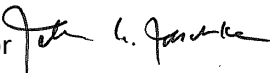




DATE: June 16, 2020

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – June 24, 2020

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, June 24, 2020, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room, at 520 Lafayette Road North, St. Paul and by WebEx. Due to COVID-19, access to the MPCA/BWSR office is limited. Individuals interested in attending the meeting should do so via WebEx. Join the WebEx by going to the following website: <https://minnesota.webex.com/minnesota/onstage/g.php?MTID=ee1737eb4d36b1c7ea76f0ba93b767c7e>, and entering the password: webex.

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Grants Program and Policies Committee

- FY 2021 Clean Water Fund Competitive Grant Policy and the FY2021 Clean Water Fund Competitive Grants Program authorization** – FY 2021 Clean Water Fund Competitive Grant Policy and the FY2021 Clean Water Fund Competitive Grants Program authorization – The purpose of this agenda item is to approve the FY2021 Clean Water Fund Competitive Grant Policy and authorize staff to initiate the FY21 Clean Water Fund Request for Proposals. This policy will apply to Projects and Practices and Multi-Purpose Drainage Management. **DECISION ITEM**
- Non-Point Priority Funding Plan** – Nonpoint Priority Funding Plan – The purpose of this agenda item is to approve the request to change the timeline for updating the NPPF and lay out a framework for evaluating the need to establish alternative content. **DECISION ITEM**
- Area Technical Training Teams – Training Grants** – The Technical Training Grants are intended to increase the delivery of technical trainings for topics identified as local priorities by the eight Area Technical Training Teams (ATTTs). Trainings topics will be identified and prioritized based on the results from Individual Development Plans completed within the Area, and as emerging training needs throughout the year.

This grant will make \$40,000 available to coordinate and delivery technical training to address the locally identified training priorities, with a maximum grant amount of \$5,000 per ATTT. The funding for this grant will come from clean water funds and NRCS contribution agreement funds.

Applications for funding will be accepted through July 17, 2020. Submissions will be reviewed and approved as they are submitted.

Examples of eligible activities include curriculum development, classroom training delivery, facility rental, training materials, on-the-job training, and travel reimbursements for trainers. Contracting with an outside vendor to provide training is allowable. **DECISION ITEM**

4. **A) SWCD Annual Grant Request for State Cost-Share and B) Erosion Control and Water Management Program Policy Update.** Prior to FY 2014, SWCDs completed an annual plan to request cost-share funding to satisfy M.S. 103C. In 2012, the Board authorized transition to the Biennial Budget Request (BBR) which captured statewide information and assisted BWSR with legislative appropriation requests. The BBR is scheduled to sunset on June 30, 2021. The Water Planning Team and Cost Share Work Group considered several alternatives including returning to the original annual plan, updating the annual plan requirements and, considering the advancements of 1W1P, creating a request in eLINK that requests information about the SWCD annual Cost-Share budget and planned activities. Because the eLINK process requires Board Conservationist approval, the teams rolled two current stand-alone forms into the request. SWCDs will no longer have a separate form to: 1) request greater than 20% of the Cost-Share funds be budgeted for technical and administrative costs and: 2) request use of the Cost-Share funds to install Non-structural Land Management practices. **DECISION ITEM**

Central Region Committee

1. **Prior Lake Spring Lake Watershed District Watershed Management Plan** – The Prior Lake-Spring Lake Watershed District (PLSLWD) has identified three guiding principles to focus their implementation effort to address water quality, aquatic invasive species and flood reduction in the 42 square mile watershed in the southern part of the Twin Cities Metropolitan Area. The PLSLWD will use their 23 goals to target and measure their success over the next 10 years. **DECISION ITEM**

Southern Region Committee

1. **Cannon River Comprehensive Watershed Management Plan** – The Cannon River Watershed was selected by BWSR as one of the seven planning areas for the One Watershed, One Plan program in 2016. The watershed partnership Policy Committee, Advisory Committee, and Planning Work Group members have attended regularly scheduled meetings. The partnership submitted the Cannon River Comprehensive Watershed Management Plan to BWSR on 10/17/19 for review and approval. The Southern Regional Committee (Committee) met on November 13, 2019 to review the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. A conditional approval of the plan was made by the Southern Region Committee. The Plan was resubmitted to BWSR on 5/22/2020. In May BWSR staff confirmed the conditions were met. The Committee recommends approval by the full Board. **DECISION ITEM**

Wetland Conservation Committee

1. **Wetland Conservation Act Rulemaking Notice** – On October 19, 2015, BWSR published a “Request for Comments on Possible Amendment to Rules Governing Wetland Conservation, Minnesota Rules, Chapter 8420” in the State Register. These rules implement the Minnesota Wetland Conservation Act (WCA), for which BWSR has administrative responsibility. Since that time, significant progress has been made on multiple issues interconnected with this rulemaking and staff are planning to conduct further coordination with stakeholders. However, given the time that has passed, staff also believe that it is appropriate to re-initiate this rulemaking effort through Board approval of a new request for comments in the state register. **DECISION ITEM**

If you have any questions regarding the agenda, please feel free to call me at 651-297-4290. We look forward to seeing you on June 24.

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MN 55155
WEDNESDAY, JUNE 24, 2020**

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MARCH 25, 2020 BOARD MEETING

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

CONFLICT OF INTEREST DECLARATION

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. Any member who declares an actual conflict of interest must not vote on that agenda item. All actual, potential, and perceived conflicts of interest will be announced to the board by staff before any vote.

REPORTS

- Chair & Administrative Advisory Committee - Gerald Van Amburg
- Audit & Oversight Committee - Gerald Van Amburg/Paige Winebarger
- Executive Director - John Jaschke
- Dispute Resolution and Compliance Report – Travis Germundson/Gerald Van Amburg
- Grants Program & Policy Committee – Tom Schulz
- RIM Reserve Committee – Tom Loveall
- Water Management & Strategic Planning Committee – Todd Holman
- Wetland Conservation Committee - Tom Schulz/Jill Crafton
- Buffers, Soils & Drainage Committee - Kathryn Kelly
- Drainage Work Group - Tom Loveall/Tom Gile

AGENCY REPORTS

- Minnesota Department of Agriculture – Thom Petersen
- Minnesota Department of Health – Chris Elvrum/Steven Robertson
- Minnesota Department of Natural Resources – Sarah Strommen
- Minnesota Extension – Joel Larson
- Minnesota Pollution Control Agency – Katrina Kessler

ADVISORY COMMENTS

- Association of Minnesota Counties – Brian Martinson
- Minnesota Association of Conservation District Employees – Chessa Frahm
- Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Nathan Redalen
- Minnesota Association of Watershed Districts – Emily Javens
- Natural Resources Conservation Service – Troy Daniell

COMMITTEE RECOMMENDATIONS

Grants Program and Policies Committee

1. FY 2021 Clean Water Fund Competitive Grant Policy and the FY2021 Clean Water Fund Competitive Grants Program authorization – Marcey Westrick – ***DECISION ITEM***
2. Non-Point Priority Funding Plan – Marcey Westrick – ***DECISION ITEM***
3. Area Technical Training Teams – Training Grants – Jon Sellnow and Jenny Gieseke – ***DECISION ITEM***
4. A. SWCD Annual Grant Request for State Cost-Share – Jeff Hrubes and Matt Fischer – ***DECISION ITEM***

B. Erosion Control and Water Management Program Policy Update – Jeff Hrubes and Matt Fischer – ***DECISION ITEM***

Central Region Committee

1. Prior Lake Spring Lake Watershed District Watershed Management Plan – Steve Christopher – ***DECISION ITEM***

Southern Region Committee

1. Cannon River Comprehensive Watershed Management Plan – Jennifer Mocol-Johnson – ***DECISION ITEM***

Wetland Conservation Committee

1. Wetland Conservation Act Rulemaking – Less Lemm and Ken Powell – ***DECISION ITEM***

UPCOMING MEETINGS

- BWSR Board Meeting is scheduled for August 26, 2020, at 9:00 a.m. in the Lower Level Conference Rooms at 520 Lafayette Road North, St. Paul.

ADJOURN

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER LEVEL BOARD ROOM
ST. PAUL, MN 55155
WEDNESDAY, MARCH 25, 2020**

BOARD MEMBERS PRESENT:

Jill Crafton, Jack Ditmore, Kathryn Kelly, Rich Sve , Sarah Strommen, DNR; Tom Loveall, Nathan Redalen, Tom Schulz, Thom Petersen, MDA; Steve Sunderland, Gerald Van Amburg, Joe Collins, Harvey Kruger, Paige Winebarger, Joel Larson, University of Minnesota Extension; Neil Peterson, Katrina Kessler, MPCA, Andrea Date, Todd Holman

BOARD MEMBERS ABSENT:

Chris Elvrum, MDH

STAFF PRESENT:

John Jaschke, Angie Becker Kudelka, Rachel Mueller, Kevin Bigalke, Julie Westerlund ,Dan Steward, Sharon Doucette, Tom Wenzel, Karli Tyma, Matt Fischer, Ryan Hughes, Brett Arne, Dan Fabian

OTHERS PRESENT:

Jeff Berg, MDA
Brian Martinson, AMC
Emily Javens, MAWD

Chair Gerald VanAmburg called the meeting to order at 9:04 AM

PLEDGE OF ALLEGIANCE

John Jaschke reviewed the meeting logistics for those on the conference call.

**
20-09 **ADOPTION OF AGENDA** - Moved by Gerald VanAmburg, seconded by Jack Ditmore, to adopt the agenda as presented. *Motion passed on a roll call vote.*

Roll Call Vote: Adoption of the agenda

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jack Ditmore	X			
Chris Elvrum (MDH)				X
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)	X			
Joel Larson	X			
Tom Loveall	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Thom Petersen (MDA)	X			
Steve Sunderland	X			
Rich Sve	X			
Paige Winebarger	X			
Gerald Van Amburg, Chair	X			
TOTALS	19	0	0	1

**
20-10 **MINUTES OF JANUARY 22, 2020 BOARD MEETING** – Moved by Gerald VanAmburg, seconded by Jack Ditmore, to approve the minutes of January 22, 2020, as circulated. *Motion passed on a roll call vote.*

Roll Call Vote: Minutes of January 22, 2020 Board Meeting

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jack Ditmore	X			
Chris Elvrum (MDH)				X
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)	X			
Joel Larson	X			

Name of Board member	Affirmative	Opposed	Abstained	Absent
Tom Loveall	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Jeff Berg (MDA)	X			
Steve Sunderland	X			
Rich Sve	X			
Paige Winebarger	X			
Gerald Van Amburg, Chair	X			
TOTALS	19	0	0	1

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

CONFLICT OF INTEREST DECLARATION

Chair Van Amburg read the statement:

“A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests, and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today’s business. Any member who declares an actual conflict of interest must not vote on that agenda item. All actual, potential, and perceived conflicts of interest will be announced to the board by staff before any vote.”

REPORTS

Executive Director’s Report - John Jaschke reported BWSR is working on COVID-19 preparedness and what’s ahead. All agencies are primarily working under the direction of MMB. BWSR staff have been practicing social distancing and are working remotely from home.

Dispute Resolution and Compliance Report – Travis Germundson reported there are presently seven appeals pending. All the appeals involve the Wetland Conservation Act (WCA). There have been two new appeals filed since the last Board Meeting.

File 20-03 (2-26-2020) This is an appeal of a WCA restoration order in Kandiyohi County. The appeal regards the alleged impacts to a wetland associated with the installation agricultural drain tile and lift pump. No decision has been made on the appeal.

File 20-02 (1-27-2020) This is an appeal of a WCA restoration order in Chisago County. The appeal regards the alleged excavation of new drainage ditches and placement of fill in a wetland. The appeal has been placed in abeyance and the restoration order stayed for the appellant to submit additional documentation in support of the appeal.

Buffer Compliance Status: BWSR has received Notifications of Noncompliance (NONs) on 69 parcels from the 12 counties BWSR is responsible for enforcement. Staff continue to actively reach out to landowners to resolve any noncompliance on a voluntary basis prior initiating enforcement action through the issuance of Correction Action Notices (CANs). So far 43 CANs have been issued by BWSR and one Administrative Penalty Order (APO).

Statewide 22 counties are fully compliant, and 43 counties have enforcement cases in progress. Those counties have issued a total of 809 CANs and 10 Administrative Penalty Orders. Of the actions being tracked over 695 of those have been resolved.

AGENCY REPORTS

Minnesota Department of Agriculture – Jeff Berg stated Commissioner Petersen will be jumping on and off the line. Jeff has been delegated to vote in place of Commissioner Petersen if he is not available.

Minnesota Department of Health – No report provided.

Minnesota Department of Natural Resources – Sarah Strommen reported she will need to leave the meeting early and does not have a substitute to vote for her. A lot of their efforts have been going to COVID-19 planning.

Minnesota Extension – Joel Larson reported the University is working on responding and preparing for COVID-19.

Minnesota Pollution Control Agency – Katrina Kessler reported they are preparing for COVID-19. Katrina will also need to leave for the meeting at 10:00 and will join again if able. Katrina thanked the staff that worked with MPCA staff on the Thief River 1W1P.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported he appreciates the communication from the agencies and working to address flexibility for timelines around land use decisions.

Minnesota Association of Conservation District Employees – No report provided.

Minnesota Association of Soil & Water Conservation Districts – No report provided.

Minnesota Association of Townships – Nathan Redalen reported they canceled courses around the state and they have a conference call tomorrow night with the Governor and staff.

Minnesota Association of Watershed Districts – Emily Javens reported most watershed districts are closed to the public and most are working from home. MAWD canceled their legislative event and June summer tour. One watershed district donated safety materials to MN Nurses association. Members have been asking what is going to be an essential service if the Governor issues a stay at home order. Emily stated she has been in contact with agencies and has appreciated their help.

Natural Resources Conservation Service – No report provided.

NEW BUSINESS

COVID-19 Preparedness and Response – Temporary Delegation of Authority to the Executive Director
– John Jaschke presented COVID-19 Preparedness and Response – Temporary Delegation of Authority to the Executive Director.

Jaschke reviewed the proposed order that temporarily authorize the Executive Director to implement agency business, approve and sign all documents that would otherwise be required by the Board

beginning March 25, 2020 for a period of time until the State of Minnesota is no longer operating in a state of emergency.

Rich Sve stated this is important to have in place and it was put together well. Reiterated that it states communication will continue with the board members and board chair.

Todd Holman asked to have the BWSR website updated to show if authority was used by the Executive Director for board decisions. John Jaschke stated we will post everything similar to a regular board action.

**
20-11 Moved by Nathan Redalen, seconded by Jack Ditmore, to approve the COVID-19 Preparedness and Response – Temporary Delegation of Authority to the Executive Director. **Motion passed on a roll call vote.**

Roll Call Vote: COVID-19 Preparedness and Response – Temporary Delegation of Authority to the Executive Director

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jack Ditmore	X			
Chris Elvrum (MDH)				X
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)	X			
Joel Larson	X			
Tom Loveall	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Thom Petersen (MDA)	X			
Steve Sunderland	X			
Rich Sve	X			
Paige Winebarger	X			
Gerald Van Amburg, Chair	X			
TOTALS	19	0	0	1

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

2020 Request for Proposals for One Watershed, One Plan Planning Grants – Julie Westerlund presented 2020 Request for Proposals for One Watershed, One Plan Planning Grants.

The purpose of this agenda item is for the Board to approve the 2020 Request for Proposals for One Watershed, One Plan Planning Grants. There were only minor changes to the RFP relative to the 2019 version.

Jack Ditmore asked about the timelines with staff availability. Julie stated they have reached out to a few groups that think they will be okay for now. If feedback is received that more time is needed, we have the ability to shift the time frame as needed but suggest leaving as is for now.

**
20-12 Moved by Steve Sunderland, seconded by Jack Ditmore, to approve the 2020 Request for Proposals for One Watershed, One Plan Planning Grants. **Motion passed on a roll call vote.**

Roll Call Vote: 2020 Request for Proposals for One Watershed, One Plan Planning Grants

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jack Ditmore	X			
Chris Elvrum (MDH)				X
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)				X
Joel Larson	X			
Tom Loveall	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Thom Petersen (MDA)	X			
Steve Sunderland	X			
Rich Sve	X			
Paige Winebarger	X			
Gerald Van Amburg, Chair	X			
TOTALS	18	0	0	2

RIM Reserve Committee

Wellhead Protection Partner Grants (Pilot) – Sharon Doucette presented the Wellhead Protection Partner Grants (Pilot).

The Wellhead Partner Protection Grants (Pilot) program was established in 2019 (Board Order #19-34 Wellhead Partner Protection Grants Pilot). The funding for the first RFP was from Clean Water funds with the purpose of permanent conservation easements on wellhead protection areas or grants to local units of government for long-term wellhead protection (Laws of Minnesota 2015, 1st Special Session, Ch. 2, Art. 2, Sec 7(g), and Laws of Minnesota 2017, Ch. 91, Art. 2, Sec. 7(g)). Two grants have been awarded with that funding and additional funding is necessary for the 2020 RFP.

Funding will be added to the grant program from Laws of Minnesota 2019, 1st Special Session, Ch. 2, Art. 2, Sec 7(g), Clean Water funds to the Board for permanent conservation easements on wellhead protection areas or grants to local units of government for long-term wellhead protection.

**
20-13 Moved by Tom Loveall, seconded by Jack Ditmore, to approve the Wellhead Protection Partner Grants (Pilot). **Motion passed on a roll call vote.**

Roll Call Vote: Wellhead Protection Partner Grants (Pilot)

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date				X
Jack Ditmore	X			
Chris Elvrum (MDH)				X
Todd Holman	X			
Katrina Kessler (MPCA)				X
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)				X
Joel Larson	X			
Tom Loveall	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Thom Petersen (MDA)	X			
Steve Sunderland	X			
Rich Sve	X			
Paige Winebarger	X			
Gerald Van Amburg, Chair	X			
TOTALS	16	0	0	4

Clean Water Fund North Central MN RIM Presentation – Dan Steward presented an information item on the Clean Water Fund North Central MN RIM approach.

The RIM Committee recently discussed the \$4 million Clean Water Fund funding for North Central Minnesota and this presentation by Dan Steward provided background to the Board on the protection analysis used in the targeting and prioritizing of conservation implementation, specifically through potential RIM easements, for projects in the Mississippi, Pine, and Crow Wing River watersheds.

Chair Gerald Van Amburg stated it is important to have protection options.

Todd Holman thanked Dan for his great work.

2019 Clean Water Fund for Riparian Easements and Restoration – Sharon Doucette and Tom Wenzel presented 2019 Clean Water Fund for Riparian Easements and Restoration.

ML 2019, 1st Sp., Ch. 2, Art. 2, Sect. 7(f) appropriated Reinvest In Minnesota (RIM) Reserve funds to the Board of Water and Soil Resources (BWSR) from the Clean Water Fund to “purchase, restore, or preserve riparian land adjacent to lakes, rivers, streams, and tributaries, by easements or contracts, to keep water on the land to decrease sediment, pollutant, and nutrient transport; reduce hydrologic impacts to surface waters; and increase infiltration for groundwater recharge.”

Previously, BWSR staff, working with local partners, identified the Pine, Crow Wing River and Mississippi Headwaters as some of the most important and threatened tributaries to the Mississippi River, the source water for numerous Minnesota communities and developed partnerships and easement

programs to protect lands in these priority areas. These existing program partners and the Board desire to further implementation of these successful programs through additional funding. Each of the three programs will receive an additional \$1,000,000 from ML 2019, 1st Sp., Ch. 2, Art. 2, Sect. 7(f) to further implementation of the existing easement program with an additional \$1,000,000 available to be used in combination by the programs, as requested and necessary.

In 2011, BWSR received an appropriation to acquire conservation easements, reroute County Ditch 23A, construct water control structures, and plant vegetation to restore Grass Lake, a 1,200-acre prairie wetland adjacent to the City of Willmar in Kandiyohi County. In 2016, the Board approved a grant to Kandiyohi County for the project using the remaining 2011 funds. There has been significant work completed on this project to date. An additional funding need has been identified for completion. Kandiyohi County will receive a grant in the amount of \$250,000 from ML 2019, 1st Sp., Ch. 2, Art. 2, Sect. 7(f) for completion of the project. The County will be required to provide a 10% match for these funds.

**
20-14 Moved by Tom Schulz, seconded by Jack Ditmore, to approve the Reinvest in Minnesota (RIM) Reserve – Pine, Crow Wing and Mississippi River Watershed Protection Resolution. **Motion passed on a roll call vote.**

Roll Call Vote: Reinvest in Minnesota (RIM) Reserve – Pine, Crow Wing and Mississippi River Watershed Protection Resolution

Name of Board member	Perceived conflict of interest	Affirmative	Opposed	Abstained	Absent
Joe Collins	No	X			
Jill Crafton	No	X			
Andrea Date					X
Jack Ditmore	No	X			
Chris Elvrum (MDH)					X
Todd Holman	No	X			
Katrina Kessler (MPCA)					X
Kathryn Kelly	No	X			
Harvey Kruger	No	X			
Sarah Strommen (DNR)					X
Joel Larson	No	X			
Tom Loveall	No	X			
Neil Peterson	No	X			
Nathan Redalen	No	X			
Tom Schulz	No	X			
Thom Petersen (MDA)	No	X			
Steve Sunderland	No	X			
Rich Sve	No	X			
Paige Winebarger	No	X			
Gerald Van Amburg, Chair	No	X			
TOTALS		16	0	0	4

**
20-15 Moved by Tom Loveall, seconded by Jack Ditmore, to approve the Grass Lake Restoration Grant. **Motion passed on a roll call vote.**

Roll Call Vote: Grass Lake Restoration Grant

Name of Board member	Perceived conflict of interest	Affirmative	Opposed	Abstained	Absent
Joe Collins	No	X			
Jill Crafton	No	X			
Andrea Date					X
Jack Ditmore	No	X			
Chris Elvrum (MDH)					X
Todd Holman	No	X			
Katrina Kessler (MPCA)					X
Kathryn Kelly	No	X			
Harvey Kruger	No	X			
Sarah Strommen (DNR)					X
Joel Larson	No	X			
Tom Loveall	No	X			
Neil Peterson	No	X			
Nathan Redalen	No	X			
Tom Schulz	No	X			
Thom Petersen (MDA)	No	X			
Steve Sunderland	No	X			
Rich Sve	No	X			
Paige Winebarger	No	X			
Gerald Van Amburg, Chair	No	X			
TOTALS		16	0	0	4

Kisgen RIM Easement Alteration (75-06-02-01) – Karli Tyma presented Kisgen RIM Easement Alteration (75-06-02-01).

Marvin Kisgen originally placed 11 acres of land into a MN CREP easement in 2002. The easement is adjacent to Page Lake, in Stevens County. The easement with Marvin Kisgen was recorded on June 4, 2003 as document 0171870. The easement contained 2 crop fields on 6 acres along with 5 non-crop acres, 2 acres of which were donated. The 6 acres of cropland were also enrolled in the required 15-year CRP contract that expired in 2017.

In early 2018 the Stevens SWCD sent in an ownership change with a copy of the deed from 2007 that transferred ownership from Marvin Kisgen to his children. His son, Jeff Kisgen, is now the spokesperson for the family. Upon review of the area, BWSR Easement staff identified a portion of a new building within the easement boundary. An examination of available aerial photography showed the building present beginning in 2006. The SWCD was notified and this issue was pursued as a violation of the RIM easement with Jeff Kisgen via a Corrective Action Plan in April 2018 to resolve the issue. Adam Erickson, SWCD Technician, prepared the plan to require 2:1 replacement acres consistent with our current Easement Alteration Policy.

Mr. Kisgen responded in writing to the SWCD on April 11, 2018. Mr. Kisgen did not agree with the 2:1 replacement plan. Mr. Kisgen thought the boundary of the easement followed an old fence line along a ravine on the property. The RIM easement boundary was never staked in the field for the Kisgens by the SWCD. Mr. Kisgen has stated they were never physically shown the boundary in the field until January 2018.

Mr. Kisgen requested a change to the easement boundary to rectify the situation because the family donated 2 acres with the original easement.

Mr. Kisgen attended the Stevens SWCD Board meeting on July 10, 2018. The Stevens SWCD Board sent a letter to BWSR supporting Mr. Kisgen's original request. This letter was received via email on August 6, 2018.

Further discussions with Mr. Kisgen to rectify the situation have led to Mr. Kisgen proposing a 1:1 replacement scenario if BWSR agreed to waive the \$500 administrative fee. The plan proposed removing approximately 0.88 acres from the easement in the area around the building and yard area; replacing it with 0.88 acres of existing woodland on the north side of the Kisgen property. Mr. Kisgen has agreed to remove the trailers and other material from the area still inside the easement boundary.

The initial 1:1 replacement proposal was brought to the RIM Reserve Committee on September 4, 2019. The RIM Reserve Committee was not in favor of the initial proposal, as it did not meet the minimum of 2:1 replacement or include the \$500 processing fee as required by the BWSR Easement Alteration Policy. The committee discussed alternative solutions and would only be in favor of a 1:1 scenario if the replacement area resulted in protecting shoreland along Page Lake on the east side of the property and included the \$500 processing fee.

A letter was sent to Mr. Kisgen on behalf of the RIM Reserve Committee Chair on November 5, 2019 offering alternative options to rectify the violation, including 2 replacement scenarios resulting in protected lakeshore or removing the structure from the easement. Mr. Kisgen was given a deadline to reply.

In response, Mr. Kisgen phoned easement staff explaining that replacement along the lakeshore is infeasible due to existing permanent structures (cabin, driveway, shed, docks) already in place along the lakeshore. Easement staff then recommended Mr. Kisgen submit a proposal that meets all terms of the Easement Alteration Policy, including 2:1 replacement, the \$500 processing fee, and all required letters of support.

Mr. Kisgen submitted the current proposal to BWSR, along with a response letter to the RIM Reserve Committee Chair Dated January 9, 2020. The new proposal consists of the required 2:1 replacement, removing 0.77 impacted acres from the easement and replacing with 1.54 acres of woodland on the north end of the property. Mr. Kisgen agreed to remove debris and personal property from the area remaining under easement, reducing the original impact area of 0.88 acres to 0.77. Mr. Kisgen agrees to pay the \$500 processing fee. Letters of support from the Stevens SWCD Board and DNR area wildlife manager were also submitted with the proposal, as required under the policy.

Staff recommends approval of the current easement alteration proposal to amend Easement 75-06-02-01 to release 0.77 acres from the easement and replace them with 1.54 acres. The proposal meets all requirements of the BWSR Easement Alteration Policy and would resolve the inadvertent encroachment that has occurred on the easement, bringing the landowner back into compliance.

