereas, the St. Louis County Board of Commissioners of St. Louis County (County) submitted a Comprehensive Local Water Management Plan Amendment (Amendment) to the Board on May 19, 2015, pursuant to Minnesota Statutes Section 103B.314, Subdivision 6; 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. On December 16, 2014, the Board received a petition from St. Louis County stating its intent to amend its current Plan, pursuant to M.S. Section 103B.314, Subd. 6.
2. On April 10, 2015, St. Louis County provided proper notice to local units of government and state agencies of the county's intent to amend its current Plan and invited all recipients to participate in the amendment process.
3. St. Louis County received written comments from the Board on January 22, 2015.
4. The following summarizes state review agencies' written comments provided to St. Louis County.
 - A. Minnesota Department of Agriculture: Submitted correspondence stating no comments on the amendment. No revisions to the amended Plan were required.
 - B. Minnesota Department of Health: No comments received.
 - C. Minnesota Department of Natural Resources: Provided comments and suggestions in a letter dated May 6, 2015, related to additional reference documents, forestry and water quantity and

quality impacts, information and the continued coordination between the County and state agencies. No revisions to the amended Plan were required.

D. Minnesota Pollution Control Agency: Provided comments and suggestions in a letter dated May 11, 2015, related to updated monitoring schedules, timeframe of assessments, proper disposal of pharmaceuticals and the revised watershed boundary between the Rainy River/Rainy Lake and Rainy River Headwaters in the northwest corner of St. Louis County. No revisions to the amended Plan were required.

E. Minnesota Environmental Quality Board: No comments received.

5. No other local government unit provided written comments to St. Louis County.

6. **North Regional Committee.** On June 3, 2015 the Regional Committee of the Board reviewed the Amendment. Those in attendance from the Board's Committee were Tom Schulz (Chair), Brian Napstad, Gerald Van Amburg (via conference call), Gene Tiedemann (via conference call), Neil Peterson (via conference call) and Keith Mykleseth (via conference call). Board staff in attendance were Board Conservationists Jason Weinerman, Ryan Hughes and Assistant Director Doug Thomas (via conference call). Board regional staff provided its recommendation of approval to the Committee. After discussion, the Committee's decision was to present a recommendation of approval of the Amendment to the full Board.

7. This Plan will be in effect until August 26, 2020.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Comprehensive Local Water Management Plan Amendment pursuant to Minnesota Statutes, 103B.315, Subd. 6.
3. The Amendment attached to this Order is in conformance with the requirements of Minnesota Statutes, Section 103B.301.

ORDER

The Board hereby approves the attached Amendment of the St. Louis County Comprehensive Local Water Management Plan 2010-2020 received by the Board June 11, 2015. The plan will be in effect until August 26, 2020.

Dated at St. Paul, Minnesota, this 24th of June, 2015.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

1. Proposed FY16 Natural Resources Block Grant (NRBG) – Wayne Zellmer – ***DECISION ITEM***
2. Proposed FY '16 SWCD Programs and Operations Grant Allocations – Wayne Zellmer – ***DECISION ITEM***
3. FY16 CWF Competitive Policy and Program Authorization - Dave Weirens – ***DECISION ITEM***
4. FY16 Farm Bill Assistance Program Grants – Dave Weirens – ***DECISION ITEM***
5. Grants Noncompliance Policy – Tim Dykstal and Dave Weirens – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

FY '16 Natural Resources Block Grant

Meeting Date:

June 24, 2015

Agenda Category:

Committee Recommendation New Business Old Business

Item Type:

Decision Discussion Information

Section/Region:

Land & Water Section

Contact:

Wayne Zellmer

Prepared by:

Wayne Zellmer

Reviewed by:

Grants Program & Policy Committee(s)

Presented by:

Wayne Zellmer

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments:

Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of proposed '16 NRBG allocations.

LINKS TO ADDITIONAL INFORMATION

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

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, the Wetland Conservation Act, the DNR Shoreland Management, and the MPCA/BWSR Subsurface Sewage Treatment Systems. The Grants Program & Policy Committee forwards this recommendation.



Board Resolution # _____

FY '16 Natural Resources Block Grant Authorization

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

WHEREAS, the Laws of Minnesota for 2015 in Chapter (XXXXXXXX) appropriated, (LWM, WCA, DNR Shoreland), (XXXXXXXXXXXX) (MPCA-SSTS) appropriated FY '16 Natural Resources Block Grant funds to BWSR and MPCA; and,

WHEREAS, the Grants Program & Policy Committee reviewed the proposed '16 NRBG allocations on June 17, 2015.

NOW THEREFORE BE IT RESOLVED, the BWSR hereby authorizes staff to allocate individual grants amounts to counties meeting the NRBG Program requirements, as indicated on the attached spreadsheet *PROPOSED FY'16 NATURAL RESOURCES BLOCK GRANTS*, for grant programs funded by BWSR appropriations, as determined by the BWSR and DNR, and totaling:

LWM	\$1,139,152
WCA	\$1,906,479
DNR Shoreland	\$395,717

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

AND, BE IT FURTHER RESOLVED, the BWSR hereby authorizes staff to allocate individual grants amounts to counties, for funds appropriated to and allocations determined by the MPCA, for the MPCA SSTS Program Grant.

Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachment: *PROPOSED FY'16 NATURAL RESOURCES BLOCK GRANTS*

PROPOSED FY 2016 NATURAL RESOURCES BLOCK GRANT

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

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

FUNDING

The 2015 Legislature in (xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx), appropriated:

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

\$3.423 M (General Fund)

- | | |
|-----------------------------|-----------|
| 1. Local Water Management | \$1.139 M |
| 2. Wetland Conservation Act | \$1.906 M |
| 3. DNR Shoreland | \$.398 M |

The Grants Program & Policy Comm. is proposing that Local Governmental Units have the flexibility of determining the amount of grant *and* required match of these three Programs, to allocate to each of their programs locally*. This change will provide needed spending flexibility for yearly fluctuations in workload and program activity. The basis for determining match will not change.

*New for FY '16

4. MPCA Subsurface Sewage Treatment Systems (SSTS)

(Proposed funding for this Program will be appropriated directly to the MPCA and then transferred to BWSR. Allocations are yet to be determined pending funding.)

SELECTED PROGRAM HIGHLIGHTS

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

This component is for implementing comprehensive local water plans. For FY '16, the Board is requiring a local levy match or cash equivalent that will generate \$1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Dept. of Revenue. Counties must have a BWSR approved locally adopted comprehensive local water plan.

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

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

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

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

3. *DNR Shoreland - \$395,717*

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

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

4. *MPCA County Subsurface Sewage Treatment Systems Program - \$XXXXXXXX*

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

RECOMMENDATION

The Grants Program & Policy Committee recommends approval of the Proposed FY '16 Natural Resources Block Grant allocations as listed on the attached spreadsheet *PROPOSED FY '16 NATURAL RESOURCES BLOCK GRANTS*.

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

PROPOSED FY '16 NATURAL RESOURCES BLOCK GRANTS

COUNTY	CLWM	WCA	DNR	MPCA	Total		
	PROGRAM GRANT	PROGRAM GRANT	SHORELAND GRANT	SSTS GRANT			
AITKIN	\$13,888	\$33,240	\$11,004	TBD	\$58,132		
ANOKA SWCD *	\$8,094	\$63,191	\$0	TBD	\$71,285		
BECKER	\$13,071	\$24,237	\$10,956	TBD	\$48,264		
BELTRAMI	\$13,688	\$64,600	\$5,616	TBD	\$83,904		
BENTON	\$13,271	\$31,598	\$3,352	TBD	\$48,221		
BIG STONE	\$15,711	\$8,777	\$2,744	TBD	\$27,232		
BLUE EARTH	\$10,023	\$18,178	\$3,309	TBD	\$31,510		
BROWN	\$13,633	\$8,778	\$2,729	TBD	\$25,140		
CARLTON	\$13,349	\$22,507	\$4,006	TBD	\$39,862		
CARVER	\$8,094	\$31,599	\$2,668	TBD	\$42,361		
CASS	\$10,502	\$44,766	\$10,915	TBD	\$66,183		
CHIPPEWA	\$14,881	\$8,778	\$2,678	TBD	\$26,337		
CHISAGO	\$11,243	\$27,700	\$5,043	TBD	\$43,986		
CLAY	\$12,673	\$16,447	\$3,004	TBD	\$32,124		
CLEARWATER	\$15,256	\$19,909	\$3,227	TBD	\$38,392		
COOK	\$14,832	\$12,985	\$4,281	TBD	\$32,098		
COTTONWOOD	\$14,844	\$8,778	\$2,828	TBD	\$26,450		
CROW WING	\$8,094	\$38,088	\$19,515	TBD	\$65,697		
DAKOTA	\$8,094	\$52,804	\$2,668	TBD	\$63,566		
DODGE	\$14,484	\$16,444	\$2,729	TBD	\$33,657		
DOUGLAS	\$12,077	\$21,641	\$8,717	TBD	\$42,435		
FARIBAULT	\$14,550	\$8,778	\$2,790	TBD	\$26,118		
FILLMORE	\$14,278	\$8,778	\$2,746	TBD	\$25,802		
FREEBORN	\$13,120	\$8,778	\$3,202	TBD	\$25,100		
GOODHUE	\$9,433	\$16,447	\$2,828	TBD	\$28,708		
GRANT	\$15,503	\$13,850	\$3,118	TBD	\$32,471		
HENNEPIN	\$8,094	\$57,133	\$0	TBD	\$65,227		
HOUSTON	\$14,699	\$12,985	\$2,780	TBD	\$30,464		
HUBBARD	\$13,245	\$25,103	\$8,605	TBD	\$46,953		
ISANTI	\$13,251	\$25,103	\$4,085	TBD	\$42,439		
ITASCA	\$10,447	\$44,148	\$10,311	TBD	\$64,906		
JACKSON	\$14,717	\$8,778	\$3,072	TBD	\$26,567		
KANABEC	\$15,071	\$25,103	\$4,173	TBD	\$44,347		
KANDIYOHI	\$12,023	\$21,641	\$6,890	TBD	\$40,554		
KITSON	\$15,279	\$16,447	\$2,701	TBD	\$34,427		
KOOCHICHING	\$15,025	\$28,913	\$2,777	TBD	\$46,715		
LAC QUI PARLE	\$15,453	\$8,778	\$2,682	TBD	\$26,913		
LAKE	\$14,736	\$16,447	\$4,707	TBD	\$35,890		
LAKE OF THE WOODS	\$15,809	\$33,760	\$3,563	TBD	\$53,132		
LE SUEUR	\$13,501	\$16,447	\$5,017	TBD	\$34,965		
LINCOLN	\$15,488	\$8,778	\$2,824	TBD	\$27,090		
LYON *	\$13,689	\$8,778	\$2,793	TBD	\$25,260		
MCLEOD	\$12,642	\$16,447	\$3,048	TBD	\$32,137		
MAHNOMEN	\$15,838	\$12,985	\$3,428	TBD	\$32,251		
MARSHALL	\$14,993	\$20,308	\$2,668	TBD	\$37,969		
MARTIN	\$13,697	\$8,778	\$3,085	TBD	\$25,560		
MEEKER	\$13,990	\$19,044	\$4,831	TBD	\$37,865		
MILLE LACS	\$14,361	\$22,507	\$4,905	TBD	\$41,773		
MORRISON	\$13,609	\$30,298	\$4,025	TBD	\$47,932		

