

Board Resolution # 21-49

Board of Water and Soil Resources

Proposed 2022 meeting dates

January 26

February – no meeting

March 23

April 27

May 25

June 22

July – no meeting


August 24-25 (Wed-Thurs) – Tour and meeting

September 28

October 26

November – no meeting

December 15 (third Thursday)



Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: October 27, 2021

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

In the Matter of the review of the Greater Zumbro Comprehensive Watershed Management Plan, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801.

**ORDER
APPROVING
COMPREHENSIVE
WATERSHED
MANAGEMENT PLAN**

Whereas, the Policy Committee of the Watershed Alliance for the Greater Zumbro (Partnership) submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on August 31, 2021 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 2018 through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes: Dodge County, Dodge Soil and Water Conservation District (SWCD), Goodhue County, Goodhue SWCD, Olmsted County, Olmsted SWCD, Rice County, Rice SWCD, Wabasha County, Wabasha SWCD, Bear Valley Watershed District (WD), and the City of Rochester.
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 Greater Zumbro planning area includes the Zumbro River HUC8 watershed (1,421 square miles) and a portion of the Mississippi River-Lake Pepin HUC8 watershed (233 square miles). Six counties are located within the planning area: Dodge, Goodhue, Olmsted, Rice, Steele, and Wabasha. The area includes agricultural land, pastureland, and natural forest. Growing urban areas are centered around the City of Rochester, as well as the cities of Red Wing and Lake City. The terrain of the planning area is gently rolling in the western and central portions, transitioning to hills, bluffs, and ravines in the north and east where karst geology is more prevalent. A major hydrologic feature in the planning area is the Zumbro River, which collects inflow from four major forks and numerous smaller tributaries as it flows from west to east to the Mississippi River. In the Mississippi River-Lake Pepin watershed, the land generally drains from south to north via several small streams.

4. **Plan Development.** The Partnership initiated Plan development on March 1, 2019 by notifying designated Plan review authorities (State agencies, counties, cities, SWCDs, watershed districts, etc.) and other watershed stakeholders. The notification included an invitation to submit priority issues and Plan expectations by May 1, 2019. Seven letters were received. Additional public input and prioritization of issues was collected at the Public Kickoff held on June 13, 2019. A survey was posted online and mailed to approximately 1,000 watershed residents within the planning area. A series of three “Waterside Chats” were held throughout the planning area to receive input and feedback. Combined, the letters, comments, and survey responses were used to develop and prioritize a list of watershed issues and resource concerns to be addressed in the Plan. A Technical Advisory Group (TAG) was established by the partnership to assist in finalizing the priority issues and development of measurable goals for each. Measurable goals were based on the Zumbro River and Mississippi River-Lake Pepin Watershed Restoration and Protection Strategies (WRAPS) reports, the Zumbro River Groundwater Restoration and Protection Strategies (GRAPS) report, the Zumbro River Watershed Landscape Stewardship Plan, Total Maximum Daily Loads (TMDLs), local water plans, other studies and reports, and local expertise. Rational for goals was provided in part by results from modeling through the Hydrological Simulation Program-FORTRAN (HSPF)-Scenario Application Manager (SAM). Digital terrain analysis was used to identify the magnitude and distribution of potential pollution sources across the planning area and allowed for targeting of locations for implementing practices to address issues impacting the resources of concern. This was utilized for each of the 16 planning subwatersheds. The reduction estimates from the planning subwatersheds along with the measurable goals established for each subwatershed provide an estimated pace of progress that can be expected through the 10-year planning period. Additionally, implementation projects, programs, and strategies were detailed to identify where funds will be utilized to accomplish the measurable goals within the targeted implementation schedule. The partnership held a 60-day review process that ended on July 3, 2021, and the required public hearing on August 12, 2021.