**
20-16 Moved by Harvey Kruger, seconded by Jack Ditmore, to approve the Kisgen RIM Easement Alteration (75-06-02-01) Resolution. ***Motion passed on a roll call vote.***

Roll Call Vote: Kisgen RIM Easement Alteration (75-06-02-01) Resolution

Name of Board member	Perceived conflict of interest	Affirmative	Opposed	Abstained	Absent
Joe Collins	No	X			
Jill Crafton	No	X			
Andrea Date					X
Jack Ditmore	No	X			
Chris Elvrum (MDH)					X
Todd Holman	No	X			
Katrina Kessler (MPCA)	No	X			
Kathryn Kelly	No	X			
Harvey Kruger	No	X			
Sarah Strommen (DNR)					X
Joel Larson	No	X			
Tom Loveall	No	X			
Neil Peterson	No	X			
Nathan Redalen	No	X			
Tom Schulz	No	X			
Jeff Berg (MDA)	No	X			
Steve Sunderland	No	X			
Rich Sve	No	X			
Paige Winebarger	No	X			
Gerald Van Amburg, Chair	No	X			
TOTALS		17	0	0	3

Northern Region Committee

Thief River Comprehensive Watershed Management Plan – Matt Fischer presented the Thief River Comprehensive Watershed Management Plan.

The Thief River Comprehensive Watershed Management Plan (Plan) planning area is in northwest Minnesota, encompassing portions of Beltrami, Marshall, and Pennington counties and the Red Lake Watershed District. The Plan was developed as part of the One Watershed, One Plan program. Peter Nelson (Pennington SWCD), Darren Carlson (Marshall SWCD), Josh Johnston (Marshall County), Zach Gutknecht (Beltrami SWCD), and Myron Jesme and Corey Hanson (Red Lake WD) are the local lead staff responsible for development of the Plan.

On February 11, 2020, BWSR received the Plan, a recording of the public hearing, and copies of all written comments pertaining to the Plan for final State review. The planning partnership has responded to all comments received during the 60-day review period and incorporated appropriate revisions to the final Plan.

BWSR staff completed its review and subsequently found the Plan meets the requirements of Minnesota Statutes and BWSR Policy.

On March 4, 2020, the Northern Regional Committee met to review and discuss the Plan. The Committee’s decision was to recommend approval of the Thief River Comprehensive Watershed Management Plan as submitted to the full Board per the attached draft Order.

Neil Peterson thanked Matt for all his work and encouraged others to attend and be involved in one of these plans if possible.

**
20-17 Moved by Rich Sve, seconded by Jack Ditmore, to approve the Thief River Comprehensive Watershed Management Plan. **Motion passed on a roll call vote.**

Roll Call Vote: Thief River Comprehensive Watershed Management Plan

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jack Ditmore	X			
Chris Elvrum (MDH)				X
Todd Holman	X			
Katrina Kessler (MPCA)				X
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)				X
Joel Larson	X			
Tom Loveall	X			
Neil Peterson			X	
Nathan Redalen	X			
Tom Schulz	X			
Jeff Berg (MDA)	X			
Steve Sunderland	X			
Rich Sve	X			
Paige Winebarger	X			
Gerald Van Amburg, Chair	X			
TOTALS	16	0	1	3

Amendment of the Bois de Sioux Watershed District Watershed Management Plan – Ryan Hughes presented Amendment of the Bois de Sioux Watershed District Watershed Management Plan.

The purpose of the Amendment is to enable the Bois de Sioux Watershed District the ability to establish water management districts to provide additional local funding options, as well as, to create a specific water management district for the Lake Traverse Water Quality Improvement Project No. 1 pursuant to Minn. Stat. §103D.729. As proposed, the water management district will fund a portion of that project and additional funding will also be pursued.

**
20-18 Moved by Rich Sve, seconded by Jack Ditmore, to approve the Amendment of the Bois de Sioux Watershed District Watershed Management Plan. **Motion passed on a roll call vote.**

Roll Call Vote: Bois de Sioux Watershed District Watershed Management Plan

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jack Ditmore	X			
Chris Elvrum (MDH)				X

Name of Board member	Affirmative	Opposed	Abstained	Absent
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)				X
Joel Larson	X			
Tom Loveall	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Jeff Berg (MDA)	X			
Steve Sunderland	X			
Rich Sve	X			
Paige Winebarger	X			
Gerald Van Amburg, Chair	X			
TOTALS	18	0	0	2

Pelican River Watershed District Revised Watershed Management Plan – Brett Arne presented Pelican River Watershed District Revised Watershed Management Plan.

The Pelican River Watershed District has revised the ten-year watershed management plan as required by Minnesota Statute 103D.405. The watershed district submitted to BWSR an extension request for their plan in 2015 to delay the planning deadline and incorporate new and consolidated data as gathered in the Minnesota Pollution Control Agency WRAPs (watershed restoration and protection strategies) process, as well as information developed via a BWSR accelerated implementation grant (AIG) to complete a mapping-based prioritization process completed in the greater Otter Tail river basin. The extension was granted by BWSR to December 31, 2016. On April 29, 2016, the Pelican River Watershed District submitted to BWSR a plan outline in accordance with state statute 103D.405. BWSR received the proposed plan on September 20, 2019, and along with other state water agencies submitted to the Pelican River Watershed Districts comments for changes and inclusion in the plan. The final plan was received by BWSR on January 3, 2020.

Upon review by BWSR staff, the plan was found to meet all applicable state statutes and BWSR policies for the development of watershed management plans and meets additional points as recommended by BWSR for watersheds within the Red River Basin.

The Northern Regional Committee hosted a public hearing at the Becker County Courthouse in Detroit Lakes, Minnesota on January 23, 2020 to review and discuss the plan. The committee unanimously recommended approval of the plan per attached board Order.

**
20-19 Moved by Rich Sve, seconded by Jack Ditmore, to approve the Pelican River Watershed District Revised Watershed Management Plan. **Motion passed on a roll call vote.**

Roll Call Vote: Pelican River Watershed District Revised Watershed Management Plan

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			

Name of Board member	Affirmative	Opposed	Abstained	Absent
Andrea Date	X			
Jack Ditmore	X			
Chris Elvrum (MDH)				X
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)				X
Joel Larson	X			
Tom Loveall	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Jeff Berg (MDA)	X			
Steve Sunderland	X			
Rich Sve	X			
Paige Winebarger	X			
Gerald Van Amburg, Chair	X			
TOTALS	18	0	0	2

Central Region Committee

Rice Creek WD Watershed Management Plan approval of 10-year Plan Amendment– Dan Fabian presented Rice Creek WD Watershed Management Plan approval of 10-year Plan Amendment

Background:

The Rice Creek Watershed District (RCWD) encompasses approximately 186 square miles of urban and rural land primarily in Anoka, Ramsey and Washington counties with a small portion in Hennepin county. The RCWD was established with the purpose of conserving and restoring water resources for the beneficial use of current and future generations. The RCWD’s boundaries include all or portions of 28 cities and townships.

The RCWD is a special-purpose unit of government that was established by the Minnesota Board of Water and Soil Resources (BWSR) on January 18, 1972 based on a nominating petition initiated by the County Boards of Anoka, Ramsey and Washington Counties. Land in the RCWD is relatively flat, particularly in the north-central portion where the Rice Creek Chain of Lakes is the dominant feature. Generally, the land use ranges from heavily developed with a mix of industrial, commercial, retail, multi-family and single-family residential land uses in the southwest part of the RCWD to more rural, with agricultural and undeveloped land use in the north and east. The more urbanized southwest part of the RCWD reflects its proximity to Minneapolis and St. Paul. Retail and industrial complexes are evident along the I-35W corridor to the north. Rice Creek is the principal stream of the watershed; the creek and its tributaries serve multiple purposes including draining agricultural and urban areas, providing a backup water supply for the City of St. Paul, and serving as a recreational resource. The RCWD’s mission is to manage, protect, and improve the water resources of the District through flood control and water quality projects and programs.

Plan Process and Highlights:

In 2018 BWSR completed a Level II PRAP dated 08-23-2018, for the RCWD. It was noted in the general conclusions that the RCWD “is doing a very good job of administering local water management and

conducting water monitoring programs and projects. The organization is getting important work done in the areas of flood damage reduction, drainage maintenance, and water quality protection”. A review against BWSR’s basic and high-performance standards showed excellent compliance. The RCWD received commendations for meeting 11 out of 12 High Performance Standards in the PRAP report. Two recommendations for improvement were made which are addressed with the development of this new plan and future website improvements that will be completed following adoption of the plan.

On February 15, 2018 RCWD formally initiated the planning process for completing the required 10-yr update to their Watershed Management Plan (WMP) with the required “Notice of Decision to Update” their WMP and a request for Agency and local stakeholder input per 8410.0045 Subp. 2. and Subp. 3. The initial kick-off event and planning meeting was held on August 2, 2018 for the Technical Advisory Committee (TAC), City & County partners. Prior to the kick-off event solicitation of input from the RCWD’s standing Citizen Advisory Committee (CAC) started on February 7, 2018, to help the Board of Managers further develop their strategic direction of the next 10-yr WMP. A similar meeting was held on February 28, 2018 with the RCWD’s standing TAC. The general public outreach campaign started on November 15, 2018 with an open house held at the Ramsey County Library.

The Executive Summary “The WMP provides resource management guidance to District staff, establishes funding goals and limits for projects and programs, and displays transparency to constituents of the District. The WMP incorporates and builds upon the successes of previous plans and leverages the work conducted by the RCWD to ensure proper guidance for future District activities. This WMP is focused on District resources and implementation efforts that aim to address priorities and improve water resources. A focus on implementation requires the RCWD to successfully balance water management law, address funding issues, and effectively coordinate with constituents to fulfill its mission”.

Formal Plan Review Process:

The draft Plan was submitted to the Board, other state agencies, and local governments for the formal 60-day review on August 8, 2019 pursuant to Minnesota Statutes Section 103B.231, Subd. 7. The RCWD prepared a written response to the 60-day comments and then held a public hearing on November 4, 2019. Once the WMP revisions to address comments received were completed, the RCWD Managers passed a resolution to send the revised draft Plan to the Board of Water and Soil Resources (and State Review Agencies) for the final 90-day review and approval. This was received by the Board on December 30, 2019. Comments received during the 90-day review period indicated that the commenters had no further comments and they commended the RCWD on their planning process and completion of the RCWD Watershed Management Plan.

John Jaschke stated there is a typo in the draft letter and a correction will be made.

**
20-20

Moved by Joe Collins, seconded by Jack Ditmore, to approve the Rice Creek WD Watershed Management Plan approval of 10-year Plan Amendment. **Motion passed on a roll call vote.**

Roll Call Vote: Rice Creek WD Watershed Management Plan approval of 10-year Plan Amendment

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jack Ditmore	X			

Name of Board member	Affirmative	Opposed	Abstained	Absent
Chris Elvrum (MDH)				X
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)				X
Joel Larson	X			
Tom Loveall	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Jeff Berg (MDA)	X			
Steve Sunderland	X			
Rich Sve	X			
Paige Winebarger	X			
Gerald Van Amburg, Chair	X			
TOTALS	18	0	0	2

Kanabec Soil and Water Conservation District Supervisor Redistricting – John Jaschke presented Kanabec Soil and Water Conservation District Supervisor Redistricting.

As per MS 103C.311 subd. 2, a soil and water conservation outside of the seven-county metropolitan area can elect to change from election at large to election by districts. Districts that propose this change must seek approval by the Board of Soil and Resources before this change can be implemented.

At their January 14, 2020 meeting, the Kanabec SWCD Board passed a motion to realign their supervisor districts with the Kanabec County Commissioner districts. They notified BWSR of this motion in an email sent on February 19, 2020. Upon further review, while the SWCD board took formal action, they did not provide BWSR with the required resolution. On February 27, 2020, Jason Weirnerman, Board Conservationist, spoke with the district manager and confirmed that the SWCD board would vote on and submit a formal resolution to the Board of Water and Soil Resources during their March 10th meeting. This resolution would follow the form of their motion from the January 14 meeting.

The filing period for the 2020 election cycle opens May 19th, which creates a bit of urgency for the BWSR Board to act on this resolution at their March meeting so that the required changes can be implemented before the opening of the filing period.

The BWSR Central Region Committee met on March 5, 2020 to consider the redistricting request. The BWSR Central Region committee recommends the full board to approve the Kanabec SWCD redistricting request at the March 25th meeting.

**
20-21 Moved by Joe Collins, seconded by Jack Ditmore, to approve the Kanabec Soil and Water Conservation District Supervisor Redistricting. **Motion passed on a roll call vote.**

Roll Call Vote: Kanabec Soil and Water Conservation District Supervisor Redistricting

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			

Name of Board member	Affirmative	Opposed	Abstained	Absent
Andrea Date	X			
Jack Ditmore	X			
Chris Elvrum (MDH)				X
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)				X
Joel Larson	X			
Tom Loveall	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Jeff Berg (MDA)	X			
Steve Sunderland	X			
Rich Sve	X			
Paige Winebarger	X			
Gerald Van Amburg, Chair	X			
TOTALS	18	0	0	2

UPCOMING MEETINGS

- Next BWSR Meeting is scheduled for 9:00 AM, May 27, 2020 in St. Paul.

Chair VanAmburg adjourned the meeting at 11:32 AM

Respectfully submitted,

Gerald Van Amburg
Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Compliance Report

Meeting Date: June 24, 2020

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Office

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)
Travis Germundson/Chair Gerald

Presented by: VanAmburg

Time requested: 5 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

None

LINKS TO ADDITIONAL INFORMATION

See attached report.

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 and ongoing buffer compliance.

Dispute Resolution and Compliance Report

June 9, 2020

By: Travis Germundson

There are presently seven appeals pending. All the appeals involve the Wetland Conservation Act (WCA). There has been one new appeal filed since the last Board Meeting (March 25, 2020).

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 20-04 (5/15/2020) This is an appeal of a WCA restoration order in Carver County. The appeal regards the excavation and filling of wetland associated with the construction of a drainage ditch. The appeal has been denied and the restoration order affirmed.~~

File 20-03 (2-26-2020) This is an appeal of a WCA restoration order in Kandiyohi County. The appeal regards the alleged impacts to a wetland associated with the installation agricultural drain tile and lift pump. *The appeal has been placed in abeyance and the restoration order stayed for the appellant to submit additional documentation in support of the appeal and/or an after-the-fact application and for the Technical Evaluation Panel to develop written finding of fact adequately addressing the wetland boundary and drainage impacts.*

File 20-02 (1-27-2020) This is an appeal of a WCA restoration order in Chisago County. The appeal regards the alleged excavation of new drainage ditches and placement of fill in a wetland. *The appeal has been placed in abeyance and the restoration order stayed for the appellant to submit additional documentation in support of the appeal. That decision has been amended to extend the time period on the stay of the restoration order.*

File 19-8 (12-20-19) This is an appeal of a WCA restoration order in Olmsted County. The appeal regards the alleged placement of fill in a floodplain wetland associated with the operation of a sand and gravel mine. *The appeal has been placed in abeyance and restoration order stayed for the Technical Evaluation Panel to convene on site and develop a written report on the wetland impacts.*

File 19-7 (12-20-19) This is an appeal of a WCA replacement plan decision in Hennepin County. The appeal regards the denial of a replacement plan application associated with wetland impacts described in a restoration order. The restoration order was appealed and placed in abeyance until there is a final decision on the wetland application (File 18-3). *The appeal has been placed in abeyance until there is no longer mutual agreement on the viability of proposed actions for restoration.*

File 19-5 (11/15/19) This is an appeal of a WCA restoration order in Pine County. The appeal regards the alleged placement of fill within a shore impact zone of Passenger Lake a DNR Public Water. Applications for exemption and no-loss determinations were submitted to the LGU concurrently with the appeal. *The appeal has been placed in abeyance and the restoration order stayed for the DNR to make a jurisdictional determination for Passenger Lake through the establishment of an OHWL and for the LGU to make a final decision on the application for exemption and no-loss.*

File 19-3 (9/20/19) This is an appeal of duplicate WCA restoration orders in Wright County. The appeal regards the alleged draining and filling of approximately 4.79 acres of wetland associated with construction of a drainage ditch. Applications for exemption and no-loss have been submitted to the LGU. *The appeal has been placed in abeyance and the restoration order stayed for the LGU to make a final decision on the applications or finalization of a restoration plan. That decision has been amended to extend the time period on the stay of the restoration order.*

File 18-3 (10-31-18) This is an appeal of a WCA restoration order in Hennepin County. The appeal regards the alleged filling and draining of over 11 acres of wetland. Applications for exemption and no-loss determinations were submitted to the LGU concurrently with the appeal. *The appeal has been placed in abeyance and the restoration stayed for the LGU to make a final decision on the applications. That decision has been amended several times to extend the time period on the stay of the restoration order. The LGU decision was appealed (File19-7).*

Summary Table for Appeals

Type of Decision	Total for Calendar Year 2019	Total for Calendar Year 2020
Order in favor of appellant		1
Order not in favor of appellant		
Order Modified	1	
Order Remanded		
Order Place Appeal in Abeyance	3	3
Negotiated Settlement		
Withdrawn/Dismissed	1	1

Buffer Compliance Status: BWSR has received Notifications of Noncompliance (NONs) on 77 parcels from the 12 counties BWSR is responsible for enforcement. Staff continue to actively reach out to landowners to resolve any noncompliance on a voluntary basis prior initiating enforcement action through the issuance of Correction Action Notices (CANs). So far 58 CANs have been issued by BWSR and two Administrative Penalty Order (APO). Of the actions being tracked over 15 of those have been resolved.

*Statewide 22 counties are fully compliant, and 40 counties have enforcement cases in progress. Those counties have issued a total of 1,061 CANs and 10 Administrative Penalty Orders. Of the actions being tracked over 768 of those have been resolved.

**Disclaimer: These numbers are generated on a monthly basis from BWSR's Access database. The information is obtained through notifications from LGUs on actions taken to bring about compliance and may not reflect the current status of compliance numbers.*

BWSR Board Member Conflict of Interest in Grant Review – Disclosure Form

Meeting: BWSR Board Meeting

Date: June 24, 2020

I certify that I have read and understand the descriptions of conflict of interest provided, reviewed my participation for conflict of interest, and disclosed any perceived, potential, or actual conflicts. As a BWSR Board member, appointed according to Minnesota Statute Section 103B.101, I am responsible for evaluating my participation or abstention from the review process as indicated below. If I have indicated an actual conflict, I will abstain from the discussion and decision for that agenda item.

Please complete the form below for all agenda items. If you indicate that you do not have a conflict for an agenda item, you do not need to fill out additional information regarding that agenda item.

Agenda Item	No conflict (mark here and stop for this row)	Grant applicant(s) associated with conflict (required if conflict identified)	Conflict Type (required if conflict identified)	Will you participate? (required if conflict identified)	Description of conflict (optional)
Area Technical Training Teams – Training Grants			Perceived Potential Actual	Yes / No	
			Perceived Potential Actual	Yes / No	
			Perceived Potential Actual	Yes / No	
			Perceived Potential Actual	Yes / No	
			Perceived Potential Actual	Yes / No	

Printed name: _____

Signature: _____

Date: _____

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. FY 2021 Clean Water Fund Competitive Grant Policy and the FY2021 Clean Water Fund Competitive Grants Program authorization – Marcey Westrick – ***DECISION ITEM***
2. Nonpoint Priority Funding Plan – Marcey Westrick – ***DECISION ITEM***
3. Area Technical Training Teams – Training Grants – Jon Sellnow and Jenny Gieseke – ***DECISION ITEM***
4. A) SWCD Annual Grant Request for State Cost-Share and B) Erosion Control and Water Management Program Policy Update – Jeff Hrubes and Matt Fischer – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY 2021 Clean Water Fund Competitive Grant Policy and the FY2021 Clean Water Fund Competitive Grants Program authorization

Meeting Date: June 24, 2020

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 & Policy Committee(s)

Presented by: Marcey Westrick

Time requested: 15 mins

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 checked="" 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 the FY 2021 Clean Water Fund Competitive Grant Policy and authorize the FY2021 Clean Water Fund Competitive Grants Program.

LINKS TO ADDITIONAL INFORMATION

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

The Clean Water Fund Competitive Grant Policy is reviewed and approved annually. For FY2021, the policy will apply to Projects and Practices and Multi-purpose Drainage Management funding.

The changes in this policy from the previous year include:

- Language was added under Section 3. Subsurface Sewage Treatment Systems stating that local governments should first exhaust primary source of SSTS funding from the Minnesota Pollution Control Agency
- 3.9 Incentives taken out of non-structural land management and added as separate section for clarification
- 4.14. Components of projects needed to meet the statutory requirements of 103E Drainage Law added to ineligible activities.

In addition to approving the policy, the board order also authorizes the fiscal year 2021 Clean Water Fund Competitive Grants Program and authorizes staff to finalize and issue a Request for Proposals. The Grants Program and Policy Committee reviewed these recommendations on June 11, 2020 and recommends the attached policy and order to the board.

BOARD ORDER

Fiscal Year 2021 Clean Water Fund Competitive Grants Program

PURPOSE

Authorize the fiscal year 2021 Clean Water Fund Competitive Grants Program and adopt fiscal year 2021 Clean Water Fund Implementation Program Policy

FINDINGS OF FACT / RECITALS

1. The Laws of Minnesota 2019, 1st Special Session, Chapter 2, Article 2, Sec. 7(b) appropriated \$16,000,000 for the fiscal year 2020 Clean Water Fund Projects and Practices Competitive Grants Program with up to 20 percent available for land-treatment projects and practices that benefit drinking water, and the Laws of Minnesota 2019, 1st Special Session, Chapter 2, Article 2, Sec. 7(j) appropriated \$850,000 for the fiscal year 2020 Clean Water Fund Multipurpose Drainage Management Competitive Grants Program.
2. On May 12, 2020, Minnesota Management and Budget directed all agencies receiving Clean Water Fund to implement budget reductions in response to updated revenue projections impacted by the COVID-19 pandemic.
3. The Board has authorities under Minnesota Statutes §103B.3369 and 103B.101 to award grants and contracts to accomplish water and related land resources management.
4. This policy and associated competitive grant program request for proposal criteria were created to provide expectations for application to the fiscal year 2021 Clean Water Fund Implementation Program and subsequent implementation activities conducted with these funds.
5. The Grants Program and Policy Committee, at their June 11, 2020 Meeting, reviewed the proposed fiscal year 2021 Clean Water Fund Competitive Grants Request for Proposal criteria and Implementation Program Policy, and recommended approval to the Board.

ORDER

The Board hereby:

1. Adopts the attached FY 2021 Clean Water Fund Competitive Grant Policy.
2. Authorizes the fiscal year 2021 Clean Water Fund Competitive Grants Program according to the attached ranking criteria for the *FY 2021 Clean Water Fund Competitive Grants Request for Proposal*.
3. Authorizes staff to finalize and issue a Request for Proposals

Dated at St. Paul, Minnesota, this 24th day of June 2020.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Date: _____

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Attachments: FY 2021 Clean Water Fund Competitive Grants Request for Proposal Criteria
FY 2021 Clean Water Fund Implementation Program Policy

FY 2021 Clean Water Fund Competitive Grants Request for Proposal Criteria

Projects and Practices Ranking Criteria	
Ranking Criteria	Maximum Points Possible
<u>Project Abstract</u> : The project abstract succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.	5
<u>Prioritization (Relationship to Plans)</u> : The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan and is linked to statewide Clean Water Fund priorities and public benefits.	20
<u>Targeting</u> : The proposed project addresses identified critical pollution sources or risks impacting the water resource(s).	25
<u>Measurable Outcomes and Project Impact</u> : The proposed project has a quantifiable reduction in pollution for restoration projects or measurable outputs for protection projects and directly addresses the water quality concern identified in the application.	25
<u>Cost Effectiveness and Feasibility</u> : The application identifies a cost effective and feasible solution to address the non-point pollution concern(s).	15
<u>Project Readiness</u> : The application has a set of specific activities that can be implemented soon after grant award.	10
Total Points Available	100

Table 1: Drinking Water Ranking Criteria

Ranking Criteria	Maximum Points Possible
<u>Project Abstract</u> : The project abstract succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.	5
<u>Prioritization</u> : The proposal is based on priority actions listed in an approved local water management plan, or a state approved Minnesota Department of Health approved source water (drinking water) protection plan such as a wellhead protection plan, wellhead protection action plan or surface water intake plan.	20
<u>Targeting</u> : The proposed project addresses contaminant sources or risks directly impacting drinking water sources. The project is either in an area designated as a Drinking Water Supply Management Area, vulnerable to groundwater contamination, high groundwater sensitivity, or in an area with elevated levels of contamination that pose a risk to human health. Project fits with complementary work and multiple strategies aimed at drinking water protection.	35
<u>Project Impact</u> : : The proposed project reduces an identified contaminant source posing the greatest risk to drinking water sources. Project will have measurable outputs, justifiable costs, and may have secondary benefits. .	30
<u>Project Readiness</u> : The application has a set of specific activities that can be implemented soon after grant award. Community and/or citizen engagement will occur to share project information with the local community	10
Total Points Available	100

Multipurpose Drainage Management Ranking Criteria	
Ranking Criteria	Maximum Points Possible
<u>Project Description:</u> The project description succinctly describes the project purpose, the results the applicant is trying to achieve and how they intend to achieve those results.	5
<u>Prioritization:</u> The proposal is based on priority protection or restoration actions associated with a “Priority Chapter 103E Drainage System” (as defined in this RFP) and is consistent with a watershed management plan locally adopted and approved by the state or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy (WRAPS), Surface Water Intake Plan, or Wellhead Protection Plan.	30
<u>Targeting:</u> The proposed project targets practices or combinations of practices to the identified critical pollution sources or risks impacting the water resource identified in the application.	20
<u>Measurable Outcomes:</u> The proposed project reduction in pollution has been qualified and directly addresses the identified water quality concern.	20
<u>Project Readiness:</u> The proposed project has a set of specific activities that can be implemented soon after grant award.	5
<u>Cost Effectiveness:</u> The application identifies a cost effective solution to address the non-point pollution concern(s).	20
Total Points Available	100

FY 2021 Clean Water Fund Competitive Grant Policy

From the Board of Water and Soil Resources, State of Minnesota

Version: FY2021

Effective Date: 06/24/2020

Approval: Board Order #20-

Policy Statement

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, and Minnesota Statutes §114D with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams and to protect groundwater and drinking water sources from degradation.



Applicable Clean Water Fund Programs and Grants

- Projects and Practices including Drinking Water
- Multi-purpose Drainage Management

Reason for the policy

The purpose of this policy is to provide expectations for implementation activities conducted via the Board of Water and Soil Resources (BWSR) Clean Water Fund (CWF) competitive grant program.

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

The FY 2020 Clean Water Fund Competitive Grants Request for Proposal (RFP) may identify more specific requirements or criteria when specified by statute, rule or appropriation language. BWSR's Grants Administration Manual (<http://www.bwsr.state.mn.us/grants/manual/>) provides the primary framework for local management of all state grants administered by BWSR.

Program Requirements

1. Local Governmental Unit Eligibility Criteria

Eligible applicants for competitive grants include local governments (counties, watershed districts, watershed management organizations, soil and water conservation districts, and cities) or local government joint power boards working under a current State approved and locally adopted local water management plan, comprehensive watershed management plan or soil and water conservation district (SWCD) comprehensive plan. Counties in the seven-county metropolitan area are eligible if they have adopted a county groundwater plan or county comprehensive plan that has been approved by the Metropolitan Council under Minn. Stat. Chapter 473. Cities in the seven-county metropolitan area are eligible if they have a water plan that has been approved by a watershed district or a watershed management organization as provided under Minn. Stat. 103B.235. Cities, including those outside of the seven-county metropolitan area, without such plans are encouraged to work with another eligible local government if interested in receiving grant funds. Local water plans must be current when the Board approves awards to be eligible to receive grant funds as defined under the Board's *Local Water Plan Status and Grant Eligibility Policy*. Applicants must also be in compliance with all applicable federal, State, and local laws, policies, ordinances, rules, and regulations.

