



DATE: May 13, 2016

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – May 25, 2016

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 25, 2016, 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

Central Region Committee

1. **Egan-Inver Grove Heights Watershed Management Organization Plan 2016-2025** – The final draft of the first Watershed Management Plan of the Egan-Inver Grove Heights Watershed Management Organization was filed with the Board on February 4, 2016. The watershed is located in the southeast part of the seven county Metropolitan Area and covers just over 30 square miles in the Cities of Egan (96%) and Inver Grove Heights (4%). The WMO is a new joint powers organization, but the member cities are not new to watershed management. This watershed area was originally covered by the former Gun Club Lake Watershed Management Organization. The Board’s Central Region Committee met on May 10, 2016 to review and discuss the Plan, and unanimously voted to recommend approval of the Plan to the full Board. **DECISION ITEM**

2. **Vermillion River Watershed Joint Powers Organization Plan 2016-2025** - The final draft of the Watershed Management Plan of the Vermillion River Watershed Joint Powers Organization (VRWJPO) was filed with the Board on March 7, 2016. The watershed includes all or portions of 20 cities and townships. The Vermillion River headwaters are located in southeastern Scott County with the majority of the watershed located in central Dakota County. The VRWJPO has effectively incorporated the TMDL and WRAPs process and strategies into this 10-year Plan update resulting in a prioritized, targeted and measurable watershed implementation program. The Board’s Central Region Committee met on May 10, 2016 to review and discuss the Plan, and unanimously voted to recommend approval of the Plan to the full Board. **DECISION ITEM**

3. **Sherburne County Comprehensive Local Water Management Plan Extension** - On July 7, 2015, the Sherburne County Board of Commissioners passed a resolution to begin the local water management plan update process. On February 4, 2016, the Board of Water and Soil Resources received a request from the County for an extension to allow the County to better coordinate with surrounding counties in the water management process and to provide for additional time due to staffing changes within the water planner position. This extension request fell within the case by case provision of the revised *Local Water Plan Extension and*

Bemidji	Brainerd	Detroit Lakes	Duluth	Mankato	Marshall	New Ulm	Rochester
403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	1601 Minnesota Drive Brainerd, MN 56401 (218) 203-4470	26624 N. Tower Road Detroit Lakes, MN 56501 (218) 846-8400	394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	12 Civic Center Plaza Suite 3000B Mankato, MN 56001 (507) 344-2821	1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	21371 State Hwy 15 New Ulm, MN 56073 (507) 359-6074	3555 9 th Street NW Suite 350 Rochester, MN 55901 (507) 206-2889

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

www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer

Amendment Policy from March 23, 2016. The Central Region Committee met on May 10, 2016 to review the extension request and recommend approval of the extension until February 28, 2018. **DECISION ITEM**

4. **Isanti County Priority Concerns Scoping Document** - On May 24, 2006, the Board of Water and Soil Resources approved Isanti County's Comprehensive Local Water Management Plan for a ten year period ending May 31, 2016, which was extended to May 31, 2018. On March 18, 2015, the County passed a resolution to begin the plan update process. On February 17, 2016, the Isanti County Water Planner submitted the priority concerns scoping document to the state agencies for review. On May 10, the BWSR Central Region Committee reviewed the Isanti County Comprehensive Local Water Management Priority Concerns Scoping Document and recommended the full Board approve the draft letter finding the priority concerns identified to be appropriate and for the County to continue working on the development of the plan. **DECISION ITEM**

Northern Region Committee

1. **Cass County Priority Concerns Scoping Document** – Cass County submitted the Priority Concerns Scoping Document (PCSD) for state review and comment, as part of updating their Comprehensive Local Water Management Plan. The Northern Region Committee (Committee) met April 13, 2016, after the state agencies comment period ended. The Committee concurred with the selected priority concerns and recommended the PCSD be submitted to the full Board for approval. The State's expectations of the final plan must be sent to Cass County. **DECISION ITEM**

Southern Region Committee

1. **Blue Earth County Priority Concerns Scoping Document** – Blue Earth County submitted the Priority Concerns Scoping Document for state review and comment as part of updating their Comprehensive Local Water Management Plan. The Southern Regional Committee (Committee) met April 7, 2016, after the state agencies comment period ended. The Committee concurred with the selected priority concerns and recommended comments in a letter for the full Board to review. The State's expectations of the final plan must be sent to Blue Earth County. **DECISION ITEM**
2. **Martin County Priority Concerns Scoping Document** – Martin County submitted the Priority Concerns Scoping Document for state review and comment as part of updating their Comprehensive Local Water Management Plan. The Southern Regional Committee (Committee) met April 7, 2016, after the state agencies comment period ended. The Committee concurred with the selected priority concerns and recommended comments in a letter for the full Board to review. The State's expectations of the final plan must be sent to Martin County. **DECISION ITEM**

Buffers, Soils and Drainage Committee

1. **Buffer Law Compliance and the Agricultural Water Quality Certification Program Memorandum of Understanding** - BWSR staff and the Minnesota Department of Agriculture staff are proposing aligning the Agricultural Water Quality Certification Program and the Buffer Program which would be accomplished through the memorandum of understanding that the Board is being asked to consider. **DECISION ITEM**
2. **Excessive Soil Loss Program: Adopt Interim Guidance and Authorize Rulemaking** – The Buffers, Soils and Drainage Committee is reviewing draft interim guidance and a request by staff to begin rulemaking for the Excessive Soil Loss Program on May 19, 2016. Staff have developed interim guidance and a proposal to revise the rule in response to statutory changes made in 2015. **DECISION ITEM**

Grants Program & Policy Committee

1. **Straight River Groundwater Management Area Groundwater Protection Grant** - Board approval is requested for a grant to SWCDs with jurisdiction in the Straight River Groundwater Management Area, consistent with a 2014 one-time Clean Water Fund appropriation to BWSR is strategies to protect sensitive groundwater resources in this area. Grant funds of \$50,000 will be shared by the Becker and Hubbard SWCDs to promote landowner practices that reduce nitrogen leaching to groundwater, such as irrigation scheduling, conversion of irrigation pivots to low pressure, innovative technologies for fertigation and irrigation management, cover crop demonstrations, and education-outreach events for producers. **DECISION ITEM**
2. **Rice Creek Watershed District Stormwater Reuse Methodology Workshop Grant** - In 2015 BWSR granted the Rice Creek Watershed District \$100,000 to develop a methodology for identifying sites and feasibility of stormwater reuse for irrigation of non-agricultural land (e.g., turfgrass). The purpose of the methodology is to substitute a stormwater source for an existing groundwater source for this type of irrigation. This \$5000 grant would add a workshop task to the scope of work targeted to teach end users of the methodology how to apply it. **DECISION ITEM**
3. **Farm Bill Assistance Program Authorization** - The Farm Bill Assistance Program provides funds to SWCDs to hire staff to accelerate implementation of the Farm Bill as well as other state and federal conservation projects that involve grasslands and wetlands. The FY17 Farm Bill Assistance Program is expected to be funded from several revenue sources, chief among them being the Legislative-Citizens Commission on Minnesota Resources. The Board is being requested to authorize these grants. The Grants Program and Policy Committee met on April 26, 2016 to review documents associated with this resolution and is recommending Board approval. **DECISION ITEM**
4. **FY 2016-2017 CWF Targeted Watershed Demonstration Program Grants** - On December 16, 2015, the Board adopted resolution #15-92 which authorized staff to conduct a Request for Interest for nominations for the Targeted Watershed Program. Nominations for the FY2016-17 Clean Water Fund Targeted Watershed Program were accepted from February 1 through March 9, 2016. Local governments submitted 8 nominations requesting \$11,781,168 in Clean Water Funds with \$8,750,000 available. The Grants Program and Policy Committee met on April 26, 2016 and reviewed the Targeted Watershed Demonstration Program proposed grant allocations and recommends approval by the full Board. **DECISION ITEM**

RIM Reserve Committee

1. **Authorizing the RIM Pine River Watershed Protection Program** – This project will utilize RIM easements to protect priority riparian parcels in the Pine River Watershed. The Nature Conservancy has contributed \$250,000 to this effort and is currently fundraising with Lakeshore Owner Associations for additional match. This resolution authorizes staff to utilize these funds, develop and implement this program. **DECISION ITEM**

NEW BUSINESS

1. MAWQCP Highlight/Example - Minnesota Department of Agriculture – **INFORMATION ITEM**
2. CREP Update – Angie Becker Kudelka – **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. We look forward to seeing you on May 25th!

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 25, 2016
PRELIMINARY AGENDA**

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MARCH 23, 2016 BOARD MEETING

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

CONFLICT OF INTEREST DECLARATION

- Minnesota Buffers Program and Agricultural Water Quality Certification Program Memorandum of Understanding
- Straight River Groundwater Management Area Groundwater Protection Grant
- Rice Creek Watershed District Stormwater Reuse Methodology Workshop Grant
- Farm Bill Assistance Program Authorization
- FY 2016-2017 CWF Targeted Watershed Demonstration Program Grants

INTRODUCTION OF NEW EMPLOYEES

- Patrick Sherman, Easement Data Specialist, St. Paul Office
- Greg Berg, Board Conservationist, St. Cloud Office
- Linda Donnay, Grants Compliance Specialist, St. Cloud Office

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

Central Region Committee

1. Eagan-Inver Grove Heights Watershed Management Organization Plan 2016-2025 – Mary Peterson – ***DECISION ITEM***
2. Vermillion River Watershed Joint Powers Organization Plan 2016-2025 – Mary Peterson – ***DECISION ITEM***
3. Sherburne County Comprehensive Local Water Management Plan Extension – Jason Weinerman – ***DECISION ITEM***
4. Isanti County Priority Concerns Scoping Document – Jason Weinerman – ***DECISION ITEM***

Northern Region Committee

1. Cass County Priority Concerns Scoping Document – Tom Schulz – ***DECISION ITEM***

Southern Region Committee

1. Blue Earth County Priority Concerns Scoping Document – Kathryn Kelly – ***DECISION ITEM***
2. Martin County Priority Concerns Scoping Document – Kathryn Kelly – ***DECISION ITEM***

Buffers, Soils and Drainage Committee

1. Buffer Law Compliance and the Agricultural Water Quality Certification Program Memorandum of Understanding – Dave Weirens and Tom Gile – ***DECISION ITEM***
2. Excessive Soil Loss Program: Adopt Interim Guidance and Authorize Rulemaking – Dave Weirens – ***DECISION ITEM***

Grants Program & Policy Committee

1. Straight River Groundwater Management Area Groundwater Protection Grant – Don Buckhout – ***DECISION ITEM***
2. Rice Creek Watershed District Stormwater Reuse Methodology Workshop Grant – Don Buckhout – ***DECISION ITEM***
3. Farm Bill Assistance Program Authorization – Jim Haertel – ***DECISION ITEM***
4. FY 2016-2017 CWF Targeted Watershed Demonstration Program Grants – Marcey Westrick – ***DECISION ITEM***

RIM Reserve Committee

1. Authorizing the RIM Pine River Watershed Protection Program – Bill Penning and Dan Steward – ***DECISION ITEM***

NEW BUSINESS

1. MAWQCP Highlight/Example – Minnesota Department of Agriculture – ***INFORMATION ITEM***
2. CREP Update – Angie Becker Kudelka – ***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, June 22, 2016, St. Paul
- MAWD Summer Tour, June 22-24, Winona
- BWSR Tour and Meeting, August 24-25, 2016, East Grand Forks

Noon **ADJOURN**

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 23, 2016**

BOARD MEMBERS PRESENT:

Patty Acomb, Joe Collins, Jill Crafton, Jack Ditmore, Chris Elvrum, MDH; Doug Erickson, Rebecca Flood, MPCA; Tom Landwehr, DNR; Tom Loveall, Brian Napstad, Tom Schulz, Rob Sip, MDA; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Paige Winebarger

BOARD MEMBERS ABSENT:

Sandy Hooker
Kathryn Kelly
Neil Peterson
Faye Sleeper, MES

STAFF PRESENT:

Mary Jo Anderson, Angie Becker Kudelka, Don Buckhout, Travis Germundson, Tom Gile, Dave Johnson, Al Kean, Les Lemm, Melissa Lewis, Bill Penning, Dan Shaw, Aaron Spence, Doug Thomas, Amy Waters, Dave Weirens, Tom Wenzel

OTHERS PRESENT:

Choi Lee, Nexus Community Partners
Ben Baglio, AMC

Chair Napstad called the meeting to order at 9:04 a.m.

PLEDGE OF ALLEGIANCE

Chair Napstad reported that John Jaschke is on vacation this week; Doug Thomas is attending on John's behalf.

ADOPTION OF AGENDA – Chair Napstad reported that the agenda has been revised due to staff attending legislative hearings today. Moved by Tom Loveall, seconded by Jill Crafton, to adopt the revised agenda as presented. *Motion passed on a voice vote.*

**
16-15

MINUTES OF JANUARY 27, 2016 BOARD MEETING – Chair Napstad noted the correction on page two referencing EQB's International Climate Adaption Team; it should read 'Interagency' rather than International. Moved by Tom Schulz, seconded by Jill Crafton, to approve the minutes of January 27, 2016 as corrected. *Motion passed on a voice vote.*

**
16-16

INTRODUCTION OF NEW EMPLOYEE

Bill Penning introduced Amy Waters, Office & Administrative Specialist (OAS) in St. Paul. Chair Napstad welcomed Amy to BWSR.

REPORTS

Chair's Report - Brian Napstad reported on the following meetings he attended this past month. The Wetland Conservation Committee met regarding the WCA Legislative Report; and policy items. The EQB met twice; discussion included: the clean power plant rule by EPA, and refining the environmental review process. The AMC Environment and Natural Resources Policy Committee met, discussions included wetlands and buffers. The Water Management and Strategic Planning Committee met last night, recommendations are on the agenda later today.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the AAC met this morning; discussions included legislative update and buffers discussion. BWSR will implement the law as directed. Chair Napstad reported that the Executive Director's performance review will be delayed until next month due to John Jaschke's absence this week. Chair Napstad and Vice-Chair Van Amburg will conduct the review with John.

Executive Director's Report – Doug Thomas reviewed information in board members' packets. Doug reported that the April 27th Board meeting has been cancelled. Doug commented on projected shortfalls in CWF and LSOHC revenue for the biennium ending in June 2017; LSOHC made adjustments to reduce funding on specific projects; no impact to BWSR funding. MMB meeting with agencies regarding projected reductions for CWF. Doug provided a brief update on CREP noting that Angie Becker Kudelka went to Washington, D.C. last week with the NACD legislative fly-in group; they met with Minnesota's Congressional Delegation and staff to discuss CREP along with FSA.

Dispute Resolution Committee – Travis Germundson provided a brief overview of the appeals filed with BWSR, currently eight appeals are pending. A new appeal File 16-2, regarding Rice Creek Watershed District Board of Managers' decision to initiate repair proceedings for Anoka County Ditch 46; no decision has been made on the appeal. Discussion followed.

Grants Program & Policy Committee – Steve Sunderland reported that the Grants Program & Policy Committee is scheduled to meet on April 26th.

Water Management & Strategic Planning Committee – Jack Ditmore reported that Water Management & Strategic Planning Committee met last night; recommendations are on the agenda later today. The Water Management & Strategic Planning Committee is meeting in conjunction with the Grants Program and Policy Committee on April 26. Jack thanked Melissa Lewis and Doug Thomas for the tremendous amount of great work they do.

Wetland Conservation Committee – Gerald Van Amburg reported that the Wetland Conservation Committee met on January 27 and March 9. The Committee discussed wetland banking fees; staff development of proposals for new fee authorities; and the clean water action 404 feasibility study. The Committee also reviewed the WCA Rulemaking Report; a recommendation is on the agenda later today.

Buffers, Soils & Drainage Committee – Brian Napstad reported that the Buffers, Soils & Drainage Committee recommendation is on the agenda later today. The Committee will meet immediately following the Board meeting today; the Committee has an aggressive schedule to move things forward before the Board.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on March 3. Tom commented on drainage authority. Al Kean provided an overview of the meeting. Al will provide board members with a draft discussion paper regarding the differences and similarities of the buffer strip requirements, for information. Chair Napstad thanked Al and Tom for their report.