PROPOSED FY '16 NATURAL RESOURCES BLOCK GRANTS

COUNTY	CLWM	WCA	DNR	MPCA	Total		
	PROGRAM GRANT	PROGRAM GRANT	SHORELAND GRANT	SSTS GRANT			
MOWER	\$13,047	\$12,985	\$3,330	TBD	\$29,362		
MURRAY	\$15,050	\$8,778	\$3,286	TBD	\$27,114		
NICOLLET	\$13,156	\$16,447	\$2,736	TBD	\$32,339		
NOBLES	\$14,402	\$8,778	\$2,715	TBD	\$25,895		
NORMAN	\$15,541	\$12,985	\$2,677	TBD	\$31,203		
OLMSTED	\$8,094	\$25,103	\$3,213	TBD	\$36,410		
OTTER TAIL	\$9,824	\$59,729	\$18,106	TBD	\$87,659		
PENNINGTON	\$15,341	\$16,447	\$2,890	TBD	\$34,678		
PINE	\$13,855	\$34,626	\$6,018	TBD	\$54,499		
PIPESTONE	\$15,247	\$8,778	\$2,668	TBD	\$26,693		
POLK	\$13,468	\$21,641	\$3,527	TBD	\$38,636		
POPE	\$15,095	\$15,581	\$4,336	TBD	\$35,012		
RAMSEY CD	\$8,094	\$16,677	\$0	TBD	\$24,771		
RED LAKE	\$15,857	\$12,985	\$2,931	TBD	\$31,773		
REDWOOD	\$14,472	\$10,387	\$2,668	TBD	\$27,527		
RENVILLE	\$14,047	\$8,778	\$2,716	TBD	\$25,541		
RICE	\$10,457	\$24,238	\$4,274	TBD	\$38,969		
ROCK	\$15,175	\$8,778	\$2,668	TBD	\$26,621		
ROSEAU	\$15,131	\$24,238	\$2,752	TBD	\$42,121		
ST. LOUIS	\$8,094	\$75,657	\$20,339	TBD	\$104,090		
SCOTT	\$8,094	\$41,551	\$2,668	TBD	\$52,313		
SHERBURNE	\$8,094	\$31,599	\$4,971	TBD	\$44,664		
SIBLEY	\$14,615	\$13,452	\$2,755	TBD	\$30,822		
STEARNS	\$8,094	\$45,879	\$9,185	TBD	\$63,158		
STEELE	\$12,460	\$12,118	\$2,925	TBD	\$27,503		
STEVENS	\$15,305	\$8,778	\$2,783	TBD	\$26,866		
SWIFT	\$15,051	\$12,118	\$2,799	TBD	\$29,968		
TODD	\$14,676	\$21,641	\$5,033	TBD	\$41,350		
TRAVERSE	\$15,585	\$8,778	\$2,861	TBD	\$27,224		
WABASHA *	\$14,177	\$12,118	\$16,972	TBD	\$43,267		
WADENA	\$15,390	\$19,909	\$3,146	TBD	\$38,445		
WASECA	\$14,271	\$12,118	\$3,067	TBD	\$29,456		
WASHINGTON	\$8,094	\$41,551	\$2,668	TBD	\$52,313		
WATONWAN	\$15,108	\$8,778	\$2,788	TBD	\$26,674		
WILKIN	\$15,232	\$8,778	\$2,685	TBD	\$26,695		
WINONA	\$11,847	\$12,118	\$2,706	TBD	\$26,671		
WRIGHT	\$8,094	\$42,416	\$9,528	TBD	\$60,038		
YELLOW MEDICINE	\$15,175	\$8,778	\$2,682	TBD	\$26,635		
TOTALS	\$1,139,152	\$1,906,479	\$395,717	\$TBD	\$3,441,348		

* WABASHA COUNTY INELIGIBLE TO RECEIVE THEIR GRANTS UNTIL THEY HAVE A COMPREHENSIVE PLAN.

* ANOKA COUNTY and SWCD HAVE DECLINED THE SHORELAND GRANT OF \$2,615.