2. Match Requirements

A non-State match equal to at least 25% of the amount of Clean Water Funds requested and/or received is required, unless specified otherwise by Board action and/or included in a Request for Proposals. Activities listed as ineligible under Section 4 (Ineligible Activities) may not be counted towards match. Match can be provided by a landowner, land occupier, local government or other non-State source and can be in the form of cash or the cash value of services or materials contributed to the accomplishment of grant objectives.

3. Eligible Activities

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

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

- 3.1 **Effective Life.** All structural practices must be designed and maintained for a minimum effective life of ten years for best management practices and 25 years for capital improvement practices. The beginning date for a practice's effective life is the same date final payment is approved and the project is considered complete. Where questions arise under this section, the effective lifespan of structural practices and projects shall be defined by current and acceptable design standards or criteria as defined in Section 3.8.
- 3.2 **Project Assurances.** The grantee must provide assurances that the landowner or land occupier will keep the practice in place for its intended use for the expected lifespan of the practice. Such assurances may include easements, deed recordings, enforceable contracts, performance bonds, letters of credit, and termination or performance penalties. BWSR may allow replacement of a practice or project that does not comply with expected lifespan requirements with a practice or project that provides equivalent water quality benefits. See also the Projects Assurances section of the Grants Administration Manual.
- 3.3 **Operation, Maintenance and Inspections.** Identifying operation and maintenance activities specific to the installed practices is critical to ongoing performance of installed practices as well as to planning and scheduling those activities. An operation and maintenance plan must be prepared by designated technical staff for the life of the practice and be included with the design standards. An inspection schedule, procedure, and assured access to the practice site shall be included as a component of maintaining the effectiveness of the practice.
- 3.4 **Technical and Administrative Expenses.** Clean Water Funds may be used for actual technical and administrative expenses to advance project implementation. Eligible expenses include the following activities: grant administration, site investigations and assessments, design and cost estimates, construction supervision, and construction inspections. Technical and administrative expenditures must be appropriately documented according to the Grants Administration Manual.
- 3.5 **Project Support.** Eligible activities include community engagement, outreach, equipment and other activities, which directly support or supplement the goals and outcomes expected with the implementation of items identified in this section. Refer to guidance within the Grants Administration Manual for Capital Equipment Purchases.
- 3.6 **Grant Management and Reporting.** All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the project or activity. Applicants who have previously received a grant from BWSR must be in compliance with BWSR requirements for grantee website and eLINK reporting before grant execution and payment.
- 3.7 **Drinking Water.** Both surface water (streams, rivers, and lakes) and ground water (aquifers) can serve as sources of drinking water. Drinking water projects must be consistent with wellhead protection plans, protection plans for surface water intakes, strategies for groundwater restoration and protection, or local water management plans or their equivalents.

3.8 **Practice Standards.** All practices must be consistent with the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG), Minnesota Stormwater Manual, or be a professionally accepted engineering or ecological practice. Design standards for all practices must include specifications for operation and maintenance for the effective life of the given practice, including an inspection schedule and procedure.

Livestock Waste Management Practices. Funding for application of conservation practice components to improve water quality is limited to: livestock management systems that were constructed before October 23, 2000, and livestock operations registered with the Minnesota Pollution Control Agency Database or its equivalent and that are not classified as a Concentrated Animal Feeding Operation (CAFO) and have less than 500 animal units (AUs), in accordance with Minnesota Rule Chapter 7020. BWSR reserves the right to deny, postpone or cancel funding where financial penalties related to livestock waste management violations have been imposed on the operator.

- a. Funded projects must be in compliance with standards in MN Rule Chapter 7020 upon completion.
- b. Eligible practices and project components must meet all applicable local, State, and federal standards and permitting requirements.
- c. Eligible practices are limited to best management practices listed by the MN USDA-NRCS. (www.nrcs.usda.gov/wps/portal/nrcs/detail/mn/programs/financial/eqip/?cid=nrcs142p2_023513)
- d. Feedlot roof structure is an eligible practice with the following payment limitation: The maximum grant for a feedlot roof structure is not to exceed \$100,000. Funding is not eligible for projects already receiving flat rate payment equaling or exceeding this amount from the NRCS or other State grant funds.
- e. Feedlot relocation is an eligible practice, with the following conditions:
 - 1) The existing eligible feedlot must be permanently closed in accordance with local and State requirements,
 - 2) Payment Limitation: The maximum grant for a feedlot relocation is not to exceed \$100,000. Funding is not eligible for projects already receiving flat rate payment equaling or exceeding this amount from the NRCS or other State grant funds.
 - 3) The existing and relocated livestock waste management systems sites are considered one project for grant funding.

Subsurface Sewage Treatment Systems (SSTS)

- a. Local governments should first exhaust primary source of SSTS grant funding from the Minnesota Pollution Control Agency.

- b. Eligible activities are limited to identified imminent threat to public health systems (ITPHS) and systems that fail to protect groundwater. Project landowners must meet low income thresholds. Low income guidelines from U.S Rural Development are strongly encouraged as the basis for the definition of low income.
- c. Proposed community wastewater treatment systems involving multiple landowners are eligible for funding but must be listed on the MPCA's Project Priority List (PPL) and have a Community Assessment Report (CAR) or facilities plan [Minn. Rule 7077.0272] developed prior to the application deadline. For community wastewater system applications that include ITPHS, systems that fail to protect groundwater are also eligible.
- d. In an unsewered area that is connecting into a sewer line to a municipal wastewater treatment plant (WWTP), the costs associated with connecting the home to the sewer line is eligible for funding if the criteria in b. and c. above are met.

3.9- Incentives. Incentives to install or adopt best management practices that improve or protect water quality are an eligible use of funds . Incentive payments should be reasonable and justifiable, supported by grant recipient policy, consistent with prevailing local conditions, and must be based on established standards. BWSR reserves the right to review and approve incentive payment rates established by grant recipient policy. Incentives to install or adopt land management practices can have a maximum duration of 3 years with a goal of ongoing landowner adoption unless otherwise approved by the Assistant Director of Regional Operations prior to work plan approval.

3.10 Non-structural Practices and Measures Non-structural practices and activities that supplement or exceed current minimum State standards or procedures for protection, enhancement, and restoration of water quality in lakes, rivers, and streams and to protect groundwater and drinking water sources from degradation are eligible. Non-structural vegetative practices must follow the Native Vegetation Establishment and Enhancement Guidelines.

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

- a. **In-lake or in-channel treatment.** Best management practices such as rough fish management, vegetation management, lake draw-down and alum treatments that have been identified as an implementation activity are eligible. A feasibility study that meets minimal requirements as defined by BWSR must be completed prior to applying for funding and the report uploaded to eLINK as part of the grant application. Eligible costs apply only to initial costs for design and implementation. All subsequent applications and treatments under this subsection are considered to be Operations and Maintenance expenses that are a local responsibility.
- b. **Duration.** Projects proposing to install or adopt Non-Structural land management practices must have a minimum duration of 3 years with a goal of ongoing landowner adoption unless otherwise approved by BWSR. Any projects proposing incentives other than 3-years must be reviewed by BWSR staff and approved by the Assistant Director of Regional Operations prior to work plan approval.

4. Ineligible Activities

The following activities are ineligible for these funds. The Clean Water Fund Competitive RFP may identify program specific ineligible activities.

- 4.1 Activities that do not have a primary benefit of water quality.
- 4.2 Routine and/or baseline water quality monitoring.
- 4.3 Household water conservation appliances and water fixtures.
- 4.4 Wastewater treatment with the exception of Subsurface Sewage Treatment Systems.
- 4.5 Municipal drinking water supply facilities or individual drinking water treatment systems.
- 4.6 Stormwater conveyances that collect and move runoff, but do not provide water quality treatment benefit.
- 4.7 Replacement, realignment or creation of bridges, trails or roads.
- 4.8 Aquatic plant harvesting
- 4.9 Routine maintenance or repair of best management practices, capital equipment and infrastructure within the effective life of existing practices or projects.
- 4.10 Feedlots
 - a. Feedlot expansions beyond state registered number of animal units, with exception of activities under section 3.8 *Livestock Waste Management Practices*.
 - b. Slats placed on top of manure storage structures.
- 4.11 Subsurface Sewage Treatment Systems (SSTS):
 - a. Small community wastewater treatment systems serving over 10,000 gallons per day with a soil treatment system, and
 - b. A small community wastewater treatment system that discharges treated sewage effluent directly to surface waters without land treatment.
- 4.12 Fee title land acquisition or easement costs, unless specifically allowed. If not specifically allowed, land acquisition and easement costs can count toward the required match if directly associated with the project and incurred within the grant period.
- 4.13 Buffers that are required by law (including Drainage Law and Buffer Law).
- 4.14. Components of projects needed to meet the statutory requirements of 103E Drainage Law

5. Technical Expertise

The grantee has the responsibility to ensure that the designated technical staff have the appropriate technical expertise, skills and training for their assigned role(s). See also the Technical Quality Assurances section of the Grants Administration Manual.

- 5.1 **Technical Assistance Provider.** Grantees must identify the technical assistance provider(s) for the practice or project and their credentials for providing this assistance. The technical assistance

provider(s) must have appropriate credentials for practice investigation, design, and construction. Credentials can include conservation partnership Job Approval Authority (JAA), also known as technical approval authority; applicable professional licensure; reputable vendor with applicable expertise and liability coverage; or other applicable credentials, training, and/or experience.

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

6. Practice or Project Construction and Sign-off

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

7. BWSR Grant Work Plan, Reporting and Reconciliation Requirements

BWSR staff is authorized to develop grant agreements, requirements and processes for work plans and project outcomes reporting, closeouts, and fiscal reconciliations. All grantees must follow the Grants Administration Manual policy and guidance. In the event there is a violation of the terms of the grant agreement, BWSR will enforce the grant agreement and evaluate appropriate actions, up to and including repayment of grant funds at a rate up to 100% of the grant agreement.

The grantee board is the authority and has the responsibility to approve the expenditure of funds within their own organization. The approval or denial of expenditures of funds must be documented in the Grantee Board's meeting minutes.

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

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

History

This policy was originally created in 2010 and is updated annually for each fiscal year of funding.

Contact

For Clean Water Programs: Marcey Westrick, Clean Water Coordinator

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Nonpoint Priority Funding Plan

Meeting Date: June 24, 2020

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region

Contact: Marcey Westrick, Kevin Bigalke

Prepared by: Marcey Westrick

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Marcey Westrick

Time requested: 15 mins

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of Board Order requesting a timeline change for updating the NPFP and laying out a framework for evaluating the need to establish alternative content.

LINKS TO ADDITIONAL INFORMATION

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

In 2013, the Clean Water Accountability Act was passed in the Minnesota Legislature. This resulted in the addition of the Nonpoint priority funding plan (NPFP) as defined in Minnesota Statue 114D.50 Subd. 3a. Beginning July 1, 2014, and every other year thereafter, the Board of Water and Soil Resources (BWSR) shall prepare and post on its website a priority funding plan to prioritize potential nonpoint restoration

and protection actions based on available WRAPs, TMDLs, and local water plans. In 2019, the Minnesota Legislature passed a package of statutory policy changes in Minnesota Statutes Chapters 103B and 114D. These changes took effect on August 1, 2019 and are referred to as “coordinated watershed management.” One change was the addition of Minnesota Statute 114D.47 Nonpoint Funding Alternative. This new language states, “ Notwithstanding section 114D.50, subdivision 3a, the Board of Water and Soil Resources may, by board order, establish alternative timelines or content for the priority funding plan for nonpoint sources under section 114D.50, subdivision 3a, and may use information from comprehensive watershed management plans or comprehensive local water management plans to estimate or summarize costs.”

The Grants Program and Policy Committee reviewed these recommendations on June 11, 2020 and recommends the attached order to the board.

BOARD ORDER

Nonpoint Priority Funding Plan

PURPOSE

Request to change timeline for updating the Nonpoint Priority Funding Plan and develop framework for evaluating the need to establish alternative content.

FINDINGS OF FACT / RECITALS

1. In 2013, the Clean Water Accountability Act was passed in the Minnesota Legislature and resulted in the addition of the Nonpoint priority funding plan (NPFP) as defined in Minnesota Statue 114D.50 Subd. 3a.
2. Minnesota Statue 114D.50 Subd 3a states that *“Beginning July 1, 2014, and every other year thereafter, the Board of Water and Soil Resources (BWSR) shall prepare and post on its website a priority funding plan to prioritize potential nonpoint restoration and protection actions based on available WRAPs, TMDLs, and local water plans. The plan must take into account the following factors: water quality outcomes, cost-effectiveness, landowner financial need, and leverage of nonstate funding sources. The plan shall include an estimated range of costs for the prioritized actions.”*
3. The latest update of the NPFP occurred in 2018 and goes through June 30, 2020.
4. For the 2014, 2016, and 2018 NPFP reports, BWSR relied on the Biennial Budget Request (BBR) submitted by local governments to estimate costs for needed statewide non-point implementation work.
5. In 2019, the Minnesota Legislature passed a package of statutory policy changes in Minnesota Statutes Chapters 103B and 114D. These changes took effect on August 1, 2019 and are referred to as “coordinated watershed management.
6. Effective August 1, 2019 was the addition of Minnesota Statue 114D.47 Nonpoint Funding Alternative. This new language states, *“Notwithstanding section 114D.50, subdivision 3a, the Board of Water and Soil Resources may, by board order, establish alternative timelines or content for the priority funding plan for nonpoint sources under section 114D.50, subdivision 3a, and may use information from comprehensive watershed management plans or comprehensive local water management plans to estimate or summarize costs.”*

ORDER

The Board hereby:

1. Changes the date for updating the NPFP to December 31, 2021.
2. Authorizes staff to develop a framework for evaluating the need to establish alternative content for estimating a range of costs for prioritized nonpoint implementation actions.

Dated at St. Paul, Minnesota, this 24th day of June 2020.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Date: _____

Gerald Van Amburg, Chair
Board of Water and Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Area Technical Training Teams – Training Grants

Meeting Date: June 24 2020

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Organizational Effectiveness

Contact: Jon Sellnow, TTCP Coordinator

Prepared by: Jon Sellnow, TTCP Coordinator

Reviewed by: Grants Team, SMT, GP&P Committee(s)

Presented by: Jon Sellnow, TTCP Coordinator

Time requested: 15 minutes

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

Provide technical training grants to Area Technical Training Teams, and delegation of grant approval.

LINKS TO ADDITIONAL INFORMATION

- 2020 ATTT Grant Packet
 - Grant Information
 - Attachment A
 - Attachment B

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

The Technical Training Grants are intended to increase the delivery of technical trainings for topics identified as local priorities by the eight Area Technical Training Teams (ATTTs). Trainings topics will be identified and prioritized based on the results from Individual Development Plans completed within the Area, and as emerging training needs throughout the year.

This grant will make \$40,000 available to coordinate and delivery technical training to address the locally identified training priorities, with a maximum grant amount of \$5,000 per ATTT. The funding for this grant will come from clean water funds and NRCS contribution agreement funds.

Applications for funding will be accepted through July 17, 2020. Submissions will be reviewed and approved as they are submitted.

Examples of eligible activities include curriculum development, classroom training delivery, facility rental, training materials, on-the-job training, and travel reimbursements for trainers. Contracting with an outside vendor to provide training is allowable.

BOARD ORDER**Area Technical Training Team Grants****PURPOSE**

To provide funding to Area Technical Training teams for locally led Technical Training initiatives.

RECITALS/FINDINGS OF FACT

1. The Laws of Minnesota 2017, 1st Special Session, H. F. 707 4th Engrossment, Article 2, Sec. 7, appropriated funds for accelerated implementation including training and certification.
2. The Board has entered into a Contribution Agreement with NRCS to coordinate and implement technical training.
3. The proposed allocations in this order were developed consistent with the appropriated funds.
4. The Grants Program and Policy Committee, at their June 11, 2020 Meeting, reviewed the proposed allocations and recommended approval to the Board.

ORDER

The Board hereby:

1. Approves the allocation of Area Technical Training Team Grants to eligible SWCD or TSA fiscal agents, not to exceed \$5,000 per grant, one grant per Area Technical Training Team.
2. Authorizes staff to enter into grant agreements for these purposes.
3. Establishes that the Area Technical Training Team grants awarded pursuant to this order will conform to the BWSR FY2019 Clean Water Fund Policy except that no match will be required.

Dated at St. Paul, Minnesota, this 24th day of June 2020.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Date: _____

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Attachments: 2020 ATTT Training Grant document with Attachments A and B

2020 Area Technical Training Team Grants

General Information

The Technical Training and Certification Program can assist Area Technical Training Teams (ATTT) in organizing and delivering technical training for Natural Resources Conservation Service (NRCS), Soil and Water Conservation District (SWCD), Technical Service Area (TSA), and Board of Water and Soil Resources (BWSR) staff. Technical Training Grants are available to accelerate delivery of locally identified training priorities. Funding priority is given to training topics that are identified as high need either at an area, or state-wide level, especially those topics which will lead to increased or enhanced Job Approval Authority (JAA) for local SWCD and NRCS staff. Up to \$40,000 is available, with a \$5,000 maximum grant per ATTT (see map on page 5 for Team boundaries).

Who May Apply

Eligible applicants include TSAs or SWCDs with letters of support from the Area Technical Training Team. SWCDs or TSAs in each ATTT can submit only one single or joint request. However, multiple training topics can be included in the request.

Eligibility Criteria

Examples of eligible topics: Ag Filter Strips, Agronomy Technical Note 31, Critical Area Planting, Sediment Basins, Side Inlet, Filter Strip 393, Basic Surveying, Advanced Surveying, Basic Hydrology, Forestry, Native Vegetation, Hydrology Watershed Tools or other topics identified as a priority by Area Technical Training Teams. Topics are subject to review and approval by BWSR in order to coordinate efforts across area boundaries and statewide.

Examples of eligible activities: Curriculum development, classroom training delivery, facility rental, training materials, and travel reimbursement for trainers. Creative solutions for providing on-the-job training outside of traditional courtesy assistance may be eligible. Include an explanation of why it is needed, how it will be implemented, and what the expected outcomes are.

Activities that are not eligible for funding: Technology upgrades (computer equipment, software, smartphones, etc.), basic staff training (BWSR Academy fees and expenses; Wetland Delineator Certification fees, training for promotion, basic computer training), conservation practice design or installation, publication or publicity materials, food and refreshments, participant lodging, and board member per diems.

Evaluation and Selection

All complete applications submitted by the deadline will be reviewed by BWSR and NRCS staff. Application approval is based on the following:

- Proposed training addresses locally identified technical training needs based on IDP results

- Documented support of the Area Technical Training Team
- Priority is given to applicants submitting requests for funds related to the delivery of technical training topics that will lead to increased or enhanced Job Approval Authority (JAA) for SWCD and Natural Resources Conservation Service (NRCS) staff.

Timeline

July 17, 2020	Grant Fund Request Deadline (Attachment A) by 4:30 PM
September 15, 2020	Work Plan Submittal Deadline
October 15, 2020	Grant Execution Deadline
December 31, 2022	All grant funded training must be completed

Payment Schedule

Grant payments will be distributed after work plan approval and execution of the grant agreement, provided the grant respondents are in compliance with all BWSR website and eLINK reporting requirements for previously awarded BWSR grants.

Training involving a Field Office Technical Guide (FOTG) conservation practice for which SWCD staff are eligible for JAA must be coordinated with NRCS staff responsible for delegating JAA in that practice.

Local matching funds are not required for these grants.

Submittal

Requests for funds must be submitted electronically to the TTCP coordinator, [Jon Sellnow](#) by 4:30 pm on June 12, 2020 using the “2020 Area Technical Training Team Grant Fund Request” form (Attachment A). This form must identify the Grantee, the Fiscal Agent (if different than the Grantee), and the amount of funds requested.

BWSR Grant Administration

BWSR reserves the right to partially fund any and all proposals based on the amount of funding available. Proposals that are deemed complete may be considered for future available funds.

Incomplete Proposals

Proposals that do not comply with all requirements, including incomplete or missing proposal components, will not be considered for funding.

Project Period

The project period starts when the grant agreement is executed, meaning all required signatures have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds. All grants must be completed by December 31, 2022.

Grant Execution

Successful respondents will be required to develop and submit a work plan in eLINK prior to execution of the grant agreement.

The initial work plan must contain the following information outlined in Attachment A. More detailed information will be required later in the grant period, before trainings can be initiated. See “Workplan and Reporting Requirements” section below.

Workplan and Reporting Requirements

Before work on an individual training begins, grantees must complete Attachment B and submit to the TTCP Coordinator for approval. This information must be submitted a minimum of 30 days prior to the planned date of the training.

After approval, the eLINK workplan should be updated to provide training details described in Attachment B (Training Details Form).

Within 60 days of a completed training event, the work plan must be updated in eLINK with the following information.

- Number of Attendees
- Hours of Training Provided
- Complete financial reporting

In addition, a copy of the training evaluation should be added to eLINK as an attachment.

Additional Clean Water Fund Project Reporting Requirements

1. All grantees are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. All BWSR funded projects will be required to develop a work plan, including detail relating to the outcome(s) of the proposed project. All activities will be reported via the eLINK reporting system.

Up to 10% of the total grant funds may be used for local grant management and reporting directly related to and necessary for implementing this grant. For more information go to www.bwsr.state.mn.us/outreach/eLINK/index.html.

2. When practicable, grantees shall prominently display on their website the legacy logo. Grant recipients must display on their website either a link to their project from the Legislative Coordinating Commission Legacy Site (<http://legacy.leg.mn>) or a clean water project summary that includes a description of the grant activities, including expenditure of grant funds and measurable outcomes (www.bwsr.state.mn.us/cleanwaterfund/stories/)

3. When practicable, grantees must display the legacy logo on printed and other materials funded with money from the Clean Water Fund. The logo and specifications can be found at <http://www.legacy.leg.mn/legacy-logo>

Grants and Public Information

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

Conflict of Interest

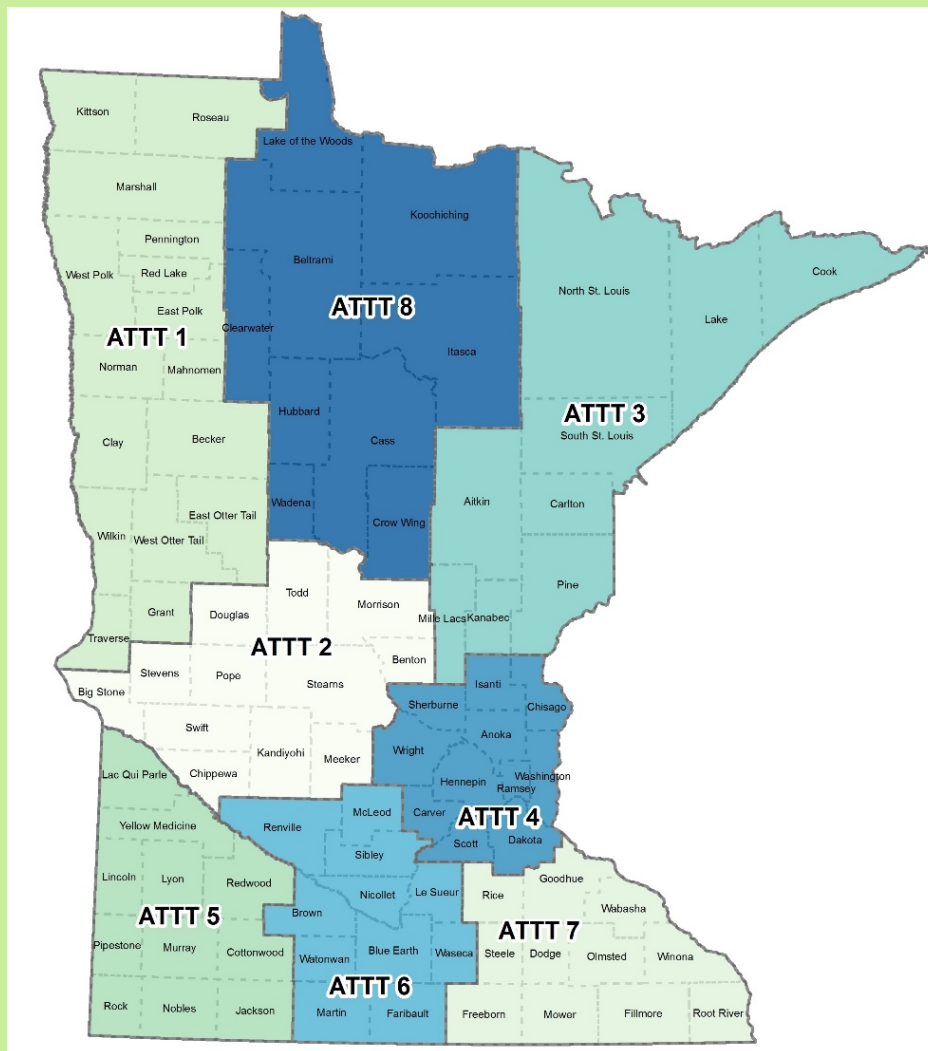
State Grant Policy 08-01 (see http://www.admin.state.mn.us/ogm_policies_and_statute.html) Conflict of Interest for State Grant-Making, also applies to BWSR grantees. Grantees' conflicts of interest are generally considered organizational conflicts of interest. Organizational conflicts of interest occur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

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

Questions

For more information concerning the request for proposal, contact BWSR's Technical Training and Certification Program Coordinator: Jon Sellnow at jon.sellnow@state.mn.us or 218-340-3521.

Area Technical Training Team Boundaries and Points of Contact



Area Technical Training Team Boundaries

Points of Contact for Area Technical Training Teams

Area 1	Peter Mead	pemead@co.becker.mn.us
Area 2	Ross Reiffenberger	ross.reiffenberger@mn.nacdnet.net
Area 3	Matias Valero	matiasvalero@tsa3.org
Area 4	Troy Kuphal	tkuphal@co.scott.mn.us
Area 5	Russ Hoogendoorn	russell.hoogendoorn@co.rock.mn.us
Area 6	Kevin Ostermann	kevin.ostermann@nicolletswcd.org
Area 7	Chris Nelson	chris.nelson@winonaswcd.com
Area 8	Zach Gutknecht	zachrie.gutknecht@co.beltrami.mn.us



———— **Technical Training and Certification Program** ————

Attachment A

2020 Area Technical Training Team Grant Fund Request

Section 1: Identification of Fiscal Agent and Grantee

Grantee: _____

Fiscal Agent: _____

Section 2: Amount Requested

Please indicate the amount requested (maximum amount is \$5,000):

Section 3: Estimated Timeframe

All training sessions must be conducted by December 31, 2022. Enter the approximate month and year for anticipated training sessions.