5. **Plan Review.** On August 31, 2021, 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 TAG meetings during development of the Plan. The following State review comments were received during the final comment period.
 - A. Minnesota Department of Agriculture (MDA): MDA stated that their submitted 60-day comments had been addressed and that they have no further comments. They recommend approval of the Plan.

- B. Minnesota Department of Health (MDH): MDH found that their 60-day review comments had been addressed. They provided no further comments and recommend the Plan for BWSR approval.
 - C. Minnesota Department of Natural Resources (DNR): DNR stated all their 60-day review comments were considered and adequately addressed in the final Plan. They believe the Plan is indeed comprehensive and will lead to improvements throughout the watershed. They recommend approval of the Plan.
 - D. Minnesota Pollution Control Agency (MPCA): MPCA submitted suggestions and comments to the partnership throughout the planning process and during the 60-day review period. MPCA found that the partnership had incorporated the suggestions and considered and addressed the comments adequately. They recommend approval of the Plan.
 - E. Minnesota Environmental Quality Board (EQB): No comments were received.
 - F. Minnesota Board of Water and Soil Resources regional staff: Plan development followed Operating Procedures and the Plan meets Plan Content Requirements. No additional suggestions or required changes are needed. BWSR staff recommend Plan approval.
6. **Plan Summary and Highlights.** The highlights of the Plan include:
- Section 1 – Executive Summary provides a high-level overview of the watershed and planning partners, a summary of the issue identification and prioritization process, a description of the processes used to develop the measurable goals and target projects and practices, an overview of the targeted implementation schedule programs and actions and the estimated funding needed, and the anticipated roles and responsibilities of Partnership members in the implementation process.
 - Section 2 – Introduction describes the planning process and, along with Appendix C, serves as the Land and Water Resources Narrative to give a summary of watershed characteristics and issues. Information was included on geology, precipitation, surface water, groundwater, stormwater, drainage, recreation, habitat, land use, and socioeconomics.
 - Section 3 – Identification and Prioritization of Issues and Resources describes the information and process used to develop watershed resources and issues. Particularly important resources included the WRAPS, GRAPS, TMDLs, existing water plans, other management plans, studies and reports, and local expertise. Public input was utilized via invitation to comment, a public kickoff meeting, an online and mailed survey, a series of Waterside Chats, and the development of the TAG. The following were identified as Level 1 Priority Issues which will receive the most resources to address within the implementation schedule: Groundwater/Drinking Water Contamination, Excessive Flooding, Surface Water Quality Degradation, and Accelerated Erosion and Sedimentation. Level 2 Priority Issues include: Degraded Soil Health, Landscape Resiliency and Altered Hydrology, and Threats to Fish, Wildlife, and Habitat. Level 3 Priority Issues will be addressed through implementation actions that provide multiple benefits and include: Threatened Groundwater Supply, and Reduced Livability and Recreation. Spatial prioritization at a subwatershed scale was also completed for issues related to surface water quality. Priority areas were delineated for deep groundwater and shallow groundwater issues separately.
 - Section 4 – Targeting of Field Practices details the digital terrain analysis that was completed to identify potential project locations throughout the planning area. Outputs from this analysis along with the HSPF modeling were used to estimate pollutant reduction values and project costs.