* LYON COUNTY ALLOCATIONS ARE WITHHELD UNTIL REPORTING REQUIREMENTS ARE MET.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

**FY '16 SWCD Programs And Operations
Grants Allocations**

Meeting Date: June 24, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Land & Water

Contact: Wayne Zellmer

Prepared by: Wayne Zellmer

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Wayne Zellmer

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of proposed FY '16 SWCD Programs and Operations Grants Allocations.

LINKS TO ADDITIONAL INFORMATION

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

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 forwards recommendations for individual SWCD allocations.



Board Resolution # _____

**FISCAL YEAR '16 SWCD PROGRAMS AND OPERATIONS
GRANTS ALLOCATIONS**

WHEREAS, Fiscal Year '16 Soil and Water Conservation District (SWCD) Programs and Operations Grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and conservation delivery grants allocations to SWCDs through its State Cost Share Grants, Conservation Delivery Grants, Easement Delivery Grants, and Non Point Engineering Assistance Grant Programs, and;

WHEREAS, Laws of Minnesota 2015, in Chapter (XXXXXXXXXXXXXXXX) appropriated cost share and conservation delivery grant funds to BWSR, and;

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

WHEREAS, grant recipients are responsible for managing State grant funds in compliance with statutes, rules, grant agreements, BWSR policies and guidance, local policies, and other applicable laws and requirements, and;

WHEREAS, the Grants Program & Policy Committee reviewed the proposed SWCD grants allocations on June 17, 2015.

NOW THEREFORE BE IT RESOLVED, the Board authorizes:

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

3. Authorize SWCDs, to use all or part of their allocation for technical assistance, when the following conditions exist:
- i. Other non-state funds will be leveraged and they couldn't do the project otherwise;
Or,
 - ii. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2014 Financial Report indicates less than an 18-month fund balance; And
 - iii. Board Conservationist approval.

 Brian Napstad, Chair
 Board of Water and Soil Resources

Date: _____

Attachments: *Proposed FY '16 SWCD Programs and Operations Grants*

PROPOSED FY '16 SWCD PROGRAMS and OPERATIONS GRANTS, NPEA ALLOCATIONS

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

The 2015 Legislature in (xxxxxxxxxxxxxxxxxxxxxxxx), appropriated:

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

Conservation Delivery Grants - \$1,765,001

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

Grant amounts are identical to FY '15 allocations, and are listed on the attachment *PROPOSED FY '16 SWCD PROGRAMS and OPERATIONS GRANTS*.

Easement Delivery Grants - \$290,997

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

The BWSR currently holds 6,130 conservation easements on 249,586 acres throughout the state. SWCDs range from a low of 0 easements in 9 SWCDs, to a high of 460 easements in Redwood SWCD. The grant amount for FY '16 is based on \$47.47 per easement.

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

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

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

The following policy from this Recommendation directs the FY '16 allocations as follows:

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

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

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

FY '16 NPEA Grants are proposed to be allocated according to the Board adopted policy as follows:

NPEAP Area	Base Grant	Host/Fiscal Agent SWCD	Equipment	Total Grant
1	\$120,000	\$10,000	\$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
			TOTAL	\$1,060,000

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

PROPOSED FY'16 SWCD COST SHARE GRANTS - \$1,196,499

The 2015 Legislature in Chapter XXXXXXXXXXXXXXXXXXXX, appropriated:

(2) \$1,200,000 each year is for soil and water conservation district cost-sharing contracts for perennially vegetated riparian buffers, erosion control, water retention and treatment, and other high-priority conservation practices.

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

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

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

1. Other non-state funds will be leveraged and they couldn't do the project otherwise.
Or,
2. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2014 Financial Report indicates less than an 18-month fund balance.
And,
3. Board Conservationist approval.

Recommendation

The Grants Program & Policy Committee is requesting approval of these FY '16 allocations for the:

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

PROPOSED FY '16 SWCD PROGRAMS and OPERATIONS GRANTS

SWCD	\$1.765 M	\$1.200 M	\$.291 M
	CONSERVATION DELIVERY	COST SHARE	EASEMENT DELIVERY
AITKIN	\$20,212	\$4,141	\$142
ANOKA	\$20,765	\$11,107	\$0
BECKER	\$19,026	\$26,044	\$1,044
BELTRAMI	\$26,376	\$10,122	\$332
BENTON	\$19,224	\$11,169	\$1,139
BIG STONE	\$18,037	\$6,550	\$1,851
BLUE EARTH	\$18,868	\$17,309	\$11,251
BROWN	\$18,947	\$14,757	\$8,640
CARLTON	\$18,670	\$8,001	\$190
CARVER	\$19,698	\$16,673	\$3,133
CASS	\$18,275	\$8,347	\$475
CHIPPEWA	\$18,947	\$11,213	\$8,213
CHISAGO	\$19,737	\$8,844	\$380
CLAY	\$19,263	\$16,468	\$3,608
CLEARWATER	\$18,750	\$7,506	\$142
COOK	\$18,196	\$10,142	\$0
COTTONWOOD	\$18,947	\$14,091	\$9,542
CROW WING	\$18,354	\$9,607	\$1,709
DAKOTA	\$21,240	\$22,054	\$237
DODGE	\$19,343	\$9,908	\$665
DOUGLAS	\$20,172	\$16,410	\$5,269
FARIBAULT	\$19,343	\$12,651	\$8,782
FILLMORE	\$20,133	\$24,289	\$1,899
FREEBORN	\$19,145	\$16,482	\$5,317
GOODHUE	\$20,054	\$25,855	\$3,228
GRANT	\$19,026	\$11,332	\$1,899
HENNEPIN COUNTY	\$25,930	\$13,392	\$1,282
HUBBARD	\$18,157	\$7,761	\$190
ISANTI	\$20,172	\$6,050	\$285
ITASCA	\$18,828	\$6,931	\$142
JACKSON	\$18,314	\$11,769	\$5,792
KANABEC	\$18,710	\$9,607	\$332
KANDIYOHI	\$19,501	\$14,294	\$8,830
KITTSOON	\$19,184	\$9,607	\$1,187
KOOCHICHING	\$18,472	\$10,142	\$0
LAC QUI PARLE	\$18,750	\$20,521	\$8,592
LAKE	\$18,314	\$10,142	\$0
LAKE OF THE WOODS	\$18,037	\$10,142	\$0