Section 4: Training Priorities

Trainings held through the use of these grant funds must be based on locally prioritized needs. Information from IDPs completed within the Area will be used, in consideration of statewide training sessions being held, to determine what trainings sessions will be hosted by the ATTT using these grant funds. Please indicate if this process will be followed, or, if not, describe how the ATTT will determine which training sessions to hold.

- Yes, this process will be followed.
- No, the following process will be followed:

Section 5: Approvals

Grantee

Date

Fiscal Agent (if different than Grantee)

Date

TTCP Coordinator

Date

BWSR Org. Eff. Manager

Date

BWSR Executive Director

Date



Technical Training and Certification Program

Attachment B

Training Details

NOTE: The information outlined in this attachment is NOT required at the time of the grant request. It can be provided after grant execution, but prior to initiating a training activity.

Prior to publicizing or initiating a training event, the grantee must provide the following information to the TTCP Coordinator for approval. No work should begin on the event until approval is received. This information must be submitted at least 30 days before the planned date of the training.

Proposed Training Details

Title of Training: _____

Training Objectives (list two or three specific skills the participants will gain as result of the training):

Name of Trainer(s): _____

Training Date(s): _____

Training Location: _____

ATTT Training Priority/Priorities Addressed:

Date Approved by the ATTT: _____

Training Budget: _____

Evaluation Process:

Submitted By (Name and Contact Information):

Approved by: _____

TTCP Coordinator

Date

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: SWCD Annual Grant Request for State Cost-Share

Meeting Date: June 24, 2020

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Request, Cost-Share, Annual, eLINK, SWCD

Section/Region: Regional Operations

Contact: Jeff Hrubes/Matt Fischer

Prepared by: Jeff Hrubes

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Jeff Hrubes/Matt Fischer

Time requested: 5 Minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

- 1.) Approve new procedure for SWCDs to request funding for Erosion Control and Water Management Program (Cost-Share)
- 2.) Adopt a revised Erosion Control and Water Management Program Policy

LINKS TO ADDITIONAL INFORMATION

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

Prior to FY 2014, SWCDs completed an annual plan to request cost-share funding to satisfy M.S. 103C. In 2012, the Board authorized transition to the Biennial Budget Request (BBR) which captured statewide information and assisted BWSR with legislative appropriation requests. The BBR is scheduled to sunset on June 30, 2021. The Water Planning Team and Cost Share Work Group considered several alternatives including returning to the original annual plan, updating the annual plan requirements and, considering the advancements of 1W1P, creating a request in eLINK that requests information about the SWCD annual Cost-Share budget and planned activities. Because the eLINK process requires Board Conservationist approval, the teams rolled two current stand-alone forms into the request. SWCDs will no longer have a separate form to: 1) request greater than 20% of the Cost-Share funds be budgeted for technical and administrative costs and: 2) request use of the Cost-Share funds to install Non-structural Land Management practices.



BOARD ORDER

Soil and Water Conservation District (SWCD) Annual Work Plan Requirements

PURPOSE

Adopt new scope and content requirements for SWCD annual work plans.

FINDINGS OF FACT / RECITALS

1. SWCDs requesting cost-sharing funds from the Erosion Control and Water Management Program (ECWMP), also known as the State Cost Share Program, are required by Minnesota Statutes §103C.501, Subd. 2 to submit an annual work plan to the Board of Water and Soil Resources (Board).
2. The Board is authorized by Minnesota Statutes §103C.501, Subd. 6 to adopt policy prescribing the scope and content of SWCD annual work plans.
3. Since FY14, the Biennial Budget Request has served as the annual work plan for SWCD ECWMP eligibility.
4. The Board's Grants Program and Policy Committee reviewed the new SWCD annual work plan scope and content requirements at their June 11, 2020 meeting and recommended approval to the Board.

ORDER

The Board hereby:

1. Adopts an annual grant request, completed as an eLINK work plan, for the ECWMP grant to serve as the SWCD annual work plan application for funding as identified in Minnesota Statutes §103C.501, Subd. 2.

Dated at St. Paul, Minnesota, this 24th day of June 2020.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Date: _____

Gerald Van Amburg, Chair
Board of Water and Soil Resources



BOARD ORDER

Erosion Control and Water Management Program Policy Update

PURPOSE

Adopt a revised Erosion Control and Water Management Program Policy.

FINDINGS OF FACT / RECITALS

1. The Board of Water and Soil Resources (Board) is authorized by Minnesota Statutes §103C.501 to adopt policy to implement the Erosion Control and Water Management Program, also known as the State Cost Share Program.
2. The Board has authorities under Minnesota Statutes §103B.3369 and 103B.101 to award grants and contracts to accomplish water and related land resources management.
3. The current Erosion Control and Water Management Program Policy, dated June 26, 2019, was adopted by the Board June 26, 2019.
4. The Board's Grants Program and Policy Committee reviewed the revisions to the Erosion Control and Water Management Program Policy at their June 11, 2020 meeting and recommended approval to the Board.

ORDER

The Board hereby:

1. Adopts the revised Erosion Control and Water Management Program Policy dated July 1, 2021 for the fiscal year 2022 and beyond.

Dated at St. Paul, Minnesota, this 24th day of June 2020.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: _____

Attachments: Erosion Control and Water Management Program Policy, dated July 1, 2021

State Cost Share Annual Grant Request Guidance

Background

The Erosion Control and Water Management Program, commonly known as the State Cost Share Program, provides funds to SWCDs to share the costs with the landowners for the implementation of high priority erosion, sedimentation, or water quality problems, or water quantity problems due to altered hydrology. To receive the grants and according to [Minnesota Statute 103C.501](#), SWCDs are required to provide the BWSR with an application that has the district's comprehensive plan and an annual work plan.

Prior to FY14, SWCDs submitted annual plans that met formatting and content requirements established by the BWSR. From FY14 through FY21, BWSR accepted Biennial Budget Requests (BBR) as the means to request/apply for SWCDs State Cost Share grants. In 2019, the BWSR discontinued the use of the BBR. This elimination of the BBR prompted the need to develop a new means to meet 103C.501 so SWCDs can receive State Cost Share grants for FY22 and beyond.

Several alternatives were considered including changing statute requirements, reverting to pre-FY14 requirements, and requiring an annual grant request in the form of an eLINK work plan for the State Cost Share grant. BWSR selected the annual grant request in the form of an eLINK work plan as the means for SWCDs to request SWCD State Cost Share grants.

This guidance document provides information on how SWCDs can request State Cost Share grants. It also incorporates the request and approval of Nonstructural Land Management Practices and the Technical Assistance Option.

Annual Grant Request Requirements

The annual grant request for State Cost Share program grants for FY 2022 and beyond shall be completed as a work plan in eLINK (or its successor). The work plans should follow the general process as identified in the "eLINK Guidance: Creating an SWCD State Cost Share Workplan" [\[Add hyperlink\]](#). eLINK work plan examples can be found here [\[Add hyperlink\]](#).

- **Activities that will fund the installation of structural and vegetative practices**

Not all conservation activity categories within eLINK are cost share grant eligible. If SWCD staff have questions about grant and activity eligibility, they should contact their Board Conservationist.

The state cost share program is meant to address "high priority erosion, sedimentation, and water quality problems in the district". These high priority problems must be identified in the district's adopted

comprehensive plan. This can be a locally developed SWCD comprehensive plan, a county local water management plan, or an adopted Comprehensive Watershed Management Plan (1W1P). In the activity description, the SWCD must identify the plan(s) they are operating under.

SWCD staff should refer to the [Chart of Practices by Activity Category](#) to determine the activity category that contains the practices they plan to install. If there are changes that need to be made to the work plan during the course of the grant, please refer to the [GAM-Grant Agreement Amendments and Work Plan Revisions](#). Consult your Board Conservationist if you have any questions or need assistance in making changes to a cost share grant work plan.

- **Activities that will fund base technical and administrative (TA) staff expenses**

Conservation Districts may take up to 20% of the cost share grant as Technical/Administrative funding without any additional BWSR approval. When building a work plan, SWCDs should use either the Administration/Coordination or the Technical/Engineering Assistance activity category. While SWCD staff need to track their hourly time to this grant, they can lump the two actions together under one activity category. If desired, SWCDs may separate out Administration/Coordination and Technical/Engineering Assistance and budget the available amount accordingly.

- **Activities that will fund enhanced technical and administrative (TA) staff expenses**

A SWCD choosing to use the enhanced TA option must identify that option in their Administration and Technical Assistance activity description. The SWCD must identify how the use of these funds will meet the requirements as established in Section 2.2 of the [State Cost Share Policy](#) [\[Update hyperlink\]](#).

In addition to identifying how the additional administrative and technical assistance funds will meet the state cost share policy, the SWCD must include the board meeting date at which the SWCD Board requested use of additional technical/administrative funds and the months of unrestricted fund balance as identified in the SWCD's last audit.

- **Activities that will fund nonstructural land management practices (NLMP)**

For SWCDs that choose to include the implementation of nonstructural land management practices within their work plan, the local SWCD Nonstructural Land Management Policy must be uploaded as an attachment to eLINK. The SWCD must reference the local policy ("See attached policy.") in the activity description for the Nonstructural Land Management Practice activity.

Erosion Control and Water Management Program Policy

From the Board of Water and Soil Resources, State of Minnesota

Version: 3.00

Effective Date: 7/1/2021

Approval: Board Order #20-xx

Policy Statement

The Erosion Control and Water Management Program, commonly known as the State Cost Share Program, was created through Minnesota Statutes, §103C.501 to provide funds to Soil and Water Conservation Districts (Districts) to share the cost, with the land occupier, of conservation practices for high priority erosion, sedimentation, or water quality problems, or water quantity problems due to altered hydrology. The purpose of this policy is to provide specific requirements for the implementation of funds appropriated to BWSR associated with the Erosion Control and Water Management Program.

Funds are allocated by BWSR based on the following minimum criteria to districts that have fully complied with all program rules and policies:

- Extent of high priority erosion or water quality problems in the district, as indicated in the district comprehensive and annual plans or their equivalent.
- Priorities for the control of soil erosion or water quality problems as established by BWSR.
- Historic success of the district in applying conservation practices.
- Ability of the district to expend the funds in a timely manner.
- Legislative appropriation.

BWSR will allocate the cost-sharing funds available to districts in the form of grants for conservation practices addressing high priority erosion, sedimentation, or water quality problems.

Erosion Control and Water Management (State Cost Share Program)

District boards and staff are responsible for the administration and decisions concerning the local use of these funds in accordance with: Minnesota Statutes, section 103C.501; Minnesota Administrative Rules, part 8400.0060 through 8400.1900; BWSR policies; the grant agreement; and all other applicable laws. BWSR will use grant agreements as contracts for assurance of deliverables and compliance. Failure to comply with relevant statutes, rules, and policies may lead to imposition of financial penalties on the grant recipient.

The BWSR Grants Administration Manual provides the primary framework for local management of these funds.

1.0 Eligible and Ineligible Activities

The primary purpose of activities funded with Erosion Control and Water Management funds is to assist with structural, vegetative, or nonstructural land management practices to correct existing problems. Specific preventative practices may also be allowed through policy or appropriation. Vegetative practices include establishment of permanent vegetation through practices such as but not limited to: critical area planting and filter strips. Nonstructural land management practices include conservation management practices such as but not limited to: cover crops, residue management, and nutrient management that are incorporated into a farm management plan and have erosion control or water quality improvement benefits. Pre-Construction Cover is allowed when temporary cover is necessary for the future installation of structural conservation practices.

- 1.1 Practice Standards.** All practices must be consistent with the NRCS Field Office Technical Guide (FOTG) or professionally accepted engineering or ecological practices. Design standards for all practices must include specifications for operation and maintenance for the life of the given practice, including an inspection schedule and procedure. Practices where runoff or sediment from the contributing watershed prevents the practice from achieving the intended purpose with normal operation and maintenance are ineligible. Unless otherwise directed by statute or rule, vegetative practices must follow the BWSR Board adopted [Native Vegetation Establishment and Enhancement Guidelines](#).
- 1.2 Effective Life.** All structural and vegetative practices must be designed and maintained for a minimum effective life of ten years. The beginning date for a practice's effective life is the same date final payment is approved and the project is considered complete. The effective life of non-structural land management practices will be based on the district's BWSR approved Implementation Plan, as per Section 3.2.2. Rehabilitation of structural and vegetative practices beyond their designed effective life are eligible for this program.
- 1.3 Repair of Damaged Practices.** Using Erosion Control and Water Management funds to repair damage to a conservation practice is eligible if the practice was installed using approved standards, damage was caused by reasons beyond the control of the land occupier, and damage or failure of the practice was not due to improper maintenance or removal of the practice within the effective life.
- 1.4 Practices that Address Water Quantity Problems Due to Altered Hydrology.** The primary purposes of these types of practices is to apply conservation practices on drainage or conveyance systems to (a) improve water quality, and (b) reduce surface and/or subsurface peak flows and volumes that contribute to water quality problems. Practices that do not have water quality as a primary purpose are ineligible.
- 1.5 Ineligible Practices.** Incentive payments for ongoing maintenance, writing of conservation plans, payments to adopt land management practices such as tillage or residue management unless approved as per Section 3.2.2, payments for crop damage during construction, payments to repair or install septic systems, payments for easements, stormwater conveyances that collect and move runoff but do not provided water quality benefit, practices installed for energy conservation and

snow protection, and/or feedlot expansions are not allowable practices with these funds. See also Section 1.4.

- 1.6 Project and Practice Assurances.** The grantee has the responsibility to ensure that the installed conservation practices and projects meet the purposes of the grant program, will remain in place for the lifespan expected, and will provide the benefits for which they were designed as per the Project and Practice Assurance Section of the Grants Administration Manual.

2.0 Technical and Administrative Components

Erosion Control and Water Management funds may be used for technical and administrative expenses.

- 2.1 Technical Quality Assurance.** The grantee has the responsibility to ensure that the designated technical staff have the appropriate technical expertise, skills and training for their assigned role(s) as per the Technical Quality Assurances section of the Grants Administration Manual.
- 2.2 Technical and Administrative Expense.** Up to twenty percent (20%) of the total grant may be used for technical and administrative expenses. Amounts used must be documented as an actual expense. Remaining funds must be provided as cost share to achieve the purpose of these funds, unless otherwise indicated in specific appropriation language. Districts may use more than 20% of the grant for technical and administrative expenses if a request for such use is acted on by the district board, documented in the meeting minutes, and included as part of the approved annual grant request or subsequent revised work plan, based on the following:
- a) Other non-state funds, will be leveraged and the district couldn't do the project otherwise; or
 - b) Funds are used on a project that is Erosion Control and Water Management Program or Environmental Quality Incentives Program (EQIP) eligible AND the district's most recent Financial Report indicates less than an 18-month fund balance; or
 - c) Funds were granted for the Cooperative Weed Management Areas (CWMA) Program, as approved in the CWMA work plan.
- 2.3 Technical and Administrative Activities.** Activities eligible include the following: grant administration, staff training to acquire or maintain appropriate technical approval authorities or other applicable technical certifications which can include licenses, site investigations and assessments, design and cost estimates, construction oversight, and inspections.

3.0 Financial Assistance to Land Occupiers

Financial assistance can be calculated by either a) the percent of the installation cost of a practice that may be provided to a land occupier for materials and labor necessary to install the practice as per Section 3.1 or b) a flat rate for buffers, non-structural land management practices and pre-construction cover. As per Section 3.2 flat rates serve as an alternative to actual costs documented by receipts or invoices.

- 3.1 Maximum percent based on receipts or invoices.** The maximum cost share rate utilizing state funds for installation of a practice is seventy-five percent (75%) of the installation cost, except for unused well sealing which is established at fifty percent (50%). State and non-state funds combined may not exceed 100%.

3.1.1 Non-state contributions. A land occupier may provide the remainder of the local share of the implementation cost through in-kind services, or non-state funds. The district board shall determine whether charges for in-kind services and materials are practical and reasonable. Standard rates for in-kind services should be identified in the district's cost share program policy.

3.1.2 Local Rates. Prior to receiving any applications from land occupiers, district boards may set different cost share rates up to the maximum identified in BWSR policy. These rates should be identified in the District's cost share program policy.

OR

3.2 Flat Rates. Flat rates may be used as an alternative to actual costs documented by receipts or invoices. When using flat rates a land occupier cannot accept any other state or federal funds for that practice.

3.2.1 Buffers. For buffers based on water quality improvements with a maximum width of 120 feet, the flat rate may be up to \$300 per acre to establish the vegetation. A cropping history, defined as in agricultural crop production for at least two of the last five years, is required. Species selection and acceptable seed source requirements must follow BWSR's Native Vegetation Establishment and Enhancement Guidelines. Native shrub plantings (amongst native grasses and flowers) for wildlife, fruit or nut production is allowed. Allowable activities after establishment include haying, seed propagation, bio-energy production, and prescribed burning; if these occur outside of the nesting season of May 15 to August 1 and are included in the operation and maintenance plan. Alternative dates can be approved by the SWCD on a case-by-case basis for weed control, tree and scrub management or emergency repairs. Grazing after successful establishment is allowed with an approved grazing management plan (e.g. Prescribed Grazing practice standard 528).

3.2.2 Nonstructural Land Management Practices are allowed when 1) they are part of a planned erosion control or water quality improvement plan; 2) the district has incorporated the practices into their locally adopted cost share program policy for that fiscal year; and 3) the district has included the activity and attached the local policy in the approved annual grant request. The local policy must include the connection to a large-scale plan, technical assistance provider(s) and credentials, practice names and standards used, rates, practice effective life, and the procedure for operation and maintenance including site inspection schedule. Land occupiers who are already incorporating the requested nonstructural land management practice in their farming operation are not eligible.

3.2.3 Pre-Construction Cover is allowed when temporary cover is necessary for the future installation of structural conservation practices. A flat rate payment of up to \$150 per acre, not to exceed 10 acres, is allowed as part of a state cost-share contract for the installation of structural practice(s). Eligible acres are defined as; 1) The area needed to provide access to the location of the structural practice to be installed. 2) The area to be impacted during installation, this includes the actual location of the practice as well as any surrounding areas that will have

disturbance during construction. The temporary cover is to remain in place until construction begins. A land occupier is only eligible to receive this payment once per cost-share contract, unless construction is delayed another year for reasons beyond the control of the land occupier. Refer to the Agricultural BMPs section of [BWSR's Native Vegetation Establishment and Enhancement Guidelines](#) for recommended species, seeding rates, and seeding dates.

- 3.3 Cooperative Weed Management Program (CWMA).** A non-state local share equal to at least 25% of the amount of CWMA funds received is required. Local share can be provided by a landowner, land occupier, local government or other non-state source and can be in the form of cash or the cash value of services or materials contributed to the accomplishment of grant objectives.

4.0 Expenditure of Funds on Practices and Contracts

The District Board has the authority and responsibility to approve expenditure of funds within their own organization. The approval or denial of expenditures of funds must be documented in the District's meeting minutes prior to beginning the funded activity. The grantee may delegate this authority as long as delegation is supported by a documented local board or council action, such as a motion, resolution, or adoption of a policy.

- 4.1 Cost Share Contract.** A contract between the District and land occupier(s) receiving state funds is required to provide a legal standing to insure practices are installed and maintained according to approved standards and specifications. The required contract and procedures for using this contract are located in the Implementing Practices section of the BWSR Grants Administration Manual. Modifications to the conservation practice contract template may be made prior to execution with a land occupier and with prior approval from the District legal counsel and BWSR.
- 4.1.1 Service Charges.** District or Technical Service Area charges for services such as administration, field investigations, design, and monitoring to establish the practice shall not be included in calculating the project cost for purposes of determining cost-share payment amounts to the land occupier. Service charges such as tree planting or mechanical weed control are eligible to be included.
- 4.2 Contract Timeframe.** District Boards have the authority to adopt timely starting and completion dates. Execution and completion of a contract with a land occupier must be within the grant period. Contracts not completed within the period of the grant agreement must be cancelled unless the grant agreement with the District has been extended and the contract has been extended such that the contract timeframe is within the amended grant. Under all circumstances, grant funds must be expended within the period of a valid grant agreement.
- 4.3 Canceled Projects.** Funds from canceled projects or remaining from completed projects where the final cost was less than the estimated amount may be re-encumbered to a new contract as provided in the grant agreement. Funds that are unexpended after the end date of the grant agreement must be returned as provided in the grant agreement.
- 4.4 Removal of Practices.** District Boards may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice and the purpose of the original practice has been achieved.

4.5 Failure to Maintain Practices. Funds repaid to a district from a landowner who has failed to maintain a practice, must be reallocated to the local cost share program according to this policy and Minnesota Rules 8400.0050 to 8400.1900, less the administrative cost of the district.

5.0 BWSR Grant Reporting and Reconciliation Requirements

To ensure the continued success of the program, regular reporting of accomplishments and benefits is required. BWSR staff is authorized to develop grant agreements, including requirements and processes for project outcomes reporting, closeouts, fiscal reconciliations, and grant verifications. All grantees must follow the grant agreement and Grants Administration Manual. See specifically the Reporting Requirements and Grant Closeout Process sections of the Grants Administration Manual.

In the event there is a violation of the terms of the grant agreement, BWSR will enforce the grant agreement and evaluate appropriate actions, up to and including repayment of grant funds at a rate up to 100% of the grant agreement.

Contact

For additional information, contact the local Board Conservationist.

History

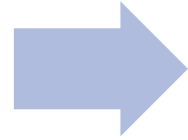
Description of Revisions	Date
Revised to include pre-construction cover as an eligible activity. Replaces previous Erosion Control and Water Management Program Policy (adopted May 24, 2017) with the newer Erosion Control and Water Management Program Policy (adopted June 26, 2019)	6/26/2019
Revised to incorporate enhanced technical and administrative staff expenses and nonstructural land management practices approval through the annual grant request. Replaces previous Erosion Control and Water Management Program Policy (adopted June 26, 2019) with the newer Erosion Control and Water Management Program Policy (adopted June 24, 2020).	7/1/2021

SWCD Annual Work Plan Transition

Pre-FY14

District Annual Plan

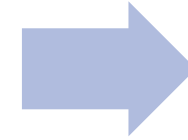
- Followed content requirements included in the SWCD Operational Handbook
- Contained annual objectives, corresponding actions, staffing needs, budget, and high priority areas to be addressed
- Reviewed by BC and approved through checklist



FY14-21

Biennial Budget Request

- At first completed through Excel spreadsheet and later incorporated into eLINK
- Included funding need estimates for state budgeting purposes
- Allowed activities to be entered for water resources of concern, but most base programs were entered organization wide
- BC review but no official approval



FY22 & Beyond

Annual Grant Request

- Completed through an eLINK workplan for the State Cost Share grants
- Request will include activities and associated budgets for technical and administrative expenses, structural and vegetative practices, and/or nonstructural land management practices
- Reviewed and approved by BC

COMMITTEE RECOMMENDATIONS

Central Region Committee

1. Prior Lake-Spring Lake Watershed District Watershed Management Plan – Steve Christopher –
DECISION ITEM

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Prior Lake-Spring Lake Watershed District Watershed Management Plan

Meeting Date: June 24, 2020

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region

Contact: Steve Christopher

Prepared by: Steve Christopher

Reviewed by: Central Region Committee(s)

Presented by: Steve Christopher

Time requested: 5 minutes

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 the Prior Lake-Spring Lake Watershed District Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

Full Plan Link as follows:
https://www.plslwd.org/wp-content/uploads/2020/05/FINAL-DRAFT-WRMP-Plan_2020-05-07.pdf

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

Background:

The Prior Lake-Spring Lake Watershed District (PLSLWD) was established on March 4, 1970 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act, Minnesota Statutes Chapter 112. The order was in response to a petition filed by residents within the watershed on June 24, 1969 for the general purposes of conserving the waters and natural resources of the watershed. The first water resources management plan for the PLSLWD was prepared and adopted in 1971, shortly after the PLSLWD’s inception. The most recent watershed management plan was approved by the Board on January 27, 2010.

The PLSLWD is approximately 42 square miles in size and located in north central Scott County, within the Minnesota River basin. The lower one-half of the PLSLWD particularly around the lakes is largely developed with a predominantly residential land use. The upper one-half of the watershed is rural land use comprising small to medium farms. Development pressure and changes in land uses within the watershed will likely increase through the life of this Plan.

The major water resource features of the PLSLWD are Spring Lake, Upper Prior Lake, and Lower Prior Lake. There are a total of 12 lakes and one county ditch system in the PLSLWD. There was no outflow from the watershed until 1983. An outlet channel was constructed commencing at the southwest shore of Lower Prior Lake draining north through three lakes before outletting into the Minnesota River. The following communities lie partially or entirely within the PLSLWD: the cities of Prior Lake, Savage, and Shakopee, and Sand Creek and Spring Lake Townships. A portion of the Shakopee Mdewakanton Sioux Community Tribal Lands is also located within the PLSLWD. The PLSLWD is bound by the Lower Minnesota River Watershed District to the north, and the Scott WMO, containing the subwatersheds of Credit River, Sand Creek, and Shakopee Basin, to the east, south, and west respectively.

Plan Process and Highlights:

The PLSLWD initiated the planning process for the 2020-2029 Plan in 2018. As required by MR 8410, a specific process was followed to identify and assess priority issues. Stakeholders were identified, notices were sent to municipal, regional, and state agencies to solicit input for the upcoming Plan. From May 2018, a series of meetings were convened of the PLSLWD Board, Citizens Advisory Committee, Farmer-Led Council, Public, and Technical Advisory Committee. The PLSLWD utilized surveys, initial input and these meetings to further refine their issues, guiding principles, goals and strategies.

In the public planning process, the PLSLWD used its three priority concerns to develop three Guiding Principles with nine underlying Policies, and a total of 23 Goals. During discussions and meeting for the WRMP, three recurring priority concerns were decided upon by the PLSLWD, and four specific goals floated to the surface as having the highest degree of urgency. These goals are: 1. Meet the State water quality standards for aquatic recreation on Spring Lake. 2. Meet the State water quality standards for aquatic recreation on Upper Prior Lake. 3. Develop and implement an Aquatic Invasive Species (AIS) Response and Prevention Plan in coordination with Scott County to help prevent new AIS from entering Tier 1 lakes. 4. Achieve the first-tier priority flood reduction goal to reduce the flood level on Prior Lake for the 25-year return period.

Major actions for the Plan include:

Water quality

- In-Lake Alum Treatments
- Public Infrastructure Projects
- Wetland Restorations
- Cost-Share Projects
- Farmer-Led Council Initiatives
- Ferric Chloride Treatment System

Aquatic Invasive Species

- AIS Prevention & Management
- Carp Management
- AIS Rapid Response Plan

Reduce Flooding:

- Storage & Infiltration Projects
- Sutton Lake Outlet Structure
- Wetland Banking Program
- PLOC Management
- Upper Watershed Blueprint

PLSLWD staff have agreed to extend the programming in the Plan through June 2030 and to update the date to allow for approval through June 2030. The draft Plan is an excellent example of a resource that provides focused priorities that are measurable and clearly defines the role of the PLSLWD.

