Minnesota Board of Water & Soil Resources

DATE: October 19, 2015

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

FROM: John Jaschke, Executive Director

SUBJECT: BWSR Board Meeting Notice – October 28, 2015

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, October 28, 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

Grants Program & Policy Committee

1. **FY2016 Clean Water Fund Non-Competitive Grants to SWCDs for Local Capacity Services and TSAs for Enhanced Shared Technical Services** – CWF appropriations in Laws of 2015 included new state funding to support SWCD services and enhanced delivery of engineering and technical services. An ad-hoc work group comprised of BWSR and MASWCD representatives developed two options to request these non-competitive funds and report outcomes by recipient SWCDs and TSAs. On September 22, 2015 the Grants Program and Policy Committee met and deliberated on the two options. The Committee recommends approval of the attached draft Resolution: 1) to approve the non-competitive grant allocations that have been developed to support SWCD services and TSA enhanced technical assistance, 2) no match will be required for the SWCD services payments, 3) no match will be required for the first $125,000 of each TSA grant, 4) a minimum non-state match equal to at least 25% of which 10% must be a local cash match is required for the second $116,000 of each TSA grant, 5) grants will be awarded as lump sum up-front payments, 6) the combined state and federal share of cost share provided to landowners for projects and practices cannot exceed 75%, and 7) use of eLINK, as prescribed by the Board, will be required to request and report on funds allocated and received. ***DECISION ITEM***

2. **Stormwater Reuse for Irrigation Assessment Grant** - Seasonal overuse of groundwater resources has been identified by the DNR and others as a potential and actual threat to regional groundwater and related surface water resources. The grant will be used by the Rice Creek Watershed District to develop a feasibility assessment methodology for replacing groundwater with stormwater as the source water for irrigation of turf grasses in public parks, golf courses and semi-public open space. This agenda item is for Board action on a recommendation from the Grants Program & Policy Committee for approval of a non-competitive, Clean Water Fund grant. ***DECISION ITEM***

Buffers, Soils and Drainage Committee

1. **Runoff-Based Drainage Assessments Application** - A more streamlined, runoff-based option for determining Chapter 103E drainage system assessments to benefited lands has been identified as a high priority need by the stakeholder Drainage Work Group. The current criteria and associated methodology in Chapter 103E for viewers to determine drainage system benefits, damages and assessments typically requires substantial time and cost. There is also a shortage of lead viewers. Only about 20% of Chapter 103E drainage ditches have been determined or redetermined since 1977, when the appointment of viewers first triggered a requirement for ditch buffer strips. Outdated benefited areas and assessments for Chapter 103E drainage systems can result in inequitable distribution of drainage system costs, including normal maintenance, establishment of incremental buffer strips and side inlet controls, or installing other erosion control measures. Current technology enables the development of a GIS application for a runoff-based drainage system assessments option. ***DECISION ITEM***

NEW BUSINESS

1. **2016 Proposed BWSR Board Meeting Schedule** – The Board meets the fourth Wednesday of the month (unless noted). The proposed meeting dates for 2016 will be considered for adoption. ***DECISION ITEM***

2. **"Beyond the Status Quo: 2015 EQB Water Policy Report"** – Anna Henderson and Erik Dahl, EQB; will present EQB's five-year water policy report. ***INFORMATION ITEM***

3. **Buffer Protection Mapping Process Initial Steps** - Sarah Strommen, DNR Assistant Commissioner; and Jason Garms, DNR Agricultural Program Liaison; will present DNR's process for creating Buffer Protection Maps for landowners and local units responsible for implementing the new requirements. ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to call me at 651-296-0878. The Board meeting will adjourn about noon. I look forward to seeing you on October 28th!

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 28, 2015

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF SEPTEMBER 23, 2015 BOARD MEETING

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

CONFLICT OF INTEREST DECLARATION

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 Committee – Gene Tiedemann
- Water Management & Strategic Planning Committee – Jack Ditmore
- Wetland Conservation Committee – Gerald Van Amburg
- Buffers, Soils & Drainage Committee – Brian Napstad
- Drainage Work Group – Tom Loveall/Al Kean

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

1. FY2016 Clean Water Fund Non-Competitive Grants to SWCDs for Local Capacity Services and TSAs for Enhanced Shared Technical Services – Doug Thomas, BWSR Assistant Director; and LeAnn Buck, MASWCD Executive Director – ***DECISION ITEM***

2. Stormwater Re-use for Irrigation Assessment Grant – Don Buckhout – ***DECISION ITEM***

Buffers, Soils and Drainage Committee

1. Runoff-Based Drainage Assessments Application – Al Kean - ***DECISION ITEM***

NEW BUSINESS

1. 2016 Proposed BWSR Board Meeting Schedule – John Jaschke – ***DECISION ITEM***

2. "Beyond the Status Quo: 2015 EQB Water Policy Report" – Anna Henderson and Erik Dahl, Environmental Quality Board - ***INFORMATION ITEM***

3. Buffer Protection Mapping Process Initial Steps - Sarah Strommen, DNR Assistant Commissioner; and Jason Garms, DNR Agricultural Program Liaison – ***INFORMATION 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

- BWSR Board Meeting, December 16, 2015, St. Paul
- MAWD Annual Meeting, December 3-5, Alexandria.
- MASWCD Annual Meeting, December 6-8, Bloomington.
- AMC Annual Meeting, December 7-8, St. Cloud.

Noon **ADJOURN**

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 23, 2015

BOARD MEMBERS PRESENT:
Patty Acomb, Joe Collins, Jill Crafton, Chris Elvrum, MDH; Doug Erickson, Rebecca Flood, MPCA; Sandy Hooker, Kathryn Kelly, Tom Loveall, Brian Napstad, Neil Peterson, Tom Schulz, Faye Sleeper, MES; Sarah Strommen, DNR; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Paige Winebarger

BOARD MEMBERS ABSENT:
Jack Ditmore
Rob Sip, MDA
Tom Loveall

STAFF PRESENT:
Mary Jo Anderson, Angie Becker Kudelka, Steve Christopher, Tim Dyskal, Dan Fabian, Travis Germundson, Jim Haertel, Ryan Hughes, John Jaschke, Al Kean, Tim Koehler, Ed Lenz, Melissa Lewis, Jennifer Mocol-Johnson, Jeff Nielsen, Barbara Radke, Dan Steward

OTHERS PRESENT:
LeAnn Buck, MASWCD
Patrick Dean, citizen from Valley Branch WD
Brenda Jo Carlson, citizen from Valley Branch WD
Jason Garms , Greg Hoch and Kevin Lines, DNR
Helen McLennan, Morrison SWCD

DRAFT

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

PLEDGE OF ALLEGIANCE

** 15-64 **ADOPTION OF AGENDA** – Chair Napstad stated that the New Business items are in reverse order. Moved by Kathryn Kelly, seconded by Sandy Hooker, to adopt the agenda as amended. ***Motion passed on a voice vote.***

** 15-65 **MINUTES OF AUGUST 27, 2015 BOARD MEETING** – A correction was noted on page six regarding Reallocation of FY2013 Targeted Drainage Water Management Grant Funds. It should state "WDs" returning the funds are in the Red River Basin. Moved by Tom Schulz, seconded by Doug Erickson, to approve the minutes of August 27, 2015 as corrected. ***Motion passed on a voice vote.***

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

- Patrick Dean, a citizen from the Valley Branch Watershed District (VBWD), expressed concern for the VBWD Revised Watershed Management Plan, requesting the ten-year plan be amended to use best practices for flood control upstream. Mr. Dean distributed a map showing lake levels of Lake Demontreville and Olson Lake; concern for restricted use of the lake due to the water levels.
- Brenda Jo Carlson, representing Lake Demontreville Lakes Association, expressed concerned with the VBWD Revised Watershed Management Plan. Ms. Carlson stated the need for an accurate, consistent, and transparent monitoring system for use by the good stewards on Lake Demontreville.

Chair Napstad thanked Patrick Dean and Brenda Jo Carlson for their informative comments.

INTRODUCTION OF NEW BOARD MEMBER

Chair Napstad introduced and welcomed Patty Acomb, newly appointed board member representing Minnetonka City Council, a metro city elected official. Ms. Acomb provided information on her past experiences.

REPORTS

Administrative Advisory Committee (AAC) – Chair Napstad reported that the AAC did not meet this month.

Chair's Report – Brian Napstad reported that he attended the EQB meeting last week; discussion included the 2015 State Water Policy Report; EQB approved the Report, which will be submitted to the Legislature. Chair Napstad stated that the Report is on the EQB website for public information, additional copies will be printed and distributed. Paige Winebarger asked that the Report be considered for presentation at a future Board meeting. Jill asked about EQB having another Environmental Congress. John stated that he will contact EQB's Executive Director Will Seuffert to request a presentation of the Water Policy Report at a future meeting. Chair Napstad stated that all EQB meetings are now webcast.

Chair Napstad attended the AMC Policy Committee meetings last week. John Jaschke and Dave Weirens represented BWSR at the meeting; and Sarah Strommen, DNR; also presented. John and Sarah presented information on buffers. Sarah stated that DNR is working on the mapping aspects of the buffers initiative including procedures, timelines, process for review; phased approach for review and

comments and a collaborative effort on drainage systems. John stated that BWSR is working with DNR on the mapping aspects of the buffer initiative, assisting with creation of procedures.

Chair Napstad reported that the Department of Commerce presented information to the EQB on solar power, an emerging issue for local governments is solar ordinances.

Chair Napstad reported that he is a member of the Mississippi River Headwaters Board which is applying for LSOHC funds; BWSR would be a partner when managing easements. John Jaschke stated that BWSR has easement acquisition authority that is used for several RIM sub-programs.