PROPOSED FY '16 SWCD PROGRAMS and OPERATIONS GRANTS

SWCD	\$1.765 M	\$1.200 M	\$.291 M
	CONSERVATION DELIVERY	COST SHARE	EASEMENT DELIVERY
LE SUEUR *	\$19,619	\$15,979	\$5,886
LINCOLN	\$19,896	\$15,527	\$4,890
LYON *	\$19,224	\$14,141	\$7,216
MAHNOMEN	\$18,117	\$10,799	\$237
MARSHALL	\$29,596	\$9,491	\$1,234
MARTIN	\$18,908	\$17,945	\$9,922
MC LEOD	\$18,789	\$10,987	\$4,795
MEEKER	\$18,552	\$14,977	\$4,747
MILLE LACS	\$18,868	\$6,944	\$570
MORRISON	\$20,252	\$22,808	\$5,269
MOWER	\$20,805	\$10,819	\$4,177
MURRAY	\$18,235	\$10,884	\$6,314
NICOLLET	\$19,224	\$12,862	\$3,988
NOBLES	\$18,512	\$17,383	\$1,946
NORMAN	\$18,986	\$9,605	\$2,469
OLMSTED	\$21,754	\$30,642	\$1,187
OTTER TAIL EAST	\$18,986	\$15,954	\$617
OTTER TAIL WEST	\$18,986	\$20,932	\$3,608
PENNINGTON	\$18,710	\$11,038	\$332
PINE	\$18,986	\$13,045	\$47
PIPESTONE	\$18,670	\$15,873	\$1,139
POLK EAST	\$18,828	\$10,293	\$142
POLK WEST	\$18,828	\$13,414	\$807
POPE	\$18,592	\$19,927	\$8,687
RAMSEY	\$19,343	\$10,163	\$0
RED LAKE	\$18,077	\$5,632	\$190
REDWOOD	\$19,343	\$13,576	\$21,837
RENVILLE	\$19,501	\$10,460	\$21,789
RICE	\$22,940	\$14,891	\$3,133
ROCK	\$19,343	\$15,923	\$1,092
ROOT RIVER	\$22,505	\$20,901	\$3,038
ROSEAU	\$18,750	\$10,525	\$95
SCOTT	\$19,935	\$18,366	\$2,611
SHERBURNE	\$21,635	\$7,493	\$0
SIBLEY	\$18,868	\$9,005	\$4,557
ST. LOUIS NORTH	\$18,789	\$8,550	\$0
ST. LOUIS SOUTH	\$18,789	\$7,119	\$0
STEARNS	\$22,030	\$36,814	\$854

PROPOSED FY '16 SWCD PROGRAMS and OPERATIONS GRANTS

SWCD	\$1.765 M	\$1.200 M	\$.291 M
	CONSERVATION DELIVERY	COST SHARE	EASEMENT DELIVERY
STEELE	\$20,014	\$10,609	\$2,516
STEVENS	\$19,184	\$15,309	\$3,845
SWIFT	\$18,592	\$10,055	\$8,165
TODD	\$20,054	\$16,595	\$190
TRAVERSE	\$19,145	\$5,376	\$1,329
WABASHA *	\$19,619	\$15,401	\$1,234
WADENA	\$18,710	\$10,142	\$95
WASECA	\$18,986	\$10,552	\$5,412
WASHINGTON	\$20,568	\$11,736	\$95
WATONWAN	\$18,394	\$9,694	\$5,032
WILKIN	\$19,263	\$13,427	\$2,753
WINONA	\$20,963	\$11,629	\$3,893
WRIGHT	\$21,358	\$15,797	\$2,041
YELLOW MEDICINE	\$19,263	\$17,060	\$9,257
ALLOCATED TOTALS	\$1,765,001	\$1,196,499	\$290,997