Attachments

1. Draft order for approval of the Prior Lake-Spring Lake Watershed District (PLSLWD) Watershed Management Plan.
2. PLSLWD Plan Executive Summary
3. PLSLWD CIP 2020-2029

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

In the Matter of the review of the Watershed Management Plan for the Prior Lake-Spring Lake Watershed District, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

**ORDER
APPROVING
A WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Prior Lake-Spring Lake Watershed District (PLSLWD) submitted a Watershed Management Plan (Plan) dated May 7, 2020 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. Watershed District Establishment.** The PLSLWD was established on March 4, 1970 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act, Minnesota Statutes Chapter 112. The order was in response to a petition filed by residents within the watershed on June 24, 1969 for the general purposes of conserving the waters and natural resources of the watershed. The first water resources management plan for the PLSLWD was prepared and adopted in 1971, shortly after the PLSLWD's inception, in accordance with Minnesota Statutes Chapter 103D. The plan was revised in accordance with the Metropolitan Surface Water Management Act of 1982, Minnesota Statutes sections 103B.201 to 103B.251, and adopted by the District in 1991. The most recent watershed management plan was approved by the Board on January 27, 2010.
- 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.
- 3. Nature of the Watershed.** The PLSLWD is approximately 42 square miles in size and located in north central Scott County, within the Minnesota River basin. The lower one-half of the PLSLWD particularly around the lakes is largely developed with a predominantly residential land use. The upper one-half of the watershed is rural land use comprising small to medium farms. Development pressure and changes in land uses within the watershed will likely increase through the life of this Plan. The major water resource features of the PLSLWD are Spring Lake, Upper Prior Lake, and Lower Prior Lake. There are a total of 12 lakes and one county ditch system in the PLSLWD. There was no outflow from the watershed until 1983. An outlet channel was constructed commencing at the southwest shore of Lower Prior Lake draining north through three lakes before outletting into the Minnesota River. The following communities lie partially or entirely within the PLSLWD: the cities of Prior Lake, Savage, and Shakopee, and Sand Creek and Spring Lake Townships. A portion

of the Shakopee Mdewakanton Sioux Community Tribal Lands is also located within the PLSLWD. The PLSLWD is bound by the Lower Minnesota River Watershed District to the north, and the Scott WMO, containing the subwatersheds of Credit River, Sand Creek, and Shakopee Basin, to the east, south, and west respectively.

4. **Plan Development and Review.** The PLSLWD initiated the planning process for the 2020-2029 Plan in 2018. As required by MR 8410, a specific process was followed to identify and assess priority issues. Stakeholders were identified, notices were sent to municipal, regional, and state agencies to solicit input for the upcoming Plan. From May 2018, a series of meetings were convened of the PLSLWD Board, Citizens Advisory Committee, Farmer-Led Council, Public, and Technical Advisory Committee. The PLSLWD utilized surveys, initial input and these meetings to further refine their issues, guiding principles, goals and strategies. The Plan was submitted for formal 60-day review on January 8, 2020. The PLSLWD received 106 comments on the 60-day draft Plan. All comments on the draft Plan were addressed in writing. After formal review of the Plan, the PLSLWD held a public hearing on the draft Plan on April 14, 2020. All additional comments received during the 90-day review period have been addressed. The final draft Plan and all required materials were submitted and officially received by the Board on May 14, 2020.
5. **Local Review.** The PLSLWD distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B132, Subd. 7. Local written comments and edits were received from the City of Prior Lake and Scott WMO. The PLSLWD adequately responded to all comments and made necessary revisions.
6. **Metropolitan Council Review.** During the 60-day review, the Council noted the Plan is consistent with Council policies and the Council's Water Resources Policy Plan. The Council also commended the PLSLWD for its innovative plan. The PLSLWD noted the comments.
7. **Department of Agriculture (MDA) Review.** The MDA provided additional areas for potential collaboration. PLSLWD revised the plan to include references.
8. **Department of Health (MDH) Review.** The MDH did not provide formal comment, but supported language for stronger groundwater protection.
9. **Department of Natural Resources (DNR) Review.** The DNR provided comments regarding reduction goals and methods. The DNR also noted the importance of wetland restorations and shoreline buffers for water quality and flood reduction. PLSLWD noted these and made changes where necessary to the Plan.
10. **Pollution Control Agency (PCA) Review.** PCA requested further integration of the WRAPS and additional discussion regarding chloride management. Additional comments were made regarding consistency of references and methods for identifying goals. The PLSLWD revised and added language to address all comments.
11. **Department of Transportation (DOT) Review.** No comments were submitted by DOT on the Plan.
12. **Board Review.** Board staff identified areas within Issue identification, Measurable Goals, and Strategies that all required additional conversation and clarifying language. Board staff also noted several areas where references would be more valuable than included text including the PLSLWD Rules and items such as resource inventories. The PLSLWD and Board had several discussions and the Plan was revised as necessary to address all comments.
13. **Plan Summary.** In the public planning process, the PLSLWD used its three priority concerns to develop three Guiding Principles with nine underlying Policies, and a total of 23 Goals. During discussions and meeting for the WRMP, three recurring priority concerns were decided upon by the PLSLWD, and four specific goals floated to the surface as having the highest degree of urgency. These goals are: 1. Meet the State water quality standards for aquatic recreation on Spring Lake. 2. Meet the State water quality standards for aquatic

recreation on Upper Prior Lake. 3. Develop and implement an Aquatic Invasive Species (AIS) Response and Prevention Plan in coordination with Scott County to help prevent new AIS from entering Tier 1 lakes. 4. Achieve the first-tier priority flood reduction goal to reduce the flood level on Prior Lake for the 25-year return period.

14. **Central Region Committee Meeting.** On June 10, 2020, the Board’s Central Region Committee and staff met in St. Paul and via teleconference to review and discuss the final Plan. Those in attendance from the Board’s committee were Joe Collins (chair), Paige Winebarger, Jill Crafton, Joel Larson, Andrea Date, Kathryn Kelly, Nicole Blasing, Grant Wilson, and Steve Robertson. Board staff in attendance were Assistant Director Kevin Bigalke and Board Conservationist Steve Christopher. PLSLWD Administrator, Diane Lynch, Project Manager Maggie Karschnia, and Plan Consultant Carl Almer were in attendance. PLSWD Administrator Diane Lynch provided highlights of the Plan and process. Board staff recommended approval of the Plan. After presentation and discussion, the committee unanimously voted to recommend the 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 Prior Lake-Spring Lake Watershed District (PLSLWD) pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The PLSLWD Watershed Management Plan, attached to this Order, defines the water and water-related problems within the PLSLWD’s boundaries, possible solutions thereto, and an implementation program through 2030.
4. The PLSLWD Watershed Management Plan will be effective June 24, 2020 through June 30, 2030.
5. 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 Prior Lake-Spring Lake Watershed District Watershed Management Plan dated May 2020.

Dated at St. Paul, Minnesota, this 24th day of June 2020.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Gerald Van Amburg, Chair

June 24, 2020

Prior Lake-Spring Lake Watershed District
C/o Diane Lynch, Administrator
4646 Dakota Street SE
Prior Lake, MN 55372

Dear Chair and Managers:

I am pleased to inform you that the Minnesota Board of Water and Soil Resources (Board) has approved the Prior Lake-Spring Lake Watershed District (PLSLWD) revised Watershed Management Plan (Plan) at its regular meeting held on June 24, 2020. For your records I have enclosed a copy of the signed Board Order that documents approval of the Plan. Please be advised that the PLSLWD must adopt and implement the Plan within 120 days of the date of the Order, in accordance with MN Statutes 103B.231, Subd. 10.

The managers, staff, consultants, advisory committee members, and all others involved in the planning process are to be commended for developing a plan that clearly presents water management goals, actions, and priorities of the watershed. With continued implementation of your Plan, the protection and management of the water resources within the watershed will be greatly enhanced to the benefit of the residents. The Board looks forward to working with you as you implement this Plan and document its outcomes.

Please contact Steve Christopher of our staff at 651-249-7519, or at the central office address for further assistance in this matter.

Sincerely,

Gerald Van Amburg, Chair
Minnesota Board of Water and Soil Resources

Enclosure

CC: John Gleason, DNR (via email)
Jeff Risberg, MPCA (via email)
John Freitag, MDH (via email)
Jeff Berg, MDA (via email)
Judy Sventek, Met Council (via email)
Beth Neuendorf, MN DOT (via email)
Kevin Bigalke, BWSR (via email)
Steve Christopher, BWSR (via email)
File Copy

I. Executive Summary

This 2020-2029 Water Resources Management Plan (WRMP) has been prepared in accordance with Minnesota Statutes 103B and 103D that require watershed districts to adopt and periodically update watershed management plans. These plans must describe the physical, biological, and hydrological setting, as well as current and proposed land use and development. The WRMP must set forth goals and policies for protecting water resources and include an implementation plan of specific activities that will be undertaken to achieve the WRMP's goals.

The mission of the PLSLWD is to manage and preserve the water resources of the Prior Lake-Spring Lake Watershed District to the best of our ability using input from our communities, sound engineering practices, and our ability to efficiently fund beneficial projects which transcend political jurisdictions.

Watershed districts are local, special-purpose units of government that work to solve and prevent water-related problems. Districts may be established when water management problems become greater than one community or city can handle or when conducive to public health and public welfare and for specific State statute purposes. The jurisdictional boundary is often loosely based on hydrologic watersheds, but many boundaries are not solely hydrologic and may include additional factors. This style of managing water, pertaining more closely to a watershed boundary, allows for an overall, holistic approach to resource conservation.

In 1987, the Legislature directed watershed districts in the seven-county metro area to develop and implement a watershed management plan. These plans are required to:

- protect, preserve, and use natural surface and groundwater storage and retention systems;
- minimize public capital expenditures needed to correct flooding and water quality problems;
- identify and plan for means to effectively protect and improve surface and groundwater quality;
- establish more uniform local policies and official controls for surface and groundwater management;
- prevent erosion of soil into surface water systems;
- promote groundwater recharge;
- protect and enhance fish and wildlife habitat and water recreational facilities; and
- secure the other benefits associated with the proper management of surface and groundwater.

This Fourth Generation WRMP for the Prior Lake-Spring Lake Watershed District (PLSLWD) sets forth the goals, policies, programs, and projects that will be undertaken during the period 2020-2029 in fulfillment of its mission and responsibilities under Minnesota Statutes.

A. PLSLWD Overview

1. PLSLWD Purpose

The PLSLWD was established on March 4, 1970 by order of the Minnesota Water Resources Board (MWRB), which is now the Minnesota Board of Water and Soil Resources (BWSR) under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). The order was in response to a petition filed with the MWRB by residents within the watershed on June 24, 1969. The citizen petition sought establishment of the PLSLWD for the purpose of wisely managing and conserving the waters and natural resources of the watershed. More specifically, this petition was intended to address the rising lake levels and the need for an outlet Prior Lake, which was landlocked at the time. The year 2020 commemorates the 50th Anniversary of the PLSLWD.

The PLSLWD is approximately 42 square miles in size and is in north central Scott County, Minnesota, encompassing parts of the cities of Prior Lake, Shakopee, and Savage and portions of Sand Creek and Spring

Lake Townships (**Figure 1**). In addition, a portion of the Shakopee Mdewakanton Sioux Community (SMSC) Tribal Lands are located within the watershed. The SMSC is a sovereign nation and has the ability to partner with the District in their management of water resources. The activities and policies of the PLSLWD are administered by a five-person Board of Managers appointed by the commissioners of Scott County. The PLSLWD administers the Prior Lake Outlet Channel (PLOC) via the PLOC Memorandum of Agreement or Use, Operation, and Maintenance of the Prior Lake Outlet Channel and Outlet Structure (MOA) in [Appendix E](#).

2. PLSLWD Map

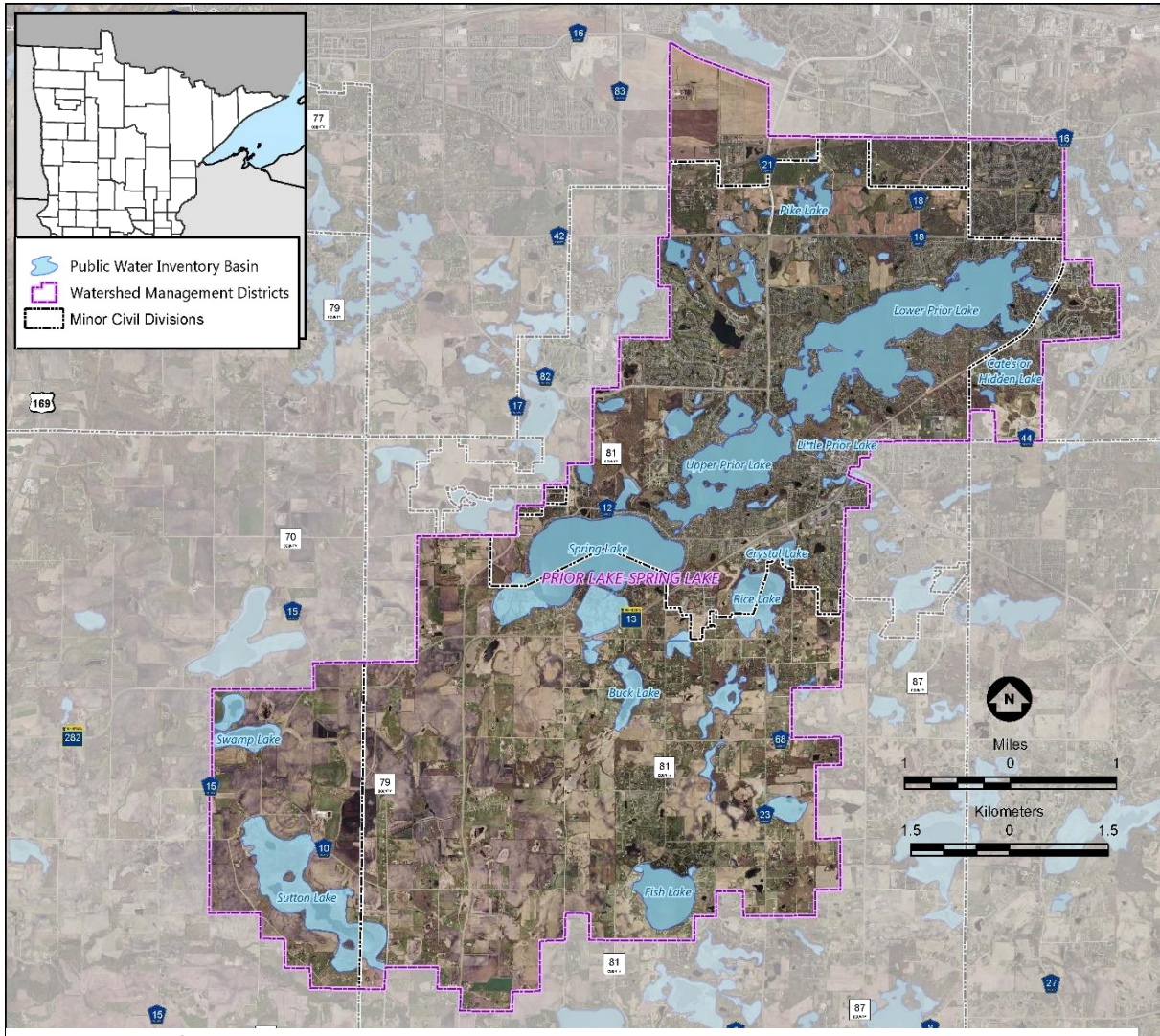


Figure 1. Map of the Prior Lake-Spring Lake Watershed District Boundary

3. Past Accomplishments

In the early years of the PLSLWD, the Board's focus was on flood reduction on Prior Lake by installing, maintaining and improving the Prior Lake Outlet Channel. The PLSLWD has continued to maintain and improve the outlet and structure over the years. In 1995, an Inventory and Inspection Report for Water Quality Detention Basins was conducted, and a final report for this was completed in 1997. In 2002 a Flood-proofing/Buyout study was conducted and in 2004 a Storage and Infiltration Study was conducted.

The Board began to incorporate water quality goals into its WRMP shortly after the outlet was established. Some of the major water quality improvements over the years include:

- **Ferric Chloride Treatment Facility:** In 1998, the PLSLWD constructed a ferric chloride (FeCl_3) treatment system to precipitate phosphorus out of stormwater from County Ditch 13, the main inflow to Spring Lake. The system was constructed as part of a Minnesota Pollution Control Agency (MPCA) Clean Water Partnership Implementation Project. In 2013, the PLSLWD finished updating the Ferric Chloride Facility to meet new Minnesota Pollution Control Agency requirements and increased the capacity of the system to treat water flowing through the area. Testing has shown that the Ferric Chloride Facility provides an estimated removal of 35% of the total phosphorus (TP) coming from the County Ditch 13 system.
- **12/17 Wetland Restoration Project:** The CR12/17 Wetland Restoration Project is an innovative stormwater treatment project intended to improve water quality in Spring Lake by removing approximately 60 lbs/year of TP loading. The wetland restoration project enhances flood control and captures phosphorus and sediment before they reach Spring Lake and other downstream waterbodies. The project's restored wetlands and iron-enhanced sand filter treat runoff from two highways, city roads and an upstream 60-acre agricultural area.
- **Spring Lake Alum Treatment:** Studies have determined that approximately half of the annual phosphorus loading to Spring Lake comes internally from the bottom sediments of Spring Lake. In order to address the internal phosphorus inputs, PLSLWD contracted with HAB Aquatic Solutions to conduct an alum application over an eleven-day period in October 2013. The application produces a "floc" that settles to the bottom of the lake. The floc effectively intercepts and binds the phosphorus, which makes it unavailable for algae to use for growth. A second treatment was completed in 2018 and a third and final dose is anticipated for 2020/2021 based on water quality monitoring results.
- **Carp Management Program:** The PLSLWD's common carp management program maximizes water quality restoration and remediation by addressing one of the root causes of internal loading identified in the TMDL for Spring and Upper Prior Lakes. Carp stir up sediment from the lake bottom when they forage for food; this re-suspended sediment makes more phosphorus available to phytoplankton and increases the shading effect on native submergent aquatic vegetation. In 2017, the PLSLWD adopted an Integrated Pest Management Plan for Common Carp (IPM Plan) and has worked to bring common carp populations down to levels which do not impair water quality. The PLSLWD manages carp populations by assessing current populations levels, tracking their locations, completing removals, and blocking access to spawning areas. In 2019, the PLSLWD committed to an Accelerated Carp Management Program, which supports innovative methods for comprehensive carp removal.
- **Lower Prior Lake Protection Projects:** In 2013, PLSLWD completed a diagnostic study that concluded that the water quality of the upper bay of Lower Prior Lake is strongly influenced by the water quality of Upper Prior Lake, but the water quality of the rest of Lower Prior Lake is more strongly influenced by phosphorus loading from Lower Prior Lake's direct watershed. The study identified several potential projects that would help maintain the good water quality in Lower Prior Lake, many of which were completed including: Sand Point Beach Park Iron-Enhanced Sand Filter Project, Fish Point Park Water

Quality Improvement Project, Fairlawn Shores Biofiltration Basin Project, Indian Ridge Biofiltration Basin Project and Watzl’s Beach Shoreline Restoration.

- **Demonstration Projects:** The PLSLWD completed shoreline restoration projects on property it owns on the north side of Spring Lake; the City of Prior Lake’s Raymond Park; and the Fish Lake shoreline & prairie at Spring Lake Town Hall.
- **Cost-share Projects:** The PLSLWD invested its funds to support over 75 projects in both rural and urban areas of the PLSLWD that protected water quality.
- **Flood Damage & Planning:** The PLSLWD sustained nearly \$1 million of damage along the Prior Lake Outlet Channel due to a series of storms in June 2014. Work to repair the channel was substantially completed by December 2019. In addition, the PLSLWD completed a Flood Study with the City of Prior Lake in 2016 which identified three implementation strategies. Two of the three strategies have been completed.
- **Conservation Easements.** Since 2015, the PLSLWD has completed a comprehensive review of its conservation easements, including: surveys, developing baseline maps, enforcing the PLSLWD’s rules, working with landowners to comply with legal requirements and providing technical assistance, when needed.
- **Citizen Engagement.** Coordinating with the City of Prior Lake, the PLSLWD conducted 10 Spring and Fall Clean Water Clean-ups, which targeted organic waste and invasive species, to protect water quality throughout the City. The PLSLWD has also sought to educate and encourage the public to pursue good practices and activities which support healthy habitats and water resources.
- **Monitoring.** In 2009 a Water Quality Monitoring Summary was developed. In 2010, the Board adopted their Third Generation WRMP, which was revised in 2013 and amended in 2018. The Third Generation Plan represents the third set of WRMPs developed by watershed organizations in the Twin Cities metropolitan area.

B. Plan Structure

PLSLWD developed this WRMP as a guide to facilitate the improvement and protection of the watershed’s health in the next 10 years. The 2020-2029 WRMP consists of eight sections:

SECTION I: EXECUTIVE SUMMARY

This section reviews the PLSLWD’s history, accomplishments, general purpose and requirements, the PLSLWD’s mission, PLSLWD boundary, and provides a summary of issues, goals and major actions.

SECTIONS II – V OVERVIEW:

The next four sections of the 2020 WRMP follow four key steps to form and articulate the strategies laid out in this Plan (Figure 2):



Figure 2. 2020-2029 WRMP structure

SECTION II: ISSUES IDENTIFICATION & ASSESSMENT

This section is a background on the development of the PLSLWD's 2020 WRMP, the PLSLWD's committees, issues identification, priority concerns, priority areas for implementation and an adaptive management strategy.

SECTION III: GUIDING PRINCIPLES, POLICIES & MEASURABLE GOALS

This section describes the three Guiding Principles that address and align with the three priority concerns and their priority issues. From the Guiding Principles, nine underlying Policies were formed to help solidify the commitments the PLSLWD is making over the next 10 years. From those Policies, 23 measurable Goals were identified.

SECTION IV: IMPLEMENTATION ACTIONS, PROGRAMS & PROJECTS, AND FUNDING

This section identifies 74 Implementation Actions (methods or approaches) to address the priority concerns and primary issues listed in Section II and to help accomplish the 23 Goals listed in Section III. The Implementation Actions in this WRMP helped to ultimately identify the key Projects that will be necessary to meet goals. By using Implementation Actions to inform the Projects, it also helps recognize overlapping and/or complimentary Implementation Actions that help to achieve multiple Goals.

The 48 Projects in this 2020 WRMP are organized into the PLSLWD's following program areas:

- Capital Projects
- Operations & Maintenance
- Planning
- Monitoring & Research
- Regulation
- Education & Outreach
- Administration

Each of the Projects are further broken down into implementation steps with a timeline table to gauge progress. The waterbodies addressed, respective Goals & Implementation Actions, funding source and total costs are identified for each Project in this section.

SECTION V: OUTCOMES & MEASURES

This section provides a dashboard for the PLSLWD that provides ongoing measurement and reporting of benchmarks and helps the PLSLWD monitor progress in realizing the goals of the 2020 WRMP. This section provides a way to measure and monitor progress of outcomes with key milestones and achievable timelines.

SECTION VI: LAND AND WATER RESOURCES INVENTORY

This section is divided into two main subsections: Existing and Future Conditions and Hydrologic Systems

Existing and Future Conditions. An inventory of existing conditions and proposed future development within the PLSLWD. It is divided into three categories: physical environment, biological inventory, and human environment.

Hydrologic Systems. An inventory of basic hydrologic data for the PLSLWD. It is divided into four subsections: precipitation, water quantity, water quality, and groundwater.

SECTION VII: LOCAL GOVERNMENT UNIT REQUIREMENTS

This section provides an overview and description of local plan requirements for local units of government with the PLSLWD boundaries once this 2020 WRMP is approved.

SECTION VIII: PLAN REVIEW AND AMENDMENT

This section provides information on how the WRMP will be reviewed and the process for amending it.

Figure 3 further breaks down the components of Sections II-V to better illustrate how the important parts of this WRMP are connected and relate to each other from section to section.

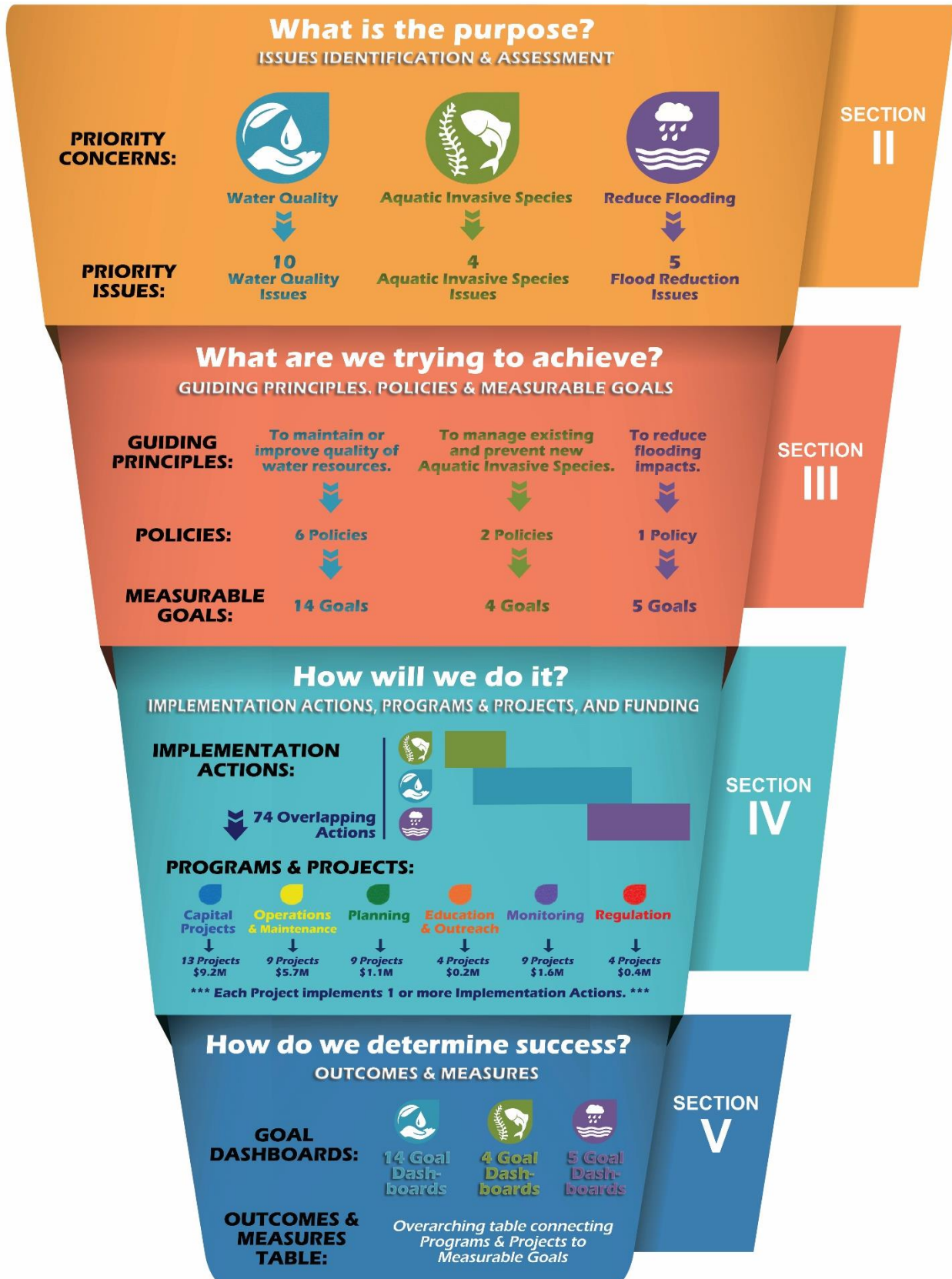


Figure 3. Visual representation of the contents of the 2020-2029 WRMP

C. Priority Concern Areas & Primary Issues

The lakes and water resources of the PLSLWD play a vital role in the health, economics, environmental quality, aesthetics, and quality of life of the local community. As the PLSLWD has a multitude of water resources within its boundaries but a limited amount of resources to improve or protect them, the PLSLWD must focus its efforts on the most important factors affecting the community.