Audit & Oversight Committee – Brian Napstad reported that the Audit & Oversight Committee will meet today immediately following adjournment of the Board meeting.

Executive Director's Report – John Jaschke reported that legislative work has become year-round. LCCMR hearings on proposals were held last week; LSOHC is holding hearings on allocation recommendations; a legislative bonding tour last week. John attended AMC Committee meetings last week. He will attend the MACPZA meeting on Friday. John attended the Red River Basin Commission meeting; DNR has environmental review on the Fargo diversion and related flood control issues. John attended the Governor's release of the Pheasant Plan, which is on the agenda later today.

John reported that additional staffing and organizational updates will be announced later this week. BWSR and U.S. Army Corps of Engineers have an interagency agreement for three staff; also a contract with DNR on HR work.

Dispute Resolution Committee – Travis Germundson provided a brief overview of the appeals filed with BWSR. There are ten WCA appeals pending. #14-9 has a hearing scheduled for October 28; contact Travis with questions; due to open meeting law, use Travis as a resource rather than converse with board members regarding comments. The Board's attorney will be available at the hearing for counsel. Travis will send out the final brief to committee members when available.

Grants Program & Policy Committee – Steve Sunderland reported that the Grants Program & Policy Committee met yesterday, items discussed: 1) Non-competitive grant for Rice Creek WD; and 2) $22M appropriation for SWCD/TSA grants. Steve reported that MASWCD attended the Committee meeting; eLink chosen as reporting process; BWSR staff will review. The Committee directed BWSR staff to move forward on a development plan for funding requests ; both recommendations will be presented to the Board next month. Jill Crafton stated that she appreciated the methodology used for water reuse.

Water Management & Strategic Planning Committee – Chair Napstad reported that the Water Management & Strategic Planning Committee met last night; Jack Ditmore did not attend the meeting. Chair Napstad reported that agenda items discussed included: One Watershed, One Plan; staff directed to move forward on grants policy, request for proposal, transition plan, and extension policy. John Jaschke stated that there is a memo from Melissa Lewis to board members in today's information packet.

Buffers, Soils & Drainage Committee – Chair Napstad reported that the new Buffers, Soils & Drainage Committee has not yet met.

Drainage Work Group – Al Kean reported that the Drainage Work Group (DWG) met on September 10. Al provided an overview of the meeting. The next DWG meeting is October 8. Chair Napstad stated that DWG should address the ditch system abandonment on con-con lands. John Jaschke stated that information will be available at the October Board meeting.

INTRODUCTION OF NEW EMPLOYEES

John Jaschke introduced Ryan Hughes, Northern Region Manager, in Duluth (replacing Ron Shelito); Chair congratulated Ryan on the promotion! Jeff Nielsen introduced Ed Lenz, Board Conservationist, in Marshall; and Jennifer Mocol-Johnson, Board Conservationist in Mankato. Angie Becker Kudelka introduced Barbara Radke, Training Coordinator, in Mankato. Chair Napstad welcomed Ed, Jennifer, and Barbara!

Chair Napstad called for a break in the meeting at 10:33 AM. The meeting reconvened at 10:47 AM.

COMMITTEE RECOMMENDATIONS

Central Region Committee

Elm Creek Watershed Management Commission Revised Watershed Management Plan – Steve Christopher reported that the Elm Creek Watershed Management Commission was formed in 1973 and adopted their first Watershed Management Plan in 1983. The plan builds upon past success through the incorporation of the current WRAPS study as well as an enhanced Capital Improvement Plan. The Metro Region Committee met earlier this month to discuss the plan and recommends approval of the Elm
** Creek Watershed Management Commission Revised Watershed Management Plan. Moved by Joe
15-66 Collins, seconded by Jill Crafton, to approve the Elm Creek Watershed Management Commission Revised Watershed Management Plan. ***Motion passed on a voice vote.***

Middle St. Croix Watershed Management Organization Revised Watershed Management Plan – Dan Fabian reported that the Middle St. Croix Watershed Management Organization (MSCWMO) was established by a joint powers agreement in 1984 between the following ten member communities: Afton, Bayport, Baytown Township, Lakeland, Lakeland Shores, Lake St. Croix Beach, Oak Park Heights, St. Mary's Point, Stillwater, and West Lakeland Township. The first Watershed Management Plan was approved by the Board in 1987 in accordance with the Metropolitan Surface Water Management Act of 1982. The revised plan builds upon the successful implementation of the previous plan with a new implementation program designed to meet the MSCWMO's established goals. In addition to the identification of the actions that the MSCWMO will take, the plan requires specific actions by member communities. The Metro Region Committee met September 3, 2015, to discuss the plan and recommends approval of the Middle St. Croix Watershed Management Organization Revised Watershed
** Management Plan. Moved by Joe Collins, seconded by Faye Sleeper, to approve the Middle St. Croix
15-67 Watershed Management Organization Revised Watershed Management Plan. ***Motion passed on a voice vote.***

Valley Branch Watershed District Revised Watershed Management Plan – Dan Fabian reported that the Valley Branch Watershed District (VBWD) was established on November 14, 1968 to address existing flooding problems and prevent future flooding problems in the watershed. This plan will be the fifth VBWD Plan approved by the Board or its predecessor under the Watershed Act, Minnesota Statutes Chapter 103D and the fourth since passage of the 1982 Metropolitan Surface Water Management Act, Minnesota Statutes Chapter 103B. The VBWD covers approximately 70 square miles and lies primarily within Washington County, but includes approximately one square mile in Ramsey County. The VBWD 2015-2025 Watershed Management Plan (Plan) documents the Managers' guidelines and proposed

tasks for managing the water resources within the boundaries of the VBWD to achieve their vision. Dan commented on Mr. Dean's comments regarding flood control issues; the VBWD addressed the issues and concerns working with DNR. The Metro Region Committee met earlier this month to discuss the Plan and recommends approval of the Valley Branch Watershed District Revised Watershed Management Plan.

** 15-68 Moved by Joe Collins, seconded by Kathryn Kelly; to approve the Valley Branch Watershed District Revised Watershed Management Plan. Joe Collins stated that this is not a public hearing, the Metro Region Committee's recommendation stands, the VBWD can adopt projects and rules, changes to the Plan can be amended, there are local ordinances; however, the City of Lake Elmo needs to address the flooding issues. Gerald VanAmburg stated that watershed districts need to look at mitigating the effects of climate change as they manage plans. Discussion followed. John Jaschke stated that the U of M Climatology Department can be contacted for a future presentation to the Board. Faye Sleeper stated that the U of M Climatology Conference will be held in January; she will provide information to board members. ***Motion passed on a voice vote***.

Northern Region Committee

Thirty Lakes Watershed District Revised Overall Plan – Dan Steward reported that the final draft of the Thirty Lakes Watershed District (TLWD) Revised Overall Plan was filed with the Board on September 9, 2015. The District revised their original draft Plan (dated December 27, 2014) to address comments raised by the Department of Natural Resources and BWSR staff. The Northern Region Committee met on September 2, 2015 to review the Revised Plan and recommends approval contingent upon the TLWD incorporating an additional action item in the Plan. The District's activity associated with projects and programs has declined, the Committee recommends that the District conduct an evaluation of the purpose and need for the District, addressing both original purposes and current needs. The District has since incorporated the Committee's recommendation in the latest version of the Plan. Dan reported that the Committee recommends approval of the Thirty Lakes Watershed District Revised Overall Plan.

** 15-69 Moved by Tom Schulz, seconded by Neil Peterson, to approve the Thirty Lakes Watershed District Revised Overall Plan. Rebecca Flood stated that MPCA did not comment on the Plan; she requested that Dan contact MPCA to provide comment and feedback on the evaluation. Discussion followed. ***Motion passed on a voice vote.***

Morrison County Local Water Management Plan Extension – Dan Steward introduced Helen McLennan, Morrison SWCD District Manager. Dan reported that Morrison County submitted a resolution requesting a two year extension of their County water plan on August 6, 2015. The Morrison County Local Water Management Plan expires on May 26, 2020, with the Goals, Objectives and Actions due to be updated by May 26, 2015. The extension is needed to facilitate Morrison County's interests in synchronizing water management efforts with the Morrison County Comprehensive Land Use Plan Update and water management planning across the eight county Mississippi Headwaters Region. The Northern Region Committee recommends approval of the Morrison County extension request. Helen stated that Morrison County has a broad task force and good collaboration to work on water planning.

** The extension request is needed due to few staff with an overwhelming workload. Moved by Tom Schulz, seconded by Sandy Hooker, to approve the Morrison County Local Water Management Plan 15-70 extension. ***Motion passed on a voice vote.*** Chair Napstad thanked Helen for her attendance today.

Technical Training and Certification Strategy – Angie Becker Kudelka introduced LeAnn Buck, MASWCD Executive Director. LeAnn commented on the good working collaboration and partnership endorsing the Minnesota Model for technical training. The Technical Training Team: BWSR, MASWCD, TSA, SWCD,

NRCS. Angie explained the purpose of the Technical Training and Certification Strategy is to provide a framework for the development of technical skills (engineering and ecological practices) for local conservation professionals in Minnesota; Job Approval Authority (JAA) training component. LeAnn explained the next steps are to establish a state tech training committee; hire a state tech training coordinator; begin core competency trainings/offerings. Angie stated that the immediate step is to have each organization sign the strategy document as a commitment to collaborate on the implementation of the strategy. LeAnn stated the signing commitment event will be held at the MASWCD convention. LeAnn thanked BWSR for the leadership on this effort. Chair Napstad thanked LeAnn for MASWCD's partnership.