- Section 5 – Establishment of Measurable Goals explains how both 10-year and long-term goals were developed for each of the priority issues. This was done primarily through WRAPS data, TMDL data, GRAPS data, HSPF-SAM results, TAG and Policy Committee input, and local expertise provided by Planning Work Group members.
 - Section 6 – Targeted Implementation Program describes the combination of projects, studies, programs, and practices intended to achieve the measurable goals. The implementation schedule is organized by priority issue and included activities that fall within four categories: Projects and project support, Monitoring and studies, Education and public involvement, and Regulation and administration. Each activity is cross-referenced to one or more goal(s) and includes targeted areas, issues addressed, measurable outputs, timeframe, estimate costs, and lead/supporting entities. The implementation schedule has a total estimated cost of approximately \$19,100,000 under the base funding scenario and approximately \$25,000,000 for the additional funding scenario. This section also provides some details on how the Partnership will administer and coordinate the implementation of the Plan. The Partnership has entered into a Joint Powers Agreement to work under a Joint Powers Collaboration for Plan implementation.
7. **Southern Regional Committee.** On October 7, 2021, the Southern Regional Committee met to review and discuss the Plan. Those in attendance from the Board’s Committee were Ted Winter, Kathryn Kelly, Eunice Biel, Jeffrey Berg, and Scott Roemhildt. Board staff in attendance were Southern Region Manager Ed Lenz, Board Conservationist Adam Beilke, and Clean Water Specialist Shaina Keseley. The representatives from the Partnership were Caitlin Brady, Skip Langer, Aaron Gamm, Adam King, Brad Behrens, Jackson Miller, Melissa DeVetter, Terri Peters, Beau Kennedy, Chad Hildebrand, and Mark Thein. Board regional staff provided its recommendation of Plan approval to the Committee. After discussion, the Committee’s decision was to present a recommendation of approval of the Plan to the full Board.
8. This Plan will be in effect for a ten-year period until October 27, 2031.

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 Watershed Alliance for the Greater Zumbro pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and 103B.801 and Board Resolution #16-17.
3. The Greater Zumbro Comprehensive Watershed Management Plan of the Watershed Alliance for the Greater Zumbro 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 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 the members of the Partnership 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 Greater Zumbro Comprehensive Watershed Management Plan of the Watershed Alliance for the Greater Zumbro, dated October 27, 2021.

Dated at St. Paul, Minnesota, this 27th of October 2021.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Gerald Van Amburg, Chair

BOARD ORDER

Clean Water Fund Watershed-based Implementation Funding Program

PURPOSE

Authorize the fiscal years 2022-2023 Clean Water Fund Watershed-based Implementation Funding Program (Program) and adopt the Program Policy.

FINDINGS OF FACT / RECITALS

1. The Laws of Minnesota 2021, 1st Special Session, Chapter 1, Article 2, Sec. 6(a) appropriated \$21,197,000 for fiscal year 2022 and \$22,367,000 for fiscal year 2023 for performance-based grants with multiyear implementation plans to local government units.
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 Board has authorities under Minnesota Statutes §103B.101, Subd. 14 and 103B.801 to approve comprehensive watershed management plans, Minnesota Statutes §103B.255 to approve county groundwater plans, Minnesota Statutes §103C.401 to approve soil and water conservation district plans, and Minnesota Statutes §103B.231 to approved watershed management plans.
4. The fiscal years 2022-2023 Clean Water Fund Watershed-based Implementation Funding (WBIF) Program policy was created to provide expectations for subsequent implementation activities conducted with these funds.
5. The Board staff participated in several listening sessions each with Twin Cities Metro (Metro) members of the Minnesota Association of Watershed Districts (MAWD) and Metro members of the Minnesota Association of Soil and Water Conservation Districts (MASWCD).
6. The Board staff sent a survey on April 12, 2021 to the local governments that participated in Metro WBIF FY20-21 convene meetings.
7. The Grants Program and Policy Committee and the Water Management and Strategic Planning Committees met jointly on June 30 and August 11, 2021 regarding stakeholder input regarding Metro WBIF.
8. The Grants Program and Policy Committee met on September 14, 2021 and directed staff to post the FY22-23 Metro WBIF Allocation Options, the Metro SWCD Enhanced Comprehensive Plan Options, and the Draft FY22-23 WBIF policy for a ten-day feedback period.
9. The Grants Program and Policy Committee, at their October 8, 2021 meeting discussed and recommended allocations of fiscal years 2022-2023 Clean Water Fund Watershed-based Implementation Fund that includes: a) a \$250,000 minimum per watershed planning area outside of the Metro, b) a \$75,000 minimum per watershed planning area inside of the Metro, and c) a distribution of funds based on a weighting of 90% private land and 10% on public waters to all eligible areas.
10. The Grants Program and Policy Committee, at their October 8, 2021 meeting, reviewed the fiscal year 2022-2023 Clean Water Fund Watershed-based Implementation Funding Program policy, and proposed funding allocations, and recommended approval to the Board.