1. Three Priority Concern Areas

In the public planning process, the PLSLWD used its three priority concerns to develop three Guiding Principles with nine underlying Policies, and a total of 23 Goals. During discussions and meeting for the WRMP, three recurring priority concerns were decided upon by the PLSLWD and four specific goals floated to the surface as having the highest degree of urgency.

PRIORITY CONCERNS:



WATER QUALITY

Maintaining or improving the water quality in the PLSLWD’s resources with most emphasis on lakes that have public access and are most widely used by residents.



AQUATIC INVASIVE SPECIES

Continued monitoring and management of existing AIS (curly-leaf pondweed, Eurasian water milfoil, zebra mussels and common carp), as well as prevention of new AIS entering lakes.



REDUCE FLOODING

Making strides toward flood reduction goals on Prior Lake (e.g. upstream storage) and reducing the impacts of flooding in other areas throughout the PLSLWD.

2. Primary Issues

Within the Priority Concern Areas above, the PLSLWD identified several associated issues:

WATER QUALITY ISSUES:

- External Loading
- Internal Loading
- Low Plant Diversity
- High Phosphorus Levels
- Insufficient Information Available
- Loss of Wetland Quality
- Loss of Wetland Quantity
- Streambank Erosion & Slumping
- Erosion along the Prior Lake Outlet Channel
- Groundwater Quality and/or Contamination

AQUATIC INVASIVE SPECIES ISSUES:

- New AIS Can Reduce Water Quality
- Common Carp Reduce Water Quality
- Overgrowth of Invasive Plants
- Recreational & Ecological Hazards

REDUCE FLOODING ISSUES:

- Current Flooding Risks on Prior Lake
- Historical Flooding on Prior Lake
- Future Increased Runoff
- Insufficient Information to Inform Projects
- Need to Assess Flood Reduction Goals

D. Main Goals

1. Priority Goals

Within the Priority Concerns above, there are a total of 23 goals. While all of these goals are intended to be accomplished in this ten-year WRMP, there were four that were of highest priority. These include:

WATER QUALITY MAIN GOALS:

- **GOAL WQ2:** Meet the state water quality standards for aquatic recreation on Spring Lake.
- **GOAL WQ3:** Meet the state water quality standards for aquatic recreation on Upper Prior Lake.

AQUATIC INVASIVE SPECIES MAIN GOALS:

- **GOAL AIS1:** Develop and implement an Aquatic Invasive Species (AIS) Response and Prevention Plan in coordination with Scott County to help prevent new AIS from entering Tier 1 lakes (lakes with public access).

REDUCE FLOODING MAIN GOALS:

- **GOAL RFI:** Achieve the first-tier priority flood reduction goal to reduce the flood level on Prior Lake (from 905.62) to 905.5 feet for the 25-year return period (Source: Prior Lake Stormwater Management & Flood Mitigation Study, 2016).

2. SMART Goals Framework

The development of this WRMP has identified several specific problems and issues impacting resources in the watershed, focusing on three primary areas of concern: Water Quality, Aquatic Invasive Species and Reduce Flooding. This WRMP and its components are designed around the SMART framework:

- **Specific.** Goals are clear, concrete and action-oriented
- **Measurable.** Goals can be objectively evaluated re. whether they were met
- **Achievable.** Goals are possible and realistic
- **Relevant.** Goals connect back to the PLSLWD's mission and guiding principles
- **Time-bound.** Goals meet a deadline or frequency

E. Major Actions

The WRMP details the specific Implementation Actions and associated Programs & Projects that the PLSLWD expects to undertake over the course of this 10-year plan. These Projects were selected to address the resource concerns & issues identified above during the planning process and to ultimately work towards achieving the goals identified in this WRMP. Each Project implements one or more Implementation Actions.

While all the projects in this WRMP work in unison to achieve the Goals, there are several major Projects that will achieve significant milestones during the 10 years of this plan. The individual projects under each of the three categories may work to meet multiple Goals, but will achieve the most progress towards addressing Goals in the category they were placed under. These include:

WATER QUALITY

- In-Lake Alum Treatments
- Public Infrastructure Projects
- Wetland Restorations
- Cost-Share Projects
- Farmer-Led Council Initiatives
- Ferric Chloride Treatment System

AQUATIC INVASIVE SPECIES

- AIS Prevention & Management
- Carp Management
- AIS Rapid Response Plan

REDUCE FLOODING

- Storage & Infiltration Projects
- Sutton Lake Outlet Structure
- Wetland Banking Program
- PLOC Management
- Upper Watershed Blueprint

Additional information about the above major activities and other PLSLWD Projects can be found in Section IV of this WRMP.



F. Local Government Responsibilities

After the PLSLWD's 2020 WRMP has been approved and adopted, pursuant to M.S. 103B, local units of government (LGU) having land use planning and regulatory responsibility are required to prepare a Local Water Management Plan or amend an existing Local Plan. Local plan content is driven primarily by M.R. 8410 and must include a capital improvement program and implementation plan to bring the local water management plan into conformance with the PLSLWD's 2020 WRMP. Local Water Management Plans must be approved by the PLSLWD and adopted by the LGU within two years of BWSR's approval of the PLSLWD's WRMP. In accordance with M.S. 103B.235 Subd. 4, LGUs must adopt and implement Local Plans within 120 days of receiving PLSLWD approval and amend official controls to be in compliance with the Local Plan within 180 days of receiving PLSLWD approval. LGUs shall complete necessary regulatory updates within one year of the adoption of new Rules and Standards by the PLSLWD. There are no new responsibilities in this WRMP as compared to the existing District plan.

Further information about local government responsibilities can be found in **Section VII** of this WRMP.

C. Implementation Table

SECTION	PROGRAMS & PROJECTS	SCHEDULE & ESTIMATED COST										FUNDING OPTIONS*				
		2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	10-year Total	Property tax levy	Grants (state, federal, local, private)	Government Partners (cities, townships, SWCD, county, state & federal agencies)	Local & Non-Profit (lake associations, school districts, landowners, businesses, etc.)
IV.C.1	Capital Improvement Program	\$ 1,220,500	\$ 1,085,000	\$ 1,223,500	\$ 769,800	\$ 756,000	\$ 777,700	\$ 800,200	\$ 845,700	\$ 852,000	\$ 876,500	\$ 9,206,900				
IV.C.1.1	In-Lake Alum Treatments	\$ 805,000	\$ 385,000	\$ 420,000	\$ 200,000	\$ 206,000	\$ 212,200	\$ 218,600	\$ 225,200	\$ 232,000	\$ 239,000	\$ 3,143,000	X	X	X	
IV.C.1.2	County Ditch 13 Restoration	\$ -	\$ 15,000	\$ 15,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 35,000	\$ 35,000	\$ 35,000	\$ 255,000	X	X	X	
IV.C.1.3	Public Infrastructure Projects	\$ 100,000	\$ 50,000	\$ 51,500	\$ 53,000	\$ 54,600	\$ 56,200	\$ 57,900	\$ 59,600	\$ 61,400	\$ 63,200	\$ 607,400	X		X	
IV.C.1.4	Arctic Lake BMP Projects	\$ -	\$ -	\$ -	\$ 15,000	\$ -	\$ -	\$ -	\$ 17,500	\$ -	\$ -	\$ 32,500	X			
IV.C.1.5	Fish Lake Watershed Projects	\$ -	\$ 20,000	\$ 80,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100,000	X	X		
IV.C.1.6	Lower Prior Lake Subwatershed Project	\$ -	\$ 180,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 180,000	X	X	X	
IV.C.1.7	Spring Lake Regional Park Project	\$ -	\$ -	\$ -	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000	X		X	
IV.C.1.8	Spring Lake West Subwatershed Project	\$ -	\$ 30,000	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 230,000	X	X	X	
IV.C.1.9	Storage & Infiltration Projects	\$ -	\$ 300,000	\$ 309,000	\$ 318,300	\$ 327,800	\$ 337,600	\$ 347,700	\$ 358,100	\$ 368,800	\$ 379,900	\$ 3,047,200	X	X	X	
IV.C.1.10	Streambank Restoration Program	\$ 5,000	\$ -	\$ 25,000	\$ 25,000	\$ 25,800	\$ 26,600	\$ 27,400	\$ 28,200	\$ 29,000	\$ 29,900	\$ 221,900	X	X	X	
IV.C.1.11	Sutton Lake Outlet Structure	\$ 310,500	\$ 5,000	\$ 20,000	\$ 2,500	\$ 2,600	\$ 2,700	\$ 2,800	\$ 2,900	\$ 3,000	\$ 3,100	\$ 355,100	X			
IV.C.1.12	Wetland Restoration & Enhancement	\$ -	\$ 50,000	\$ 51,500	\$ 53,000	\$ 54,600	\$ 56,200	\$ 57,900	\$ 59,600	\$ 61,400	\$ 63,200	\$ 507,400	X	X	X	
IV.C.1.13	Wetland Banking Program	\$ -	\$ 50,000	\$ 51,500	\$ 53,000	\$ 54,600	\$ 56,200	\$ 57,900	\$ 59,600	\$ 61,400	\$ 63,200	\$ 507,400	X	X	X	
IV.C.2	Operation & Maintenance Program	\$ 767,802	\$ 569,678	\$ 503,948	\$ 762,906	\$ 465,800	\$ 501,500	\$ 664,900	\$ 478,800	\$ 493,000	\$ 507,600	\$ 5,715,934				
IV.C.2.1	AIS Prevention & Management	\$ 75,000	\$ 77,300	\$ 79,600	\$ 82,000	\$ 84,500	\$ 87,000	\$ 89,600	\$ 92,300	\$ 95,100	\$ 98,000	\$ 860,400	X	X	X	X
IV.C.2.2	Carp Management Program	\$ 323,727	\$ 60,000	\$ 61,800	\$ 63,700	\$ 65,600	\$ 67,600	\$ 69,600	\$ 71,700	\$ 73,900	\$ 76,100	\$ 933,727	X	X	X	X
IV.C.2.3	Cost Share Program	\$ 68,000	\$ 60,000	\$ 61,800	\$ 63,700	\$ 65,600	\$ 67,600	\$ 69,600	\$ 71,700	\$ 73,900	\$ 76,100	\$ 678,000	X	X	X	X
IV.C.2.4	Farmer-Led Council Initiatives	\$ 61,000	\$ 65,000	\$ 67,000	\$ 69,000	\$ 71,100	\$ 73,200	\$ 75,400	\$ 77,700	\$ 80,000	\$ 82,400	\$ 721,800	X		X	
IV.C.2.5	Ferric-Chloride Treatment System	\$ 70,000	\$ 174,600	\$ 129,200	\$ 376,300	\$ 105,900	\$ 90,500	\$ 82,600	\$ 84,700	\$ 86,800	\$ 88,900	\$ 1,289,500	X			
IV.C.2.6	Highway 13 Wetland Restoration	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000	\$ 200,000	\$ -	\$ -	\$ -	\$ 240,000	X			
IV.C.2.7	PLOC Bank Restoration	\$ 105,875	\$ 66,478	\$ 36,048	\$ 37,406	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 245,807	X		X	
IV.C.2.8	PLOC Management	\$ 58,200	\$ 59,900	\$ 61,700	\$ 63,600	\$ 65,500	\$ 67,500	\$ 69,500	\$ 71,600	\$ 73,700	\$ 75,900	\$ 667,100	X		X	
IV.C.2.9	Project Maintenance	\$ 6,000	\$ 6,400	\$ 6,800	\$ 7,200	\$ 7,600	\$ 8,100	\$ 8,600	\$ 9,100	\$ 9,600	\$ 10,200	\$ 79,600	X			
IV.C.3	Planning Program	\$ 112,500	\$ 194,000	\$ 45,400	\$ 88,900	\$ 98,300	\$ 94,300	\$ 51,400	\$ 100,500	\$ 151,500	\$ 203,100	\$ 1,139,900				
IV.C.3.1	AIS Rapid Response & Prevention Plan	\$ -	\$ 40,000	\$ -	\$ 5,000	\$ -	\$ 5,000	\$ -	\$ 5,500	\$ -	\$ 5,500	\$ 61,000	X		X	X
IV.C.3.2	Comprehensive Wetland Plan Update	\$ 17,500	\$ -	\$ -	\$ -	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 32,500	X		X	
IV.C.3.3	District Plan Updates	\$ 53,000	\$ 2,500	\$ 2,600	\$ 2,700	\$ 2,800	\$ 2,900	\$ 3,000	\$ 3,100	\$ 100,000	\$ 100,000	\$ 272,600	X			
IV.C.3.4	Feasibility Reports	\$ -	\$ 35,000	\$ -	\$ 37,000	\$ -	\$ 39,500	\$ -	\$ 42,000	\$ -	\$ 44,500	\$ 198,000	X			
IV.C.3.5	Groundwater Protection Plan	\$ -	\$ 1,500	\$ 1,500	\$ 1,600	\$ 1,600	\$ 1,700	\$ 1,800	\$ 1,900	\$ 2,000	\$ 2,100	\$ 15,700	X		X	
IV.C.3.6	Lower Prior Lake Diagnostic Study Update	\$ -	\$ -	\$ -	\$ -	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000	X			
IV.C.3.7	Planning & Programming	\$ 32,000	\$ 35,000	\$ 36,100	\$ 37,200	\$ 38,300	\$ 39,400	\$ 40,600	\$ 41,800	\$ 43,100	\$ 44,400	\$ 387,900	X			
IV.C.3.8	Regional Stormwater Planning	\$ -	\$ 5,000	\$ 5,200	\$ 5,400	\$ 5,600	\$ 5,800	\$ 6,000	\$ 6,200	\$ 6,400	\$ 6,600	\$ 52,200	X		X	
IV.C.3.9	Upper Watershed Blueprint	\$ 10,000	\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 85,000	X			

*Note Funding Options categories are further described in Section IV.C.7.

SECTION PROGRAMS & PROJECTS		SCHEDULE & ESTIMATED COST											FUNDING OPTIONS*			
		2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	10-year Total	Property tax levy	Grants (state, federal, local, private)	Government Partners (cities, townships, SWCD, county, state & federal agencies)	Local & Non-Profit (lake associations, school districts, landowners, businesses, etc.)
IV.C.4	Education & Outreach Program	\$ 19,750	\$ 22,400	\$ 23,100	\$ 23,800	\$ 24,500	\$ 25,200	\$ 25,900	\$ 26,600	\$ 27,400	\$ 28,200	\$ 246,850				
IV.C.4.1	Citizens Advisory Committee	\$ 4,000	\$ 4,100	\$ 4,200	\$ 4,300	\$ 4,400	\$ 4,500	\$ 4,600	\$ 4,700	\$ 4,800	\$ 4,900	\$ 44,500	X			X
IV.C.4.2	Communications & Public Outreach	\$ 5,000	\$ 5,200	\$ 5,400	\$ 5,600	\$ 5,800	\$ 6,000	\$ 6,200	\$ 6,400	\$ 6,600	\$ 6,800	\$ 59,000	X			X
IV.C.4.3	Public Engagement Events	\$ 7,750	\$ 10,000	\$ 10,300	\$ 10,600	\$ 10,900	\$ 11,200	\$ 11,500	\$ 11,800	\$ 12,200	\$ 12,600	\$ 108,850	X			X
IV.C.4.4	Strategic Outreach	\$ 3,000	\$ 3,100	\$ 3,200	\$ 3,300	\$ 3,400	\$ 3,500	\$ 3,600	\$ 3,700	\$ 3,800	\$ 3,900	\$ 34,500	X			
IV.C.5	Monitoring Program	\$ 163,620	\$ 127,200	\$ 131,000	\$ 135,000	\$ 139,000	\$ 213,100	\$ 162,500	\$ 157,100	\$ 161,900	\$ 166,800	\$ 1,557,220				
IV.C.5.1	Buck Lake Diagnostic Study	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000	\$ 10,000	\$ -	\$ -	\$ -	\$ 45,000	X			
IV.C.5.2	Lake Monitoring	\$ 58,500	\$ 60,300	\$ 62,100	\$ 64,000	\$ 65,900	\$ 67,900	\$ 69,900	\$ 72,000	\$ 74,200	\$ 76,400	\$ 671,200	X			X
IV.C.5.3	Stream & Ditch Monitoring	\$ 32,120	\$ 33,100	\$ 34,100	\$ 35,100	\$ 36,200	\$ 37,300	\$ 38,400	\$ 39,600	\$ 40,800	\$ 42,000	\$ 368,720	X			
IV.C.5.4	Effectiveness / BMP Monitoring	\$ 7,000	\$ 7,200	\$ 7,400	\$ 7,600	\$ 7,800	\$ 8,000	\$ 8,200	\$ 8,400	\$ 8,700	\$ 9,000	\$ 79,300	X		X	
IV.C.5.5	Wetland Monitoring	\$ 3,000	\$ 3,100	\$ 3,200	\$ 3,300	\$ 3,400	\$ 3,500	\$ 3,600	\$ 3,700	\$ 3,800	\$ 3,900	\$ 34,500	X			
IV.C.5.6	Precipitation & Weather	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,100	\$ 1,100	\$ 1,100	\$ 1,200	\$ 1,200	\$ 1,200	\$ 1,300	\$ 11,200	X			X
IV.C.5.7	Groundwater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000	\$ 5,200	\$ 5,400	\$ 5,600	\$ 5,800	\$ 27,000	X			
IV.C.5.8	Reporting and Recording	\$ 30,000	\$ 15,000	\$ 15,500	\$ 16,000	\$ 16,500	\$ 47,000	\$ 17,500	\$ 18,000	\$ 18,500	\$ 19,000	\$ 213,000	X			
IV.C.5.9	PCSWMM Model Update & Maintenance	\$ 32,000	\$ 7,500	\$ 7,700	\$ 7,900	\$ 8,100	\$ 8,300	\$ 8,500	\$ 8,800	\$ 9,100	\$ 9,400	\$ 107,300	X		X	
IV.C.6	Regulatory Program	\$ 31,000	\$ 40,000	\$ 25,800	\$ 26,600	\$ 27,400	\$ 53,200	\$ 29,000	\$ 29,800	\$ 30,700	\$ 60,450	\$ 353,950				
IV.C.6.1	Permit Program	\$ 13,000	\$ 15,000	\$ 15,500	\$ 16,000	\$ 16,500	\$ 17,000	\$ 17,500	\$ 18,000	\$ 18,500	\$ 19,100	\$ 166,100	X			
IV.C.6.2	Conservation Easement Program	\$ 11,000	\$ 10,000	\$ 10,300	\$ 10,600	\$ 10,900	\$ 11,200	\$ 11,500	\$ 11,800	\$ 12,200	\$ 12,600	\$ 112,100	X			
IV.C.6.3	District Rules Updates	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ 25,000	\$ -	\$ -	\$ -	\$ 28,750	\$ 58,750	X			
IV.C.6.4	District Boundary Revision	\$ 2,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 17,000	X		X	
IV.C.7	Administration Program	\$ 565,941.00	\$ 594,000.00	\$ 623,000.00	\$ 653,000.00	\$ 685,000.00	\$ 719,000.00	\$ 754,000.00	\$ 791,000.00	\$ 830,000.00	\$ 871,000.00	\$ 7,085,941.00				
IV.C.7.1	Administration	\$ 225,739	\$ 237,000	\$ 249,000	\$ 261,000	\$ 274,000	\$ 288,000	\$ 302,000	\$ 317,000	\$ 333,000	\$ 350,000	\$ 2,836,739	X			
IV.C.7.2	Project Implementation (District Staff)	\$ 310,202	\$ 326,000	\$ 342,000	\$ 359,000	\$ 377,000	\$ 396,000	\$ 416,000	\$ 437,000	\$ 459,000	\$ 482,000	\$ 3,904,202	X			
IV.C.7.3	Project Implementation (District Engineer)	\$ 30,000	\$ 31,000	\$ 32,000	\$ 33,000	\$ 34,000	\$ 35,000	\$ 36,000	\$ 37,000	\$ 38,000	\$ 39,000	\$ 345,000	X			
TOTAL:		\$2,881,113	\$2,632,278	\$2,575,748	\$2,460,006	\$2,196,000	\$2,384,000	\$2,487,900	\$2,429,500	\$2,546,500	\$2,713,650	25,306,695				

*Note Funding Options categories are further described in Section IV.C.7.

COMMITTEE RECOMMENDATIONS

Southern Region Committee

1. Cannon River Comprehensive Watershed Management Plan – Jennifer Mocol-Johnson –
DECISION ITEM

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Cannon River Comprehensive Watershed Management Plan

Meeting Date: June 24, 2020

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Southern Region

Contact: Ed Lenz

Prepared by: Jennifer Mocol-Johnson

Reviewed by: Southern Regional Committee(s)

Presented by: Jennifer Mocol-Johnson

Time requested: 10 minutes

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 the Cannon River Comprehensive Watershed Management Plan as recommended by the Southern Regional Committee.

LINKS TO ADDITIONAL INFORMATION

Plan is on the Dakota SWCD website:

Plan

http://www.dakotaswcd.org/pdfs/1W1P/CANNON%20RIVER_1W1P_DRAFT_FINAL_CLEAN_04132020.pdf

Appendices

http://www.dakotaswcd.org/pdfs/1W1P/All%20Appendices_CLEAN_April%202020.pdf

Memo:

http://www.dakotaswcd.org/pdfs/1W1P/Response%20to%20Conditions_03312020.pdf

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

Cannon River Watershed Comprehensive Watershed Management Plan – The Cannon River Watershed was selected by BWSR as one of the seven planning areas for the One Watershed, One Plan program in 2016. The watershed partnership Policy Committee, Advisory Committee, and Planning Work Group members have attended regularly scheduled meetings and submitted the Cannon River Watershed Comprehensive Watershed Management Plan to BWSR on October 19, 2019 for review and approval. The Southern Regional Committee (Committee) met on November 13, 2019 to review the content of the Plan, State agency comments on the Plan, and to make a recommendation. The Committee provided a conditional approval of the plan. The conditional approval recommendation states the following:

- a. Prior to full board approval
 - i. Measurable goals of less than 5% must be further evaluated and targeted to seek a minimum of 5% improvement or be removed from plan.
 - ii. Clarification of descriptions of the science-based approach and other processes used (Where numbers for goals and costs came from, how priorities were selected and how targeting was completed).
 - iii. Visually provide reference to the priority cover crop locations (as requested by MDA)
 - iv. Identification of funding sources for implementation activities tied to additional planning and modeling processes such as lake management plans and flood evaluation studies.
- b. Watershed Based Implementation funds are to be made available following the completion of the following items and approvable by the Executive Director of the Board of Water and Soil Resources
 - i. Improved Targeting using combination of locally obtained methods combined with best scientific models such as HSPF-SAM, PTMApp, or available WRAPS related HSPF results.
 - ii. Creation of an inventory or model driven map indicating practice opportunities in targeted areas.
 - iii. Updated calculation of pollution reductions that satisfactorily indicates a pace of progress that adequately meets WRAPS reduction Goals

After the group completed the conditions, the plan was resubmitted to BWSR on May 22, 2020.

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

In the Matter of the review of the Comprehensive Watershed Management Plan for the Cannon River Watershed Planning Partnership, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801.

**ORDER
APPROVING
COMPREHENSIVE
WATERSHED
MANAGEMENT PLAN**

Whereas, the Policy Committee of the Cannon River Watershed Planning Partnership submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on October 17, 2019 pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801 and Board Resolution #16-17, 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. Partnership Establishment.** The Partnership was established in 2017 through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes: The Counties of Dakota, Goodhue, Rice, Le Sueur, Steele and Waseca by and through their respective County Board of Commissioners; the Dakota, Goodhue, Rice, Le Sueur, Steele and Waseca County Soil and Water Conservation Districts, by and through their respective Soil and Water Conservation District Board of Supervisors; the Belle Creek Watershed District and the North Cannon Watershed Management Organization, by and through their respective Board of Managers.
- 2. Authority to Plan.** Minnesota Statutes, Sections 103B.101, Subdivision 14 allows the Board to adopt resolutions, policies or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan. Minnesota Statutes, Sections 103B.801 established the Comprehensive Watershed Management Planning Program; also known as One Watershed, One Plan. And, Board Resolution #16-17 adopted the One Watershed, One Plan Operating Procedures and Plan Content Requirements policies.
- 3. Nature of the Watershed.** The Cannon River planning area encompasses a land area of 963,717 acres. Split into four lobes with distinct hydrologic regions (Straight River Lobe, Lower Cannon River Lobe, Middle Cannon River Lobe and the Upper Cannon River Lobe), this planning area includes over 800 linear miles of water courses. The watershed represents a transition between the driftless terrain of southeast Minnesota and the glaciated lands of south-central Minnesota. The watershed contains over 90 lakes and 70% of the land area is in cultivation. The watershed consists of two river systems: the Cannon River and the Straight River. From west to east, the Cannon River travels 112 miles between Shields Lake and the Mississippi River north of Red Wing. Traveling from south to north, the Straight River flows 56 miles through the cities of Owatonna and Medford before connecting with the Cannon River downstream of the dam in Faribault.

4. **Plan Development.** The Partnership initiated the plan development process for the One Watershed, One Plan on February 2, 2017 by notifying the designated state plan review agencies, local government units, and other identified stakeholders that it was starting the planning process and soliciting each plan review agency's priority, issues, summaries of relevant water management goals, and water resources information. The Cannon River Watershed Planning Partnership held a kick-off event to solicit stakeholder and public input and garner involvement on May 31, 2017 at South Central College in Faribault. Citizens, stakeholders, elected and appointed officials, and staff were given the opportunity to share information, identify priority concerns, and provide comments for the planning process. The group also held a series of 'Water Conversations' on July 20th and 25th, September 19th and 26th and March 6th and March 15th throughout the watershed. Those in attendance at the meetings were considered Advisory members to the planning process and their names are included in the plan document. The purpose of those meetings was to solicit input on what was important to individuals, identify concerns, where should restoration/protection efforts be focused, and provide updates on the planning process. The input received was used in the development of the plan, prioritization of resources, as well strategies and implementation actions to address concerns and achieve measurability.