NEW BUSINESS

Pheasant Summit Action Plan – Sarah Strommen, on behalf of Commissioner Landwehr, stated that citizen participation and public comment from the Pheasant Summit held December 2014, resulted in Governor Dayton's release of the four-year Pheasant Summit Action Plan on September 14. Kevin Lines, DNR Pheasant Action Plan Coordinator; and Greg Hoch, DNR Prairie Habitat Team Supervisor; were introduced and presented the 2015 MN Pheasant Summit Action Plan. Kevin stated that Governor Mark Dayton injected new energy into pheasant conservation efforts when he convened a Pheasant Summit in December 2014 in Marshall, MN. His challenge was clear, to develop an action plan that would restore Minnesota's pheasant populations and restore its hunting tradition. The Pheasant Summit Action Plan is a major step forward, turning goals identified from the Summit attendees into action. Greg presented 10 steps to improve hunting and habitat. Greg stated that DNR and partners are developing an annual Report Card of the action steps to keep track of successes and determine where more efforts are needed.

Kevin reported that the Legislature passed the buffer initiative establishing vegetation buffers along rivers, streams and ditches. DNR received a $1.67M grant for the Walk in Access (WIA) program from NRCS. Conservation partners submitted 15 proposals to LSOHC totaling $156M. Kevin stated that private landowners are the focus and a key component of the Pheasant Summit Action Plan. Discussion followed. Paige Winebarger commended staff on the concise report. Chair Napstad thanked Kevin and Greg for the informative presentation.

AGENCY REPORTS

Minnesota Department of Health (MDH) – Chris Elvrum stated that MDH is proud that incoming president recognized drinking water and health equity in the State.

Minnesota Department of Natural Resources (DNR) –Sarah provided a brief overview of the recent agreement between DNR and R.D. Offutt Company (RDO), a North Dakota agriculture company that voluntarily reduced the number of new water appropriation permit applications on file with DNR to five groundwater permits for new irrigated crop production. DNR ordered an EAW and a special two phase study will be conducted in collaboration with MDA, MDH, and MPCA, to focus on impacts; a positive outcome for a difficult situation. Chris Elvrum appreciated the opportunity to work with DNR on this effort.

Minnesota Extension Service (MES) – Faye Sleeper thanked BWSR and MPCA for planning the Iowa legislator group in Minnesota this week; Doug Thomas attended and worked with them. Faye announced the Water Resources Conference, October 13-14, 2015 at the River Centre in St. Paul.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that the river unification ruling endorsed proper adoption standards to be determined now by the Supreme Court. Rebecca stated that the Senate and House Capital Investment Committees are reviewing restoration construction of the St. Louis River impairments. Rebecca stated that MPCA is working with MDH regarding implementation on water quality standards and infrastructure.

ADVISORY COMMENTS

Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck distributed the 'MASWCD Report Area Meetings: Fall, 2015' and provided a brief overview. LeAnn thanked DNR for providing Groundwater Workshops for SWCD; and thanked BWSR for their support of MASWCD.

Minnesota Association of Townships (MAT) – Sandy Hooker announced MAT's 2015 Annual Conference, November 19-21, at the Arrowwood Resort in Alexandria.

UPCOMING MEETINGS

- BWSR Academy, October 27-29, 2015, Breezy Point, Pequot Lakes
- Next BWSR Board Meeting, October 28, 2015, St. Paul
- Buffers, Soils & Drainage Committee Meeting, October 27, 6:00 PM, St. Paul

** Moved by Paige Winebarger, seconded by Steve Sunderland, to adjourn the meeting at 12:41 PM.
15-71 ***Motion passed on a voice vote.***

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT

Conflict of Interest Disclosure Form
for Board Members

Grant Program: FY2016 Clean Water Fund Non-Competitive Grants to SWCDs for Local Capacity Services and TSAs for Enhanced Shared Technical Services

Name of Review Group: Grants Program & Policy Committee

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

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

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

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

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

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

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

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

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

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

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

☐ 1a. I have reviewed the list of applicants, and I do not have any conflicts of interest relating to this program's grant applicants or proposed projects.

☐ 1b. I have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest with the applicant(s) listed below. (Note: If you disclose a conflict, you must identify the applicant on this form, but a description is discretionary. Under Minnesota Statute 13.599, this form is considered public data.)

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

☐ 2a. After reviewing this form and OGM Policy 08-01, I CHOOSE to participate in this review process.

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

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 5/13

Conflict of Interest Disclosure Form
for Board Members

Grant Program: Stormwater Re-use for Irrigation Assessment Grant

Name of Review Group: Grants Program & Policy Committee

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

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

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

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

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

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

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☐ 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.

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

☐ 2a. After reviewing this form and OGM Policy 08-01, I CHOOSE to participate in this review process.

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

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 5/13

Conflict of Interest Disclosure Form
for Board Members

Grant Program: Runoff-Based Drainage Assessments Application Grant

Name of Review Group: Buffers, Soils and Drainage 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: October 28, 2015

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Central Office

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)

Presented by: Travis Germundson
Gerald VanAmburg

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: ☐ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other: _____

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED

None

LINKS TO ADDITIONAL INFORMATION

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

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

Dispute Resolution Report
October 16, 2015
By: Travis Germundson

There are presently **ten** appeals pending. All of the appeals involve WCA. There has been no new appeals filed since the last report, dated September 23rd (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 15-9 (9-17-15) This is an appeal of a replacement plan decision in Crow Wing County. The appeal regards the denial of a replacement plan application for wetland impacts associated with the construction of a residential driveway and structure within the Shoreland Management District of South Long Lake. A previous decision approving a similar replacement plan application had been appealed (File 15-5). The appeal was remanded for additional technical evaluation on impact avoidance including a no-build alternative, and now the current denial is being appealed. *The appeal has been granted.*

File 15-7 (7-20-15) This is an appeal of a Restoration Order in Olmsted County. The appeal regards the unauthorized placement of drain tile in a purported wetland. Applications for exemption and no-loss determinations have been submitted to the local unit of government concurrently with the appeal. *The appeal has been placed in abeyance until the LGU makes a final decision on the applications for exemption and no-loss.*

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

File 14-9 (12-3-14) This is an appeal of multiple exemption and no-loss decisions in McLeod County. The appeal regards the approval of three exemption and no-loss decisions. At issue is the LGU's assessment that the applications were approved by operation of law under Minn. Stat. §15.99 (60 day rule). The after-the-fact applications were submitted in conjunction with an appeal of a restoration order (File 14-4). The appeal has been granted. A DRC hearing has been scheduled for October 28th (following the Board meeting).

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

File 14-6 (5-28-14) This is an appeal of a replacement plan decision by DNR Land and Minerals involving the Hibbing Taconite Mine and Stockpile Progression and Williams Creek Wetland Mitigation. The appeal regards the approval of a wetland replacement plan application for mining related activities. A similar appeal was also filed simultaneously with DNR under procedures required for permit to mine. The appeal has been placed in abeyance for completion of DNR's contested case proceedings. *The parties reached settlement on the issue of the adequacy of the Replacement Plan, the other issues will likely be heard by the Court of Appeals.*

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

File 12-12 (7-16-12) This is an appeal of an exemption determination in Renville County. The appeal regards the denial of an agricultural drainage exemption associated with a 1.5 acre wetland. At issue is the wetland type determination. A previous appeal (File 12-5) was remanded for further technical evaluation and administrative proceedings, and now the current approval is being appealed. A verbal settlement agreement has since been reached that includes submittal of a replacement plan application. The appeal has been placed in abeyance by mutual agreement to determine the viability of a wetland replacement plan application.

File 11-1 (1-20-11) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of approximately 1.77 acres of wetland and 0.69 acres of excavation. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application and confirmation of required mitigation.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers. The appeal has been placed in abeyance by mutual agreement. A revised wetland bank plan application has been approved with conditions. Those conditions require the approval of partial ditch abandonment along with a Conditional Use Permit for alterations in the floodplain.

Summary Table

Type of Decision	Total for Calendar Year 2014	Total for Calendar Year 2015
Order in favor of appellant		
Order not in favor of appellant	2	4
Order Modified		
Order Remanded	1	1
Order Place Appeal in Abeyance	3	2
Negotiated Settlement	2	
Withdrawn/Dismissed	2	1

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

1. FY2016 Clean Water Fund Non-Competitive Grants to SWCDs for Local Capacity Services and TSAs for Enhanced Shared Technical Services – Doug Thomas, BWSR Assistant Director; and LeAnn Buck, MASWCD Executive Director – ***DECISION ITEM***

2. Stormwater Re-use for Irrigation Assessment Grant – Don Buckhout – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **FY 2016 CLEAN WATER FUND NON-COMPETITIVE GRANTS TO SWCDs FOR LOCAL CAPACITY SERVICES AND TSAs FOR ENHANCED SHARED TECHNICAL SERVICES**

Meeting Date: October 28, 2015

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region:

Contact: Doug Thomas/Jim Haertel

Prepared by: Doug Thomas

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Doug Thomas. LeAnn Buck

☐ **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
XX Clean Water Fund Budget

ACTION REQUESTED

Approve the FY 2016 CWF non-competitive grant allocations that have been developed to support SWCD local capacity to implement their authorities in Minn. Stat. sections 103C.321 and 103C.331 and to enhance technical assistance to deliver essential engineering and technical services through TSAs. Authorizes staff to finalize, distribute and promote a SWCD and TSA request for funding to implement the FY 2016 payments to soil and water conservation districts for the purposes of Minn. Stat. sections 103C.321 and 103C.331 and enhancement grants for technical assistance with the provisions of appropriations enacted in 2015, Minn. Stat. section 103B.3369, and this Board resolution. Authorize staff to execute grant agreements with individual SWCDs and TSAs after receipt and approval of requests for funding not to exceed grant allocation amounts approved by the Board.