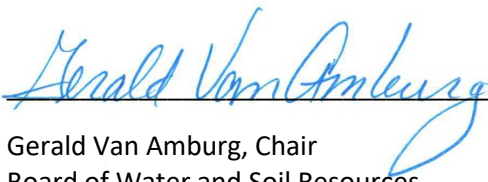
ORDER

The Board hereby:

1. Adopts the attached fiscal years *2022-2023 Clean Water Fund Watershed-based Implementation Funding Program Policy*.
2. Establishes the content and process for Metro Soil and Water Conservation Districts to develop an enhanced comprehensive plan consistent with Minnesota Statutes §103C.331 and in consideration of Minnesota Rule Part 8410.0060 if the SWCD determines that an eligible 103B plan does not sufficiently and comprehensively include their activities. The plan content must include priority issues, measurable goals, and a targeted implementation action table. The process must include stakeholder input, establishment of an advisory committee, a public notice and comment period, a public hearing, and BWSR Board approval.
3. Authorizes staff to enter into grant agreements consistent with statutory appropriations and the attached *Table 1: FY2022 and FY2023 Watershed-based Implementation Funding Statewide Grant Allocations and Table 2 : FY2022 and FY2023 Watershed-based Implementation Funding Metro Grant Allocations*. Note: Fiscal 2023 funds will not be available until July 1, 2022 and some recipients may not receive funds until after this date.
4. Authorizes staff to redistribute the timing of funding availability identified in Table 1 based on timing of plan approval, readiness to proceed, commitment of nonstate match, or expenditure of previously awarded Watershed-based Implementation Funds.
5. Authorizes staff to adjust the allocation of funds identified in Table 1 and Table 2 that become available if a work plan cannot be approved by March 30, 2023 - unless extended for cause - to watershed planning areas identified in Table 3: 2021 One Watershed, One Plan (1W1P) Planning Grant Recipients unless superseded by a future Board action. Watershed planning areas identified in Table 1 and Table 2 that do not meet this deadline – unless extended for cause – are not eligible for Clean Water Fund Watershed-based Implementation Funding this biennium. Watershed planning areas identified in Table 3 must have plans approved by the Board, locally adopted and have implementation workplans approved by May 1, 2023.
6. Adopts the attached *Figure 1: Twin Cities Metropolitan Area Allocation Boundaries* for describing the Metro allocations in Table 2.
7. Requires local governments to convene within the Metro area for the purpose of collaboratively selecting projects consistent with this order and directs staff to assist local governments as necessary.

Dated at St. Paul, Minnesota, this October 27, 2021.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: October 27, 2021

Attachments: FY 2022-2023 Clean Water Fund Watershed-based Funding Program Policy

Table 1: FY2022 and FY2023 Watershed-based Implementation Funding Grant Statewide Allocations