COMMITTEE RECOMMENDATIONS

Water Management & Strategic Planning Committee

One Watershed, One Plan Operating Procedures and Plan Content Requirements – Melissa Lewis reported that the One Watershed, One Plan was adopted by the Board as a pilot program in June 2014, through the authorization of five pilot areas and adoption of Operating Procedures for Pilots. Plan Content Requirements for the Pilots were adopted by the Board in September 2014. The Water Management and Strategic Planning Committee reviewed edits and changes to these documents based on the pilot experiences and the new Comprehensive Watershed Management Plan type, Minnesota Statutes §103B.801. A public comment period was held January 28 – March 4, with minimal comments received. The Committee met on March 22, 2016, to review the One Watershed, One Plan Operating Procedures and Plan Content Requirements; and recommends approval. Moved by Jack Ditmore, seconded by Patty Acomb, to approve the One Watershed, One Plan Operating Procedures and Plan Content Requirements final documents. Jack stated that public comment was carefully considered. Chair Napstad stated that staff are doing a good job on this. ***Motion passed on a voice vote.***

**
16-17

Jack Ditmore stated that the Water Management and Strategic Planning Committee reviewed the draft Transition Plan on March 22, goal is to present to the full Board in June; will be going out for public comment by next week to meet the deadline.

Local Water Plan Extension and Amendment Policy – Melissa Lewis reported that the Local Water Plan Extension Policy was adopted by the BWSR Board on December 17, 2014. The purposes of the policy was to facilitate the transition to *One Watershed, One Plan* and allow for effective participation in and use of WRAPS, while maintaining eligibility in applying for and receiving grants. The Water Management and Strategic Planning Committee revisited the policy on January 27, 2016. The Committee discussed modifying the existing policy to broaden the applicability to include amendments and delegate authority for approval of extensions and amendments, under specific circumstances, to the Executive Director. The Committee met on March 22, 2016; reviewed the modifications and recommend adoption. Moved by Jack Ditmore, seconded by Chris Elvrum, to adopt the Local Water Plan Extensions and Amendments Policy which

**

replaces Board Resolution #14-76; and authorizes the BWSR Executive Director, for purposes of implementing the Local Water Plan Extension Policy, to approve and sign extension requests; place conditions on extension approvals; to approve and sign local water management plan amendments to incorporate 103F.46 summary of watercourses; to approve and sign amendments to local water plans required by Board order; and to approve and sign waivers to amendments required by Board order. Rebecca Flood recommends the Executive Director periodically be requested to report to the Board. Chair Napstad stated that the Executive Director will report as needed. **Motion passed on a voice vote.**

Grants Program and Policy Committee

One Watershed, One Plan Grant Program Policy and Request for Proposals – Steve Sunderland reported that the Grants Program and Policy Committee approved the One Watershed, One Plan grant policy and Request for Proposals for the transition from local water management plans to a watershed approach. Melissa Lewis reported that the Clean Water Funds were appropriated to BWSR in Laws of Minnesota 2015, 1st Special Session, Chapter 2, Article 2, Sec. 7(j) for assistance, oversight, and grants to local governments to transition local water management plans to a watershed approach, also known as the One Watershed, One Plan Program. The proposed One Watershed, One Plan Fiscal Year 2016 Grant Policy was modeled after both the overall Clean Water Fund policies of the Board and the policy used for the One Watershed, One Plan pilot program. The proposed Request for Proposals was modeled after the Request for Interest used in the pilot program. The Water Management and Strategic Planning Committee provided a high-level review of the proposed documents as part of the One Watershed, One Plan program development, prior to the recommendation from the Grants Program and Policy Committee. Moved by Steve Sunderland, by Doug Erickson, to adopt the FY2016 Grant Policy for One watershed, One Plan Planning Grants; and to authorize staff to finalize, distribute and promote a Request for Proposals for the One Watershed, One Plan Program. Jack Ditmore asked for a minor clarification in the eligible activities section of the Policy. Discussion followed. **Motion passed on a voice vote.**

NEW BUSINESS

BWSR Wetland Restoration Programs and New Wetland Restoration Guide – Tom Wenzel and Dan Shaw presented an overview of BWSR Wetland Restoration Programs. Tom highlighted projects and reported that BWSR has incorporated many advances in wetland restoration programs and the approach to restoring drained and altered wetlands. Dan presented wetland bank projects and reported that advances include development of more sustainable and ecological-based restoration practices and strategies, in addition to new, updated technical methods, standards, and products. These new concepts, strategies, and techniques are incorporated into the new Minnesota Wetland Restoration Guide. Dan demonstrated the Guide located on BWSR's website. Discussion followed. Tom Landwehr commended Tom and Dan on the astounding work of BWSR staff on wetland restoration. Rebecca Flood acknowledged the years of good work and efforts on this. Al Kean thanked Tom, Dan and BWSR engineering technicians for their tremendous work on the Wetland Restoration Guide. Al stated that Dan is also an artist and much of his work is illustrated in the document. Chair Napstad thanked Tom and Dan for their great work and informative presentation.

COMMITTEE RECOMMENDATIONS (continued)

Wetland Conservation Committee

Wetland Conservation Act Rulemaking Report – Dave Weirens reported that in 2015, several legislative changes were made to the Minnesota Wetland Conservation Act (WCA). The Wetland Conservation Committee met on March 9, 2016, reviewed the required Wetland Conservation Act Report to the Legislature and recommends approval. Les Lemm noted that the legislation included a requirement for BWSR to report to the committees with jurisdiction over the environment and natural resources on the

progress of developing policy for several issues. Les provided an overview of the report, including high priority areas for wetland mitigation, an in-lieu fee wetland replacement program, replacement wetland siting, and actions eligible for credit. WCA rulemaking began in fall 2015, and staff have been working on the initial concepts for implementation of these and other items. This legislative report summarizes this initial work, providing direction for the next stage of rulemaking. Les stated that staff have coordinated the development of this report with DNR and stakeholders. Moved by Gerald Van Amburg, seconded by Tom Landwehr, to accept the WCA Rulemaking Report for submittal to the legislature. Chair Napstad thanked staff for including maps on pages 8 and 9; showing the impacts, LGUs designated high priority for consolidations; and St. Louis County, the largest wetland bank in the country. Discussion followed. **Motion passed on a voice vote.**

Chris Elvrum left the meeting at 11:35 AM.

Buffers, Soils & Drainage Committee

Buffer and Soil Erosion Implementation Plan and Timeline – Tom Gile introduced himself as the new Buffer and Soil Loss Coordinator. Tom reported that staff have developed an implementation plan/schedule for the Buffers and Soil Erosion Programs, which includes conducting a request for information (RFI). Dave Weirens provided an overview of the implementation plan and schedule and presented a brief overview of M.S. 103F.48, Buffer Compliance and Enforcement: assessment, options and process. Dave stated that comments are welcome; the public comment period ends at 4:30 PM on May 1, 2016. Chair Napstad stated that the Buffers, Soils, and Drainage Committee unanimously recommends approval of the implementation plan, timeline, and RFI. Moved by Brian Napstad, seconded by Tom Loveall, to approve the Buffer and Soil Erosion implementation plan and schedule; and authorizes staff to conduct a request for information to be published in the State Register on specific implementation components of the Buffer and Soil Erosion Programs. Jill Crafton commended staff on the proactive approach of the plan. Joe Collins thanked staff for their efforts. **Motion passed on a voice vote.**

Dave reported on the House Environment and Natural Resources Policy and Finance Committee hearing today regarding buffers. Dave provided an update of HF 3000DE (Representative Torkelson) to amend the buffer law and the very recent delete all amendment; no action taken today by the Committee. Dave stated that the Committee hearing today addressed issues with a goal to move the legislation forward. Dave stated that BWSR staff are in contact with the Governor's office on this legislation. Chair Napstad thanked Dave for the update.

Buffer Establishment and Management Toolbox – Tom Gile stated that 103F.48 does not provide ways to combine conservation practices to maximize effectiveness and methods to develop buffers with multiple benefits. BWSR has developed a "Buffer Establishment and Management Toolbox" to cover basic buffer concepts. Dan Shaw reported that the toolbox was developed to assist local government staff in their efforts to plan, establish and manage riparian buffers. The toolbox also includes approximately fifty links to additional information including the Minnesota Wetland Restoration Guide; BWSR's Pollinator Toolbox; and BWSR's What's Working website. Dan stated that the website is very close to being posted. Tom stated that buffer requirements differ, this toolbox is more specific for landowners and SWCDs. Doug Thomas stated that this not intended to be mandatory but a potential resource for local staff and landowners. Tom stated that when a drainage authority is involved they should be consulted and that there may be opportunities to include seed mixes that can fit into how a drainage authority manages required 103E buffers. Chair Napstad thanked Tom and Dan for the informative presentation.

Buffer Tracking Tool Prototype — Tom Gile introduced Aaron Spence, BWSR support with MN.IT. Tom stated that as a part of Minnesota Statute 103F.48 (Riparian Protection and Water Quality Practices) SWCDs will be responsible to track progress toward compliance with the requirements in this legislation. Staff has begun development of a compliance tracking database and tools. The tools would provide SWCDs and BWSR with almost real time tracking and compliance data and could take the place of annual reporting by the SWCDs. Currently a prototype has been developed, in the process of field testing the programs with several SWCD staff and BWSR field staff. Tom stated that BWSR is working with DNR MN.IT staff on this as well. Tom Landwehr congratulated staff on this tracking prototype; he asked about alternative practices being used. Tom explained how the application can capture data on where alternative practices have been approved and what they are; and ability for matching and linking up with other information. Discussion followed. Tom stated that staff have been in contact with consulting firms regarding duplication efforts in working with others on this. Chair Napstad thanked Tom and Aaron for this great new tool.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that MDA hosted a Pollinator Summit on February 12, a good event, a report will be forthcoming as a result of the summit. Rob suggested that Brad Redlin, Program Manager of the MN Agricultural Water Quality Certification Program (MAWQCP), present the MAWQCP to the Board at an upcoming meeting.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr stated that DNR is responsible for two phases of buffer mapping: 1) public waters; and 2) public ditches. The goal is to have the final version completed by July 1st.

Tom reported that DNR has determined that the environmental impact statement (EIS) for PolyMet Mining, Inc.'s proposed NorthMet project meets the state's standards for adequacy. DNR followed state law and based its decision on three criteria: 1) Does the EIS analyze the topics identified in scoping? Yes. 2) Does the EIS respond to comments received on the draft? Yes. 3) Did the DNR follow the process established in state statute and rule for preparing an EIS? Yes. The project now moves into the permitting process, in excess of 26 local, state and federal permits required. DNR is hosting a public information meeting in Hoyt Lakes on April 19.

Chair Napstad reported that the April 27th Board Meeting has been cancelled; committee meetings will be held on April 27.

UPCOMING MEETINGS

- BWSR Board Meeting, May 25, 2016, St. Paul
- Board Tour/Meeting, August 24-25 in East Grand Forks, Red River Valley area

Chair Napstad adjourned the meeting at 12:32 PM.

Respectfully submitted,

Mary Jo Anderson
Recorder



Conflict of Interest Disclosure Form for Board Members

Program: Minnesota Buffers Program and the Agricultural Water Quality Certification Program
Memorandum of Understanding

Name of Review Group: Board of Water and Soil Resources

Before a review of a proposed action, 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 reviewers of a proposed action an opportunity to disclose any actual, potential or perceived conflicts of interest that may exist during the review process. Reviewers are encouraged to complete and sign a conflict of interest disclosure form. On the form, the reviewer must identify when 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 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 the proposed action.

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 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 review 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 a 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 review.

As a reviewer of a proposed action, I certify that I have read and understand the descriptions of conflict of interest explained above. Check either box 1a or 1b **and** either box 2a or 2b.

- 1a. I have reviewed the proposed action, and I do not have any conflicts of interest relating to this action.
- 1b. I have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest with the proposed action(s) as described below. (Note: If you disclose a conflict, a description is discretionary. Under Minnesota Statute 13.599, this form is considered public data.)

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

- 2a. After reviewing this form, I CHOOSE to participate in this review process.
- 2b. After reviewing this form, I CHOOSE NOT to participate in this review process. I will avoid discussing the proposed action with other reviewers.

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 4/16



Conflict of Interest Disclosure Form for Board Members

Grant Program: Straight River Groundwater Management Area Groundwater Protection Grant

Name of Review Group: Board of Water and Soil Resources

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

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

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

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

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

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

ACTUAL CONFLICT OF INTEREST:

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

POTENTIAL CONFLICT OF INTEREST:

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

PERCEIVED CONFLICT OF INTEREST:

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

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

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

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

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

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

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 5/13



Conflict of Interest Disclosure Form for Board Members

Grant Program: Rice Creek Watershed District Stormwater Reuse Methodology Workshop Grant

Name of Review Group: Board of Water and Soil Resources

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

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

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

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

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

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

ACTUAL CONFLICT OF INTEREST:

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

POTENTIAL CONFLICT OF INTEREST:

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

PERCEIVED CONFLICT OF INTEREST:

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

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

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

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

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

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

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 5/13



Conflict of Interest Disclosure Form for Board Members

Grant Program: Farm Bill Assistance Program Authorization

Name of Review Group: Board of Water and Soil Resources

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

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

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

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

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

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

ACTUAL CONFLICT OF INTEREST:

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

POTENTIAL CONFLICT OF INTEREST:

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

PERCEIVED CONFLICT OF INTEREST:

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

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

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

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

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

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

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 5/13



Conflict of Interest Disclosure Form for Board Members

Grant Program: FY2016-2017 CWF Targeted Watershed Program Grants

Name of Review Group: Board of Water and Soil Resources

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

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

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

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

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

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

ACTUAL CONFLICT OF INTEREST:

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

POTENTIAL CONFLICT OF INTEREST:

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

PERCEIVED CONFLICT OF INTEREST:

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

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

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

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

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

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

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 5/13



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: May 25, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Programs and Policy/Central

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)

Travis Germundson

Presented by: Gerald Van Amburg

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

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
May 13, 2016
By: Travis Germundson

There are presently **10** appeals pending. All of the appeals involve WCA. There has been **3** new appeal filed since the last report (March 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 16-5 (4-28-16) This is an appeal of an exemption and no-loss decision in Olmsted County. The appeal regards the denial of an exemption and no-loss application for agricultural activities resulting in 4.6 acres of wetland impact. The applications were submitted in conjunction with an appeal of a restoration order (File 15-7). No decision has been made on the appeal.

File 16-4 (4-18-16) This is an appeal of an exemption decision in Wright County. The appeal regards the denial of an exemption application for repair of a pre-existing drain tile system that will partially drain 5-10 acres of wetland. No decision had been made on the appeal.

File 16-3 (4-9-16) This is an appeal of a replacement plan decision in Hennepin County. The appeal regards the denial of a replacement plan application by the City of Deephaven for wetland impacts associated with the construction of signal family residential structure. A decision has been made to grant and hear the appeal.

File 16-2 (2-11-16) This is an appeal filed under Minn. Stat. §103D.535 regarding the Rice Creek Watershed District Board of Managers' decision to initiate repair proceedings for Anoka County Ditch 46. The appeal has been dismissed in accordance with an April 14, 2016 settlement agreement.

File 15-10 (10-14-15). This is an appeal of a restoration order in Chisago County. The appeal regards the unauthorized placement of fill in a wetland resulting in approximately 1.5 acres of impact. The alleged impacts are associated with the construction of motor cross/ATV track. The appeal has been placed in abeyance and the restoration order stayed for the Technical Evaluation Plan to convene on site and develop written findings of fact on the area of impact.

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 parties have been unable to reach a settlement agreement and have requested to move forward with filing of written briefs and a hearing before the DRC.

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. *That decision has been appealed (File 16-5). The appeal will remain in abeyance until there is a final decision on the exemption and no-loss appeal.*

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. DNR's February 11, 2016 final decision has been appealed to the Court of Appeals. The appeal will remain in abeyance pending judicial review.

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 until there is a final decision by the Court of Appeals on File 14-9.

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. Site certification is scheduled to take place during the 2016 growing season.