LINKS TO ADDITIONAL INFORMATION

Draft Board Resolution (attached)
SWCD/TSA Services Non-Competitive Clean Water Fund Appropriations Request & Reporting Process, dated September 21, 2015 (attached)
SWCD/TSA New Services Request & Reporting Project Plan Charter (attached)

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

CWF appropriations in Laws of 2015 included new state funding to support SWCD services ($22 million/biennium) and enhanced delivery of engineering and technical services ($3.84 million/biennium out of the $12 million AIG allocation). Agency executives directed staff to convene an ad-hoc work group to develop a method to request these non-competitive funds and report outcomes by recipient SWCDs and TSAs. The work group, comprised of BWSR and MASWCD representatives, completed its work on August 17, 2015 with a final report delivered to BWSR on September 21, 2015.

On September 22, 2015 the Grants Program and Policy Committee met and deliberated on two options that were presented for how SWCDs and TSAs would be required to request funds and report on expenditures and resource outcomes. The Grants Program and Policy Committee moved to 1) recommend use of Option 2 as outlined in the "SWCD/TSA Services Non-Competitive Clean Water Fund Appropriation Request & Reporting Process" memo dated September 21, 2015 (attached) to be used for the report and request procedure, 2) recommended use of eLINK as the preferred platform, and 3) instructed staff to develop the Board resolution and supporting materials and that they be distributed to the Committee for review and comment prior to the October 28, 2015 Board Meeting.

The draft Board Resolution and supporting materials were provided to the Grants Program and Policy Committee on October 12, 2015 and no changes or corrections were received from Committee members and as such the Committee recommends approval of the attached resolution to 1) approve the non-competitive grant allocations that have been developed to support SWCD services and TSA enhanced technical assistance, 2) no match will be required for the SWCD services payments, 3) no match will be required for the first $125,000 of each TSA grant, 4) a minimum non-state match equal to at least 25% of which 10% must be a local cash match is required for the second $116,000 of each TSA grant, 5) grants will be awarded as lump sum up-front payments, 6) the combined state and federal share of cost share provided to landowners for projects and practices cannot exceed 75%, and 7) use of eLINK, as prescribed by the Board, will be required to request and report on funds allocated and received.

Board Resolution # 15-____

FY 2016 CLEAN WATER FUND NON-COMPETITIVE GRANTS TO SWCDs FOR LOCAL CAPACITY SERVICES AND TSAs FOR ENHANCED SHARED TECHNICAL SERVICES

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

WHEREAS, Clean Water Funds have been appropriated to the Board of Water and Soil Resources (Board) in Laws of Minnesota 2015, 1st Special Session, Chapter 2, Article 2, Section 7(o) for payments to soil and water conservation districts for the purposes of Minn. Stat. sections 103C.321 and 103C.331 and Section 7(c) for enhancement grants for technical assistance; and

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

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

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

WHEREAS, requests for Soil and Water Conservation District (SWCD) services payments and Technical Service Area (TSA) enhanced technical assistance grants with funds appropriated in Laws of Minnesota 2015, 1st Special Session, Chapter 2, Article 2, Sections 7(c) and 7(o) will be awarded on a non-competitive allocation basis; and

WHEREAS, the Grants Program and Policy Committee reviewed the proposed non-competitive SWCD services payments and Technical Service Area TSA enhanced technical assistance grant allocations and procedures for how SWCDs & TSAs will request allocations and report on expenditures and outcomes at its September 22, 2015 meeting; and

WHEREAS, the Grants Program and Policy Committee moved to 1) recommend use of Option 2 as outlined in the "SWCD/TSA Services Non-Competitive Clean Water Fund Appropriation Request & Reporting Process" memo dated September 21, 2015 (attached) to be used for the report and request procedure, 2) recommended use of eLINK as the preferred platform, and 3) instructed staff to develop the Board resolution and supporting materials and that they be distributed for review and comment prior to the October 28, 2015 Board Meeting; and

WHEREAS, the draft Board Resolution and supporting materials were provided to the Grants Program and Policy Committee on October 12, 2015 and no changes or corrections were received from Committee members.

NOW THEREFORE BE IT RESOLVED, the Board hereby:
Establishes the SWCD Local Capacity Services grant program and the TSA Enhanced Technical Shared Services grant program, and;

BE IT FURTHER RESOLVED, the Board hereby:
Establishes the following SWCD Local Capacity Services and TSA Enhanced Technical Shared Services grant allocations as follows:

FY 2016 SWCD Local Capacity Services Grants
Each SWCD and Hennepin County is eligible to receive up to $100,000 with no match required.

FY 2016 TSA Enhanced Technical Assistance Funding Allocations

Each of the eight TSAs is eligible to receive $125,000 with no match required and an additional $115,000 per TSA with a minimum non-state match equal to at least 25% of which 10% must be a local cash match, up to a total grant of $240,000.

BE IT FURTHER RESOLVED, the Board hereby:
Approves the non-competitive grant allocations as described in this resolution, and;

BE IT FURTHER RESOLVED, the Board hereby:
Establishes that grants awarded pursuant to this resolution will conform to the the Board's FY 2016 Clean Water Fund Competitive Grants Policy except that: 1) grants will be awarded as a lump sum up-front payments, 2) the combined state and federal share of cost share provided to landowners for projects and practices cannot exceed 75%, and 3) use of eLINK, as prescribed by the Board, will be required to request and report on funds allocated and received; and

BE IT FURTHER RESOLVED, the Board hereby:
Authorizes staff to finalize, distribute and promote a SWCD and TSA request for funding to implement the FY 2016 payments to SWCDs for the purposes of Minn. Stat. sections 103C.321 and 103C.331 and enhancement grants for technical assistance with the provisions of appropriations enacted in 2015, Minn. Stat. section 103B.3369, and this Board resolution; and

BE IT FURTHER RESOLVED, the Board hereby:
Authorizes staff to execute grant agreements with individual SWCDs and TSAs after receipt and approval of a request for funding not to exceed grant allocation amounts identified in this resolution.

_____ Date: _____

Brian Napstad, Chair
Board of Water & Soil Resources

Attachment: SWCD/TSA Services Non-Competitive Clean Water Fund Appropriations Request & Reporting Process, dated September 21, 2015

SWCD/TSA New Services Request & Reporting Project Plan/Charter:

July10, 2015

Project description

The purpose of this project is to develop a process by which SWCDs and Technical Service Areas (TSAs) will request new FY16-17 Clean Water Fund appropriations to enhance technical capacity of our conservation delivery system to meet current and future demands

Project context and need

2015 legislative action will increase SWCD services funding by $22 million over the next biennium along with approximately $3.9 million/biennium for TSA funding. The increase in funding recognizes the important role that SWCDs/TSAs play in providing technical assistance to private landowners to plan, design, and carryout a myriad of soil and water conservation practices. It is also in recognition of the 1) increases in CWF implementation dollars, 2) MN's new state buffer law, 3) expansion of the soil loss limits law statewide, 4) Ag Water Quality Certification Program, and 5) a growing role in land related groundwater issues.

With this expansion of funding and the need to demonstrate that it will supplement the current local capacity of SWCDs and TSAs to deliver soil and water conservation programs and implement new legislative directives there is a need to develop a process to assure the enhancement of the conservation delivery system and the supplementing of local effort occurs.

Goals

At the end of this project we will have BWSR & MASWCD Board agreement on:

- A process by which SWCDs and TSAs will request this non-competitive funding for FY16.
- That it will be linked to calendar year 2016 work plans and budgets of SWCDs and TSAs.
- That specific requirements for both requesting funds and outcomes/deliverables will be established and that will conform to requirements of the applicable funding sources and appropriation language.
- A timeframe that will allow funds to be disbursed in late December 2015 or January of 2016.

Scope and Approach

This effort will be led by BWSR and MASWCD with Doug Thomas and LeAnn Buck serving as co-leads. An Ad-hoc work group of 12 members (6 SWCD and 6 BWSR) will be formed for the purpose of provided input and reaching consensus on a set of guidelines and/or recommendation necessary to achieve the state goals of the project plan.

The general approach for the this effort will include:

Step 1 – Prep the approach with MASWCD and BWSR leads. (July 24th)

Step 2 – Hold Meeting 1: define the challenge and set some probable sideboards the small group generally agrees are reasonable. (August 4th)

Step 3 - A concise written summation that goes out to MASWCD members so they can provide input on the challenge, rightness of the need to have sideboards, and the general acceptability of the probable types of sideboards.
Step 4 – Hold Meeting 2: get the small group's reflections and the larger world's input and finalize recommended approach for request and reporting for these funds. (early September)
Step 5 – MASWCD endorsement of proposed request for funding document (September 22nd)
Step 6 – BWSR Grant Committee Review and recommendation for request/process (September 23rd)
Step 7 – BWSR approval and notice to proceed (October Board Meeting)
Step 9 – Grants out to SWCDs (December)

Budget/Funding

Up to $14,000 for agreement with MASWCD to provide facilitation, analysis, and report writing services.