Numerical phosphorus (P) reduction goals for the three Tier One Impaired Lakes were based on the phosphorus reduction goals identified in the 2017 Cannon River Watershed TMDL. The TSS and nitrate reduction goals for the seven Tier One Impaired Streams were based on the percent implementation of BMPs identified in the 2016 Cannon River WRAPs phosphorus and nitrogen reduction scenarios. The phosphorus reduction goals for the five Tier One Protection Lakes were based on the phosphorus reduction goals identified in the 2016 Cannon River WRAPs. HSPF-SAM was used to estimate the load reductions expected from implementation of agricultural conservation practices.

The reduction estimates, which are incorporated within the identified activities of the targeted implementation schedule, along with the 10-year measurable goals established within the planning area provide an estimated page of progress that can be expected through the ten-year planning period. The schedule includes estimated costs for each activity as well the targeted implementation area in which the activity will occur. The surface water priority areas include the Straight River Tributaries, Lakes Area, Cannon/Mississippi Bottoms, and Large Communities, which the two Groundwater Priority Areas are the Pollution Sensitivity Area, and Groundwater Dominated Lakes.

The draft Plan was approved by the Policy Committee and then distributed to individuals, communities, Plan Review Authorities, and other stakeholders. The 60-day review process ended on March 29, 2019, and the required public hearing was held in Faribault on April 24, 2019. A total of 165 comments were received during the 60-day. Two individuals provided comments during the public hearing, primarily educational and informative in nature. The final Draft of the updated Plan, a record of the public hearing, and copies of all written comments were submitted on June 11th, 2019 to the state review agencies. On August 16, 2019 BWSR provided a memo to the Policy Committee Chair and Planning Work Group members, stating identified concerns. The Policy Committee officially removed the document from 90-day on September 4th, 2019. The final Draft plan and all required materials was resubmitted and officially received by the BWSR Board Conservationist (Board) for 90-day review on Thursday, October 17th, 2019.

5. **Plan Review.** On June 11th, 2019, the Board received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review pursuant to Board #16-17. State agency representatives attended and provided input at advisory committee meetings during development of the Plan. The following state review comments were received during the comment period.
- A. Minnesota Department of Agriculture (MDA): MDA provided initial response to the planning process. During the 60-day comment period the MDA provided comments requesting revisions or clarifications to the Plan including inclusion of adding Minnesota Agricultural Water Quality Certification Program in Table 5-1 as well to add implementation activity in Table 4-1. MDA also requested to be added as a partner in implementation activities related to Pollutant Impaired Streams, Drinking Water Protection, Monitoring Data, Agricultural and Runoff and Leaching Loss.

MDA confirmed receipt of the Plan at the final 90-day review, and provided the following comments on October 23, 2019: Regarding Appendix D, Table 4-Cover crop assumptions, MDH requested additional clarifying language to assist users of the plan to understand what was used to inform plan implementation decisions; clarification on output from HSPF-SAM as the corresponding notes/assumptions were not clear; request for supplemental map or additional information indicating how the group will target placement of cover crop acreage; clarification whether acreage footnote is accurate; regarding Table 3-13 request was made on the P load reduction information to confirm whether the corresponding information located in Appendix D that associated with Table 3-13 was accurate. Overall, MDH confirmed receipt of the Plan during 90-day review and did not provide a recommendation for approval or non-approval.

- B. Minnesota Department of Health (MDH): MDH provided input throughout the planning process and participated in the Technical Advisory Committee meetings. During the 60-day review and comment period, MDH provided comments related to the value and importance of work near vulnerable DWSMAs, sealing abandoned wells, and protecting private wells. Via email, MDH has confirmed receipt of the Plan at the final 90-day review, stated the need for no additional comments, and recommends approval.
- C. Metropolitan Council (MC): MC provided input throughout the planning process and participated in the Technical Advisory Committee meetings. During the 60-day review and comment period, MC provided comments related to a request for clarification on whether it was the intent of North Cannon Watershed Management Organization (NCWMO) to adopt the Cannon River Watershed Comprehensive Management Plan. Plan text included statements of both intent and not intent. This was clarified in text within the plan during the 90-day version that NCWMO would not be adopting the plan. Other comments provided during 60-day were reiterated during 90-day include: a concern related to the lack of measurable goals in Tier One priority Issues which were thought to be too high level or lack of the specificity needed to assess progress. This comment related to Goals 1 and 2 of 3.1.2-A (Drinking Water Protection), Goal 1 and Goal 2 of 3.1.3-B (GW Dependent Natural Resources- Protection Lakes), Goal 3 of 3.2.2-B (Shoreland Management), Goal 1 of 3.2.2-C (Stormwater Management), Goal 1 and 2 of 3.2.2-D (SSTS), Goal 1 and 2 of 3.2.3-A (Drainage System Management), Goals 1 and 2 of 3.2.4-A (Community Resilience to Climate Change), Goal 1 of 3.3.1-B (Citizen Engagement), Goal 1 of 3.3.2-A (Planning Area Partnerships), and Goal 1 of 3.3.3-A (Recreational Value). Additional concern was stated regarding the low measurable goals and the need to make meaningful 10-year goal milestones within the plan, as well as significant planning, modeling and organizational work with concern of capacity of the planning partners to execute a large volume of work to work together and need to evaluate internal capacity and future coordination ability. MC confirmed receipt of the Plan during 90-day review, with comments above, and did not provide a recommendation for approval or non-approval.
- D. Minnesota Department of Natural Resources (DNR): DNR provided input throughout the planning process and participated in Technical Advisory Committee meetings. During the 60-day review and comment period, DNR provided a comment regarding the value and importance of protecting the Wild & Scenic River status of the Cannon River. In response to this comment, the Wild and Scenic river regulations were added to section 5.4 Regulation and Enforcement. Additional comments during 60-day related to strengthening implementation activities to recognize the protection of rare and natural features and providing additional ecological outcome that benefits the health of the watershed, also providing language within the plan to convey the importance of access to natural resources, but in a manner that is protective of natural and rare resources. DNR has confirmed receipt of the Plan at 90-day and recommends approval.
- E. Minnesota Pollution Control Agency (MPCA): MPCA provided input throughout the planning process and participated in Technical Advisory Committee meetings. During the 60-day comment period, MPCA provided comments related to lack of plan content related to in stream habitat issues, lack of acknowledging the potential impact of groundwater appropriates and need to protect baseflow, lack of addressing phosphorus loading from MS4s, Inconsistencies in Table 2-2 and Figure 2-3 and Figure 2-4 as related to discussing the relationship between priority areas and priority lake watersheds, reference to

WRAPs numbers in Tables 3-2 and 3-5 however the numbers weren't from the WRAPs, modest reduction goals, general need to review the entire document for spelling, grammar, punctuation, etc., incorrect number of stream reaches, misidentification of impairment, and interchanging of total phosphorus (TP) and total suspended solids (TSS). During the 90-day review, MPCA commented on incorrect numbers/linkages to the MPCA WRAPs document, lack of explanation of where numbers were derived, and additional spelling/grammar errors throughout the plan. MPCA confirmed receipt of the Plan for 90-day review. MPCA staff reviewed the reduction efficiencies and noted the review process was effective in making some key changes. MPCA recommends approval of the plan with the understanding that improvements and updates can be made moving forward.

- F. Minnesota Environmental Quality Board: Confirmed receipt. No comments were received.
- G. Minnesota Board of Water and Soil Resources (BWSR) regional staff: BWSR provided input throughout the planning process, participating in both the Technical Advisory Committee meetings and Planning Work Group meetings. During the 60-day comment period, BWSR provided a total of 84 comments and sixteen pages of informal (mostly editorial comments) comments. The formal comments related to the following: Tables within the Cannon plan utilizing WRAPs data were inconsistent with the WRAPs, modest water quality reductions, need for review of entire plan for spelling/grammar, references made to create an ambiguous planning area needed to be removed, numeric values missing in tables ('X' provided or left blank), tables interchange total phosphorus/phosphorus, wetland restoration area inconsistent throughout plan, incorrect legends in Figures 3-1 and 3-2, budget clarification on funds needed to implement plan, information not included on state funds, local funds and federal funds needed, and requests for clarification on process used to determine priority area, etc.

After the first 90-day submission, BWSR provided a memo dated August 16, 2019 expressing concerns related to the plan. Items included lack of description of funding needs necessary to meet plan content requirements, inconsistent cost estimates within Tables 4-1, 5-3 and Section 6.3, reference made to Appendix H which wasn't included, clarification requested on process used for prioritization, request for ambiguous planning area be removed, modest reductions, lack of explanation on where reduction estimates were derived, and editorial/grammatical errors.

After the second 90-day BWSR provided the following comments on items relating to plan content requirements necessary within the plan: A need for clarification on the process used for prioritization, targeting and setting measurable goals; A need to reevaluate measurable goals with a request to clarify the methods used to derive numeric goals and reevaluate low reduction values, A need to refine or reevaluate targeted for an improved implementation focus. BWSR South Region Committee recommended a conditional approval based on completion of six items (as described in 7. South Region Committee). In May 2020, BWSR staff confirmed the conditions were met.

- H. Local Review: The partnership sought input from local units of government and local associations dealing with soil and water resources and habitat. During the 60 day, a landowner within the watershed stated they were hoping to see more specificity within the plan related to BMPs, the Circle Lake Association requested their lake included more within the plan (as related to activities), Cannon River Watershed Partnership requested inclusion and willingness to be included within implementation activities, Waseca County, Waseca County Economic Development Authority, and Waseca Lakes Association all requested both Loon and Clear lake be added to the Surface Water Priority Area, and Two citizens attending the public hearing on April 24th questions were raised related to high water levels on area lakes, as well as soil health initiatives and cover crops. Both comments were educational in nature.

6. **Plan Summary and Highlights.** The highlights of the plan include:
- The Plan includes an Executive Summary which describes the partners involved in the process, the purpose of the plan as well as key principles utilized in order to develop the plan. It also provides reference to Figure

1-1 which includes fast facts of the watershed, and Figure 1-2 which illustrates the boundary for the planning area.

- The plan identifies 20 Tier One issues which are organized within three broad categories: Resource Concerns, Landscape Alteration Concerns, and Socioeconomic Concerns. The plan also identifies 41 goals to address the Tier One Issues. Of lesser priority, the plan identifies Tier Two and Tier Three priorities as well.
 - The plan contains four surface water priority areas: 1). Straight River Tributaries, 2). Lakes Area, 3). Cannon/Mississippi Bottoms, 4). Large Communities and two Groundwater Priority Areas: 1). Pollution Sensitivity Area, and 2). Groundwater Dominated Lakes.
 - The Tier priority concerns contain different timelines. Tier One priority concerns are to be addressed during the 2020-2029 timeframe, Tier Two is intended to be during the 2030-2039 timeframe or as opportunities arise within 2020-2029.
 - Appendix D contains the pollution reduction scenarios. Tables within the plan contain numbers attained from utilizing HSPF-SAM to estimate the load reductions expected from implementation of agricultural conservation practices within the Tier One lake and stream drainage area. HSPF-SAM was used to generate the estimated TP, TN, and TSS load reductions.
 - PTMAApp was used to generate a series of maps that identify the most cost-effective fields for implementation of agricultural conservation practices.
 - An estimated \$30,139,900.00 is needed to fund the plan over its ten-year lifespan. The breakdown of this total includes: \$1,379,000.00 (local funds), \$17,680,900.00 (state funds), \$9,986,000.00 (federal funds), and \$1,094,000.00 (other funds).
 - Section 6 contains reference to the Joint Powers Agreement (JPA) which creates the Cannon River Watershed Joint Power Board (CRWJPB). This section also describes a desire to collaborate with other units of government and non-governmental units as opportunities arise.
7. **South Regional Committee.** On November 13, 2019, the South Regional Committee met to review and discuss the Plan. Those in attendance from the Board's Committee were Committee Chair Nathan Redalen, Jeff Berg, Harvey Kruger, Tom Loveall, and Steve Sunderland. Board staff in attendance were Southern Region Manager Ed Lenz, Assistant Director for Regional Operations Kevin Bigalke, Board Conservationist David Copeland, Clean Water Specialist Shaina Keseley, Board Conservationist Jennifer Mocol-Johnson, One Watershed, One Plan Coordinator Julie Westerlund, and Office and Administrative Specialist Carla Swanson-Cullen. The representatives from the Partnership were Brad Becker, Dakota County; Ashley Gallagher, Dakota SWCD; Brian Watson, Dakota SWCD; Holly Kalbus, Le Sueur County; Mike Schultz, Le Sueur SWCD; Steve Rohlfing, Le Sueur County Commissioner; Haley Byron, Waseca County; and Mark Schaetzke, Waseca SWCD. Board regional staff provided a memo with approval options to the Committee. After discussion, the Southern Regional Committee's decision was to present a recommendation of conditional approval of the Plan to the full Board. The conditions related to the following, a). Prior to full board approval: i. Reevaluation of measurable goals of less than 5% and targeted to seek a minimum of 5% improvement; ii. Clarification of descriptions of the science-based approach and other processes used; iii. Visually provide reference to priority cover crop locations; iv. Identification of funding sources for implementation activities tied to additional planning and modeling processes. b). Prior to Watershed Based Implementation funds being made available: i. Improved Targeting using combination of locally obtained methods combined with best scientific models; ii. Creation of an inventory or model driven map indicating opportunities in targeted areas; iii. Updated calculation of pollution reductions that satisfactorily indicates pace of progress that adequately meets WRAPs reduction goals.

The plan was resubmitted to BWSR May 22, 2020 and BWSR staff confirmed the conditions were met.

8. This Plan will be in effect for a ten-year period until June 24, 2030.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Comprehensive Watershed Management Plan for the Cannon River Watershed Planning Partnership pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and 103B.801 and Board Resolution #16-17.
3. The Cannon River Watershed Comprehensive Watershed Management Plan attached to this Order states water and water-related problems within the planning area; priority resource issues and possible solutions thereto; goals, objectives, and actions of the Planning Partnership; and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103B.101, Subd. 14 and 103B.801 and Board Resolution #16-17.
5. The attached plan when adopted through local resolution by individual boards or the Cannon River Watershed Joint Powers Board if legally formed will serve as a replacement for the comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D, but only to the geographic area of the Plan and consistent with the One Watershed, One Plan Suggested Boundary Map.

ORDER

The Board hereby approves the attached Comprehensive Watershed Management Plan of the Cannon River Watershed Planning Partnership, dated June 24, 2020.

Dated at St. Paul, Minnesota, this 24th day of June 2020.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Gerald Van Amburg, Chair

June 24, 2020

Cannon River Watershed Planning Partnership
c/o Mr. Brian Watson, Dakota SWCD
4100 220th St W
Farmington, MN 55024

Mr. Steve Pahs, Rice SWCD
1810 30th St NW Ste. 1
Faribault, MN 55021

RE: Approval of the Cannon River Comprehensive Watershed Management Plan

Dear Cannon River Watershed Planning Partnership:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you the Cannon River Comprehensive Watershed Management Plan (Plan) developed through the One Watershed, One Plan program was approved at its regular meeting held on June 24, 2020. Attached is the signed Board Order that documents approval of the Plan and indicates the Plan meets all relevant requirements of law, rule, and policy.

This Plan is effective for a ten-year period until June 24, 2030. Please be advised, the partners must adopt and begin implementing the Plan within 120 days of the date of the Order in accordance with Minnesota Statutes §103B.101, Subd. 14, and the One Watershed, One Plan Operating Procedures.

The members of the partnership and participants in the Plan development process are to be commended for writing a plan that presents water management goals, actions, and priorities of the Partnership, and for participating in the development of the One Watershed, One Plan program. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Please contact Board Conservationist Jennifer Mocol-Johnson of our staff at 507-344-2820 or jennifer.mocol-johnson@state.mn.us for further assistance in this matter.

Sincerely,

Gerald Van Amburg, Chair
Minnesota Board of Water and Soil Resources

Enclosure: BWSR Board Order

CC: Judy Sventek, Met Council (via email)
Margaret Wagner, MDA (via email)
Jeff Berg, MDA (via email)
Barbara Weisman, DNR (via email)
Robert Collett, DNR (via email)
Todd Piepho, DNR (via email)
Carrie Raber, MDH (via email)
Jennifer Ronnenberg, MDH (via email)
Juline Holleran, MPCA (via email)
Jeff Risberg, MPCA (via email)
Kristen Dieterman, MPCA (via email)
Erik Dahl, EQB (via email)
Ed Lenz, BWSR (via email)
Jennifer Mocol-Johnson, BWSR (via email)
Julie Westerlund, BWSR (via email)
Shaina Keseley, BWSR (via email)

1. EXECUTIVE SUMMARY AND NAVIGATING THE PLAN

This document is a Comprehensive Watershed Management Plan for the Cannon River Planning Area. This Plan was developed through a partnership between:

- *Dakota County and Dakota County Soil & Water Conservation District*
- *Goodhue County and Goodhue County Soil & Water Conservation District*
- *Le Sueur County and Le Sueur County Soil & Water Conservation District*
- *Rice County and Rice County Soil & Water Conservation District*
- *Steele County and Steele County Soil & Water Conservation District*
- *Waseca County and Waseca County Soil & Water Conservation District*
- *Belle Creek Watershed District*
- *North Cannon Watershed Management Organization*

This Plan:

- *Identifies and prioritizes watershed resources and issues,*
- *Sets measurable goals for the priority resources and issues,*
- *Identifies a 10-year schedule of implementation activities and budget to achieve the goals, and*
- *Develops plan implementation programs, administration, and coordination frameworks needed to implement the Plan.*

The Cannon River Comprehensive Watershed Management Plan has been developed to meet the requirements of the One Watershed, One Plan (1W1P) program which is described under Minnesota Statute §103B.801. This program supports partnerships of local governments in developing prioritized, targeted, and measurable implementation plans. Key principles of this program are planning at the major watershed scale and aligning local plans with state strategies.

Soil and water conservation districts (SWCDs), counties, and watershed districts are encouraged to participate in the development of a comprehensive watershed management plan. While a total of 10 counties fall within the Cannon River Planning Area, the following participated in the development of the Comprehensive Plan: Dakota, Goodhue, Le Sueur, Steele, Rice, and Waseca. In accordance with BWSR's Operating Rules and participation by land area, Blue Earth County, Dodge County, Freeborn County, Scott County and their SWCDs did not participate due to only a small area of their jurisdiction falling within the Planning Area (less than 1 percent). In addition, both the Belle Creek Watershed District and the North Cannon River Watershed Management Organization, both of which are located entirely within the Planning Area, participated in the development of the Plan. All of the Planning Partners, except the North Cannon Watershed Management Organization, intend to adopt the Cannon River Comprehensive Watershed Management Plan as their local water management plan or watershed management plan. Only the Belle Creek Watershed District intends to satisfy their statutory watershed management planning duties with this Plan. The North Cannon River Watershed Management Organization will participate on the Cannon River Watershed Joint Powers Board (CRWJPB) but continue to operate under their current watershed management plan.

Significant efforts were made to engage member communities, stakeholder groups, and the public in the development of the Cannon River Comprehensive Watershed Management Plan including:

- *Agricultural Partners (e.g., Farm Bureau, Commodity Groups, Farmers Cooperatives)*
- *Environmental Groups (e.g., Nature Conservancy, Minnesota Land Trust, Izaak Walton League)*
- *Sportsman Groups (e.g., Trout Unlimited, Sportsman Clubs, Pheasants Forever)*
- *Tourism Groups (e.g., Chamber of Commerce, Cannon Falls Canoe & Bike Rental)*
- *Wildlife Groups (e.g., MN Audubon, Red Wing Wildlife League)*
- *State Agencies, Cities, Townships, and Lake Associations*

The Cannon River Planning Area is on the fringe of the 7-county metropolitan area. The headwaters is dominated by agricultural land that is extensively drained and tilled, the western central part of the area is dominated by lakes and agricultural drainage systems, and the downstream portion of the area is characterized by karst, steep topography, and trout streams. The Planning Area comprises the drainage area of the Cannon River, which includes the Straight River, and the downstream portion of the Vermillion River where it joins the Mississippi River in Goodhue County. There are cities and towns within the Planning Area that experience flooding. Recreation is an important value in the Planning Area with boating and fishing in lakes, kayaking and fishing in streams, and numerous hiking trails. The Land and Water Resource Inventory section (Appendix A) describes important watershed characteristics that set the context for the other plan elements. The narrative tells the watershed story, including its long geological history; the native soils, vegetation, and natural abundance and quality of lakes, streams, and groundwater; historical and recent land use changes and hydrologic alterations; and social and economic factors that give clues about the watershed's future. The Cannon River Planning Area is illustrated in Figure 1-2 with some fast facts in Figure 1-1 below.

Not all resources and issues can be feasibly addressed within the 10-year timeframe of the Plan. The identification of priority areas allows for the development of a Targeted Implementation Plan focused on specific locations with the goal of achieving measurable results within the 10-year timeframe of the Plan. The Plan identifies four surface water priority areas (Figure 2-10), and two groundwater priority areas (Figure 2-11). Within those areas, the Plan targets implementation in the drainage areas to 8 Tier One priority lakes (Beaver, Dudley (and Kelly), Fish, Roemhildts, Cedar, Fox and Hunt; Figure 3-1 and Figure 3-2) and 7 Tier One priority streams (Lower Vermillion, Belle Creek, Little Cannon River, Trout Brook, Prairie Creek, Rush Creek, and Medford Creek; Figure 3-11, Figure 3-12 and Figure 3-13). Surface water priority areas were identified from local values; high-level priorities identified in the state's Nonpoint Priority Funding plan; Zonation conservation prioritization software results; watershed pollutant loading model results; and secondary benefits to downstream resources, communities, and systems. Groundwater priority areas were identified based on groundwater important areas identified in the Minnesota Department of Health 2017 Cannon River Watershed Groundwater Restoration and Protection Strategy report.

The Plan identified 20 Tier One issues organized within three broader organizational categories: Resource Concerns, Landscape Alteration Concerns, and Socioeconomic Concerns. The Plan

identified 41 goals to address the Tier One Issues. Specific and targeted implementation activities were identified that are needed to achieve the 10-year goals of the Plan, summarized below:

Resource Concerns

- Tier One Issues:
Protection Lakes, Impaired Lakes, Pollutant Impaired Streams, Wetland Restoration, Drinking Water Protection, Groundwater Dependent Natural Resources – Protection Lakes, and Monitoring Data
- Implementation Activities:
Streambank Stabilization Projects, Wetland Restoration Projects, Well Sealing, Monitoring Program Development, Groundwater Quantity Monitoring, Citizen Monitoring Program, Lake and Stream Water Quality Monitoring, Education for Public Water Suppliers, Education for Private Well Owners, and Education for Homeowners

Landscape Alteration Concerns

- Tier One Issues:
Agricultural Runoff and Leaching Loss, Soil Health, Flooding of Communities, Shoreland Management, Stormwater Management, Subsurface Sewage Treatment Systems, Drainage System Management, and Community Resilience to Climate Change
- Implementation Activities:
Cropland Conversion, Structural Practices, Manure Management Plans, Nutrient Management BMPs, Feedlot Runoff Control Projects, Increase Organic Matter, Flood Reduction Practices, Lakeshore Buffers, Drainage Improvements, Manure Management Plans, Long-Term Flood Evaluation Study, SSTS Inventory, Modernization of Drainage Records

Socio-economic Concerns

- Tier One Issues:
Educating Local Land Use Decision Makers, Citizen Engagement, Planning Area Partnerships, Internal Capacity, and Recreational Value
- Implementation Activities:
Workshops, Trainings, Presentations, One-on-one Communications with Stakeholder Groups, Guidance, Stormwater BMP Demonstration Projects, River Cleanup Projects, Land Stewardship Projects, 1W1P Website Upkeep, Regular Working Group Meetings, Member Board Updates

Prior to State approval and local adoption of the Cannon River One Watershed One Plan, it is anticipated that the Counties, SWCDs, and the WD and WMO will sign a Joint Powers Agreement (JPA) that will create a Cannon River Watershed Joint Powers Board (CRWJPB). The CRWJPB will provide for a watershed based entity within the Cannon River Planning Area and provide the ability for both

JPA members and land occupiers to address issues on a watershed scale rather than by individual geographical areas of each local unit of government. Table 1-1 summarizes the anticipated roles for plan implementation to be incorporated into the governance structure.

Table 1-1. Anticipated roles for plan implementation to be incorporated into governance structure.

Entity	Primary Implementation Role/Function
Cannon River Watershed Joint Powers Board	<ul style="list-style-type: none"> - Adopting the Plan - Implementation of the Plan - Amending the Plan - Allocating funding sources - Approving work plans - Approving contractual agreements - Approving fiscal reports and budgets - Approving reports required by BWSR - Approve grant applications and accept grant funds - Approve assessment on plan progress and measurable results - Establish committees
Cannon River Watershed Working Group (Member Staff)	<ul style="list-style-type: none"> - Provide recommendations to the CRWJPB - Prepare work plan - Prepare fiscal reports and budgets - Prepare reports required by grantors - Prepare and submit grant applications - Complete assessment on plan progress and measure results - Provide general administrative and fiscal functions
Technical Advisory Group	<ul style="list-style-type: none"> - Provide expertise and scientific data - Develop recommendations for Plan Implementation - Assist with work plan development and implementation - Identify and coordinate grant opportunities - Assist with assessment on plan progress and measure results

The following appendices are included in the Cannon River Comprehensive Watershed Management Plan:

- A. Land and Water Resource Inventory
- B. Identification of Potential Watershed Concerns and Issues
- C. Zonation Tool Supporting Information
- D. Pollutant Load Reduction Scenarios
- E. BWSR Local Funding Authorities
- F. Cannon River JPA
- G. BCWD – Agreements and Rules

To assist the reader navigate this large document, a flowchart is included at the end of the Executive Summary that illustrates how all the pieces of a Comprehensive Watershed Management Plan fit together for one specific issue, using an actual example from this Plan (Protection Lakes).