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 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 2015	Total for Calendar Year 2016
Order in favor of appellant		
Order not in favor of appellant	4	1
Order Modified		
Order Remanded	1	
Order Place Appeal in Abeyance	4	1
Negotiated Settlement		1
Withdrawn/Dismissed	2	

COMMITTEE RECOMMENDATIONS

Central Region Committee

1. Eagan-Inver Grove Heights Watershed Management Organization Plan 2016-2025 – Mary Peterson – ***DECISION ITEM***
2. Vermillion River Watershed Joint Powers Organization Plan 2016-2025 – Mary Peterson – ***DECISION ITEM***
3. Sherburne County Comprehensive Local Water Management Plan Extension – Jason Weinerman – ***DECISION ITEM***
4. Isanti County Priority Concerns Scoping Document – Jason Weinerman – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Eagan-Inver Grove Heights Watershed Management Organization Plan

Meeting Date: May 25, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region

Contact: Jim Haertel

Prepared by: Mary Peterson

Reviewed by: Central Region Committee Committee(s)

Presented by: Mary Peterson

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the Eagan-Inver Grove Heights Watershed Management Organization Plan

LINKS TO ADDITIONAL INFORMATION

http://www.dakotacountyswcd.org/watersheds/eagan-igh-wmo/pdfs/Eagan-Inver%20Grove%20Heights%20WMP%20Final%20DRAFT_January%202016.pdf

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

Background Information:

The watershed is located in the southeast part of the Minneapolis-St. Paul seven county Metropolitan Area and covers just over 30 square miles in the Eagan (96%) and Inver Grove Heights (4%). This watershed area was originally organized on June 1, 1985 as the Gun Club Lake Watershed Management Organization, a joint powers organization that also included the City of Mendota Heights. That WMO was disbanded in 2013 when Mendota Heights withdrew from the JPA. The Mendota Heights area was incorporated into the Lower Mississippi River WMO Watershed Management Plan by Board Order in June of 2015.

The E-IGHWMO is a new joint powers organization, but the member cities are not new to watershed management. The E-IGH WMO is relatively unique in the Twin Cities Metro Area: it is almost entirely

comprised of land in one city—Eagan—and encompasses most of that city. It has faced some special challenges defining a role for the Board that fulfills its statutory purpose and requirements without creating duplication of effort.

Plan Summary:

Through the identification of issues in the watershed, the E-IGHWMO developed the following mission statement to guide water resource management in the watershed.

“To oversee member city implementation programs and foster civic engagement within the watershed that promotes citizen participation and responsibility in protecting and improving our water resources.”

The E-IGHWMO will focus on providing oversight, to assure that member cities are implementing actions to help achieve Plan goals, and education outreach that complements the member cities’ water resources education program, with much of the daily work of permitting, monitoring, and implementing programs and projects addressing the goals being accomplished at the City level. Summary of the goals and priorities are included in the Board Order.

This Plan minimizes duplication by establishing clear responsibilities by stakeholders. The E-IGHWMO has taken on an oversight role, establishing goals and policies that will be implemented by member cities in accordance with their approved Local Water Plans, and by focusing mainly on actions that supplement programming already provided by others. Table 5.2 describes how the goals and other important water management issues will be addressed by the WMO, the member cities, and the partners. Table 5.3 describes how the programs and projects address the Problems and Issues identified in the Gaps Analysis and subsequent public review and input. Table 5.1 shows the expected costs and funding sources for implementing this Plan, including a Capital Improvement Program (CIP) of capital projects the cities plan to undertake.

A robust self-assessment has been incorporated into the Plan to ensure that the WMO stays on track to achieve all there their goals.

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

Committee Recommendation:

The Board’s Central Region Committee met on May 10, 2016 in St. Paul to review and discuss the Plan. The Committee unanimously voted to recommend approval of the Plan to the full Board.

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

In the Matter of the review of the Watershed Management Plan for the Eagan-Inver Grove Heights Watershed Management Organization, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

**ORDER
APPROVING
A WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Board of Managers of the Eagan-Inver Grove Heights Watershed Management Organization (WMO) submitted a Watershed Management Plan (Plan) dated January 2016 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, subd. 9, and;

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

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

FINDINGS OF FACT

1. **WMO Establishment.** The Cities of Eagan and Inver Grove Heights established the Eagan-Inver Grove Heights Watershed Management Organization (WMO) on January 7, 2014. This watershed area was originally organized on June 1, 1985 and covered under the former Gun Club Lake Watershed Management Organization. In 2014, the WMO focused on organizational procedures, board member education and preparing its first Watershed Management Plan. BWSR, SWCD and City staff made presentations on the responsibilities and authorities of joint power WMOs. City and SWCD staff provided information about their policies and programs and reviewed the conditions of their water resources. Through the identification of issues in the watershed, the WMO developed the following mission statement and priorities to guide water resource management in the watershed.

“To oversee member city implementation programs and foster civic engagement within the watershed that promotes citizen participation and responsibility in protecting and improving our water resources.”

2. **Authority of Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The

WMO initiated work on its first Watershed Management Plan in 2014. The predecessor WMO, the Gun Club Lake WMO, had completed and implemented two ten-year management plans prior to disbanding.

3. **Nature of the Watershed.** The Eagan-Inver Grove Heights watershed is located in the southeast part of the Minneapolis-St. Paul seven county Metropolitan Area and covers just over 30 square miles in northwest Dakota County. There are two municipalities with land in the watershed, the City of Eagan (96%) and the City of Inver Grove Heights (4%). The watershed is rolling to hilly and slopes from the south and southeast northwest to the Minnesota River. The topography is characterized by deep, poorly drained depressions that hold wetlands and ponds and are naturally land locked. Many of these outlet through storm sewers. There are no perennial streams draining the watershed. Almost the entire watershed is within the existing Metropolitan Urban Service Area (MUSA). The 2010 Census population of the watershed is approximately 69,650 persons.
4. **Plan Development and Review.** The WMO has no employees; it contracts with the Dakota County SWCD for administrative services. The WMO contracts with a consulting attorney when necessary, but has not yet contracted with a consulting Watershed Engineer. A Planning Advisory Committee (PAC) was established for Management Plan development, but the Board has not established any standing Technical or Citizen's Advisory Committees. The PAC members were engaged and provided input during the planning process period. The draft Plan was submitted to the Board, the plan review agencies, and local governments for the required 60-day review on September 9, 2015. The WMO held a public hearing on December 15, 2015. Written comments received were considered and responded to by the WMO. The final draft Plan and all required materials were submitted and officially received by the Board on February 4, 2016.
5. **Local Review.** The WMO distributed copies of the draft Plan to local unites of government for their review pursuant to Minnesota Statutes Section 103B132, Subd. 7. Additional comments received from the City of Eagan resulted in removing wetlands from the water quality goals and incorporating a wetland protection, enhancement and restoration goal. No comments were heard at the public hearing.
6. **Metropolitan Council Review.** The Metropolitan Council stated the plan fulfills the requirements for a watershed management plan, avoids unnecessary duplication, and provides a good foundation for improving and protecting the water resources in the watershed.
7. **Department of Agriculture (MDA) Review.** No additional comments were received during the 60-day and final review period. The MDA did participate in the PAC during the plan development.
8. **Department of Health (MDH) Review.** The MDH did not comment on the Plan.

9. **Department of Natural Resources (DNR) Review.** The DNR provided various edits and commented that the 60-day draft improved greatly from early versions, is comprehensive but does repeat large parts multiple times. Additional information on how the goals were developed and how the WMO will implement the plan with the limited capacity should be more clear. The WMO addressed all comments and no additional comments were received on the final draft Plan.
10. **Pollution Control Agency (PCA) Review.** During the 60-day review, the PCA provided corrections and information on the eutrophication water quality standards”, TMDL impairments for mercury, and chloride impairments for Fish Lake. The PCA suggested edits to the communication and outreach goals to address these impairments. The WMO addressed all comments and the PCA had no further comments on final draft Plan. The PCA further stated that the Plan is very solid and appreciated the continued excellent work on water resources in the Eagan-Inver Grove Heights Watershed.
11. **Department of Transportation (DOT) Review.** The DOT commented during the 60-day review and provided one correction to the draft. No further comments were received during the final review.
12. **Board Review.** During the 60-day review Board staff suggested edits to improve clarity and be consistent with revisions to the MR8410 and requested citations for references used in the plan to clearly distinguish member roles and responsibilities. Detailed comments and suggestions were provided throughout the draft Plan to include information on public participation, clear relationship to other agencies, refining measurable goals, clarify the implementation plan and tying in the Communication and Outreach goals to regular measurable assessments to achieve the 10 year goals. It was recommended that the “Goals, Policies, and Implementation Plan” section be reformatted to more clearly relay to the public the functions of the WMO. All comments have been sufficiently addressed and incorporated into the final draft Plan.
13. **Plan Summary.** This Plan focuses on establishing watershed management goals and policies for the protection and improvement of the resources within the watershed including water quantity, water quality, groundwater, wetlands and communication and outreach. The E-IGHWMO will provide oversight to assure that member cities are implementing actions to help achieve Plan goals and education outreach, with much of the daily work of permitting, monitoring, and implementing programs and projects addressing the goals being accomplished at the City level.

Priorities to address the goals included; 1. Raise awareness of the watershed management organization and what it does, 2. Undertake an active communication and engagement program with multiple stakeholders, and 3. Through coordination with the cities, avoid duplication and coordinate water resources management efforts with other agencies and organizations.

The E-IGHWMO will focus on developing and implementing a communication and engagement plan that will complement the member cities' water resources education programs. A robust self-assessment has been incorporated into the Plan to ensure that the WMO stays on track to achieve all their goals.

14. **Central Region Committee Meeting.** On May 10, 2016, the Board's Central Region Committee and staff met in St. Paul to review and discuss the final Plan. Those in attendance from the Board's committee were Jack Ditmore, Paige Winebarger, Terry McDill, Faye Sleeper, Jill Crafton and Joe Collins as chair. Board staff in attendance were Central Region Manager Jim Haertel and Board Conservationists Mary Peterson and Jason Weinerman. WMO representatives in attendance included Diane Spector, Brian Watson, Scott Thureen, and Ashley Gallagher. Board staff recommended approval of the Plan. After presentation and discussion, the committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving the Watershed Management Plan for the Eagan-Inver Grove Heights Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, subd. 9.
3. The Eagan-Inver Grove Heights WMO's Watershed Management Plan-2016, attached to this Order, defines the water and water-related problems within the WMO's boundaries, possible solutions thereto, an implementation program and an updated Joint Powers Agreement.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Eagan-Inver Grove Heights Watershed Management Organization Watershed Management Plan dated January 2016.

Dated at Saint Paul, Minnesota this 25th day of May 2016.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

**Vermillion River Watershed Joint Powers
Organization Watershed Plan**

Meeting Date:

May 25, 3016

Agenda Category:

Committee Recommendation New Business Old Business

Item Type:

Decision Discussion Information

Section/Region:

Central Region

Contact:

Jim Haertel

Prepared by:

Mary Peterson

Reviewed by:

Central Region Committee Committee(s)

Presented by:

Mary Peterson

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the Vermillion River Watershed Joint Powers Organization Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

http://www.bwsr.state.mn.us/boardpackets/2016/VRWJPO_Plan_DRAFT.pdf

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

Background Information:

The VRWJPO was formed through a Joint Powers Agreement between Dakota and Scott counties in September 2002 with the first watershed plan being adopted in 2005. The watershed is located in the southeast portion of the Seven County Metropolitan Area. The watershed covers 335 square miles in Dakota and Scott counties including farmland, rural communities, growing suburbs, cities, parks, significant natural areas, and historical or cultural sites.

The purpose and responsibilities of the VRWJPO can be summarized by the VRWJPO’s recently adopted mission statement.

“Collaboratively providing education, science, and support to restore and protect the Vermillion River Watershed’s natural resources for all who live, work, and play within its boundaries.”

The VRWJPO has collaborated to engage multiple LGUs, stakeholders and state resource agencies during the planning process and incorporate local, state and regional goals and objectives into the Plan. The planning process began in June of 2013 when the TMDL and WRAPs process was in midstream. The VRWJPO has made a conscientious effort to incorporate the TMDL and WRAPs priorities and other assessment studies conducted in the watershed into this 10-year Plan. One of the challenges during the development of the Plan was how to write and format the Plan to accurately illustrate and weave the TMDL and WRAPs priorities and strategies into the goals, objectives and implementation plan in a clear and concise way. The Technical Advisory Group, (TAG), met regularly to collaborate and provide assistance to the VRWJPO as they progressed through both of these planning efforts. The VRWJPO thoroughly reviewed and responded to all comments received and met with BWSR staff to further discuss Plan format on the transition from the goals, objectives and major actions section to the Implementation Plan.

Plan Summary:

The Plan clearly summarizes: 1. issues and priorities, 2. seven goals under which actions are to be taken, 3. the organization’s role in all actions, 4. major actions that are of highest priority, are new or are changed from previous Plan, and 5. JPO and LGU commitment for consistent goals and polices for Local Water Plan implementation.

Issues statements on topics form the basis for the watershed’s goals. Topics include surface water quality, water quality improvement costs, groundwater quality, groundwater quantity, river flow rate and volume, public stewardship, agency coordination and communication, climate change, responding to emerging issues and health of biological communities.

Seven goals form the foundation for all actions: A. Protect or restore water quality, B. Protect and restore groundwater quality, C. Maintain a sustainable water supply, D. Address more intense fluctuations (up and down) in river flow rate and volume. E. Improve public awareness and stewardship of water resources, F. Improve watershed resilience to changing precipitation and temperature patterns, and G. Protect or restore sensitive biological resources. All objectives and Actions are organized by Major VRWJPO Role and this format is carried through to the Implementation Plan.

VRWJPO Implementation Plan Development Process Figure 7.0.1 summarizes the steps taken to achieve the implementation Plan, the subwatershed management plans (figures 7.2 through 7.9) consist of all the potential projects that have been identified for the given subwatershed and Figure 7.1.1.-Subwatershed Priorities shows the percentage of funding to be allocated to individual subwatershed. The Implementation Plan Table (Figure 7.10) is organized by roles of the VRWJPO and include current staff functions along with priority actions that will require additional resources. This Implementation Plan Table provides a planning-level projection that can be used as a starting point for the detailed annual budgeting process.

The VRWJPO staff received direction from the JPB members to incorporate and provide clear, over-arching evaluation measures to show how the watershed’s water and land resources were improving over time. These measures are noted in Section 8: Outcome Measures by Sub-goal and will be reported to the JPB in addition to the two year evaluation process required by MR 8410.

All local and state comments received in regards to the Plan have been adequately addressed.

Committee Recommendation:

The Board’s Central Region Committee met on May 10, 2016 in St. Paul to review and discuss the Plan. The Committee unanimously voted to recommend approval of the Plan to the full Board.

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

In the Matter of the review of the Watershed Management Plan for the Vermillion River Watershed Joint Powers Organization, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

**ORDER
APPROVING
A WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Commissioners of the Vermillion River Watershed Joint Powers Organization (VRWJPO) submitted a Watershed Management Plan (Plan) dated June 2016 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **WMO Establishment.** The VRWJPO was established by an executed joint powers agreement between Dakota and Scott Counties in September 2002. The VRWJPO provides the forum for the counties to prioritize and address intercommunity water resource issues affecting the 20 cities and townships that comprise the former Vermillion River Watershed Management Organization. The VRWJPO is governed by a three-member board, composed of two Dakota county Commissioners and one Scott County commissioner. The JPO also established a nine-member citizen advisory Watershed Planning Commission (WPC), which provides recommendations and support to the VRWJPB. Through the identification of issues in the watershed and the collective wisdom of many people engaged in this planning process, the VRWJPO recently adopted the following mission statement that summarizes its responsibilities in water resource management in the watershed.

“Collaboratively providing education, science, and support to restore and protect the Vermillion River Watershed’s natural resources for all who live, work, and play within its boundaries.”

2. **Authority of Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The VRWJPB adopted its first Plan in 2005. The VRWJPO initiated the planning process for this Plan on June 27, 2013. The VRWJPO followed the revised rules effective July, 2015, which among other updates requires more public involvement in developing watershed issues, goals, and implementation strategies.
3. **Nature of the Watershed.** The VRWJPO is the largest watershed in terms of geographic area in the Seven County Metropolitan Area. The watershed covers 335 square miles in Dakota and Scott counties including farmland, rural communities, growing suburbs, cities, parks, significant

natural areas, and historical or cultural sites. The Vermillion River Headwaters emerge in New Market Township in Scott County. The river flows east-northeast through central Dakota County to the City of Hastings, dropping over a 35 foot natural waterfall and flowing through bottom lands along the Mississippi River. The river joins the Mississippi River near Red Wing in Goodhue County.