SWCD/TSA Services Non-Competitive Clean Water Fund Appropriation Request & Reporting Process

Background

Legislative action in 2015 increased SWCD services funding by $22 million over the next biennium along with approximately $3.9 million/biennium for TSA funding. The increase recognizes the role SWCDs/TSAs play in providing technical assistance to private landowners. It also recognizes demands from 1) increases in CWF implementation dollars, 2) MN's new buffer law, 3) expansion of soil loss limits law statewide, 4) Ag Water Quality Certification Program, and 5) a growing role in land-related groundwater issues. The additional funds are intended to **increase Districts' and TSAs local capacity (see Appendix A, pg. 10) to deliver essential services (Appendix B , pg. 11).**

BWSR and MASWCD convened a Working Group to develop a process for SWCDs and TSAs to request and report on the first year of new FY16-17 Clean Water Fund appropriations of $100,000 per SWCD and new funding for TSAs. This process applies ONLY to the new funds for TSAs and the $100,000 to be given to each District. A separate process will be used to distribute the remainder of the appropriation. The Freshwater Society was engaged to facilitate the process.

The FY16-17 Clean Water Fund appropriations are non-competitive, but will require that SWCDs and TSAs request and report how the funds are used. **The Working Group's task was to determine and recommend an acceptable and reasonable level of detail to ask Districts/TSAs to request and report.**

A draft of the request and reporting processes based on the work done at the first meeting of the Working Group was sent out to all SWCD staff, with an invitation to offer feedback. Comments were analyzed for themes and concerns. A second meeting of the Working Group addressed the concerns expressed by districts. Their recommendations have been summarized in this current draft proposal.

What The Funds Are For

These new funds are intended to fill gaps in local capacity, the delivery of essential services, and accomplish critical soil and water conservation goals:

- **Address a weakness- Expand the** level and/or **variety** of services Districts and TSAs are able to deliver. (i.e., add GIS services, groundwater, monitoring, conservation practices, forest lands management).
- **Support a strength- Increase the amount** of existing, targeted, priority services offered (WCA services, outreach to landowners, assist landowners in meeting regulatory requirements).
- **Extend** programs funded by short-term, competitive, grant funds that are expiring.
- **Add to, improve, or develop, staff skills** so that skills better align with resource priorities identified by the District.

Guidelines

The process for requesting and reporting on non-competitive Clean Water Funds is framed by the intent to give clear guidelines to SWCDs and TSAs on how to request and report on the use of funds, without adding to administrative workloads:

- A simple, straightforward process;
- Reasonable and acceptable to SWCDs and TSAs;
- Must measure additionality;
- Yield results that are easily communicated, and;
- The request and reporting process should not become an accounting system to track each dollar spent.

The two options described in this document get at similar information from different directions. The first begins by identifying local capacity needs and explains how additional capacity will address selected natural resource concerns. The second begins with natural resource concerns and describes the additional capacity needed to address those concerns.

Needed Decisions

Two decisions need to be made:

1. Choose one of two Request/Reporting Process options
2. Choose one of two delivery platforms

This report offers two different options for the request and reporting processes, and two options for delivery platforms. Either request and reporting option could be delivered on either platform- eLink, or via a spreadsheet. It is the strong recommendation of the Working Group that the process utilize **one, but not both**, of these platforms.

BWSR will need to do an analysis to determine if eLink can be modified to accommodate the information needed for the request and reporting process option selected. If the form is built in the eLink platform, it is the recommendation of the Working Group that the eLink form be **unlocked** so that SWCDs and TSAs can make changes without filing amendments to a work plan.

In both options, SWCDs and TSAs will use the same form to request and report their use of funds. Both options could include an opportunity for SWCDs and TSAs to enter narrative descriptions and explanations of how funds will be spent.

Procedurally, because TSAs are in business to service the needs of SWCDs, it is advisable to have SWCDs bring their needs and priorities to TSAs before TSAs request funds. TSA work plans should reflect the needs identified by SWCDs.

Option 1- Investing in Local Capacity

Option 1 directs the user to select categories of local capacity SWCDs will invest in to address one or more resource needs.

PROS: The form is simple, and would require very little additional reporting by SWCDs and TSAs. Numbers of BMPs would be reported as usual in eLink. Results are broad, but easily communicated. If more detailed information is desired, BWSR could build this form using the twenty-two existing categories of activities that address resource needs already defined in eLink.

CONS: The measure of additionality would be limited to the **dollar amounts spent on categories of local capacity** invested in by SWCDs, and the **number of SWCDs** targeting categories of resource needs.

Option 1 Format

In the space provided, identify district priorities from a planning document. Briefly explain why you are investing in the following areas of local capacity.

Category of Local Capacity		Category of Resource Need	
Staff			
Enter Total Estimated $$	**For Reporting ONLY Enter ACTUAL $$ spent**		
Check all the areas of investment in STAFF that apply (do NOT enter dollar amounts below)		Check all the resource benefits that apply from funds spent on STAFF (do NOT enter dollar amounts below)	
	Training/Professional Development		Soil Erosion
	Admin		Water Storage and Treatment
	Project/Practices/Technical Assistance		Riparian Zone Management
	Monitoring/Data gathering		Excess Nutrients
	Compliance/Enforcement		Other
	Education/Outreach/Communications		
	Planning		
	Other		
Cost Share/Incentives			
Enter Total Estimated $$	**For Reporting ONLY Enter ACTUAL $$ spent**		
		Check all the resource benefits that apply from funds spent on TECHNOLOGY/CAPITAL EQUIPMENT (do NOT enter dollar amounts below)	
			Soil Erosion
			Water Storage and Treatment
			Riparian Zone Management
			Excess Nutrients
			Other

Technology/Capital Equipment			
Enter Total Estimated $$	**For Reporting ONLY Enter ACTUAL $$ spent**		
Check all the areas of investment in TECHNOLOGY/CAPITAL EQUIPMENT that apply (do NOT enter dollar amounts below)		Check all the resource benefits that apply from funds spent on TECHNOLOGY/CAPITAL EQUIPMENT (do NOT enter dollar amounts below)	
	Survey Equipment		Soil Erosion
	Software/IT Hardware/Licensing fees		Water Storage and Treatment
	Monitoring Equipment/Supplies		Riparian Zone Management
	Capital equipment (i.e., seed drills, soil boring, ATVs)		Excess Nutrients
	Other		Other

Operations			
Enter Total Estimated $$	**For Reporting ONLY Enter ACTUAL $$ spent**		
Check all the areas of investment in TECHNOLOGY/CAPITAL EQUIPMENT that apply (do NOT enter dollar amounts below)		Check all the resource benefits that apply from funds spent on TECHNOLOGY/CAPITAL EQUIPMENT (do NOT enter dollar amounts below)	
	Office space/expenses		Soil Erosion
	Vehicles		Water Storage and Treatment
	IT charges/expenses		Riparian Zone Management
	Board expenses		Excess Nutrients
	Meetings/Publications/Communications		Other

Option 2- Investing in local resource needs

Option 2 directs the user to select:

1. The **category of resources needs** that will be the focus of additional funding and;
2. The **dollar amount spent on each category of local capacity** required to address that resource need.

PROS: This approach puts local resource needs at the center of the request and reporting processes. Numbers of BMPs would be reported as usual in eLink. Results are broad, but easily communicated. The measure of additionality would include both the **amount spent on specific resource needs**, and the **investment in categories of local capacity**. If more detailed information on activities that address resource needs is desired, BWSR could build this form in eLink using a dropdown menu listing the twenty-two existing categories of activities.

Measures of additionality would include:

- The total amount of funding spent on each category of resource need, and;
- Total amount spent on each category of local capacity.

Option 2 Format

In the space provided, identify district priorities from a planning document. Briefly explain why you are investing in the following areas of local capacity.

Category of Resource Need	Categories of Local Capacity							
	Enter total dollar amount	**Reporting ONLY- Enter actual $$ spent**	**Enter total dollar amount**	**Reporting ONLY- Enter actual $$ spent**	**Enter total dollar amount**	**Reporting ONLY- Enter actual $$ spent**	**Enter total dollar amount**	**Reporting ONLY- Enter actual $$ spent**
Soil Erosion	**Staff- Check** all the areas in STAFF that apply		**Cost Share/Incentives-** Enter only a total dollar amount above		**Technology/Capital Equipment- Check** all the areas in TECHNOLOGY/ CAPITAL EQUIPMENT that apply		**Operations- Check** all the areas in OPERATIONS that apply	
	Training/Professional Development				Survey Equipment		Office space/expenses	
	Project/Practices/Technical Assistance				Software/IT Hardware/Licensing fees		Vehicles	
	Monitoring/Data gathering				Monitoring Equipment/Supplies		IT charges/expenses	
	Compliance/Enforcement				Capital equipment (i.e., seed drills, soil boring, ATVs)		Board expenses	
	Education/Outreach/Communications				Other		Meetings/Publications/Communications	
	Planning						Other	
	Other							
	Enter total dollar amount	**Reporting ONLY- Enter actual $$ spent**	**Enter total dollar amount**	**Reporting ONLY- Enter actual $$ spent**	**Enter total dollar amount**	**Reporting ONLY- Enter actual $$ spent**	**Enter total dollar amount**	**Reporting ONLY- Enter actual $$ spent**
Water Storage and Treatment	**Staff- Check** all the areas in STAFF that apply		**Cost Share/Incentives-** Enter only a total dollar amount above		**Technology/Capital Equipment- Check** all the areas in TECHNOLOGY/ CAPITAL EQUIPMENT that apply		**Operations- Check** all the areas in OPERATIONS that apply	
	Training/Professional Development				Survey Equipment		Office space/expenses	
	Project/Practices/Technical Assistance				Software/IT Hardware/Licensing fees		Vehicles	
	Monitoring/Data gathering				Monitoring Equipment/Supplies		IT charges/expenses	
	Compliance/Enforcement				Capital equipment (i.e., seed drills,		Board expenses	

					soil boring, ATVs)		
		Education/Outreach/Communications			Other		Meetings/Publications/Communications
		Planning					Other
		Other					