1W1P Planning Area #	1W1P Planning Grant Year*	1W1P Name	FY22/23 Allocation	Fiscal Year Funding
1	Pilot (approved)	Lake Superior North	\$599,767	2022
12	Pilot (approved)	North Fork Crow River	\$1,120,477	2022
32	Pilot (approved)	Root River	\$1,469,595	2022
41	Pilot (approved)	Red Lake River	\$1,071,149	2022
19	Pilot (approved)	Yellow Medicine River	\$814,603	2022
4	2016 (approved)	Leech Lake River	\$598,115	2022
51	2016 (approved)	Lake of the Woods	\$621,173	2022
42	2016 (approved)	Thief River	\$529,892	2022
17	2016 (approved)	Pomme de Terre River	\$717,428	2023
54	2016 (approved)	Cannon River (non-metro)	\$1,028,658	2023
33	2016 (approved)	Cedar River	\$593,987	2022
52	2016 (approved)	Missouri River Basin	\$1,320,445	2022
35	2016 (approved)	Mustinka/Bois de Sioux	\$1,064,522	2023
6	2017 (approved)	Pine River	\$482,142	2022
10	2017 (approved)	Sauk River	\$832,550	2022
37	2017 (approved)	Buffalo-Red River	\$1,296,838	2023
29	2017 (approved)	Lower St. Croix River (non-metro)	\$471,070	2023
25	2017 (approved)	Watonwan River	\$700,477	2023
38	2018 (approved)	Wild Rice - Marsh River	\$1,371,259	2023
45	2018 (approved)	Two Rivers Plus	\$1,062,253	2022
8	2018 (approved)	Leaf, Wing, Redeye River	\$706,488	2023
64	2018 (approved)	Nemadji River	\$250,000	2023
30	2018	Greater Zumbro River	\$1,216,243	2022
3	2018 (approved)	Mississippi River Headwaters	\$861,581	2022
53	2018	Hawk Creek – Middle Minnesota	\$942,433	2022
63	2018	Shell Rock River/Winnebago	\$322,128	2022
15	2018	Rum River (non-metro)	\$1,011,327	2022
55	2019	Lower Minnesota River West	\$596,617	2023
28	2019	Snake River	\$636,684	2022
2	2019	St. Louis River	\$1,475,535	2023
44	2020	Middle Snake Tamarac Rivers	\$1,099,173	2023
43	2020	Clearwater River	\$974,726	2023
36	2020	Ottertail	\$1,265,049	2023
9	2020	Long Prairie River	\$714,854	2023
18	2020	Lac qui Parle/Yellow Bank	\$623,429	2022
34	2020	Des Moines River	\$1,414,031	2022
26	2020	Le Sueur River	\$860,588	2023
31	2020	Winona/ La Crescent	\$577,696	2022
		Statewide Subtotal	\$33,314,982	