4. **Plan Development and Review.** The VRWJPB authorized staff to begin the planning process for the 2016-2025 Plan in June of 2013. Letters were sent to a list of 240 stakeholders requesting their issues and priorities for this next Plan. In addition, the WPC and Technical Advisory Committee (TAG) and the VRWJPB were asked to identify elements of the 2005 implementation plan that had not been completed by 2010 and were high priorities for action in the new Plan. The VRWJPB held a Watershed Plan kickoff meeting on October 22, 2013 to review the public input and add to the issues and priorities. Two rounds of “community conversations” meetings were held in three locations in the watershed to gather issues, review and provide feedback and lastly to prioritize activities the VRWJPB should consider during the development of the Plan. The VRWJPB was completing a watershed wide WRAPs Implementation Plan during this period. The TAG committee met regularly to provide input and review plan sections as the WRAPs strategies were incorporated into the 10-year Plan. The draft Plan was submitted to the Board, plan review agencies, and local governments for the required 60-day review on October 12, 2015. Over 200 written comments were received, considered and responded to by the VRWJPB. The VRWJPB held a public hearing on January 26, 2016. The final draft Plan and all required materials were submitted and officially received by the Board on March 7, 2016.
5. **Local Review.** The VRWJPO distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B132, Subd. 7. Written comments were received from a WPC member, the Cities of Apple Valley, Burnsville, Rosemount and Lakeville, several members of Trout Unlimited (TU) and three rural landowners. TU members spoke at the public hearing concerned that the VRWJPO was going to request a reclassification of the trout stream from a 2A to 2B and reduce the protection for trout populations in the Vermillion River’s 2A streams. The VRWJPO is not seeking to change the classification of 2A waters and committed to the review of Plan language and make changes where appropriate to make this clear. The VRWJPO sufficiently addressed all comments.
6. **Metropolitan Council Review.** During the 60-day review, the Council complemented the VRWJPO for: 1) a clear and concise mission statement, 2) policies, goals and background materials focused on groundwater quality and quantity, and 3) an implementation plan and associated table which lists VRWJPO staff functions, implementation initiatives, measurable outcomes and estimated annual itemized costs. The Council recommended various edits and additions including adding information to various watershed maps, inclusion of full citations for reports and studies, discussion of the introduction of rainbow trout, that the sub-goals include reference to protection in addition to restoration and that the maintenance requirements for storm water BMPs be expanded and strengthened when the VRWJOP updates its rules and standards. The Council provided information and support for producing a number of technical items that will assist the VRWJPO with its water quality and educational policies. The VRWJPO responded and sufficiently addressed all comments. No additional comments were received during the 90-day review period.
7. **Department of Agriculture (MDA) Review.** During the 60-day review, MDA provided additional information on MDA priority concerns and recommended course of action for local water plans,

noted shared goals for collaboration, appreciated the VRWJPO priority for the nitrate in groundwater and recommended including the MDA map of areas susceptible to groundwater contamination. MDA further provided reference to technical and financial assistance programs, groundwater testing results in the targeted townships in Dakota County, the MN Ag BMP Handbook and guidance on drainage water management. MDA noted additional roles and responsibilities in agricultural chemical spills, irrigation management, and pesticide and fertilizer environmental and regulatory functions. The VRWJPO responded and sufficiently addressed all comments. MDA informed BWSR that they had no additional comments during the final agency review and that their comments had been addressed in the final draft.

8. **Department of Health (MDH) Review.** During the 60-day review, MDH commended the Vermillion River Watershed for its recognition on the importance of protection of groundwater quality and quantity and looked forward to continuing their working relationship with the VRWJPO. No additional comments were received during the final review period.
9. **Department of Natural Resources (DNR) Review.** During the 60-day review DNR provided editorial comments to clarify language, terms and description of language used in various sections of the Plan. DNR provided updated information on the flow monitoring network as well as aquifer tests performed. DNR complemented the VRWJPO on accurately describing the DNR's proposed statewide goals for groundwater management for 2013-2018 and its work in the Vermillion River Watershed looking at groundwater appropriations. They referred to the section that describes the roles and responsibilities relating to groundwater supply and sustainability. DNR informed BWSR that they had no additional comments during the final agency review and that their comments had been sufficiently addressed.
10. **Pollution Control Agency (PCA) Review.** During the 60-day review, PCA provided editorial, technical and language clarification comments throughout the various sections of the Plan. Additional recommendations included: 1) adding a comparison of TP40 and the new Atlas 14 precipitation estimates, 2) adding a map of recreational lakes and management plans, 3) the Biomonitoring Plan could explain the concern about IBI scoring, include designated trout reaches map, and explain current and future discussions on watershed assessment with MPCA, 4) increasing base flow by increasing infiltration and water retention where feasible during new impervious and development and throughout the watershed, and 5) the mention of the Twin Cities Metro Area Chloride TMDL, Statewide Nutrient Reduction Strategy, and link to both the TMDL and WRAPs documents for the Vermillion Review Watershed as referenced in this Plan. PCA informed BWSR that their comments had been adequately addressed and noted they value and appreciate the continued excellent work by the Vermillion River Watershed JPO.
11. **Department of Transportation (DOT) Review.** During the 60-day review, DOT asked for clarification on any changes to the Standards in Appendix B. VRWJPO responded that only minor clarifications were made to the Standards, but the underlying triggers and thresholds are mainly unchanged. The VRWJPB adopted the National Oceanic and Atmospheric (NOAA) Atlas 14 precipitation frequency estimates to guide the design and review of storm water infrastructure, so that also underlies the Standards. No additional comments were received from DOT during the final review period.
12. **Board Review.** During the 60-day review, BWSR staff; 1) provided edits/corrections and recommendations for language clarification, 2) recommended that a Watershed Reference

Section be added to the Plan for consistent documentation of resources cited such as inventories, assessment, plans, etc., 3) recommended that all tables figures and maps be listed in the Table of Contents, 4) provided comments throughout the Implementation Plan Section to generate discussion on how to better format this section to increase the clarity and transparency of the prioritized, targeted and measurable actions and the subwatershed approach to the implementation activities, 5) commended the VRWJPO for thoroughly describing the roles and responsibilities of the VWRJPO and Partners in water resources management in the watershed using Figures 8.3.1 to 8.3.8 to illustrate this partnership, 6) required changes to the Plan Review, Adoption, Update and Revision section to comply with the revised MR 8410, and 7) commended the VRWJPO on developing an Executive Summary that highlights the Plan and provides the reader with an organized overview of water resources management in the watershed. The VRWJPO responded and sufficiently addressed all comments.

13. Plan Summary.

- The VRWJPO has collaborated and engaged multiple LGUs, stakeholders and state resource agencies during the planning process and incorporated local, state and regional goals and objectives into the Plan.
- Seven major goals form the foundation for all actions: A. Protect or restore water quality, B. Protect and restore groundwater quality, C. Maintain a sustainable water supply, D. Address more intense fluctuations in river flow rate and volume. E. Improve public awareness and stewardship of water resources, F. Improve watershed resilience to changing precipitation and temperature patterns, and G. Protect or restore sensitive biological resources.
- The VRWJPO has effectively incorporated the TMDL and WRAPs strategies and other assessment studies conducted in the watershed into this 10-year Plan.
- The Implementation Plan, and the Implementation Plan Table 7.10.1, thoroughly depicts the priority actions to be taken and documents who, what, where, when and how these actions will be implemented by the VRWJPO or partners.
- The VRWJPO has clearly described the role and responsibilities of all partners in watershed management implementation and regulation.
- In addition to evaluating the progress of Plan implementation as per MR 8410, the VRWJPB has developed a limited number of broad measures by sub-goals that would provide indicators of progress (Section 6). The progress would be reviewed regularly by the JPB.
- The Plan clearly lays out the requirements for Local Water Plans and Figure 10.2.1 describes which requirements are included in the Plan that can be referenced or taken verbatim.

- 14. Central Region Committee Meeting.** On May 10, 2016, the Board's Central Region Committee and staff met in St. Paul to review and discuss the final Plan. Those in attendance from the Board's committee were Jack Ditmore, Paige Winebarger, Terry McDill, Jill Crafton, Faye Sleeper and Joe Collins as chair. Board staff in attendance were Central Region Manager Jim Haertel and Board Conservationists Mary Peterson and Jason Weinerman. Mark Zabel was in attendance representing the VRWJPO and presented highlights of the Plan. Board staff recommended approval of the Plan. After presentation and discussion, the committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

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

ORDER

The Board hereby approves the attached Vermillion River Watershed Joint Powers Organization Watershed Management Plan dated January 2016.

Dated at Saint Paul, Minnesota this 25th day of May 2016.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Sherburne County Local Water Plan Extension Request

Meeting Date: May 25, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region

Contact: Jim Haertel

Prepared by: Jason Weinerman

Reviewed by: Central Region Committee Committee(s)

Presented by: Jason Weinerman

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of Sherburne County Comprehensive Local Water Management Plan Extension Request

LINKS TO ADDITIONAL INFORMATION

See attached.

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

The Sherburne County Board of Commissioners has requested an extension to allow for more time to complete their update of their comprehensive local water management plan. The current plan expires January 31, 2017. The county has asked for an extension to February 28, 2018 to allow for time for the replacement water plan coordinator to come up to speed with the water plan update and to enhance coordination with Benton County due to the shared Elk River Watershed. The request was reviewed and recommended for approval by the board conservationist and is in line with current BWSR policy on extensions. The Central Region Committee met on May 10, 2016 to review the request and recommends approval by the full board.

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

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

**ORDER
EXTENDING
COMPREHENSIVE
LOCAL WATER
MANAGEMENT PLAN**

Whereas, on May 23, 2007, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Sherburne County Comprehensive Local Water Management Plan (Plan) that is effective until January 31, 2017; and

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

Whereas, the Board adopted revised *Local Water Plan Extensions and Amendment Policy* on March 23, 2016;

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

FINDINGS OF FACT

1. On February 4, 2016, the Board received a petition from Sherburne County requesting an extension to their Comprehensive Local Water Management Plan from the current date of January 31, 2017 until a new date of February 28, 2018. The following are the reasons for the request.
 - A. Sherburne County wishes to synchronize plan development efforts with adjacent counties and local watershed districts to effectively manage the Mississippi River watershed, including the Elk River Watershed, which covers a significant portion of Benton and Sherburne Counties. This coordinated planning between Benton and Sherburne County will serve as the precursor to the development of the most effective One Watershed, One Plan.
 - B. The county has a good history of active watershed management and implementation. However, the former water planner accepted a position with another organization. The SWCD has refilled the water planner position but released this employee and is in the process of refilling this position. The SWCD would like to give the new water planner some additional time to become better versed with the local water resources and partners involved in the county's water management.
2. **Central Regional Committee.** On May 10, 2016, the Central Regional Committee (Committee) of the Board reviewed the Extension request. Those in attendance from the Board's Committee were Paige Winebarger, Jill Crafton, Faye Sleeper, Jack Ditmore, Terry McDill and Joe Collins as chair. Board staff

in attendance were Central Regional Manager Jim Heartel and Board Conservationists Jason Weinerman and Mary Peterson. Board staff provided its recommendation of approval of the request to the Committee. After discussion, the Committee's voted unanimously to recommend approval of the Extension request to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law have been fulfilled.
2. The Board has proper jurisdiction in the matter of extending Comprehensive Local Water Management Plans pursuant to Minnesota Statutes, Section 103B.3367.
3. The Sherburne County extension request is in conformance with the requirements of Minnesota Statutes, Section 103B.3367 and the Board's *Local Water Plan Extensions and Amendment Policy* dated March 23, 2016.

ORDER

The Board hereby approves the extension of the Sherburne County Comprehensive Local Water Management Plan until February 28, 2018.

Dated at Saint Paul, Minnesota, this 25 of May, 2016.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Resolution to Extend the Sherburne County Comprehensive Local Water Management Plan

WHEREAS, Minnesota Statutes, §103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a Comprehensive Local Water Management Plan, and

WHEREAS, Sherburne County currently has a state approved Comprehensive Local Water Management Plan that covers the period of February 2007 through February 2017, and

WHEREAS, Sherburne County is currently updating the Comprehensive Local Water Management Plan in accordance with Minnesota Statutes §103B.301, and

WHEREAS, Sherburne County Soil and Water Conservation District recently lost and refilled the Water Plan Coordinator position, and

WHEREAS, priority concerns have been identified and the Priority Concerns Scoping Document has been drafted, and

WHEREAS, Sherburne County assures continued effort toward completion of the Comprehensive Local Water Management Plan update, and

WHEREAS, an extension allows for coordination and synchronization of water management efforts across county boundaries within the Mississippi St. Cloud Watershed, and

WHEREAS, the Minnesota Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Statutes §103B.3367;

NOW, THEREFORE, BE IT RESOLVED, the Sherburne County Board of Commissioners requests from the Minnesota Board of Water and Soil Resources an extension of the effective date of the current County Comprehensive Local Water Management Plan until February 2018, in order to complete the update process in accordance with Minnesota Statutes §103B.301.

CERTIFICATION

**STATE OF MINNESOTA
COUNTY OF SHERBURNE**

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Sherburne at a duly authorized meeting thereof held on the 2nd of February, 2016.



Ewald Petersen
Chair of the Board of County Commissioners



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Isanti County Priority Concerns Scoping Document Approval

Meeting Date: May 25, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region

Contact: Jim Haertel

Prepared by: Jason Weirnerman

Reviewed by: Central Region Committee Committee(s)

Presented by: Jason Weirnerman

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Board acceptance of the Isanti County Priority Concerns Scoping Document

LINKS TO ADDITIONAL INFORMATION

<http://www.bwsr.state.mn.us/boardpackets/2016/IsantiCountyPCSDwithAppendix.pdf>

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

The Isanti Comprehensive Local Water Management Plan is due to expire on May 31, 2018. The County passed a resolution to begin the plan update process on March 18, 2015. The initial step in the update process, the Priority Concerns Scoping Document (PCSD), was developed by the county and routed to the state review agencies on February 17, 2016. The BWSR Regional Committee met on May 10, 2016 to discuss the content of the PCSD and the state agency comments and recommendations received for the final plan.

All required components of the PCSD have been covered and the priority concerns identified are deemed appropriate. The Committee voted unanimously to recommend the draft official state comment letter be forwarded to the full board for chair signature.



May 25, 2016

Isanti County Commissioners
c/o Holly Nelson, Water Plan Coordinator
Isanti County Zoning
555 18th Ave SW
Cambridge, MN 55008

RE: Official Comments Pertaining to the State Review of the Isanti County Priority Concerns Scoping Document for the Local Water Management Plan Update

Dear Isanti County Commissioners:

Pursuant to Minnesota Statutes §103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Isanti County has chosen to address in the update of the County Comprehensive Local Water Management Plan (Plan).

The Isanti County Priority Concerns Scoping Document (PCSD) provides information about the county, summarizes the priority concerns development process, and provides the following priority concerns for inclusion in the Plan update:

- Groundwater quantity and quality
- Surface water quality and quantity
- Land use
- AIS prevention and management

The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the PCSD on February 17, 2016. Comments were received from BWSR staff, the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Pollution Control Agency, and the Minnesota Department of Natural Resources.

The MDA, MDH, MPCA, DNR, and BWSR concurred with the priority concerns identified and noted they felt the process to identify the concerns was commendable. Contained within the agency comments were several recommendations that should be included within the final local water management plan.

The BWSR Central Regional Committee met on May 10, 2016, to discuss comments received from state review agencies and others, discuss the content of the PCSD, and recommendations for the content of the final plan. The Central Regional Committee encourages the county to take a proactive stance

Bemidji	Brainerd	Detroit Lakes	Duluth	Mankato	Marshall	New Ulm	Rochester
403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	1601 Minnesota Drive Brainerd, MN 56401 (218) 203-4470	26624 N. Tower Road Detroit Lakes, MN 56501 (218) 846-8400	394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	12 Civic Center Plaza Suite 3000B Mankato, MN 56001 (507) 344-2821	1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	21371 State Hwy 15 New Ulm, MN 56073 (507) 359-6074	3555 9 th Street NW Suite 350 Rochester, MN 55901 (507) 206-2889

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

www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer

toward the likely pressures that development will place on the county's natural resources. The Committee's findings were presented to the BWSR Board at its meeting on May 25, 2016.

The BWSR Board has deemed the priority concerns to be addressed in the Plan are appropriate; no changes are recommended or required to the PCSD as drafted. Please proceed with the development of your Plan. The BWSR Board encourages the County to continue to engage in a process that includes a broad range of citizens and interest groups, in addition to local government officials, and state and federal resource managers during the development of goals, objectives, and an implementation plan.