	Enter total dollar amount	Reporting ONLY- Enter actual $$ spent	Enter total dollar amount	Reporting ONLY- Enter actual $$ spent	Enter total dollar amount	Reporting ONLY- Enter actual $$ spent	Enter total dollar amount	Reporting ONLY- Enter actual $$ spent
Riparian Zone Management	**Staff- Check** all the areas of investment in STAFF that apply		**Cost Share/Incentives-** Enter only a total dollar amount above		**Technology/Capital Equipment- Check** all the areas in TECHNOLOGY/ CAPITAL EQUIPMENT that apply		**Operations- Check** all the areas in OPERATIONS that apply	
		Training/Professional Development				Survey Equipment		Office space/expenses
		Project/Practices/Technical Assistance				Software/IT Hardware/Licensing fees		Vehicles
		Monitoring/Data gathering				Monitoring Equipment/Supplies		IT charges/expenses
		Compliance/Enforcement				Capital equipment (i.e., seed drills, soil boring, ATVs)		Board expenses
		Education/Outreach/Communications				Other		Meetings/Publications/Communications
		Planning						Other
		Other						

	Enter total dollar amount	Reporting ONLY- Enter actual $$ spent	Enter total dollar amount	Reporting ONLY- Enter actual $$ spent	Enter total dollar amount	Reporting ONLY- Enter actual $$ spent	Enter total dollar amount	Reporting ONLY- Enter actual $$ spent
Nutrient Management	**Staff- Check** all the areas of investment in STAFF that apply		**Cost Share/Incentives-** Enter only a total dollar amount above		**Technology/Capital Equipment- Check** all the areas in TECHNOLOGY/CAPITAL EQUIPMENT that apply		**Operations- Check** all the areas of investment in OPERATIONS that apply	
		Training/Professional Development				Survey Equipment		Office space/expenses
		Project/Practices/Technical Assistance				Software/IT Hardware/Licensing fees		Vehicles
		Monitoring/Data gathering				Monitoring Equipment/Supplies		IT charges/expenses
		Compliance/Enforcement				Capital equipment (i.e., seed drills, soil boring, ATVs)		Board expenses
		Education/Outreach/Communications				Other		Meetings/Publications/Communic

								ations
		Planning						Other
		Other						
	Enter total dollar amount	**Reporting ONLY- Enter actual $$ spent**	**Enter total dollar amount**	**Reporting ONLY- Enter actual $$ spent**	**Enter total dollar amount**	**Reporting ONLY- Enter actual $$ spent**	**Enter total dollar amount**	**Reporting ONLY- Enter actual $$ spent**
Other Resource need (Please explain)	**Staff- Check** all the areas of investment in STAFF that apply		**Cost Share/Incentives-** Enter only a total dollar amount above		**Technology/Capital Equipment- Check** all the areas in TECHNOLOGY/CAPITAL EQUIPMENT that apply		**Operations- Check** all the areas of investment in OPERATIONS that apply	
		Training/Professional Development				Survey Equipment		Office space/expenses
		Project/Practices/Technical Assistance				Software/IT Hardware/Licensing fees		Vehicles
		Monitoring/Data gathering				Monitoring Equipment/Supplies		IT charges/expenses
		Compliance/Enforcement				Capital equipment (i.e., seed drills, soil boring, ATVs)		Board expenses
		Education/Outreach/Communications				Other		Meetings/Publications/Communications
		Planning						Other
		Other						

Appendix A- Definitions

Local Capacity- BWSR developed four categories of **local capacity** to better define what modern SWCDs and TSAs need, and spend money on, as they deliver essential soil and water conservation services.

- Operations
- Technology/Capital equipment
- Cost share/Incentives
- Staff

Essential Services- Figure 2 (pg. 11) was developed by BWSR and MASWCD to articulate the functions and roles of a modern SWCD. For the purposes of this project, it is being used to define the variety of essential services SWCDs deliver that are appropriate for use as a focus of the additional funding.

Use the list of services to inform the self-assessment your District or TSA does in planning your request.

Benefits to the Resource- BWSR developed a list of land management strategies that SWCDs and TSAs engage in to protect and restore natural resources. Investing in these strategies results in measurable benefits to natural resources:

Soil Erosion- Get to "T" or less

- Erosion & Sediment control plans
- Durable conservation practices
- HEL compliance.
- Compliance W/ existing regulation
- AG water quality certification

Water Storage & Treatment- Reduce Watershed Runoff , Rate & Volume

- Retention/detention
- Wetland restoration
- Perennial vegetation
- Cons cropping systems/cover crops
- Drainage Water Quality
    - Management
    - WCA

Riparian Zone Management- Protect & Enhance Lakes, Streams, Ditches, Waterways

- Targeted buffers using existing and/or new programs
- Technical and financial assistance to achieve compliance w/existing regulations
- Habitat enhancement

Excess Nutrients- Protect Drinking Water, Reduce Nitrogen & Sustainable Yields

- Nutrient Management
- Irrigation Management
- Reuse
- Infiltration projects/practices

Wellhead protection

Appendix B- SWCD Essential Services

ADMINISTRATION	TECHNICAL	INFORMATION/EDUCATION	REGULATORY	PROJECTS/PROGRAMS (GEOGRAPHIC & RESOURCE DRIVEN)	MONITORING and DATA COLLECTION	TECHNOLOGY
Comprehensive and annual work planning effort Management of Board and staff Human resources handled properly Ensures fiscal accountability (accounting, reporting, & auditing) Legal services Interagency/Department communication and coordination Reporting/web site mgmt. Grant application development & contract management	Knowledge of local resources Skill and ability to perform technical evaluations and assessments of resource concerns Survey, design, and construction oversight Technical/engineering approval and/or signoff for conservation practices Resource specific expertise (soil erosion, forestry, limnology, etc..) Resource management planning Natural resource GIS skills for targeting and measuring implementation Data analysis	Increase landowner awareness and knowledge of soil and water conservation program opportunities to protect soil and water resources. Make known the benefits of soil and water conservation to the general public. Media relations. Community/partner relations. Strong website and social media presence.	Facilitate process for impacted/ regulated landowner. WCA including TEP. Technical review and comment on permits, and development plans.	PROGRAMS • Non-Point Source Pollution Abatement Program (Cost-Share) • Measurement of Progress • Conservation Easements (RIM) • Disaster Response • Watershed / Local Water Planning • Feasibility Studies/Program PROJECTS • Floodplain • Lakes • Streams & Ditches • Wetlands • Upland Resources • Groundwater	Baseline understanding of resource conditions and trends. Design and carry out local monitoring program Ability to support local program and coordinate with other agencies. Ability to analysis, interpret and present data to support program/project evaluation and implementation	GIS capability both software and expertise. Technology infrastructure that allows for use of mobile workstations. Technology for linking producers/landowners with conservation plans. Modern survey & CAD equipment and software

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Stormwater Reuse for Irrigation Assessment Grant**

Meeting Date: October 28, 2015

Agenda Category: X Committee Recommendation ☐ New Business ☐ Old Business

Item Type: X Decision ☐ Discussion ☐ Information

Section/Region: Central

Contact: Don Buckhout

Prepared by: Don Buckhout

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Don Buckhout

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
X Clean Water Fund Budget

ACTION REQUESTED

Approve Grant Agreement

LINKS TO ADDITIONAL INFORMATION

Rice Creek Watershed District Oneka Ridge Golf Course Irrigation Project
http://www.ricecreek.org/index.asp?SEC={31ABD821-A665-4BD3-BD8C-94D2358D5FE0}&DE={F968FCD9-42ED-4D64-ABD5-B58EB8BF0715}&Type=B_PR ; http://politicsinminnesota.com/2015/10/a-new-approach-to-water-management/#ixzz3nzYnInJD

Attachments: Recommended Resolution; Questions & Answers; Project Scope of Work

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

Issue Description: Seasonal overuse of groundwater resources has been identified by the DNR and others as a potential and actual threat to regional groundwater and related surface water resources. In many areas potable groundwater obtained either from individual wells or municipal systems is used for irrigation of golf courses, public parks and commercial and residential turf grasses. These uses of groundwater are prevalent throughout the state but are particularly concentrated in the metropolitan area. In recent years there have been several successful retrofits or new projects to capture and use stormwater as a substitute for groundwater for turfgrass and landscape irrigation. The above link to Oneka Ridge Golf Course is one example.

Grant Purpose: This grant will be used by the Rice Creek Watershed District to develop a methodology for assessing the feasibility of replacing some or all groundwater source water with stormwater for irrigation of public parks, golf courses and semi-public open space. The District staff will test the process by applying it to all targeted irrigation sites in the Rice Creek Watershed District, will develop preliminary system sizing and cost estimates for the top 10 feasible sites, and deliver a detailed assessment methodology that can be used by others statewide.

Minnesota Board of Water & Soil Resources

Board Resolution # 15-_____

FY 2015 CLEAN WATER FUND NON-COMPETITIVE GRANT TO RICE CREEK WATERSHED DISTRICT FOR STORMWATER REUSE FOR IRRIGATION ASSESSMENT METHODOLOGY

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

WHEREAS, Clean Water Funds have been appropriated to BWSR in Laws of Minnesota 2014, Chapter 312, Article 14, Section 4 for non-competitive grants to local units of government in the North and East Metro Groundwater Management Area to promote practices that keep water on the land; and

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

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

WHEREAS, the Rice Creek Watershed District staff and BWSR staff have negotiated a proposed Scope of Work (attached) that describes the tasks and products to be completed and establishes an estimated cost of $100,000 to be paid with funds in this grant; and

WHEREAS, the Rice Creek Watershed District Board of Managers has approved by consensus entering into a grant agreement with BWSR to accomplish the proposed project; and

WHEREAS, the Grants Program and Policy Committee reviewed, approved and recommended approval by the full Board of the proposed non-competitive Stormwater Reuse for Irrigation Assessment grant scope of work and draft Board resolution on September 22, 2015;

NOW THEREFORE BE IT RESOLVED, the Board hereby:

Approves the non-competitive Stormwater Reuse for Irrigation Assessment Grant as described in this resolution; and

BE IT FURTHER RESOLVED, the Board hereby:

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

BE IT FURTHER RESOLVED, the Board hereby:

Authorizes staff to execute a grant agreement with the Rice Creek Watershed District not to exceed the grant allocation amount identified in this resolution.