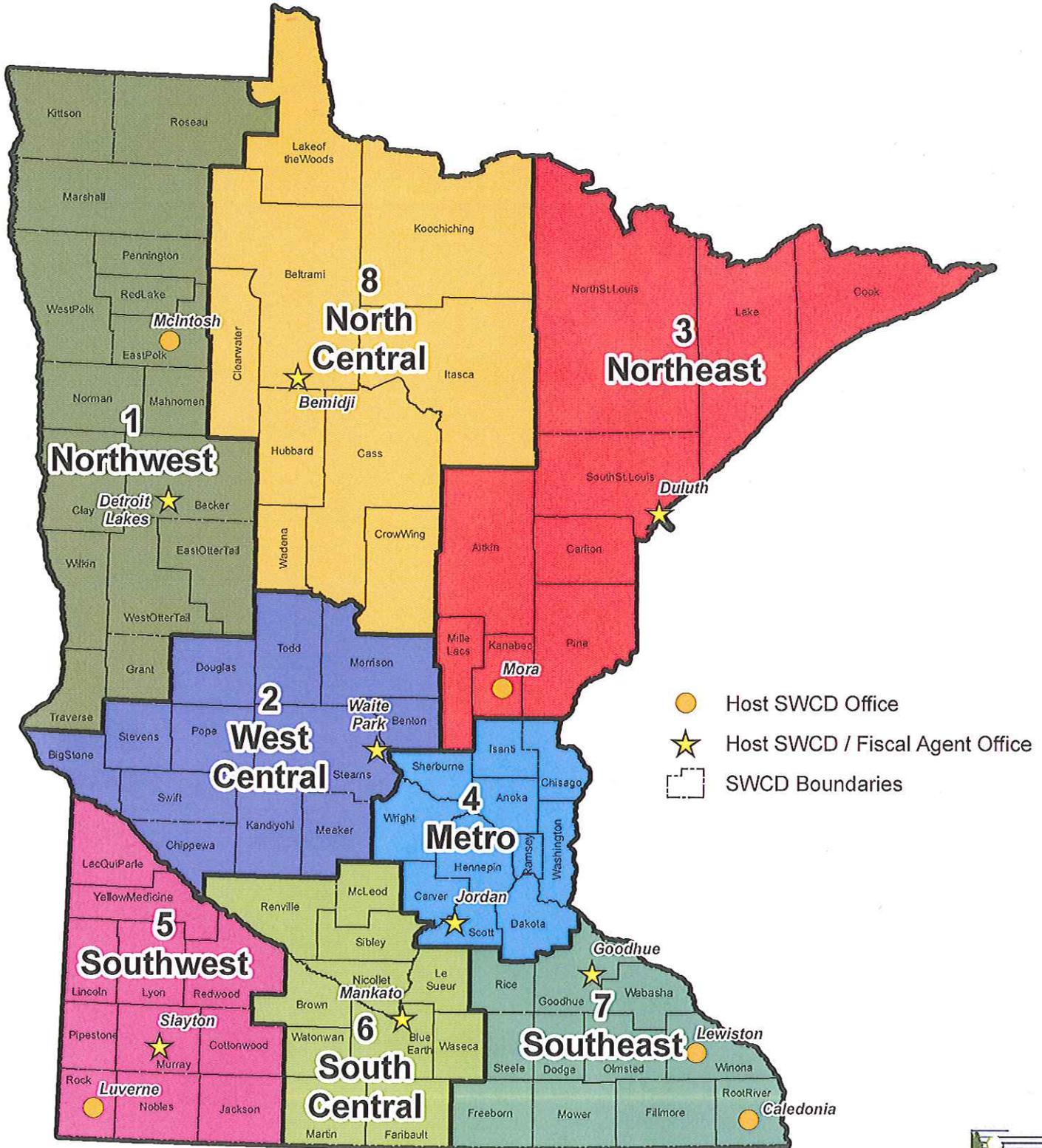
* WABASHA INELIGIBLE UNTIL LOCAL COMPREHENSIVE PLANNING and FINANCIAL REPORTING REQUIREMENTS ARE MET.

* LYON ALLOCATIONS WITHHELD UNTIL REPORTING REQUIREMENTS ARE MET.

* LESUEUR COST SHARE GRANT REDUCED \$3,500 FOR PROGRAM VIOLATIONS.

H:16SWCD

Minnesota Association of Soil & Water Conservation Districts & SWCD Technical Service Areas





BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY 16 CWF Competitive Grant Program

Meeting Date: June 24, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Land and Water Section

Contact: Marcey Westrick

Prepared by: Marcey Westrick
Grants Program and Policy

Reviewed by: Committee Committee(s)

Presented by: Dave Weirens

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Authorization of FY16 CWF Competitive Grants Program.

LINKS TO ADDITIONAL INFORMATION

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

The FY 16 Clean Water Fund Competitive Grants Program includes three BWSR grant programs and Minnesota Department of Agricultural AgBMP loans and is proposed to have an application period from July 6 to August 28. The application scoring process will be conducted by staff from DNR, MDA, MDH, PCA and BWSR as has been the case in previous years. The Grants Program and Policy Committee will meet June 17, 2015 to review the draft Policy and Request for Proposals.