We look forward to the completion of your plan and its implementation.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

cc: Holly Nelson, County Water Plan Coordinator
Robert Sip, MDA (via email)
John Freitag, MDH (via email)
Gina Bonsignore, DNR (via email)
Juline Holleran, MPCA (via email)
Jim Haertel, BWSR Regional Manager (via email)
Jason Weinerman, BWSR Board Conservationist (via email)
Mary Jo Anderson, BWSR (file copy)

COMMITTEE RECOMMENDATIONS

Northern Region Committee

1. Cass County Priority Concerns Scoping Document – Tom Schulz – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Cass County Priority Concerns Scoping Document (PCSD)

Meeting Date: May 25, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Northern Region

Contact: Maggie Leach

Prepared by: Maggie Leach

Reviewed by: Northern Region Committee(s)

Presented by: Tom Schulz

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of BWSR comments letter for the Cass County Priority Concerns Scoping Document

LINKS TO ADDITIONAL INFORMATION

PCSD link located on Cass County website:

http://www.co.cass.mn.us/government/county_directory/environmental_services/index.php

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

The Cass County Comprehensive Local Water Management Plan is due to expire on May 27, 2016. Cass County (County) passed a resolution to begin the plan update process on September 17, 2013. In 2014, the County received a two (2) year extension. The initial step in the update process, the Priority Concerns Scoping Document (PCSD), was developed by the county and routed to the state review agencies on March 1, 2016. The Northern Region Committee met on April 13, 2016, to discuss the County's process to select priority concerns, content of the PCSD and the state agency comments and recommendations received for the final plan.

The Committee concurred with the priority concerns selected and recommended approval of the draft comment letter from BWSR by the full Board.



May 25, 2016

Cass County Commissioners
c/o John Ringle, Water Plan Coordinator
P.O. Box 3000
303 Minnesota Avenue
Walker, MN 56484

RE: Official Comments Pertaining to the State Review of the Cass County Priority Concerns Scoping Document for the Local Water Management Plan Update

Dear Cass County Commissioners:

Pursuant to Minnesota Statutes §103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Cass County has chosen to address in the update of the County Comprehensive Local Water Management Plan (Plan).

The Cass County Priority Concerns Scoping Document (PCSD) provides information about the county, summarizes the priority concerns development process, and provides the following priority concerns for inclusion in the Plan update:

- Surface Water
- Groundwater
- Aquatic Invasive Species

The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the PCSD on March 1, 2016. Comments were received from BWSR staff, the Department of Agriculture (MDA), the Pollution Control Agency (MPCA), the Department of Natural Resources (DNR), and the Department of Health (MDH).

The MDH concurred with the priority concerns identified and noted they felt the process to identify the concerns was adequate. The MPCA and DNR concurred with the priority concerns and recommended incorporating strategies identified in the Crow Wing Watershed Restoration and Protection Strategies (WRAPS) report and the draft Pine River Watershed WRAPS report into the Plan update. The DNR also

Bemidji 403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	Brainerd 1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383	Detroit Lakes 26624 N. Tower Road Detroit Lakes, MN 56501 (218) 846-8400	Duluth 394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	Mankato 12 Civic Center Plaza Suite 3000B Mankato, MN 56001 (507) 344-2821	Marshall 1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	New Ulm 261 Highway 15 South New Ulm, MN 56073 (507) 359-6074	Rochester 3555 9 th Street NW Suite 350 Rochester, MN 55901 (507) 206-2889
---	--	---	---	--	---	--	---

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

Fax: (651) 297-5615

www.bwsr.state.mn.us

TTY: (800) 627-3529

An equal opportunity employer

recommended including forest conservation and agricultural Best Management Practices (BMPs) as a priority concern. The Minnesota Department of Agriculture recommended adding Drainage Water Management (DWM), water storage, additional soils and erosion information and suggested consideration of a lake prioritization process such as that developed by Crow Wing County.

The BWSR Northern Regional Committee (Committee) met on April 13, 2016, to discuss comments received from state review agencies and others, discuss the content of the PCSD, and recommendations for the content of the final plan. The Committee's findings were presented to the BWSR Board at its meeting on May 25, 2016.

The BWSR Board has deemed the priority concerns to be addressed in the Plan are appropriate; no changes are recommended or required to the PCSD as drafted. Please proceed with the development of your Plan. The BWSR Board encourages the county to continue to engage in a process that includes a broad range of citizens and interest groups, in addition to local government officials, and state and federal resource managers during the development of goals, objectives, and an implementation plan.

We look forward to the completion of your plan and its implementation. Please contact Maggie Leach at 218-203-4477 or Maggie.leach@state.mn.us with any questions.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

cc: John Ringle, County Water Plan Coordinator
Rob Sip, MDA (via email)
Chris Parthun, MDH (via email)
Theresa Olson, DNR (via email)
Reed Larson, MPCA (via email)
Ryan Hughes, BWSR Regional Manager (via email)
Maggie Leach, BWSR Board Conservationist (via email)
Mary Jo Anderson, BWSR (file copy)

COMMITTEE RECOMMENDATIONS

Southern Region Committee

1. Blue Earth County Priority Concerns Scoping Document – Kathryn Kelly – ***DECISION ITEM***
2. Martin County Priority Concerns Scoping Document – Kathryn Kelly – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Blue Earth County Priority Concerns Scoping Document

Meeting Date: May 25, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Southern

Contact: Jeff Nielsen

Prepared by: Mark Hiles

Reviewed by: Southern Regional Committee(s)

Presented by: Kathryn Kelly

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the Blue Earth County Priority Concerns Scoping Document

LINKS TO ADDITIONAL INFORMATION

<http://www.co.blue-earth.mn.us/DocumentCenter/View/1529>

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

The Blue Earth County Comprehensive Local Water Management Plan was extended on December 16, 2015 and is due to expire on December 31, 2016. The County passed a resolution to begin the plan update process on July 21, 2015. The initial step in the update process, the Priority Concerns Scoping Document (PCSD), was developed by the county and routed to the state review agencies on March 4, 2016. The BWSR Regional Committee met on April 7, 2016 to discuss the content of the PSCD and the state agency comments and recommendations received for the final plan.

All required components of the PCSD have been covered and the priority concerns identified to be addresses are deemed appropriate. The Committee voted unanimously to recommend the draft official state comment letter to the full board.



May 25, 2016

Blue Earth County Commissioners
c/o Julie Conrad, Water Plan Coordinator
410 South 5th Street, P.O. Box 3566
Mankato, MN 56002

RE: Official Comments Pertaining to the State Review of the Blue Earth County Priority Concerns Scoping Document for the Local Water Management Plan Update

Dear Blue Earth County Commissioners:

Pursuant to Minnesota Statutes §103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Blue Earth County has chosen to address in the update of the County Comprehensive Local Water Management Plan (Plan).

The Blue Earth County Priority Concerns Scoping Document (PCSD) provides information about the county, summarizes the priority concerns development process, and provides the following priority concerns for inclusion in the Plan update:

- Protect drinking water supplies and groundwater quality and quantity
- Protect and restore the quality and manage the quantity of surface water
- Protect and manage wetlands for multiple benefits

Priority concern recommendations to be considered for the PCSD were submitted to the County by BWSR staff, the Department of Agriculture (MDA), the Department of Health (MDH), the Department of Natural Resources, the Pollution Control Agency, Nicollet County, Waseca County, and the City of Mankato. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the PCSD on March 4, 2016.

The BWSR agreed with the priority concerns identified in the PCSD, MDH stated that they had no additional comments on the PCSD, and the MDA provided additional information to highlight priorities.

Bemidji 403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	Brainerd 1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383	Detroit Lakes 26624 N. Tower Road Detroit Lakes, MN 56501 (218) 846-8400	Duluth 394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	Mankato 12 Civic Center Plaza Suite 3000B Mankato, MN 56001 (507) 344-2821	Marshall 1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	New Ulm 261 Highway 15 South New Ulm, MN 56073 (507) 359-6074	Rochester 3555 9 th Street NW Suite 350 Rochester, MN 55901 (507) 206-2889
---	--	---	---	--	---	--	---

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

Fax: (651) 297-5615

www.bwsr.state.mn.us

TTY: (800) 627-3529

An equal opportunity employer

Blue Earth County Commissioners
May 25, 2016
Page 2

The BWSR Southern Regional Committee met on April 7, 2016, to discuss comments received from state review agencies and others, discuss the content of the PCSD, and recommendations for the content of the final plan. The Committee's findings were presented to the BWSR Board at its meeting on May 25, 2016.

The BWSR Board has deemed the priority concerns to be addressed in the Plan are appropriate; no changes are recommended or required to the PCSD as drafted. Please proceed with the development of your Plan. The BWSR Board encourages the County to continue to engage in a process that includes a broad range of citizens and interest groups, in addition to local government officials, and state and federal resource managers during the development of goals, objectives, and an implementation plan.

We look forward to the completion of your plan and its implementation.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

cc: Julie Conrad, County Water Plan Coordinator
Rob Sip, MDA (via email)
Amanda Strommer, MDH (via email)
Catherine Fouchi, DNR (via email)
Juline Holleran, MPCA (via email)
Jeff Nielsen, BWSR Regional Manager (via email)
Mark Hiles, BWSR Board Conservationist (via email)
Mary Jo Anderson, BWSR (file copy)



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Martin County Priority Concerns Scoping Document

Meeting Date: May 25, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Southern

Contact: Jeff Nielsen

Prepared by: Mark Hiles

Reviewed by: Southern Regional Committee(s)

Presented by: Kathryn Kelly

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the Martin County Priority Concerns Scoping Document

LINKS TO ADDITIONAL INFORMATION

<http://www.bwsr.state.mn.us/boardpackets/2016/MartinCountyPCSD.pdf>

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

The Martin County Comprehensive Local Water Management Plan is due to expire on December 31, 2016. The County passed a resolution to begin the plan update process on November 3, 2015. The initial step in the update process, the Priority Concerns Scoping Document (PCSD), was developed by the county and routed to the state review agencies on March 9, 2016. The BWSR Regional Committee met on April 7, 2016 to discuss the content of the PCSD and the state agency comments and recommendations received for the final plan.

All required components of the PCSD have been covered and the priority concerns identified to be addresses are deemed appropriate. The Committee voted unanimously to recommend the draft official state comment letter to the full board.



May 25, 2016

Martin County Commissioners
c/o Rich Perrine, Water Plan Coordinator
923 North State Street, Suite 110
Fairmont, MN 56031

RE: Official Comments Pertaining to the State Review of the Martin County Priority Concerns Scoping Document for the Local Water Management Plan Update

Dear Martin County Commissioners:

Pursuant to Minnesota Statutes §103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Martin County has chosen to address in the update of the County Comprehensive Local Water Management Plan (Plan).

The Martin County Priority Concerns Scoping Document (PCSD) provides information about the county, summarizes the priority concerns development process, and provides the following priority concerns for inclusion in the Plan update:

- Surface Water (water quality and water quantity/drinking water supply)
- Groundwater (water quality and water quantity/drinking water supply)

Priority concern recommendations to be considered for inclusion in the PCSD were submitted to the County by BWSR staff, the Department of Agriculture, the Pollution Control Agency, and the Department of Health. The Department of Natural Resources did not submit priority concerns. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the PCSD on March 9, 2016.

BWSR staff concurred with the priority concerns identified and noted they felt the process to identify the concerns was commendable. No other agency comments were received on the PCSD.

The BWSR Southern Regional Committee met on April 7, 2016, to discuss comments received from state review agencies and others, discuss the content of the PCSD, and recommendations for the content of the final plan. The Committee's findings were presented to the BWSR Board at its meeting on May 25, 2016.

Bemidji	Brainerd	Detroit Lakes	Duluth	Mankato	Marshall	New Ulm	Rochester
403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383	26624 N. Tower Road Detroit Lakes, MN 56501 (218) 846-8400	394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	12 Civic Center Plaza Suite 3000B Mankato, MN 56001 (507) 344-2821	1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	21371 State Highway 15 New Ulm, MN 56073 (507) 359-6074	3555 9 th Street NW Suite 350 Rochester, MN 55901 (507) 206-2889

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

Fax: (651) 297-5615

www.bwsr.state.mn.us

TTY: (800) 627-3529

An equal opportunity employer

Martin County Commissioners

May 25, 2016

Page 2

The BWSR Board has deemed the priority concerns to be addressed in the Plan are appropriate; no changes are recommended or required to the PCSD as drafted. Please proceed with the development of your Plan. The BWSR Board encourages the County to continue to engage in a process that includes a broad range of citizens and interest groups, in addition to local government officials, and state and federal resource managers during the development of goals, objectives, and an implementation plan.

We look forward to the completion of your plan and its implementation.

Sincerely,

Brian Napstad, Chair

Minnesota Board of Water and Soil Resources

cc: Rich Perrine, County Water Plan Coordinator
Rob Sip, MDA (via email)
Amanda Strommer, MDH (via email)
Catherine Fouchi, DNR (via email)
Juline Holleran, MPCA (via email)
Jeff Nielsen, BWSR Regional Manager (via email)
Mark Hiles, BWSR Board Conservationist (via email)
Mary Jo Anderson, BWSR (file copy)

COMMITTEE RECOMMENDATIONS

Buffers, Soils and Drainage Committee

1. Buffer Law Compliance and the Agricultural Water Quality Certification Program Memorandum of Understanding – Dave Weirens and Tom Gile – ***DECISION ITEM***
2. Excessive Soil Loss Program: Adopt Interim Guidance and Authorize Rulemaking – Dave Weirens – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Buffer Law Compliance and the Agriculture Water Quality Certification Program

Meeting Date: May 25, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: _____

Contact: Dave Weirens

Prepared by: Dave Weirens

Reviewed by: Buffers, Soils and Drainage Committee(s)

Presented by: Dave Weirens and Tom Gile

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

The Board is requested to adopt the recommendation of the Buffers, Soils and Drainage Committee to adopt the Board resolution authorizing the Executive Director to execute the Memorandum of Agreement with the Minnesota Department of Agriculture providing that the Agriculture Water Quality Certification Program serves as an alternative practice under the Buffer Program.

LINKS TO ADDITIONAL INFORMATION

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

The Buffer Law was enacted in the 2015 legislative session. The Agriculture Water Quality Certification Program was implemented on a pilot basis in 2013 by the Minnesota Department of Agriculture and statewide in 2015. This program provides regulatory certainty for agricultural producers who meet environmental and water quality standards. The water quality requirements typically include establishing buffers adjacent to watercourses and other means to reduce or eliminate water quality impacts associated with agricultural operations. Staff have identified this program as a means for landowners to validate compliance with the Buffer Program.

Board Resolution # _____

Buffer Law Compliance and the Agricultural Water Quality Certification Program

WHEREAS, Minnesota Statutes 103B.101 authorizes the Board of Water and Soil Resources (BWSR) to coordinate water and soil resources planning and implementation activities of counties, soil and water conservation districts, watershed districts, watershed management organizations and other local units of government and to hold public hearings and adopt rules and orders necessary to execute its duties; and

WHEREAS, Minnesota Statutes Section 103F.48 establishes a riparian protection and water quality practices program, commonly referred to as the Buffer Law; and

WHEREAS, Minnesota Statutes, Section 103F.48, subdivision 3(b) states landowners owning property used for cultivation adjacent to a water body identified on the state's buffer protection maps may meet the requirements of the riparian buffer law by "adopting an alternative riparian water quality practice, or combination of structural, vegetative, and management practices, based on the Natural Resources Conservation Service Field Office Technical Guide or other practices approved by the board that provide water quality protection comparable to the buffer protection for the water body the property abuts"; and

WHEREAS, the Minnesota Agricultural Water Quality Certification Program as administered by the Minnesota Department of Agriculture according to Minnesota Statutes Sections 17.9891 – 17.993 is a voluntary program that provides that a producer who demonstrates practices and management sufficient to protect water quality is certified for up to ten years and presumed to be contributing the producer's share of any targeted reduction of water pollutants during the certification period; and

WHEREAS, agency staff have developed a draft Memorandum of Understanding (MOU) between BWSR and the Minnesota Department of Agriculture that provides a process for agricultural producers that possess a valid STATE OF MINNESOTA AGRICULTURAL WATER QUALITY CERTIFICATION AGREEMENT from the Minnesota Agricultural Water Quality Certification Program to demonstrate compliance with the Buffer Law as a combination of alternative practices as allowed in Minnesota Statutes Section 103F.48, Subd. 3 (b); and

WHEREAS, the BWSR Buffers, Soils and Drainage Committee reviewed the draft MOU on March 23, 2016, April 27, 2016, and May 19, 2016 and the draft resolution on May 19, 2016 and is recommending the Board adopt the resolution authorizing the Executive Director to execute this agreement.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources makes the following orders:

1. Upon execution of a MOU with the Minnesota Department of Agriculture, the Minnesota Agricultural Water Quality Certification Program is hereby approved in accordance with Minnesota Statutes Section 103F.48, Subd. 3(b), and thus agricultural producers who possess a valid STATE OF MINNESOTA AGRICULTURAL WATER QUALITY CERTIFICATION AGREEMENT and have adopted an alternative riparian water quality practice, or combination of structural, vegetative, and management practices have accomplished water quality protection comparable to the buffer protection for the water body that the property abuts;
2. Authorizes the Executive Director to execute the Memorandum of Understanding with the Minnesota Department of Agriculture and direct staff to take the necessary steps to implement it.