_____ Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachments: Rice Creek Watershed District Stormwater Reuse for Irrigation Scope of Work

October 9, 2015

BWSR Board Agenda Topic: STORMWATER REUSE for IRRIGATION ASSESSMENT GRANT

Questions & Answers

What is the funding source for this grant?

This is to be funded from a one-time, CWF appropriation (2014,Chap 312, Article 14, Sec. 4, N&E Metro Groundwater Management Appropriations to BWSR) "for grants to local units of government in the North and East Metro Groundwater Management Area to keep water on the land."

What is the total grant amount?

The Scope of Work estimate is $100,000 which will be the grant amount.

Will this grant be cost-shared by the local government?

No, not required. This is a one-time, non-competitive grant.

Are there other funding sponsors?

No. However, the MN Golf Course Superintendents Assn. was involved in early discussions about the concept of the project and is supportive.

Who will do the work?

It will be a combination of Rice Creek WD staff, private consultants and staff from one or more metro area SWCDs.

What will be the term of the grant agreement?

November 2015 – December 2016.

Why is the Rice Creek Watershed District the recipient for this grant?

The District has demonstrated the know-how and capability to design and build such a project at the Oneka Ridge Golf Course. The Board of Managers approves this project and has agreed to move forward with a grant agreement with BWSR (see Attachment).

How is this proposal consistent with the RCWD Watershed Management Plan?

Section 5.8 of the 2010 Plan addresses groundwater issues in the district. The stated goal is to "incorporate ground water considerations into the decision making process with mindfulness of the interconnectedness of water and water dependent natural resources." Within that goal, Policy 5.8-1 states that the district will "continue to evaluate and monitor County Groundwater Plans and participate in collaborative efforts to manage groundwater resources." An Action under this policy indicates that the RCWD will work with the counties in their district "on development and implementation of groundwater protection plans and programs." Development and application of the methodology as described in the Scope of Work for this grant agreement has the potential to protect groundwater resources consistent with the scope of the Goal, Policy and Action in the district's plan.

Who will retain the assessment methodology after the final products are completed?

BWSR

BWSR staff involved:

Lead: Don Buckhout; also, Dan Fabian, Eric Mohring
Senior Mgmt. Team Lead: Doug Thomas

RCWD
RICE CREEK WATERSHED DISTRICT

Rice Creek Watershed District—Stormwater Reuse for Irrigation, Scope of Work

July 20, 2015

Prepared for: Don Buckhout
Board of Water and Soil Resources

Eric Mohring
Board of Water and Soil Resources

Prepared by: Kyle Axtell, Water Resource Specialist/Project Manager
Samantha Kreibich, District Technician
Catherine Nester, District Technician/Inspector

Dear Don and Eric,

During our meeting on May 8, 2015, the Board of Water and Soil Resources (BWSR) expressed interest in the Rice Creek Watershed District (District) developing a watershed-scale assessment methodology for identifying suitable locations for stormwater reuse irrigation projects and applying it within a given watershed. The assessment would be designed to identify technically feasible locations for the collection and reuse of stormwater runoff to reduce or eliminate the use of groundwater resources for irrigation. The District would provide a four-phased study that would include (1) developing a watershed-scale assessment methodology, (2) applying the methodology within the Rice Creek Watershed District, (3) reviewing and revising the methodology based on lessons learned throughout the application process, and (4) establishing a final report containing an assessment methodology that could be replicated in watersheds throughout the state.

The primary goal of the assessment would be the reduction of groundwater consumption. While the assessment results will include information on the anticipated primary and direct impacts of a water reuse irrigation project on surface waters (lakes, streams, and wetlands), if known, it is important to note that the assessment would not necessarily be able to determine what the full effect of the project would be on surface waters. Groundwater and surface water interactions are highly complex; a project that may be beneficial for one lake or stream may have a harmful effect on a different lake or stream depending on the actual groundwater and surface water interactions in each area. Climate and weather patterns are important factors as well; a project that may be good for one lake or stream during wet, high water conditions may have a negative effect on that same lake or stream during dry conditions. Additional analysis outside the scope of this assessment would likely be necessary if the effect on surface waters is a major component or goal of a project.

The assessment methodology would be loosely based on the Subwatershed Retrofit Analysis protocol developed by the Center for Watershed Protection and adapted by the Minnesota Association of Soil and Water Conservation Districts. In general, the methodology would include field analysis and an extensive GIS desktop analysis utilizing readily available data and information including, but not limited to, land use, aerial photography, Drinking Water Supply Management Areas, etc.

4325 Pheasant Ridge Drive NE #611 | Blaine, MN 55449 | T: 763-398-3070 | F: 763-398-3088 | www.ricecreek.org

BOARD OF MANAGERS
Barbara A. Haake, Ramsey County
Michael J. Bradley, Ramsey County
Patricia L. Preiner, Anoka County
Steven P. Wagamon, Anoka County
John J. Waller, Washington County

Attached you will find a draft scope of work which outlines the District's intent moving forward with this project. The District looks forward to a working partnership with BWSR in developing effective reuse irrigation assessment methods and protecting the groundwater resources in the Rice Creek Watershed District and throughout the state.

Regards,

Kyle Axtell
Water Resource Specialist/Project Manager
Rice Creek Watershed District
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Samantha Kreibich
District Technician
Rice Creek Watershed District
763-398-3084
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Catherine Nester
District Technician/Inspector
Rice Creek Watershed District
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CC: Dan Fabian, Board of Water and Soil Resources
Doug Thomas, Board of Water and Soil Resources

STORMWATER REUSE IRRIGATION ASSESSMENT

SCOPE OF WORK

Phase 1

Develop a watershed-scale stormwater reuse irrigation assessment to (1) identify project areas that are suitable for stormwater reuse irrigation, and (2) develop prioritization and ranking criteria for determining which project areas are the best candidates for stormwater reuse irrigation. The methodology will include a list of tools that are publically available in the RCWD and may also be publically available throughout the state and/or metro area to assist with the identification and prioritization of project areas.

Tasks

1. Research and develop a list of publically available tools that may assist with identifying potential project areas via desktop analysis (including contacting City and County Public Works Directors)
2. Identify regulatory considerations and potential funding sources
3. Develop a list of various factors to consider for project prioritization and ranking, including known site limitations, annual desired groundwater use reduction estimates, anticipated primary and direct impacts on surface water (if known), etc.
4. Prepare a preliminary technical memo outlining stormwater reuse irrigation assessment methodology
5. District staff internal review & comment
6. Prepare a final technical memorandum outlining stormwater reuse irrigation assessment methodology

Deliverables

1. A technical memorandum containing stormwater reuse irrigation assessment methodology

Phase 2

Apply the stormwater reuse irrigation assessment methodology developed in Phase 1 within the Rice Creek Watershed District (RCWD) and develop a prioritized list of potential project areas (including detailed descriptions, expected benefits and drawbacks) that are suitable for stormwater reuse irrigation.

Tasks

1. Use the stormwater reuse irrigation assessment methodology developed in Phase 1 to identify and prioritize potential stormwater reuse irrigation project areas within the RCWD and perform a technical review of each identified potential project area (desktop analysis)
2. Field verify the top 10 potential project areas and document additional opportunities and/or site constraints (including contacting landowners)
3. Approximate stormwater reuse irrigation system sizing and cost estimates for the top 10 potential project areas

4. Draft a technical memorandum detailing results of the assessment applied within the RCWD

Deliverables

1. A technical memorandum containing a prioritized list of the top 10 potential stormwater reuse irrigation project areas within the RCWD. The report will include relevant conceptual information about each identified project, including property ownership, drainage area, irrigation area, annual groundwater use reduction estimate, anticipated primary and direct impacts on surface water (if known), construction and maintenance cost estimates, limitations and obstacles, etc.

Phase 3

Following completion of Phase 2, the assessment methodology developed in Phase 1 will be revised based on lessons learned during Phase 2.

Tasks

1. Identify lessons learned following application of the methodology within the Rice Creek Watershed District (including project site review results and consideration of landowner input)
2. Revise the assessment methodology developed in Phase 1 based on lessons learned
3. Complete a technical memorandum outlining the revisions made to the stormwater reuse irrigation assessment methodology

Deliverables

1. A final technical memorandum containing revised stormwater reuse irrigation assessment methodology based on lessons learned

Phase 4

A final report will be prepared summarizing the first three phases and providing an overview of overall results. The report will contain a final stormwater reuse irrigation assessment methodology for utilization around the state.

Tasks

1. Draft a final report containing stormwater reuse irrigation assessment methodology, a description of the intended purpose and anticipated use of the assessment, and overall results of Phases 1-3

Deliverables

1. A final report containing final stormwater reuse irrigation assessment methodology that could be replicated throughout the state. The report will describe the intended purpose and anticipated use of the assessment and overall results of Phases 1-3

Table of Estimated Hours/Costs

Phase	Estimated Hours	Estimated Cost
PHASE 1	240	24,000
PHASE 2	520	52,000
PHASE 3	120	12,000
PHASE 4	80	8,000
PROJECT ADMINISTRATION	40	4,000
TOTAL	**1000**	**$ 100,000**

Timeline

It is anticipated that the four phases described in this scope of work could be completed by the end of 2016 depending on the decided start date. An anticipated quarterly timeline for completion of each phase is provided below.