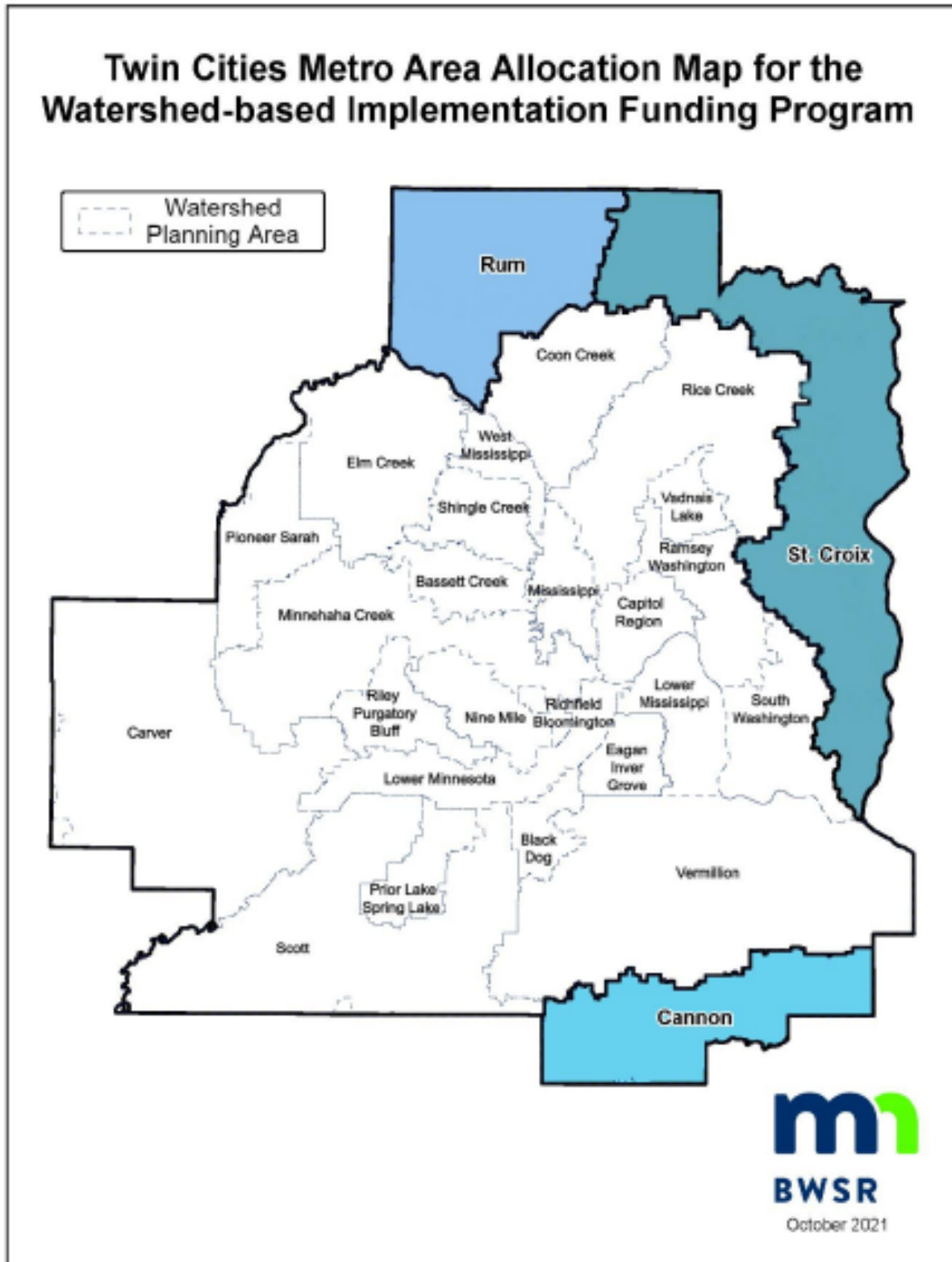
Table 2: FY2022 and FY2023 Watershed-based Implementation Funding Grant Metro Allocations

1W1P Planning Area #	1W1P Planning Grant Year*	1W1P Name or Metro Watershed Planning Area (WPA)	FY22/23 Allocation	Fiscal Year Funding
15	2018	Rum River (Metro)	\$371,157	FY23
29	2017 (approved)	Lower St. Croix River (Metro)	\$807,509	FY23
54	2016 (approved)	Cannon River (Metro)	\$304,886	FY23
Metro	NA	Richfield-Bloomington WPA	\$75,000	FY23
Metro	NA	West Mississippi WPA	\$75,000	FY23
Metro	NA	Black Dog WPA	\$75,000	FY23
Metro	NA	Vadnais Lake Area WPA	\$75,000	FY23
Metro	NA	Eagan-Inver Grove WPA	\$75,000	FY23
Metro	NA	Mississippi WPA	\$75,504	FY23
Metro	NA	Capitol Region WPA	\$77,618	FY23
Metro	NA	Prior Lake-Spring WPA	\$82,806	FY23
Metro	NA	Bassett Creek WPA	\$87,887	FY23
Metro	NA	Shingle Creek WPA	\$95,501	FY23
Metro	NA	Nine Mile Creek WPA	\$101,582	FY23
Metro	NA	Riley-Purgatory-Bluff Creek WPA	\$104,576	FY23
Metro	NA	Lower Mississippi River WPA	\$118,385	FY23
Metro	NA	Lower Minnesota River WPA	\$127,068	FY23
Metro	NA	Ramsey-Washington Metro WPA	\$140,295	FY23
Metro	NA	Pioneer-Sarah Creek WPA	\$159,223	FY23
Metro	NA	Coon Creek WPA	\$216,377	FY23
Metro	NA	Elm Creek WPA	\$297,774	FY23
Metro	NA	Rice Creek WPA	\$407,796	FY23
Metro	NA	Minnehaha Creek WPA	\$418,140	FY23
Metro	NA	Scott County WPA	\$601,647	FY23
Metro	NA	Vermillion River WPA	\$673,331	FY23
Metro	NA	Carver County WPA	\$691,991	FY23
Metro	MA	South Washington WPA	\$163,947	FY23
		Metro Subtotal	\$6,500,000	
		Total FY22-23 Allocation	\$39,814,982	