Board Resolution # 15-

**FY 2016 CLEAN WATER FUND COMPETITIVE GRANTS PROGRAM:
POLICY AND REQUEST FOR PROPOSALS**

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

WHEREAS, Clean Water Funds have been appropriated to BWSR in Laws of **Minnesota 2015, Chapter XXX; and,**

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

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

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

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

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

WHEREAS, project proposals for funds appropriated in **Laws of Minnesota 2015, Chapter XXX, Section 7(b)** will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
<u>Project Description:</u> The project description succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.	5
<u>Prioritization:</u> The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan.	15
<u>Targeting:</u> The proposed project addresses identified critical pollution sources or risks impacting the water resource identified in the application.	25
<u>Measurable Outcomes:</u> The proposed project has a quantifiable reduction in pollution and directly addresses the water quality concern identified in the application.	35
<u>Project Readiness:</u> The application has a set of specific initiatives that can be implemented soon after grant award.	10
<u>Cost Effectiveness:</u> The application identifies a cost effective solution to address the non-point pollution concerns.	5
<u>Biennial Budget Request (BBR):</u> A BBR was submitted by the applicant organization in 2012.	5
Total Points Available	100

WHEREAS, project proposals for funds appropriated in Laws of Minnesota 2015, Chapter XXX, Section Y will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

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

WHEREAS, project proposals for funds appropriated in Laws of Minnesota 2015, Chapter XXX, Section Y will be evaluated by BWSR staff based on the following criteria:

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

WHEREAS, the Grants Program and Policy Committee reviewed the Clean Water Fund and Competitive Grants Program Policy developed by staff on June 17, 2015.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

1. Authorizes 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 this Board resolution; and,
2. Adopts the attached FY2016 Clean Water Fund Competitive Grants Policy.

 Brian Napstad, Chair
 Board of Water and Soil Resources

Date: _____

Attachment: FY2016 Clean Water Fund Competitive Grants Policy



FY 2016 Clean Water Fund Competitive Grants Policy



Purpose

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, and M.S. 114D with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams and to protect groundwater and drinking water sources from degradation. The purpose of this policy is to provide expectations for implementation activities conducted via the Board of Water and Soil Resources (BWSR) Clean Water Fund (CWF) grants.

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

The FY 2016 Clean Water Fund Competitive Grants Request for Proposal (RFP) may identify more specific requirements or criteria when specified by statute, rule or appropriation language.

1.0 Applicant Eligibility Requirements

Eligible applicants include local governments (counties, watershed districts, watershed management organizations, soil and water conservation districts, and cities) or local government joint power boards working under a current State approved and locally adopted local water management plan or soil and water conservation district (SWCD) comprehensive plan. Counties in the seven-county metropolitan area are eligible if they have adopted a county groundwater plan or county comprehensive plan that has been approved by the Metropolitan Council under Minn. Stat. Chapter 473. Cities in the seven-county metropolitan area are eligible if they have a water plan that has been approved by a watershed district or a watershed management organization as provided under Minn. Stat. 103B.235. Cities, including those outside of the seven-county metropolitan area, without such plans are encouraged to work with another eligible local government if interested in receiving grant funds. Plans must be current as of October 1, 2015 for an applicant to be eligible to apply.¹ Applicants must also be in compliance with all applicable federal, State, and local laws, policies, ordinances, rules, and regulations.

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

2.0 Match Requirements

A non-State match equal to at least 25% of the amount of Clean Water Funds requested and/or received is required, unless specified otherwise by Board action and included in the RFP. Match can be provided by a landowner, land occupier, local government or other non-State source and can be in the form of cash or the cash value of services or materials contributed to the accomplishment of grant objectives.

3.0 Eligible Activities

The primary purpose of activities funded with grants associated with the Clean Water Fund is to restore, protect, and enhance water quality. Eligible activities must be consistent with a comprehensive watershed management plan, county comprehensive local water management plan, soil and water conservation district comprehensive plan, metropolitan local water plan or metropolitan groundwater plan that has been State approved and locally adopted or an approved total maximum daily load study (TMDL), watershed restoration and protection strategy (WRAPs) document, surface water intake plan, or well head protection plan. Local governments may include programs and projects in their grant application that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government submitting the grant application and the local government that has adopted the plan.

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

3.1 Structural Practices and Projects:

3.1.1 Best Management Practices

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

comply with expected lifespan requirements with a practice or project that provides equivalent water quality benefits.

3.1.2 Capital Improvement Projects

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

3.1.3 Livestock Waste Management Practices

- a. The application of conservation practice components to improve water quality associated with livestock management systems that were constructed before **October 23, 2000** are eligible for funding.
- b. Eligible practices and project components must meet all applicable local, State, and federal standards and permitting requirements. Funded projects must be in compliance with standards in MN Rule Chapter 7020 upon completion.
- c. Eligible practices are limited to best management practices listed by the MN USDA-NRCS.
http://www.nrcs.usda.gov/wps/portal/nrcs/detail/mn/programs/financial/eqip/?cid=nrcs142p2_023513
- d. Funding is limited to livestock operations that are not classified as a Concentrated Animal Feeding Operation (CAFO) and have less than 500 animal units (AUs), in accordance with MN Rule Chapter 7020.
- e. Only livestock operations registered with the Minnesota Pollution Control Agency in the Delta Database or its equivalent are eligible for funding.
- f. BWSR reserves the right to deny, postpone or cancel funding where financial penalties related to livestock waste management violations have been imposed on the operator.
- g. Feedlot Roof Structure is an eligible practice with the following condition:
 - 1) **Payment Limitation:** The maximum grant for a feedlot roof structure is not to exceed \$100,000. Funding is not eligible for

projects already receiving flat rate payment equaling or exceeding this amount from the NRCS or other State grant funds.

- h. Feedlot relocation is an eligible practice, with the following conditions:
 - 1) The existing eligible feedlot must be permanently closed in accordance with the local and State requirements,
 - 2) Payment Limitation: The maximum grant for a feedlot relocation is not to exceed \$100,000. Funding is not eligible for projects already receiving flat rate payment equaling or exceeding this amount from the NRCS or other State grant funds.