By: _____
Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

DRAFT

MEMORANDUM OF UNDERSTANDING
Minnesota Board of Water and Soil Resources and
Minnesota Department of Agriculture

Minnesota Agricultural Water Quality Certification Program and the
Minnesota Buffer Program

This agreement is between the Minnesota Department of Agriculture, acting through its Commissioner and the Minnesota Board of Water and Soil Resources, acting through its Executive Director.

WHEREAS, in 2015, the Minnesota Legislature passed Minnesota Statutes, section 103F.48, Riparian Protection and Water Quality Practices, that requires landowners to maintain riparian buffers to protect the State's water resources on land adjacent to a water body identified and mapped on a Buffer Protection Map, including public waters, as defined in Minnesota Statutes, section 103G.005, subdivision 15 and public drainage systems established under Minnesota Statutes Chapter 103E; and

WHEREAS, Minnesota Statutes, section 103F.48, subdivision 3(b) states landowners owning property used for cultivation adjacent to a water body identified on the state's buffer protection maps may meet the requirements of the riparian buffer law by "adopting an alternative riparian water quality practice, or combination of structural, vegetative, and management practices, based on the Natural Resources Conservation Service Field Office Technical Guide," or other practices approved by the Board that provides water quality protection comparable to the protection for the water body that the property abuts; and

WHEREAS, in 2012, the State of Minnesota entered into a Memorandum of Understanding with the U.S. Department of Agriculture and the U.S. Environmental Protection Agency to jointly develop Minnesota's Agricultural Water Quality Certification Program to protect and enhance the water quality of Minnesota's rivers, lakes, streams, wetlands and groundwater; and

WHEREAS, in 2013, the Minnesota Legislature passed Minnesota Statutes, sections 17.9891-17.993, authorizing the Minnesota Department of Agriculture, in consultation with the Minnesota Board of Water and Soil Resources, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency to implement the Minnesota Agricultural Water Quality Certification Program; and

WHEREAS, in 2014 Governor Mark Dayton signed Executive Order 14-09, which states the Minnesota Board of Water and Soil Resources, Minnesota Department of Natural Resources and Minnesota Pollution Control Agency shall honor certification contracts signed by the Minnesota Department of Agriculture when implementing new water quality laws and rules; and

WHEREAS, the Minnesota Agricultural Water Quality Certification Program states in its 2nd Bulletin that all producers seeking certification must comply with county Shoreland Management ordinances and requirements of the Drainage Law (Minnesota Statutes Chapter 103E) by either meeting the standard as written in the ordinance or law or by addressing the resource concern by following the Natural Resources Conservation Service Filter Strip or Riparian Forest Buffer practice standard, as defined in the Field Office Technical Guide; and

NOW, THEREFORE BE IT RESOLVED, the undersigned agencies agree to coordinate enabling the riparian buffer standards and protocols followed by the Minnesota Agricultural Water Quality Certification Program to be an acceptable means that landowners may employ to demonstrate compliance with the requirements of Minnesota Statutes, section 103F.48 as alternative practices that includes structural, vegetative, and management practices as follows:

1. The Minnesota Agricultural Water Quality Certification Program will continue to address resource concerns and ensure all riparian buffers and alternate practices implemented under the Program adhere to the standards defined in the Natural Resource Conservation Service's Field Office Technical Guide and other practices approved by the Board of Water and Soil Resources.
2. The Minnesota Board of Water and Soil Resources affirms that all producers and landowners who have a valid Minnesota Agricultural Water Quality Certification Program contract with the State of Minnesota meet the obligations of Minnesota Statutes, section 103F.48, Riparian Protection and Water Quality Practices, by implementing alternative practices that include structural, vegetative, and management practices.
3. The Minnesota Board of Water and Soil Resources and the Minnesota Department of Agriculture will work in concert to develop the procedures and protocols necessary to inform the local Soil and Water Conservation Districts, the United States Department of Agriculture Natural Resource Conservation Service, agricultural landowners and other stakeholders of the Minnesota Agricultural Water Quality Certification Program's status as an acceptable means that landowners may employ to demonstrate compliance with the requirements of Minnesota Statutes, section 103F.48 as alternative practices that include structural, vegetative, and management practices.
4. The Commissioner of the Minnesota Department of Agriculture and the Executive Director of the Minnesota Board of Water and Soil Resources shall meet, as needed, to review and revise the contents of this agreement.
5. Either party may withdraw from this memorandum of understanding by providing 30 day's notice to the other party.

John Jaschke
Executive Director
Board of Water and Soil Resources

Dave Frederickson
Commissioner
Minnesota Department of Agriculture



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Excessive Soil Loss Program: Adopt Interim Guidance and Authorize Rulemaking

Meeting Date: May 25, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: _____

Contact: Dave Weirens

Prepared by: Dave Weirens

Reviewed by: Buffers, Soils and Drainage Committee(s)

Presented by: Dave Weirens

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

The Board is requested to adopt the recommendation of the Buffers, Soils and Drainage Committee to adopt the interim guidance for implementing the Excessive Soil Loss Program and authorize amending the program Rule.

LINKS TO ADDITIONAL INFORMATION

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

The amendments to Minnesota Statutes 103F.401 to 103F.455 modified the Excessive Soil Loss Program by changing the program from one that was implemented only through the voluntary adoption of county ordinances and replacing civil penalties with administrative penalties for enforcement. BWSR staff have developed interim guidance for use by agency staff and local governments to use in responding to complaints that must be addressed under the law and requesting authority to initiate rulemaking so that the Program rule can be brought into conformance with the law.

Minnesota Board of Water and Soil Resources Resolution No. 16-_____

**Approval of Interim Guidance for Excessive Soil Loss Complaints and
Authorization to Initiate Rulemaking to Revise the Excessive Soil Loss Rules,
Minnesota Rules Chapter 8400**

WHEREAS, the Board of Water and Soil Resources (Board) is authorized under Minnesota Statute 103F.401 through 103F.455 to establish rules to govern implementation of the Excessive Soil Loss statute; and,

WHEREAS, the Board adopted rules in 1986 in Minnesota Rules Chapter 8400 to address the Excessive Soil Loss Program; and,

WHEREAS, Laws of Minnesota 2015, 1st Special Session, Chapter 4 amended the Excessive Soil Loss statute to eliminate the requirement that the law is only applicable with a local government ordinance, created specific administrative penalty order authority to enforce the law, removed local enforcement through a civil penalty, and revised requirements for state cost-share of conservation practices to prevent excessive soil loss; and,

WHEREAS, Board staff have developed interim guidance to advise counties and soil and water conservation districts, and Agency staff on the implementation of these statutory changes until such time as rules can be adopted; and,

WHEREAS, the Board's Buffers, Soils and Drainage Committee have reviewed the Interim Excessive Soil Loss Complaint guidance and the need to revise Minnesota Rules Chapter 8400 and recommends the Board approve the interim guidance and authorize the initiation of rulemaking.

NOW THEREFORE BE IT RESOLVED, that the Board adopts the recommendation of the Buffers, Soils and Drainage Committee to approve the interim guidance on excessive soil loss and authorize the initiation of the rulemaking process to revise Minnesota Rules Chapter 8400.

BE IT FURTHER RESOLVED, that the Board authorizes staff to establish a stakeholder committee to develop soil erosion standards and oversee the rule amendment process.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Brian Napstad, Chair



Excessive Soil Loss Complaints – Agricultural Activities for Counties and SWCDs without a County Soil Loss Ordinance

Draft Guidance

November 30, 2015 / May 19, 2016

Background

Minnesota's soil erosion law is found in Minnesota Statutes (M.S.) sections 103F.401 through 103F.455. The law, which dates back to 1984, sets forth a strong public policy stating that a person may not cause excessive soil loss. However, the law was entirely permissive in that it only encouraged local governments to adopt soil erosion ordinances and could not be implemented without a local government ordinance. The soil erosion law was changed in 2015 when a number of revisions were made by the Legislature and approved by the Governor to broaden its applicability.

Minnesota Laws 2015, regular and 1st special sessions changed the law by: 1) repealing M.S. 103F.451 "Applicability", which eliminates the requirement that the law is only applicable with a local government ordinance; 2) creating specific Administrative Penalty Order (APO) authority in M.S. 103B.101, subd. 12a. for BWSR and counties to enforce the law; and 3) amending M.S. 103F.421 "Enforcement" to remove local enforcement only through civil penalty and to revise requirements for state cost-share of conservation practices required to correct prevent excessive soil loss. By definition excessive soil loss means soil loss that is greater than established soil loss limits or evidenced by sedimentation on adjoining land or in a body of water.

The result of the combined changes now sets forth statewide regulation of excessive soil loss regardless of whether or not a local government has a soil loss ordinance¹.

The following procedural steps are guided by M.S. 103F.401 – 103F.455 (Soil Erosion Law), together with the companion Minnesota Rules (M.R.) Parts 8400.4000 through 8400.4080 (Excessive Soil Loss Control).

Procedural Steps for Complaints Associated with Agricultural Activities:

- **Step 1** - County (or SWCD, if a designated agent of the county) receives written complaint which complies with part 8400.4040, subpart 1. Complaints are confidential data and are not public information.
 - a. The law allows a county to designate the SWCD as its agent for carrying out administrative and mediation duties (103F.401, subd. 8., 8400.4002, subpart 13. & 103F.405, subd. 2.). This is an option for counties that do not want to administer the law directly. M.S. section 103C.331, subd. 19 provides SWCDs authority to accept delegation from a county to administer soil and water conservation-related official controls. If delegated, then the SWCD could be the recipient of the complaint.

¹ Counties with an existing soil loss ordinance are Fillmore, Goodhue, Mower, Olmsted and Winona

- **Step 2** - County forwards complaint to SWCD to initiate investigation and report (8400.4040, subparts 2. & 3.)
 - a. The SWCD starts a confidential file documenting correspondence and records relating to the complaint filed.
 - b. SWCD contacts BWSR Board Conservationist for assistance.
 - c. SWCD notifies landowner of complaint and provides opportunity for landowner to be at a site visit (8400.4040, subpart 2.).
 - d. SWCD makes a site visit to investigate evidence of excessive erosion and/or sedimentation. (Permitted soil loss and sedimentation limits are defined in 8400.4025, subparts 1. & 2.)
 - e. SWCD conducts an investigation in accordance with M.S. 103F.421, subd. 2. and M.R. 8400.4040, subpart 3. to evaluate and prepare a written report that includes:
 - i. Presence of rill and/or gully erosion
 - ii. Extent of adverse impacts [on adjoining land or a waterbody](#) from sedimentation
 - iii. Average rate of soil loss from water or wind erosion in tons per acre per year
 - iv. If excessive soil loss is determined, a conservation plan with [applicable BMPs/practicable soil conservation practices](#) to prevent excessive soil loss or reduce the soil loss to the most practicable extent
 - v. A summary of the findings, and a conservation plan with one or more options, as applicable
- **Step 3** - SWCD submits report to County and BWSR. If the report documents that excessive soil loss is not occurring, the county, or SWCD as its designated agent, dismisses the complaint.
- **Step 4** - If the report documents excessive soil loss, written notice, by the county, must be given to landowner, in accordance with part 8400.4040, subpart 4.
- **Step 5** - If the report documents excessive soil loss, then the county can choose one of the following two paths to proceed with reaching agreement on a conservation plan and timeframe for completion of corrective actions and enforcement.
 - [\(Until the administrative rule 8400.4000 through 8400.4080 is revised and adopted which will provide clear administrative procedures for implementing the law, as amended, on a state-wide basis the following two paths are suggested.\)](#)

Formatted: Indent: Left: 0.25", No bullets or numbering

COUNTY PATH	SWCD/BWSR PATH
County adopts local Administrative Penalty Order Plan	Request SWCD/BWSR to proceed under BWSR Administrative Penalty Order Plan
1. SWCD offers technical assistance and State Cost-Share is offered for financial assistance. The SWCD and landowner are encouraged to seek additional funding, if needed, through other applicable state, federal or local programs.	1. SWCD offers technical assistance and State Cost-Share is offered for financial assistance. The SWCD and landowner are encouraged to seek additional funding, if needed, through other applicable state, federal or local programs.

<p>2. The landowner has 90 days after the complaint is substantiated to apply for State Cost-Share program assistance or the cost-share is reduced to 50 percent, unless the SWCD or the board approves an extension. An extension must be granted if funds are not available. (M.S. 103E.421, subd. 4.)</p> <p>3. If the landowner does not agree with SWCD findings of excessive soil loss and an associated conservation plan, the County requests the landowner to participate in a mediation process with the county, in accordance with M.S. 103F.421, subd. 3.,,</p> <p>4. When State Cost-Share program funds are available and the landowner does not comply with the mediated agreement/conservation plan and recommended <u>BMPs/practicable soil conservation practices</u>, the landowner may be subject to a County APO plan and penalty up to \$500.</p> <p>5. If the landowner refuses to participate in mediation or the landowner and local government do not agree to a mediated settlement, the local government forwards the complaint to the county attorney. The county attorney may dismiss the complaint or petition for a district court hearing under M.S. 103F.425.</p>	<p>2. The landowner has 90 days after the complaint is substantiated to apply for State Cost-Share program assistance or the cost-share is reduced to 50 percent, unless the SWCD or the board approves an extension. An extension must be granted if funds are not available. (M.S. 103E.421, subd. 4.)</p> <p>3. If the landowner does not agree with SWCD findings of excessive soil loss and an associated conservation plan, the SWCD requests the landowner to participate in mediation process as defined in the BWSR APO plan.</p> <p>4. When State Cost-Share program funds are available and the landowner does not comply with the conservation plan and recommended <u>BMPs/practicable soil conservation practices</u>, the landowner may be subject to a BWSR APO plan and penalty up to \$500.</p> <p>5. Administrative penalties may be appealed in accordance with section 116.072, as indicated in section 103B.101, subd. 12.</p>
---	--

- Step 6 - SWCD certifies BMPs/practicable soil conservation practices installation or conservation plan completion, as applicable.
- Step 7 – Structural or vegetative soil conservation practices must be recorded with the county recorder on the tracts where they occur if cost-sharing funds are issued to the landowner.

Formatted: Underline

Formatted: No underline

Formatted: No underline

Confidential Data

Under M.S. 13.44, subd. 1 of the Minnesota Government Data Practices Act, “The identities of individuals who register complaints with government entities concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data.” Confidential data are not public, and are accessible only to BWSR or SWCD personnel whose work assignments reasonably require access, and to those authorized by

state or federal law. They are not accessible to the subject of the data (i.e. the person whom the complaint is alleged against). Thus, neither the data subject, nor the public at large, can know the identity of the complainant. (The identity of the person whom the complaint is alleged against is not classified.)

Even though individuals cannot access confidential data about themselves, they have a right to know whether confidential data is maintained by BWSR or an SWCD. If an individual asks whether s/he is the subject of a property complaint, that inquiry should be confirmed, and they should be advised that the data is classified as confidential.

Please only share property complaint data with your supervisor and associated staff who are directly working on the specific complaint. SWCD staff and boards should treat this information as confidential unless advised differently by their legal counsel.

This guidance will be periodically updated. The most recent version is available on the BWSR website. www.bwsr.state.mn.us/soils

DRAFT

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

1. Straight River Groundwater Management Area Groundwater Protection Grant – Don Buckhout – ***DECISION ITEM***

2. Rice Creek Watershed District Stormwater Reuse Methodology Workshop Grant – Don Buckhout – ***DECISION ITEM***

3. Farm Bill Assistance Program Authorization – Jim Haertel – ***DECISION ITEM***

4. FY 2016-2017 CWF Targeted Watershed Demonstration Program Grants – Marcey Westrick – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

GRANT for GROUNDWATER PROTECTION in the STRAIGHT RIVER GROUNDWATER MANAGEMENT AREA

Meeting Date:

May 25, 2016

Agenda Category:

Committee Recommendation New Business Old Business

Item Type:

Decision Discussion Information

Section/Region:

North

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: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approve Resolution for Grant Agreement

LINKS TO ADDITIONAL INFORMATION

DNR Straight River Groundwater Management Area Plan [Straight River Pilot Groundwater Management Area \(GWMA\): Minnesota DNR](#)

Attachments: Proposed Board Resolution; Proposed Grant Scope of Work; SWCD Memorandum of Agreement

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

Issue Description: Land use conversion to agricultural uses in the Straight River Groundwater Management Area (Becker and Hubbard Counties) has been identified by the DNR and others as a potential and actual threat to regional groundwater and related surface water resources. Sandy soils are ideal for intensive agriculture with irrigation, but allow rapid infiltration of nitrates to shallow groundwater and related surface water. A 2014 one-time Clean Water Fund appropriation to BWSR is targeted for collaborating with local governments to identify strategies for groundwater protection in this area.