Phase	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016
1					
2					
3					
4					

COMMITTEE RECOMMENDATIONS

Buffers, Soils and Drainage Committee

1. Runoff-Based Drainage Assessments Application Grant – Al Kean - ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Runoff-Based Drainage Assessments Application**

Meeting Date: October 28, 2015

Agenda Category: X Committee Recommendation ☐ New Business ☐ Old Business

Item Type: X Decision ☐ Discussion ☐ Information

Section/Region: Statewide

Contact: Al Kean

Prepared by: Al Kean

Reviewed by: Buffers, Drainage and Soil Loss Committee(s)

Presented by: Al Kean

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
X Other: Re-granting and use of CWF

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
X Clean Water Fund Budget

ACTION REQUESTED

1) Authorize staff to enter into a grant agreement with the Red River Watershed Management Board for up to $95,000 to develop a runoff-based drainage assessments application with associated user guidance and training materials, using as a foundation GIS capabilities developed for the Water Quality Decision Support Application; to investigate the enhancement of this application to also determine monetary benefits of drainage systems; and to provide for legal advice about creating option(s) in Chapter 103E drainage law for use of the GIS application.

LINKS TO ADDITIONAL INFORMATION

NA

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

Only approximately 20% of Chapter 103E drainage systems have had viewers appointed to determine or redetermine drainage system benefits and damages since 1977 and have established ditch buffer strips in accordance with Section 103E.021, due in part to a shortage of lead viewers and the associated time and cost required for re/determinations. Outdated benefited areas and assessments for Chapter 103E drainage systems can result in inequitable distribution of drainage system costs, including normal maintenance, establishment of incremental buffer strips and side inlet controls, or installing other erosion control measures. The stakeholder Drainage Work Group has identified a high priority need to add an optional runoff-based drainage system assessments authority in drainage law and develop an associated prototype GIS application.

Minnesota Board of Water & Soil Resources

Board Resolution # 15-_____

RUNOFF-BASED DRAINAGE ASSESSMENTS APPLICATION

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

WHEREAS, Clean Water Funds were appropriated to BWSR in 2011 Minnesota Session Laws, Chapter 6, Art. 2, Sec. 7(d) for the conservation drainage program in consultation with the Drainage Work Group, created under Minnesota Statutes, section 103B.101, subdivision 13, that consists of projects to retrofit existing drainage systems with water quality improvement practices, evaluate outcomes, and provide outreach to landowners, public drainage authorities, drainage engineers and contractors, and others; and

WHEREAS, a portion of the Clean Water Funds appropriated to BWSR in 2011 Minnesota Session Laws, Chapter 6, Art. 2, Sec. 7(d) were returned to BWSR from grant recipients and are currently available for re-granting; and

WHEREAS, Clean Water Funds were appropriated to BWSR in 2013 Minnesota Session Laws, Chapter 137, Art. 2, Sec. 7(d) to provide state oversight and accountability, evaluate results, and measure the value of conservation program implementation by local governments; and

WHEREAS, a portion of the Clean Water Funds appropriated to BWSR in 2013 Minnesota Session Laws, Chapter 6, Art. 2, Sec. 7(d) are currently available; and

WHEREAS, 2011 Minnesota Session Laws, Chapter 6, Art. 2, Sec. 7(j) gives BWSR authority to shift Clean Water Fund grant or cost-share funds in this section and may adjust the technical and administrative assistance portion of the funds to leverage federal or other nonstate funds or to address oversight responsibilities or high priority needs identified in local water management plans; and

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

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

WHEREAS, the CWF implementation strategy incorporates the priority for restoration of impaired waters in M.S. Section 114D.20 of the Clean Water Legacy Act that directs implementation to be coordinated with existing local authorities and infrastructure; and

DRAFT

WHEREAS, BWSR has authority under M.S. 103B.101, Subd. 13 to coordinate drainage stakeholders to foster mutual understanding and provide recommendations for drainage system management and related water management; and

WHEREAS, only approximately 20% of Chapter 103E drainage systems have had viewers appointed to determine or redetermine drainage system benefits and damages since 1977 and have established ditch buffer strips in accordance with Section 103E.021, due in part to a shortage of lead viewers and the associated time and cost required for re/determinations; and

WHEREAS, outdated benefited areas and assessments for Chapter 103E drainage systems can result in inequitable distribution of drainage system costs, including normal maintenance, establishment of incremental buffer strips and side inlet controls, or installing other erosion control measures; and

WHEREAS, the stakeholder Drainage Work Group has identified a high priority need to add an optional runoff-based drainage system assessments authority in drainage law and develop an associated prototype GIS application; and

WHEREAS, the BWSR Buffers, Drainage and Soil Loss Committee reviewed the draft resolution for this action on October 27, 2015.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

1) Authorizes staff to enter into a grant agreement with the Red River Watershed Management Board for up to $95,000 to: a) develop a runoff-based drainage assessments application with associated user guidance and training materials, using as a foundation GIS capabilities developed for the Water Quality Decision Support Application; 2) investigate the enhancement of this application to also determine monetary benefits of drainage systems; and 3) to provide for legal advice about creating option(s) in Chapter 103E drainage law for use of the GIS application.
2) Authorizes staff to develop, supplement or amend the grant agreement and work plan to address additional priority components to: a) enhance the end-user product, b) provide training to users and integration into the updated MN Public Drainage Manual, or c) accomplish policy changes or align with recommendations by the Drainage Work Group.

_____ Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachments:
None

DRAFT

NEW BUSINESS

1. 2016 Proposed BWSR Board Meeting Schedule – John Jaschke – ***DECISION ITEM***

2. "Beyond the Status Quo: 2015 EQB Water Policy Report" – Anna Henderson and Erik Dahl, Environmental Quality Board - ***INFORMATION ITEM***

3. Buffer Protection Mapping Process – Initial Steps - Sarah Strommen, DNR Assistant Commissioner; and Jason Garms, DNR Agricultural Program Liaison – ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **2016 Proposed BWSR Board Meeting Schedule**

Meeting Date: October 28, 2015

Agenda Category: ☐ Committee Recommendation x New Business ☐ Old Business

Item Type: x Decision ☐ Discussion ☐ Information

Section/Region:

Contact:

Prepared by: Mary Jo Anderson

Reviewed by: John Jaschke Committee(s)

Presented by: John Jaschke

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: x Resolution ☐ Order ☐ Map ☐ Other Supporting Information

Fiscal/Policy Impact

x None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED

Approval of the proposed 2016 BWSR Board Meeting dates.

LINKS TO ADDITIONAL INFORMATION

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

The BWSR Board meets the fourth Wednesday of each month unless noted on the attached Proposed 2016 BWSR Board Meeting Schedule.

Minnesota Board of Water & Soil Resources

Board Resolution # _____

Proposed 2016 BWSR Board Meeting Schedule

(Fourth Wednesday of the month unless noted)

January 27

February – no meeting

March 23

April 27

May 25

June 22

July – no meeting

August 24 - 25 Tour and Meeting

September 28

October 26

November – no meeting

December 14

_____ October 28, 2015

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: "Beyond the Status Quo: 2015 EQB Water Policy Report"

Meeting Date: October 28, 2015

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

Item Type: ☐ Decision ☐ Discussion x Information

Section/Region: N/A

Contact: John Jaschke

Prepared by: EQB

Reviewed by: EQB Committee(s)

Presented by: Anna Henderson & Erik Dahl, EQB

☐ **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

Information

LINKS TO ADDITIONAL INFORMATION

https://www.eqb.state.mn.us/content/water-program

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

The EQB's new report, "Beyond the Status Quo: 2015 Water Policy Report", proposes solutions to Minnesota's pressing water challenges. This report is the result of collaboration across state agencies to identify goals and propose solutions to preserve and promote water quality and sustainability. Copies of the report will be provided at the Board meeting.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Buffer Protection Mapping Process – Initial Steps**

Meeting Date: Oct 28, 2015

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

Item Type: ☐ Decision ☐ Discussion x Information

Section/Region: N/A

Contact: John Jaschke

Prepared by: John Jaschke

Previewed by: Buffers, Soils and Drainage Committee

Presented by: Sarah Strommen, DNR Asst. Commissioner; Jason Garms, DNR Agricultural Program Liaison

x **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
x Other: Future Buffer Program Implementation and Enforcement

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

ACTION REQUESTED

Information.

LINKS TO ADDITIONAL INFORMATION

http://bwsr.state.mn.us/buffers/
http://www.dnr.state.mn.us/buffers/index.html

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

The 2015 buffer initiative legislation establishes a new perennial vegetation buffer requirement of 50' avg. width/30' minimum width along Public Waters and a 16.5' minimum width buffer along ditches within a the benefitted area of a public drainage system. These buffers will help filter phosphorus, nitrogen, and sediment from overland water flow, improving the quality of Minnesota waterways. The new law provides flexibility for alternative practices and technical assistance and financial support for landowners to install and maintain buffers to supplement compliance with the new buffer standards.

The Department of Natural Resources (DNR) is tasked with creating Buffer Protection Maps for landowners and local units responsible for implementing the new requirements. The Maps will clearly identify where vegetated buffers or alternative practices are required and the width of the mandatory buffers. DNR will also be establishing a process for local government input and review of preliminary maps.