3.1.4 Subsurface Sewage Treatment Systems

- a. Only identified imminent threat to public health systems (ITPHS) are eligible for grants funds, except as provided under b.
- b. Proposed community wastewater treatment systems involving multiple landowners are eligible for funding, but must be listed on the MPCA's Project Priority List (PPL) and have a Community Assessment Report (CAR) or facilities plan [Minn. Rule 7077.0272] developed prior to the application deadline. For community wastewater system applications that include ITPHS, systems that fail to protect groundwater are also eligible.
- c. In an unsewered area that is connecting into a sewer line to a municipal waste water treatment plant (WWTP), the costs associated with connecting the home to the sewer line is eligible for funding if the criteria in a. and b. above are met.

3.2 Non-Structural Practices And Measures

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

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

3.3 Project Support

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

3.3.1 Capital Equipment Purchases: Refer to the guidance within the Grants Administration Manual.

3.4 Grant Management and Reporting

3.4.1 All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the project or activity.

3.4.2 Applicants, who have previously received a grant from BWSR, must be in compliance with BWSR requirements for grantee website and eLINK reporting before grant execution and payment.

4.0 Ineligible Activities

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

- a. Stormwater conveyances that collect and move runoff, but do not provide water quality treatment;
- b. Municipal wastewater treatment or drinking water supply facilities;
- c. Routine maintenance activities within the effective life of existing practices or projects;
- d. General maintenance and repair of capital equipment;
- e. Activities having the primary purpose of water quality monitoring or assessment; unless specifically allowed;
- f. Livestock Waste Management Practices: Practices and activities that are not listed in the USDA NRCS-EQIP docket or are not included in the USDA NRCS eFOTG;
- g. Subsurface Sewage Treatment Systems (SSTS):
 - 1) Small community wastewater treatment systems serving over 10,000 gallons per day with a soil treatment system, and
 - 2) A small community wastewater treatment system that discharges treated sewage effluent directly to surface waters without land treatment.

5.0 Structural Practice and Project Requirements

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

5.1 Technical and Engineering Components

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

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

BWSR reserves the right to review the qualifications of all persons providing technical assistance and review the technical project design if a recognized standard is not available.

5.2 Practice or Project Construction and Sign-Off

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

5.3 Post Construction and Follow-Up Activities

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

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

6.0 Grantee Administration of Clean Water Fund Grants

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

All grant recipient expenditure of funds providing financial assistance to landowners requires a contract with the landowner or land occupier. The contract must adequately address all the lifespan and operation and maintenance requirements of the practice or project as provided by this policy, including access for inspections and/or operation and maintenance. The contract must specify enforcement provisions, up to and including repayment of funds at a rate up to 150% of the original agreement amount. Funds received from a landowner who has taken out or failed to maintain a practice must be used according to this policy, less the administration cost.

BWSR recommends all contracts be reviewed by the grant recipient's legal counsel.

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

7.0 BWSR Grant Reporting, Reconciliation, and Verification Requirements

BWSR staff is authorized to develop grant agreements, including requirements and processes for project outcomes reporting, closeouts, fiscal reconciliations, and grant verifications. All grantees must follow the Grants Administration Manual policy and guidance.

In the event there is a violation of the terms of the grant agreement, BWSR will enforce the grant agreement and evaluate appropriate actions, up to and including repayment of grant funds at a rate up to 150% of the grant agreement.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Farm Bill Assistance Program Grants

Meeting Date: June 24, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Land and Water Section

Contact: Dave Weirens

Prepared by: Dave Weirens

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Dave Weirens

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

The Board is requested to authorize the use of year two funds from the current Legislative Citizen Commission on Minnesota Resources (LCCMR) grant, FY 16 DNR funds, FY BWSR Clean Water Fund Accelerated Implementation Grant, and any remaining program carry forward funds for Farm Bill Assistance Grants.

LINKS TO ADDITIONAL INFORMATION

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

The Farm Bill Assistance Program provides funds to SWCDs to hire staff to accelerate implementation of the Farm Bill as well as other state and federal conservation projects that involve grasslands and wetlands. The FY16 Farm Bill Assistance Program is expected to be funded from several revenue sources, chief among them, the Legislative-Citizens Commission on Minnesota Resources.

The Grants Program and Policy Committee will meet on June 17th to review the staff recommendation. The Committee's recommendation will be forwarded for Board consideration on June 24, 2015.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Grants Noncompliance Policy

Meeting Date: June 24, 2015

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Land and Water section

Contact: Tim Dykstal/Dave Weirens

Prepared by: Dave Weirens

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Tim Dykstal/Dave Weirens

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

The Grants Program and Policy Committee will be reviewing the staff recommendation to adopt the Grant Noncompliance Policy on June 17, 2015. The Committee action will be forwarded for Board consideration on June 24, 2015.

LINKS TO ADDITIONAL INFORMATION

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

BWSR staff have revised the Noncompliance chapter in the Grant Administration Manual to simplify BWSR's noncompliance policy and procedure, to align it 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. The Grants Program and Policy Committee discussed the draft policy on April 22, 2015 and will be considering it again on June 17, 2015.