Grant Purpose: To protect the sensitive groundwater resources in the Straight River Groundwater Management Area by promoting landowner practices that reduce nitrogen leaching to groundwater.

Alternatives Considered: 1) establish a BWSR grants process for local governments to apply for funds to implement eligible practices, or 2) grant funds to local governments (i.e., SWCDs) that will administer grants to local landowners/producers for eligible projects and practices.

Scope and Approach: Alternative 2 is recommended based on knowledge and expertise of local staff and efficiency of grant administration. Both the Becker and Hubbard SWCDs will grant available funds (\$50K) for use for implementation of landowner/producer projects and practices consistent with the Grant Purpose within the

Straight River Groundwater Management Area portion of their respective counties. This grant agreement will be with the Becker SWCD, which will act as the fiscal agent and grant administrator. The Becker and Hubbard SWCDs will disburse approximately equal shares of the total grant amount according to the terms of a Memorandum of Agreement (attached).

Eligible Practices and Projects and Estimated Allocation of Grant Funds: 1) *Education and Outreach*-an irrigator forum to present the project, funding opportunities and available technical assistance(Funds from grant: \$2,000); 2) *Technical Assistance*-irrigation scheduling assistance to an anticipated minimum of 20 producers on irrigated land, assistance for producers with selecting cover and cover crop demonstration projects (Funds from grant: \$14,500); 3) *Special Projects*-Low pressure / fertigation pivot conversion, irrigation technology improvements, and cover crop demonstration Incentives (Funds from grant: \$33,500).



**FY 2016 CLEAN WATER FUND NON-COMPETITIVE GRANT
TO BECKER SOIL AND WATER CONSERVATION DISTRICT FOR GROUNDWATER
PROTECTION in the STRAIGHT RIVER GROUNDWATER MANAGEMENT AREA**

WHEREAS, the Clean Water Fund is established in Minn. Stat. §114D.50; and,

WHEREAS, Clean Water Funds have been appropriated to the Board of Water and Soil Resources (Board) in Laws of Minnesota 2014, Chapter 312, Article 14, Section 4 for non-competitive grants to local units of government in the Straight River Groundwater Management Area to identify strategies for groundwater protection and potential locations for infiltration projects and practices, including potential wetland restoration, enhancement, or creation that would contribute to groundwater recharge and wellhead protection; and

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

WHEREAS, Board implementation of appropriated and transferred Clean Water 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 Minn. Stat. §114D.20 which directs the implementation of Clean Water Funds to be coordinated with existing authorities and program infrastructure; and

WHEREAS, Minn. Stat. §114D.20 references the goal of supporting effective measures to prevent degradation of groundwater as stated in Minn. Stat. §103H.001; and

WHEREAS, the Hubbard and Becker Soil and Water Conservation District staff and the Board have negotiated a proposed Scope of Work that describes practices and projects they will implement in cooperation with willing landowners to reduce or prevent groundwater contamination in the Straight River Groundwater Management Area at an estimated cost of \$50,000; and

WHEREAS, both the Becker and Hubbard Soil and Water Conservation District comprehensive plans identify groundwater quality and/or quantity protection as priority concerns; and

WHEREAS, the Becker Soil and Water Conservation District will act as the fiscal agent for the grant and funds will be shared by the Hubbard and Becker Soil and Water Conservation Districts according to the terms of a Memorandum of Understanding approved by both entities; and

WHEREAS, the Grants Program and Policy Committee met on April 26, 2016, reviewed the proposed Groundwater Protection Practices in the Straight River Groundwater Management Area Scope of Work and related documents, and recommended approval of this resolution by the Board;

NOW THEREFORE BE IT RESOLVED, the Board hereby:

Approves the non-competitive Groundwater Protection Practices in the Straight River Groundwater Management Area grant as consistent with the goals and objectives of the Board FY2014 Clean Water Fund Competitive Grants Policy; and

BE IT FURTHER RESOLVED, the Board hereby:

Directs that funds be granted pursuant to this resolution in compliance with the Board FY2014 Clean Water Fund Competitive Grants Policy, except that 1) no match will be required, 2) the grant 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 Becker Soil and Water Conservation District consistent with this resolution and not to exceed \$50,000.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: _____

Straight River Groundwater Management Project
Draft Work Plan

Grant Award: \$ 50,000.00

Required Match Amount: \$ 0.00

Required Match %: N/A

Fiscal Agent: Becker SWCD

Budget Details:

Activity Name	Category	Source	Budget
Grant Administration:	Administration / Coordination	Current State Grant	\$ 0.00
Education and Outreach:	Education / Outreach	Current State Grant	\$ 2,000.00
Technical Assistance:	Engineering / Technical Assistance	Current State Grant	\$ 14,500.00
Special Projects:	Special Projects	Current State Grant	\$ 33,500

Grant Activity

Grant Administration

Becker SWCD will coordinate activities, contracting and oversight for each project in close communication with Hubbard SWCD. Becker SWCD District Administrator and Office Manager will administer Project funds, coordinate activities, track expenditures, complete vouchers and payments, assure that all appropriate FY 16 BWSR Grant Administration Policies are followed and fulfill reporting requirements in Elink. District Technicians will calculate and report actual results as the grant progresses. Total Funds from grant: \$0.00

Education and Outreach

Becker & Hubbard SWCD District Administrators and Program Technicians will hold an irrigator forum to present the project, funding opportunities and available technical assistance in Osage, MN (most central to the GWMA) with an expected attendance of 40 -60 producers. Targeted informational mailings and program details will be sent in 2016 and 2017 to +/- 150 landowners and producers in the project area. Total Funds from grant: \$2,000

Technical Assistance

Becker and Hubbard SWCD will provide irrigation scheduling assistance to an anticipated minimum of 20 producers on irrigated land. SWCD technicians will make weekly visits to enrolled fields and provide weekly soil moisture estimates and depletion graphs. Participants will also be given access to daily evapotranspiration data and be provided a year-long summary of irrigation totals, rainfall amounts and potential leaching events. SWCD technicians will also assist producers with selecting cover crops that fit into the regions irrigated cropping systems and offer the greatest potential to scavenge nutrients, as well as conduct soil moisture monitoring and Haney soil tests for cover crop demonstration projects. Total Funds from grant: \$14,500.00

Special Projects:

The special projects portion of the grant consists of three categories: 1.) Low pressure / fertigation pivot conversion, 2.) Irrigation Technology Improvements, and 3.) Cover Crop demonstration Incentives.

1. Becker & Hubbard SWCD, using all available fund sources (federal, state and local) will provide 100% financial assistance for equipment and installation costs for converting existing pivot irrigation operations to low pressure, retrofitting existing systems to achieve fertigation capability and increasing the efficiency of pumping operations. Total Funds from grant: \$9500.00

2. Becker & Hubbard SWCD, using all available fund sources (federal, state and local) will provide 100% financial assistance for equipment and installation costs for irrigation technology upgrades including remote Field commanders and applications such as ENCIRCA's Nitrogen Management Application. Total Funds from grant: \$14,500.00

3. In 2016, Becker & Hubbard SWCD will offer a \$250 signing incentive to producers who make a three year commitment to participate in cover crop demonstration trials in 2016, 2017 and 2018. Using all available fund sources (federal, state and local), Becker & Hubbard SWCD will provide 100% financial assistance for seed and related implementation costs at each demonstration site.

To be eligible, the trials must be on productive (non-retired), irrigated acres, and be repeated annually throughout the three year period. SWCD staff will work with participants to select nitrogen scavenging cover crops that can be integrated into their existing cropping system with regard to herbicide carryover, tillage practices, terrain, etc. to develop a 3 year management plan including establishment /termination methods and timing. Throughout the trial period soil samples will be tested to attain baseline and interim indications of soil moisture, microbial activity and nutrient concentrations (N-P-K).

Total Funds from grant: \$9,500.00

Other groundwater protection practices (consistent with the Purpose of the grant) may be eligible for financial assistance with prior approval of BWSR Board conservationist.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: STORMWATER REUSE for IRRIGATION ASSESSMENT GRANT AMENDMENT

Meeting Date: May 25, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: 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: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approve Resolution for Grant Agreement Amendment

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 Board Resolution; Project Scope of Work with Proposed Amendment (Phase 5)

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. In October 2015 the Board approved a \$100K Clean Water Fund grant to the Rice Creek Watershed District (parts of Anoka, Hennepin, Ramsey, Washington Counties) to develop a methodology for assessing the feasibility of replacing some or all groundwater source water with stormwater for irrigation of these facilities. Work is underway on Phase 1 of the original grant scope of work.

Grant Purpose: This amendment to the Rice Creek Watershed District grant agreement adds a task and provides additional \$5K in Clean Water Funds to present a workshop for potential users of the methodology. The audience includes other local units of government (watershed districts/WMOs; SWCDs; cities; regional park systems) primarily in the North and East Metro area, but the workshop will be open to others statewide.



**FY 2016 CLEAN WATER FUND NON-COMPETITIVE GRANT AMENDMENT
TO RICE CREEK WATERSHED DISTRICT
FOR STORMWATER REUSE FOR IRRIGATION ASSESSMENT METHODOLOGY
WORKSHOP**

WHEREAS, the Clean Water Fund is established in Minn. Stat. §114D.50; and,

WHEREAS, Clean Water Funds have been appropriated to the Board of Water and Soil Resources (Board) in Laws of Minnesota 2014, Chapter 312, Article 14, Section 4 for identification of strategies for groundwater protection and to identify locations for infiltration projects and practices in the North and East Metro Groundwater Management Area; and

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

WHEREAS, Board implementation of appropriated and transferred Clean Water 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 Minn. Stat. §114D.20 which directs the implementation of Clean Water Funds to be coordinated with existing authorities and program infrastructure; and

WHEREAS, the Board has, on October 28, 2015, passed Board Resolution #15-75 authorizing a grant agreement with the Rice Creek Watershed District (grantee) at a cost of \$100,000 to develop a methodology for finding feasible locations for projects to substitute stormwater sources for groundwater sources used for non-agricultural irrigation; and

WHEREAS, the grantee and the Board have negotiated a proposed amendment to the original grant agreement that requires the grantee to present a workshop for potential users of the feasibility methodology to instruct them in its use at an estimated cost of \$5,000 to be paid with funds in this grant; and

WHEREAS, the Grants Program and Policy Committee met on April 26, 2016 and reviewed and recommended Board approval of the proposed workshop amendment to the Stormwater Reuse for Irrigation Assessment grant agreement scope of work and the draft Board resolution;

NOW THEREFORE BE IT RESOLVED, the Board hereby:

Approves the amendment to the non-competitive Stormwater Reuse for Irrigation Assessment Grant as described in this resolution as consistent with the Board FY 2016 Clean Water Fund Competitive Grants Policy; and

BE IT FURTHER RESOLVED, the Board hereby:

Directs that funds be granted pursuant to this resolution in compliance with the Board FY 2016 Clean Water Fund Competitive Grants Policy except that 1) no match will be required, 2) the grant 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 consistent with this resolution not to exceed \$5,000.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: _____

Board of Water and Soil Resources

Rice Creek WD Stormwater Reuse for Irrigation Grant Agreement Amendment

Phase 5

A workshop will be presented for potential users of the methodology to instruct them how to use the methodology. While the workshop will be conducted within the RCWD (N&E Metro Groundwater Management Area) it will be advertised and open to a wide range of practitioners, potential end user irrigators, local government water management entities, etc. both within and outside of the groundwater management area. Workshop will be conducted no later than March 31, 2017.

Tasks

1. Prepare and conduct a single workshop for potential users of the stormwater reuse for irrigation assessment methodology with instruction sufficient to enable attendees to use the methodology in their own jurisdictions or venues. Only those Attendees with the requisite technical expertise to apply the methodology will be expected to develop knowledge sufficient to use the methodology.

Deliverables

1. Preparatory materials, presentation materials, conduct of an actual workshop-format presentation, and meeting logistics (announcements, obtaining a meeting venue, registration, refreshments, etc.) and other related activities sufficient to instruct attendees in the use of the final stormwater reuse irrigation assessment methodology.

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
PHASE 5 (Amendment)	50	5,000
PROJECT ADMINISTRATION	40	4,000
TOTAL	1000	\$ 105,000



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Farm Bill Assistance Program Grant Awards

Meeting Date: May 25, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Grants Section

Contact: Jim Haertel

Prepared by: Tabor Hoek

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Jim Haertel

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

The Board is requested to authorize the use of year two funds from the current Legislative Citizen Commission on Minnesota Resources (LCCMR) grant, FY 16&17 DNR funds, FY 17, Outdoor Heritage Fund, FY 16 BWSR Clean Water Fund Accelerated Implementation Grant, FY 16 Clean Water Fund RIM, and any remaining program carry forward funds for Farm Bill Assistance Grants per the attached Resolution.

LINKS TO ADDITIONAL INFORMATION

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

The Farm Bill Assistance Program provides funds to SWCDs to hire staff to accelerate implementation of the Farm Bill as well as other state and federal conservation projects that involve grasslands and wetlands. The FY17 Farm Bill Assistance Program is expected to be funded from several revenue sources, chief among them being the Legislative-Citizens Commission on Minnesota Resources. The Board is being requested to authorize these grants.

The Grants Program and Policy Committee met on April 26, 2016 to review documents associated with this resolution and is recommending Board approval.



Board Resolution # _____

FY '17 MN Farm Bill Assistance Program Authorization

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

WHEREAS, BWSR acting as fiscal agent for the program has been appropriated funds recommended by the MN Legislative Citizen Commission on Minnesota Resources (LCCMR) through the Environmental Natural Resources Trust Fund (ENRTF) in Laws of Minnesota 2013, Chapter 52, Section 2, subd. 4(f), Laws of Minnesota 2015 Chapter 76, Section 2, subd. 8(d); and,

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 in Laws of Minnesota 2015, 1st Special Session, Chapter 2, Article 2, Section 7(c) for enhancement grants for technical assistance and in 7(l) for permanent conservation sites via easements to accomplish a conservation reserve enhancement program, or equivalent; and,

WHEREAS, Outdoor Heritage Funds (OHF) are pending legislative approval during the 2016 legislative session and if authorized are governed under the accomplishment plans prescribed for those funds; and,

WHEREAS, DNR has provided funding to BWSR to implement the MN Pheasant Action Plan; and,

WHEREAS, BWSR, NRCS, DNR, MASWCD and PF have conducted a Solicitation of Interest from SWCD's for FBA project work; and,

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

Eligible SWCDs will be competitively selected to receive a 90% state funded contribution towards employment of a staff position. The staff budget is established at \$65,000 per full-time-equivalent. The state grant share of \$58,500 will be used to cover wages, benefits and other direct expenses of the position. The SWCD will provide \$6500 as 10% cash match to the position budget for employment related expenses; and,

WHEREAS, the Board's Grants Program and Policy committee met on April 26th, 2016 and recommended approval of this grant.