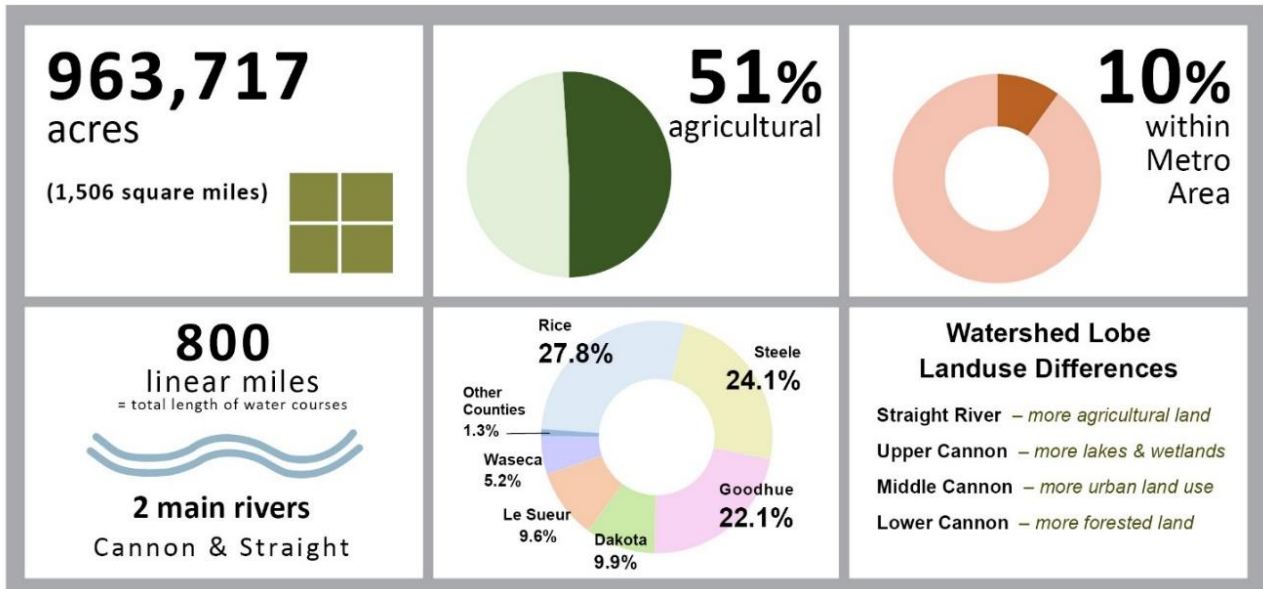
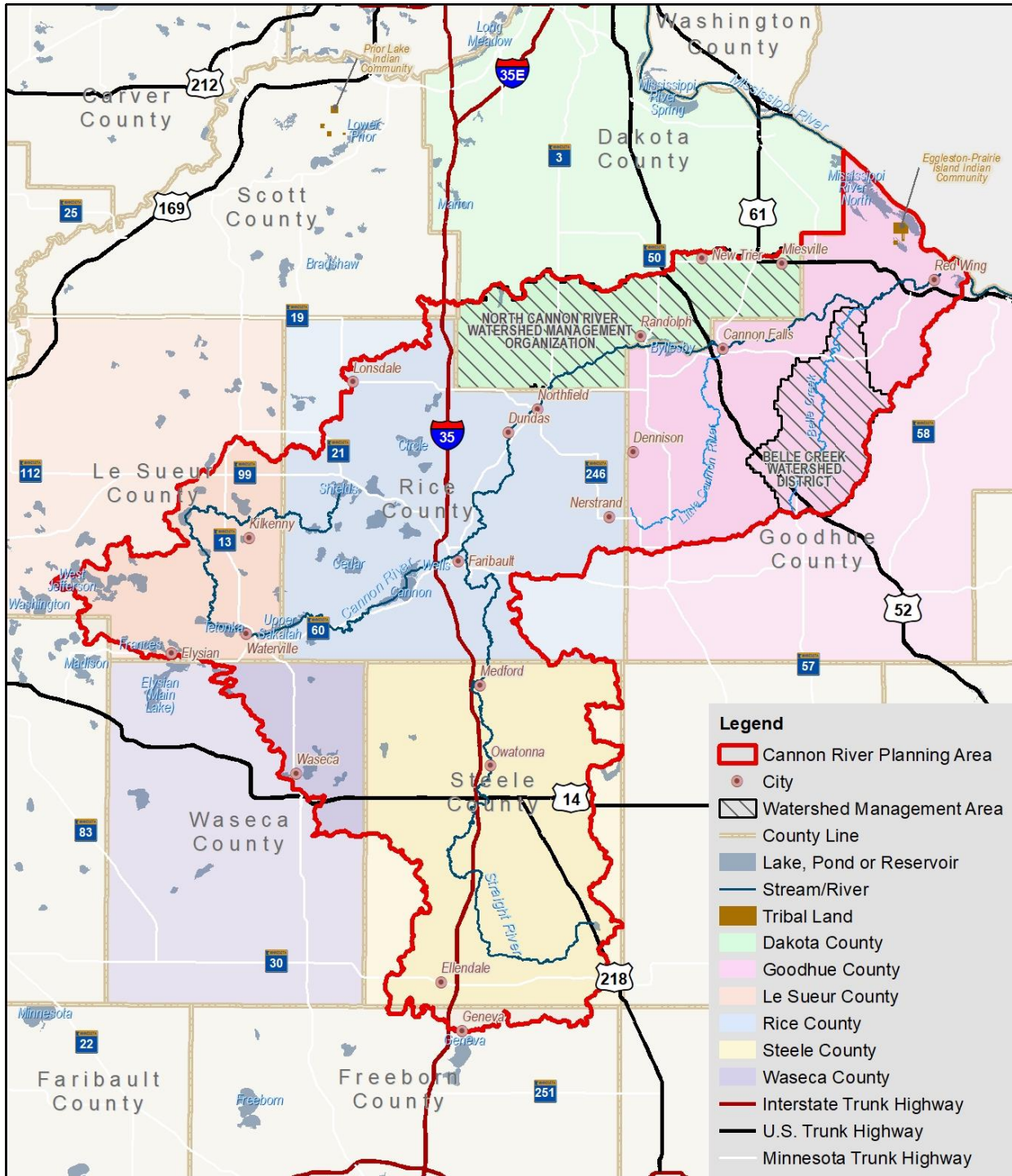


Figure 1-1. Cannon River Planning Area Fast Facts

Planning Area acres are based on the red boundary shown on Figure 1-2 on the next page; the percent agricultural land is based on acres of row crops and hay/pasture within the Planning Area from the 2013 University of Minnesota High Resolution Land Cover Data; and the percent within Metro Area is based on the percent of the Planning Area within Dakota and Scott counties. The Cannon River Watershed Lobes are illustrated in Figure 1-3.





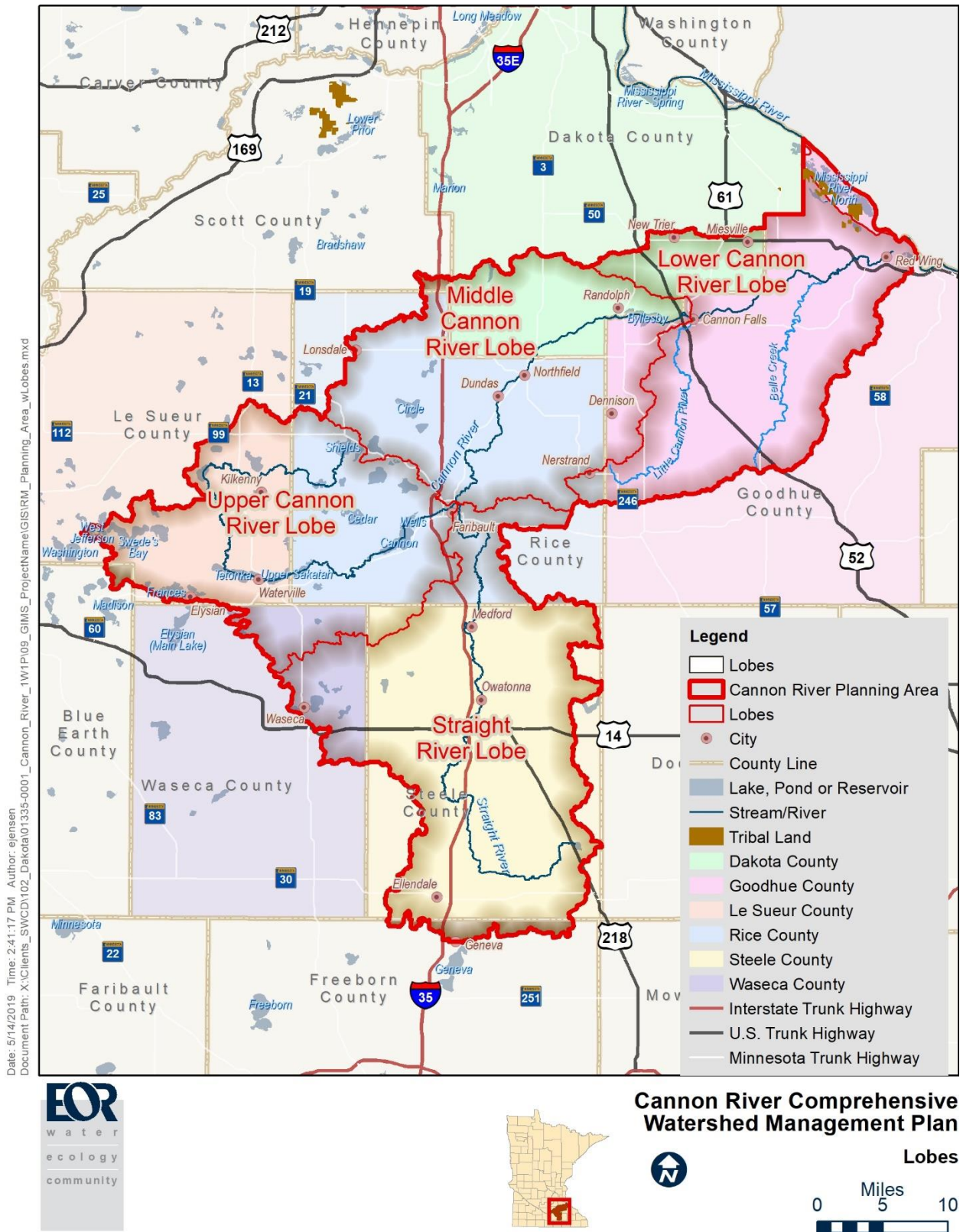
Cannon River Comprehensive Watershed Management Plan

Planning Area



0 Miles 5

Figure 1-2. Cannon River Planning Area



Date: 5/14/2019 Time: 2:41:17 PM Author: ejensen Document Path: X:\Clients_SWCD\102_Dakota\01335-0001_Cannon_River_1\WP\09_GIMS_ProjectName\GIS\RM_Planning_Area_wLobes.mxd

Figure 1-3. Cannon River Watershed Lobes

Example Illustrating How to Navigate the Plan: this flow chart is designed to step the reader through the process of identifying issues, goals, and implementation activities using Protection Lakes as an example.

ISSUES AND CONCERNS

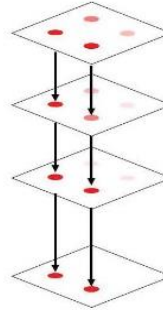
1

THE WHAT: Identification and Prioritization of ‘Concerns & Issues’

See Sections:
- 2.2
- 2.2.5

Tier One Priority CONCERN = Streams, Lakes, & Rivers

Tier One Priority ISSUE = Protection Lakes



Protection Conservation Areas (Zonation)
+
Sediment Yields (HSPF)
+
Groundwater (GRAPS)
=
PRIORITY AREAS

2

THE WHERE: Locating the ‘Concerns & Issues’ to be Addressed w/10 Year Plan

See Sections:
- 2.2.7
- 2.2.8

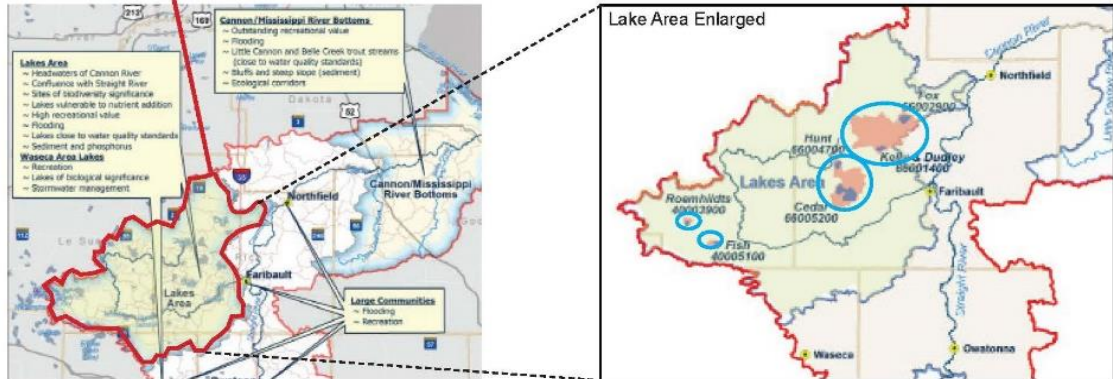
Priority Area Identification LAKES AREA = 263,055 Acres

Implementaion Area Identification

SPECIFIC SITES = 1,563 Acres

Drainage Area to:

Fish, Beaver, Dudley, Kelly, and Roemhildts



3

DEFINING THE SPECIFICS OF WHAT, WHERE, & HOW: Development of the ‘Issue Statement’

See Section:
- 3.1.1

There are 5 high quality lakes in need of protection: Beaver, Dudley, Fish, Kelly and Roemhildts. These lakes are all groundwater dependent (except Kelly) with a very small surface contributing drainage area, which has kept phosphorus loading to these lakes low and preserved their high water quality. While these lakes currently support recreation, they could become degraded in the future if phosphorus loads increase or there are changes in the groundwater contribution to these lakes. There are existing programs and activities that can be utilized to protect these lakes, but current funding is insufficient and further analysis on the most effective activities is needed. There is a need for additional activities and funding to address this issue.

MEASURABLE GOALS

4

OUTLINING THE GOALS:

See Sections:
- 3.1.1
- 3.1.1

Protection Lake	Total Phosphorus (TP) Existing Load and Load Reduction Goals					
	WRAPS Existing TP Load (includes watershed and internal sources) [lb/yr]	12% TP Reduction (Long-term Future Condition) Measurable Goal [lb/yr]	Estimated 5-year TP Reduction Goal [lb/yr]	Estimated 10-year TP Reduction Goal (total from Table 3.3)** [lb/yr]	10-year Progress Towards 12% TP Reduction Measurable Goal** [%]	10-year TP Reduction from Existing Load** [%]
Beaver	42	5	2.9	6	114%	14%
Dudley & (and Kelly)*	723	87	4.2	87	100%	12%
Fish	46	6	3.5	7	128%	15%
Roemhildts	701	84	2.1	84	100%	12%

* Note that the Dudley and Kelly Lake basins are connected, and the two lake drainage areas were combined into one drainage area to represent that implementation of watershed activities benefit the water quality of both lake basins.

** Lake management plans will be completed by 2024 to identify activities to achieve the remaining phosphorus reductions needed to achieve the measurable goal.

Long Term: future conditions

Maintain or improve water quality (as measured by the growing season average in-lake phosphorus concentration, chlorophyll-a concentration, & Secchi depth) compared to observed conditions reported in Appendix 6.2 of the MPCA 2014 Cannon River Watershed Monitoring & Assessment Report (Table 3-1).

Short Term: 10-yr measurable goals

Maintain or improve water quality in the 5 high quality lakes (Beaver, Dudley, Fish, Kelly and Roemhildts) by achieving all of the phosphorus reduction goals (lbs/yr) identified by the 2016 Cannon River WRAPS.

5

JUSTIFICATION FOR THE GOAL(S)

Documenting How the Goal(s) Were Established

See Section:
- 3.1.1

Phosphorus reduction goals for the 5 Tier One Protection Lakes (Beaver, Dudley, Fish, Kelly, and Roemhildts) were based on the phosphorus reduction goals identified in the 2016 Cannon River WRAPS. These phosphorus reduction goals were based on an evaluation process developed by MPCA and Minnesota Department of Natural Resources (DNR) that provides an initial attempt at prioritizing lakes within a WRAPS project. The preliminary TP concentration targets are computed as 25th percentile of the long-term summer mean TP concentration, estimated using the standard deviation of the annual data.

A target load and load goal are also estimated. The target load level is an estimate of the load needed to achieve the TP concentration target for the lake. A log-log regression model based on in-lake TP concentration, lake volume, and hydraulic inflow rate was used to estimate the target load. This load target provides a numeric mark to shoot for over the long-term. The load goal is the estimated total phosphorus load (in pounds/year) to meet a 5% load reduction goal for the lake. This goal provides the recommended reduction in the amount of pollution entering a lake that watershed partners can reasonably strive to achieve, which should help guide local stewardship practices in the context of a 10-yr. cycle WRAPS.

TARGETED IMPLEMENTATION SCHEDULE

6 SELECTION OF IMPLEMENTATION ACTIVITIES TO ACHIEVE GOAL(S)

See Sections:
- 3.1.1
- 3.2.1
- 4.0
- 5.0

Protection Lake	Drainage Area (including lake surface) [acres]	HSPF-SAM Estimated TP Load Reduction for Agricultural Conservation Practices [lb/yr] – see Section 3.2.1						PTMAApp Prioritized Targeted Implementation Areas** (sub-catchments with the highest TP load delivery to priority resources)	
		3.1.1-A-2	3.1.1-A-3	3.2.1-A-1	3.2.1-A-3	3.2.1-B-1	3.2.1-B-2	Area [acres]	TP Load Delivered Category [lb/ac/yr]
		Internal Load Mgmt.	Structural Practices on 5% of cultivated cropland (see Table 5 in Appx. D)	Cropland Conversion on Vulnerable Soils (see Table 1 in Appx. D)	Nutrient BMPs (see Table 2 in Appx. D)	Track & Monitor Cover Crops	Cover Crops on Corn/Soybean (see Table 3 in Appx. D)		
Beaver	298	--	2.9	0.6	0.5	n/a	1.8	**	**
Dudley & Kelly*	581	78	4.1	1.0	2.9	n/a	0.5	184	0.03-0.08
Fish	433	--	3.2	1.8	1.2	n/a	0.7	230	0.08-0.10
Roemhildts	251	80	1.8	0.2	0.6	n/a	1.6	79	0.05-0.23

'--' denotes that little to no applicable treatment area is found within the drainage area to implement the practice.

* Note that the Dudley and Kelly Lake basins are connected, and the two lake drainage areas were combined into one drainage area to represent that implementation of watershed activities benefit the water quality of both lake basins.

** Subcatchments with the highest TP delivery will be prioritized for implementation of practices first. PTMAApp was used to determine the level of TP delivery from all the subcatchments within the targeted implementation areas to the Tier One impaired lakes (except Beaver Lake; Figure 3-3 through Figure 3-5). Beaver Lake falls within the Straight River Area which is not currently included in PTMAApp. The total acreage of subcatchments within the highest of the TP load delivery categories is provided in the right-hand column of Table 3-3.

n/a = Activity does not achieve a direct reduction in phosphorus but is needed to increase landowner willingness and implementation

Unique to the Issue

3.1.1-A-1:

Complete lake management plans by 2024 to identify the distribution of the total lake phosphorus load between external and internal phosphorus sources. After completing the lake management plans, the Planning Partners will readjust the phosphorus reduction goals and activities based on the findings. For example, the water quality of a lake may be controlled by fish and/or aquatic plant management, or sediment phosphorus loads may need to be addressed. Plans would focus on in-lake and near-shore management strategies that are not identified through other watershed loading models, such as: shoreline stabilization, shoreline septic system improvements, sediment phosphorus load reduction, aquatic plant management, or in-lake fish management.

3.1.1-A-2:

Implementation of in-lake and near-shore management strategies will occur in the second 5-year period of the Plan (2025-2029) to achieve the 10-year goals. Note that the load reductions associated with in-lake and near shore management activities reported in Table 3-3 represent the maximum reductions expected from these activities.

3.1.1-A-3:

Implement structural practices to treat 5%, or 36 acres, of cropland in the five Tier One Protection Lakes drainage areas.

Overlapping with Other Issues

Achieve progress towards this issue/goals but also address other issues/goals found in Section 3.2.1 - Agriculture and in the Targeted Implementation Schedule under Landscape Alterations:

3.2.1-A-1:

Convert 10% (11 acres total) of cropland on vulnerable soils (NRCS land capability class IV) to perennial cropland or perennial vegetation in the five Tier One Protection Lakes drainage areas.

3.2.1-A-3:

Implement nutrient management BMPs following U of M guidance on 10% (73 acres total) of cultivated cropland in the five Tier One Protection Lakes drainage areas.

3.2.1-B-1:

Track and monitor cover crops and residue into the future using satellite imagery data based on the outcomes of the Tillage and Erosion Survey Project.

3.2.1-B-2:

Implement practices that increase organic matter (such as cover crops and tillage management) on 15% of corn/soybean acres (42 acres total) in the five Tier One Protection Lakes drainage areas.

7

HOW & WHERE PROJECTS ARE TO BE IMPLEMENTED

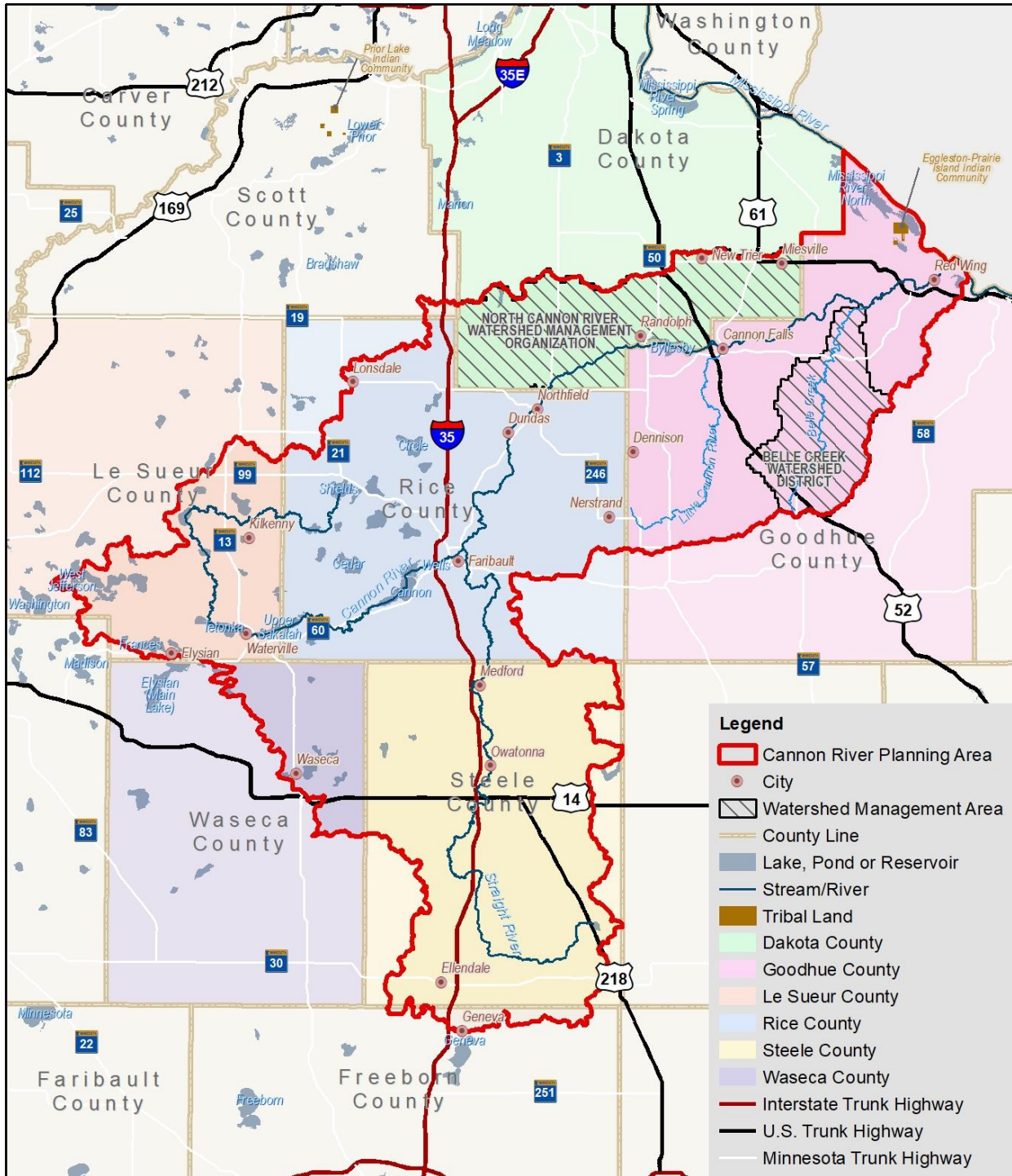
See
Section:
- 6.1.1

Annual Work Planning Schedule

The Planning Partners intend to refine the target and increase specificity in identifying project locations within the priority areas through the annual work planning process. The Planning Partners recognize that there are many potential tools and methodologies available to assist with tailoring including:

- *Lake Management Plans*
- *Feasibility Studies*
- *Surface Water Assessment Tools*
- *Subwatershed Analysis (SWA)*
- *PTMApp, HSPF-SAM, Agricultural Conservation Planning Framework (ACPF)*
- *Tools to evaluate stakeholder outreach effectiveness*
- *Landowner willingness to participate*





Cannon River Comprehensive Watershed Management Plan

Planning Area



Figure 1-2. Cannon River Planning Area

COMMITTEE RECOMMENDATIONS

Wetland Conservation Committee

1. Wetland Conservation Act Rulemaking Notice– Les Lemm and Ken Powell – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Wetland Conservation Act Rulemaking Notice

Meeting Date: June 24, 2020

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Wetlands Section

Contact: Les Lemm

Prepared by: Les Lemm

Reviewed by: Wetland Conservation Committee Committee(s)

Presented by: Les Lemm and Ken Powell

Time requested: 15 minutes

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 a board resolution authorizing staff to publish a request for comments in the State Register regarding amendments to the WCA rule.

LINKS TO ADDITIONAL INFORMATION

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

On October 19, 2015, BWSR published a “Request for Comments on Possible Amendment to Rules Governing Wetland Conservation, Minnesota Rules, Chapter 8420” in the State Register. These rules implement the Minnesota Wetland Conservation Act (WCA), for which BWSR has administrative responsibility. Since that time, significant progress has been made on multiple issues interconnected with this rulemaking and staff are planning to conduct further coordination with stakeholders. However, given the time that has passed, staff also believe that it is appropriate to re-initiate this rulemaking effort through Board approval of a new request for comments in the state register.

BOARD RESOLUTION

Request for Comments on Wetland Conservation Act Rulemaking

WHEREAS, Minnesota Statutes 103G.2242, Subd. 1 authorizes the Board of Water and Soils Resources (Board), in consultation with the Commissioner of the Department of Natural Resources to adopt rules implementing the Wetland Conservation Act (WCA);

WHEREAS, the Board has developed and adopted Minnesota Rules Chapter 8420 (the WCA rule) in accordance with statutory authority;

WHEREAS, the current WCA rule has been in effect since August 3, 2009;

WHEREAS, WCA statutes have been amended in 2011, 2012, 2015, and 2017;

WHEREAS, amending the WCA rule is necessary to ensure consistency between the rule and statute and to make other changes that will improve the efficiency, effectiveness, and/or outcomes of the rule;

WHEREAS, the process to amend the WCA rule was initiated with a request for comments published in the State Register that closed on December 18, 2015;

WHEREAS, discussion with stakeholders and interested parties is the next step in the rulemaking process and sufficient time has lapsed since the initial request for public comments that conducting another public comment period is desirable and appropriate; and

WHEREAS, the Board's Wetland Conservation Committee met on June 15, 2020 and is recommending the Board authorize staff to initiate a new public comment period as part of the WCA rulemaking process.

NOW THEREFORE BE IT RESOLVED THAT, Minnesota Board of Water and Soil Resources staff are authorized to publish a request for comments in the State Register regarding amendments to the WCA rule.

Dated at St. Paul, Minnesota, this 24th day of June 2020.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: _____