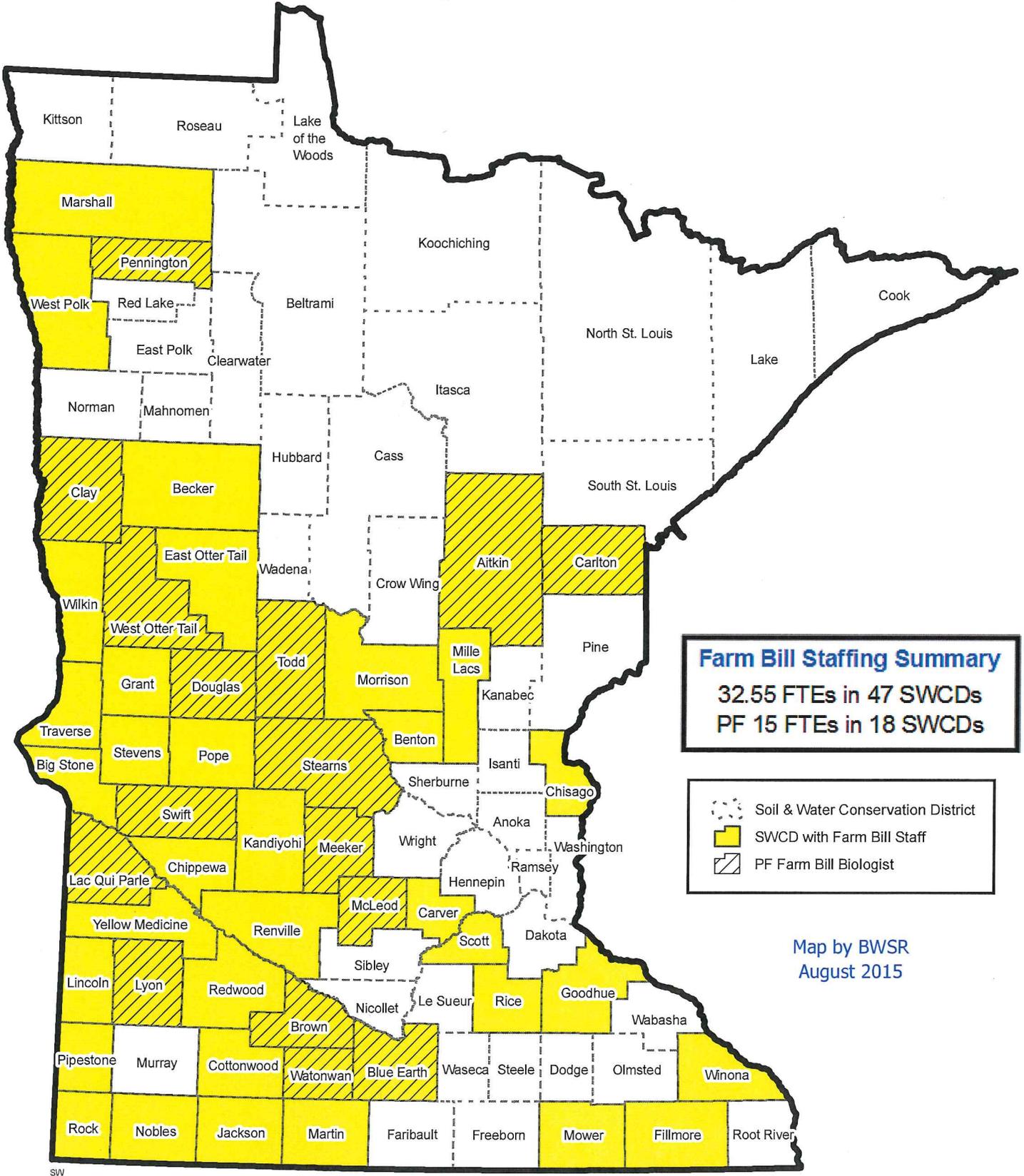
NOW THEREFORE BE IT RESOLVED, the Board authorizes staff to allocate FY 2016/2017 DNR funds provided for FBA purposes, and up to \$500,000 of ENRTF; \$100,000 of BWSR FY2017 Outdoor Heritage Fund; \$695,000 BWSR FY 2016 Clean Water Fund Accelerated Implementation Grant; \$400,000 FY 2016 Clean Water Fund RIM; and any rollover or continuation funds for this program previously authorized. Funding allocations are subject to final fund availability and/or appropriation language.

Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Farm Bill Assistance Positions

Phase XV – July 1, 2015-June 30, 2016



Farm Bill Staffing Summary
 32.55 FTEs in 47 SWCDs
 PF 15 FTEs in 18 SWCDs

- Soil & Water Conservation District
- SWCD with Farm Bill Staff
- PF Farm Bill Biologist

Map by BWSR
 August 2015





BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY 2016-2017 CWF Targeted Watershed Program Grants

Meeting Date: May 25, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region

Contact: Marcey Westrick

Prepared by: Marcey Westrick

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Marcey Westrick

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of FY 2016-2017 Clean Water Fund Targeted Watershed Program Grants.

LINKS TO ADDITIONAL INFORMATION

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

On December 16, 2015, the Board adopted Resolution #15-92 which authorized staff to conduct a Request for Interest for nominations for the Targeted Watershed Program. Nominations for the FY2016-17 Clean Water Fund Targeted Watershed Program were accepted from February 1 through March 9, 2016. Local governments submitted 8 nominations requesting at total of \$11,781,168 in Clean Water Funds. \$8,750,000 is available.

Based on BWSR staff review of the applications and after a multi-agency interview team evaluations the Grants Program and Policy Committee considered the recommendations at their meeting on April 26, 2016 and unanimously voted to recommend approval to the full Board per the attached Resolution.



Board Resolution # 16-_____

**TARGETED WATERSHED DEMONSTRATION PROGRAM:
FUNDING RECOMMENDATION**

WHEREAS, the Clean Water Fund is established in Minn. Stat. § 114D.50; and,

WHEREAS, Clean Water Funds have been appropriated to the Board of Water and Soil Resources (Board or BWSR) in Laws of Minnesota 2015, First Special Session, Chapter 2, Article 2, Section 7(a) for grants to local government units organized for the management of water in a watershed; and,

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

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

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

WHEREAS, the Clean Water Fund implementation strategy incorporates the purpose of Minn. Stat. § 114D.20 which directs the implementation of Clean Water Funds to be coordinated with existing authorities and program infrastructure that includes managing water on a watershed basis; and,

WHEREAS, on December 16, 2015, by Board Resolution # 15-92, the Board:

1. Authorized staff to finalize, distribute and promote a Request For Information (RFI) for the Targeted Watershed Demonstration Program consistent with the provisions of appropriations enacted in 2013, Minn. Stat. § 103B.3369 and this Board resolution; and,

WHEREAS, up to \$8.75 million in funds were made available to local governments through the Request for Interest (RFI) process that was open for applications from February 1 to March 9, 2016; and,

WHEREAS, local governments throughout the state submitted 8 nominations requesting at total of \$11,781,168; and,

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

Scoring Guidelines:

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

WHEREAS, as a second step, the 6 recommended nominations were invited to an interview with an interagency team consisting of staff from the MDA, DNR, MPCA, MDH and BWSR based on the following criteria:

- 1) efforts of proposer to address the long-term sustainability of soil and water resources within their jurisdiction;
- 2) cost-effectiveness of the overall proposal
- 3) a systematic way to identify and track non-point water quality efforts can be demonstrated;
- 4) an understanding of social and cultural barriers within the watershed can be demonstrated;
- 5) the amount of existing local effort occurring within the watershed and the commitment of other agencies, non-profits, and private interest; and
- 6) the evaluation plan for the project.

WHEREAS, the BWSR Senior Management Team reviewed the proposed Targeted Watershed Demonstration Program grant allocations on April 12, 2016, and recommended approval; and

WHEREAS, the Grants Program and Policy Committee reviewed the Targeted Watershed Demonstration Program proposed grant allocations on April 26, 2016, and recommended approval.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

- 1) Approves the allocation of \$8,750,000 according to the attached Targeted Watershed Demonstration Program Recommendation by funding the following 6 projects:
 - Buffalo Red Watershed District (\$2,800,000)
 - Pelican River Watershed District (\$1,500,000)
 - Fillmore and Root Soil and Water Conservation Districts (\$493,233)

- Shell Rock River Watershed District (\$825,610)
- East Polk Soil and Water Conservation District (\$790,240)
- Capitol Region Watershed District (\$1,760,000).

2) Approves shifting the remaining dollar amount of \$580,917 from Targeted Watershed to Projects and Practices to fully fund FY2016 projects #39 at \$392,934 and partially fund #40 at \$187,983.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: _____

DRAFT

BOARD OF WATER AND SOIL RESOURCES

FY2016-17 Clean Water Fund Targeted Program Background and Recommendations May 12, 2016

Background

Nominations for the FY2016-17 Clean Water Fund Targeted Watershed Program were accepted from February 1 through March 9, 2016. Local governments submitted 8 nominations requesting \$11,781,168 in Clean Water Funds with \$8,750,000 available.

Two Phased Review Process

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

Phase I: Review

Clean Water Specialists met on March 10, 2016 to review, screen and score the watershed nominations submitted in response to the RFI. Eight nominations were reviewed and scored using the scoring criteria identified in the RFI.

Scoring Guidelines:

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

Information provided by the applicants in their nomination was assigned points in each category. Initial scoring resulted in 6 applications receiving recommendations for an interview with the applicant.

Applicant	\$ Grant Request	Score
East Polk SWCD	\$790,240	90
Pelican River WD	\$1,500,000	89
Capitol Region WD	\$3,000,000	89
Fillmore and Root River SWCDs	\$493,233	87
Buffalo Red WD	\$2,800,000	80
Shell Rock River WD	\$825,610	66
Douglas SWCD	\$908,505	54
Heron Lake WD	\$1,463,580	52

Phase II: Interviews

The Interagency Selection Committee, consisting of staff from BWSR, DNR, MDA, MDH, and MPCA, met March 30-31 with interviewees. Prior to interviews, the Selection Committee was given for their review a copy of each of the RFIs submitted by the applicants to be interviewed. The Selection Committee was not given the scores from the first phase of the review process.

In addition to the responses to the RFI, additional criteria that was used during the interview process included 1) efforts of proposer to address the long-term sustainability of soil and water resources within their jurisdiction; 2) cost effectiveness of overall proposal; 3) a systematic way to identify and track non-point water quality efforts can be demonstrated; 4) an understanding of social and cultural barriers within the watershed can be demonstrated; 5) the amount of existing local effort occurring within the watershed and the commitment of other agencies, non-profits, and private interest; and 6) the evaluation plan for the project.

A set of six standardized questions were sent to all interviewees one week prior to their interview. Interviewees were given up to 20 minutes to present on their overall proposal. After the presentation was over, 40 minutes was allowed for both the standardized questions and clarifying questions based on the RFI and presentation.

The Selection Committee convened on March 31st to make recommendations on funding. All information was reviewed. Funding recommendations were based on overall content and strength of the watershed as a candidate of the program with scores ranging from 0-10.

Applicant	Project Description	Grant Request (\$)	Grant Recommendation (\$)	Total Score	Average Score
Buffalo Red Watershed District	Wolverton Creek in an extensively drained agricultural HUC-12 watershed. The sediment reduction project is a three pronged attack: install sediment BMP controls, expand riparian buffers beyond requirements to significantly and restore Wolverton Creek to improve channel stability and reduce the in-stream sediment loading. The proposed concept plan is estimated to reduce loadings of sediment in the Wolverton Creek Watershed by more than 50%. This project will fund Phase 1 of a 3-phased project.	\$2,800,000	\$2,800,000	52.5	8.8
Pelican River Watershed District	This targeted wetland restoration project will achieve the Minnesota Pollution Control Agency recommended water goal for reducing the phosphorus loading contribution to the watershed by 50% and stem the deterioration of water quality in Detroit .	\$1,500,000	\$1,500,000	50	8.3
Fillmore and Root River Soil and Water Conservation Districts	The purpose of this project is to install priority conservation practices in 3 sub-watersheds of the Root River. The project is estimated to result in a 40% reduction in sediment and a 20% reduction in phosphorus to meet water quality goals.	\$493,233	\$493,233	45	7.5
Capitol Region Watershed District	The Urban Lake Renewal Project will address water quality goals for both Como Lake and Lake McCarrons by installing large scale best management practices and through a Clean Streets Initiative. Efforts are estimated to achieve over 25% of the TMDL watershed phosphorus load reduction for Como Lake.	\$3,000,000	\$1,760,000	42.5	7.1
Shell Rock River Watershed District	This proposed project which focuses on grassed waterways and streambank and wetland restoration is estimated to meet the needed final 10% phosphorus load reduction goal for delisting Pickerel Lake, a key headwaters lake for improving the Shell Rock River Chain of Lakes.	\$825,610	\$825,610	40	6.7
East Polk Soil and Water Conservation District	This project will result in installing water and sediment control basins in targeted sub-watersheds and provide an ecologically sustainable natural coulee through grade stabilization immediately upstream of its confluence of the Sand Hill River. It is estimated that the project would nearly fully address the total 16% sediment reduction during low flow specified in the Sand Hill River Watershed TMDL.	\$790,240	\$790,240	35.5	5.9

Recommendation:

1. Fully Fund 5 projects (Buffalo Red Watershed District, Pelican River Watershed District, Fillmore and Root SWCDs, Shell Rock River Watershed District, and East Polk).
2. Partially fund Capitol Region Watershed District (\$1,760,000). The recommendation is not to fund the in-lake aquatic management portion of the budget (\$1,240,000) due to lack of readiness.
3. Shift the remaining dollar amount (\$580,917) to Project and Practices to fully fund FY 2016 project #39 (\$392,934) and partially fund project #40 (\$187,983).

COMMITTEE RECOMMENDATIONS

RIM Reserve Committee

1. Authorizing the RIM Pine River Watershed Protection Program – Bill Penning and Dan Steward – ***DECISION ITEM***

Board Resolution # 16- _____

Reinvest in Minnesota (RIM) Reserve –Pine River Watershed Protection

WHEREAS, the Minnesota State Legislature has appropriated Reinvest In Minnesota (RIM) Reserve funds to the Board of Water and Soil Resources (BWSR) from the Clean Water Fund to acquire and restore permanent RIM conservation easements under Minnesota Statutes, Section 103F.515 to 103F.531; and

WHEREAS, ML 2015, Ch. 2 Art. 2 Sect. 7(m) designated these funds “to purchase permanent conservation easements to protect lands adjacent to public waters with good water quality but threatened with degradation”; and

WHEREAS, BWSR staff, working with local partners, identified the Pine River Watershed as one of the most important and threatened tributaries to the Mississippi River which is the source water for numerous Twin City and rural communities; and

WHEREAS, The Nature Conservancy (TNC) will contribute \$250,000 directly to this effort; and

WHEREAS, the RIM Reserve Conservation Easement Program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS, SWCDs will be reimbursed for their services using the most current RIM Reserve services rate; and

WHEREAS, the Board by separate resolution has established the process for determining RIM easement payment rates for the Army Compatible Use Buffer (ACUB) program; and

WHEREAS, riparian lands within the Pine River Watershed are similar in use and value to the lands in the ACUB program; and

WHEREAS, this resolution is supplemental to previously approved BWSR Board resolutions and will remain in effect until material changes in the program warrants an amendment; and

WHEREAS, the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on May 24, 2016 and unanimously recommends the following provisions.

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

1. Utilize appropriated funds to implement the RIM - Pine River Watershed Protection program.
2. Accept donations from TNC and other partners for the same purpose.
3. Work with partners to develop program guidelines and outreach efforts focused on priority parcels within the Pine River Watershed.

4. Utilize RIM easement payment rates as established for the ACUB program.
5. Conduct landowner sign-ups and select applications using available funding for the RIM Pine River Watershed Protection Program.

Dated at Saint Paul, Minnesota this 25th day of May, 2016.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

NEW BUSINESS

1. MAWQCP Highlight/Example – Minnesota Department of Agriculture – ***INFORMATION ITEM***
2. CREP Update – Angie Becker Kudelka – ***INFORMATION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: MAWQCP - highlight/example

Meeting Date: May 25, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: N/A

Contact: John Jaschke

Prepared by: John Jaschke

Reviewed by: N/A Committee(s)

Presented by: MN Department of Agriculture

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 only.

LINKS TO ADDITIONAL INFORMATION

<http://www.mda.state.mn.us/protecting/waterprotection/awqcprogram.aspx>

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

Short presentation of MAWQCP example.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

CREP Update

Meeting Date:

May 25, 2016

Agenda Category:

Committee Recommendation New Business Old Business

Item Type:

Decision Discussion Information

Section/Region:

N/A

Contact:

Angie Becker Kudelka

Prepared by:

John Jaschke

Reviewed by:

RIM Committee Committee(s)

Presented by:

Angie Becker Kudelka

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

Informational Update.

LINKS TO ADDITIONAL INFORMATION

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

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

On December 15, 2015 Governor Dayton submitted a proposal to the United States Department of Agriculture for a Conservation Reserve Enhancement Program (CREP) for Minnesota. This federal, state and local partnership would work with farmers and other landowners across Minnesota to implement conservation practices (riparian buffers, wetland restoration and wellhead protection) primarily to restore and protect water quality. Agency staff will provide and update on negotiations with USDA and the status of related state funding.