Table 3: 2021 One Watershed, One Plan (1W1P) Planning Grant Recipients

1W1P Planning Area #	1W1P Planning Grant Year*	1W1P Name
56	2021	Lower Minnesota East
13	2021	South Fork of the Crow
16	2021	Upper Minnesota
20	2021	Chippewa River
11	2021	Mississippi River St. Cloud
27	2021	Kettle - Upper St. Croix
61	2021	Mississippi River-Brainerd
39	2021	Sand Hill River
46	2021	Roseau River
50	2021	Rainy-Rapid River
47	2021	Rainy River- Headwaters/Vermilion River

Figure 1. Twin Cities Metropolitan Area Allocation Boundaries



Watershed-Based Implementation Funding Policy – FY22-23

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

Effective Date: 10/27/21

Approval: Board Decision #21-51

Duration: Availability and use of funds appropriated by Laws of Minnesota 2021, 1st Special Session, Chapter 1, Article 2, Section 6 (a).

Policy Statement

This policy provides expectations for implementation activities conducted via the Board of Water and Soil Resources (BWSR) Clean Water Fund (CWF) Watershed-based Implementation Funding program as defined by the Clean Water Fund appropriation under Laws of Minnesota 2021, 1st Special Session, Chapter 1, Article 2, Section 6 (a).

Reason for the policy

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.

These funds are specifically to be used to advance Minnesota’s water resource goals through prioritized and targeted cost-effective actions with measurable water quality results.

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.

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

For areas outside of the seven-county Twin Cities Metropolitan Area: To be eligible, local governments must have a current state approved and locally adopted comprehensive watershed management plan authorized under Minnesota statutes §103B.101, Subd. 14 or §103B.801 and have entered into an implementation agreement with other members of the planning partnership. If a local government within the geographic area of the plan has not adopted the plan, these funds can still be spent on implementation in that area by another eligible local government.

In the seven-county Twin Cities Metropolitan (Metro) Area: To be eligible, counties, watershed districts, watershed management organizations, soil and water conservation districts, and municipalities¹ must have a current state approved and locally adopted watershed management plan as required under §103B.231, county groundwater plan authorized under §103B.255, or soil and water conservation district comprehensive plan under Minnesota statutes §103C.331, Subd. 11. Participants, including one representative from each watershed district, watershed management organization, soil and water conservation district², county with a county groundwater plan, and up to two municipalities, must coordinate within the designated watershed planning areas before submitting a watershed-based implementation funding budget request that is prioritized, targeted and measurable. BWSR reserves the right for the Executive Director to determine if sufficient coordination exists to meet the goals of the program. Appeals of an Executive Director decision may be made to the BWSR Central Region Committee.

All recipients must be in compliance with applicable federal, State, and local laws, policies, ordinances, rules, and regulations. Recipients 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.

2. Match Requirements

A non-State match equal to at least 10% of the amount of the Watershed-Based Implementation Funding received is required. Match can be provided by landowners, land occupiers, private organizations, local governments or other non-State sources 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 implement projects and programs that protect, enhance, and restore surface water quality in lakes, rivers, and streams; protect groundwater from degradation; and protect drinking water sources. Eligible activities must be identified in the implementation section of a state approved, locally adopted comprehensive watershed management plan developed under

¹ Municipalities (cities and townships) 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.

² Including Hennepin and Ramsey Counties if they have an enhanced comprehensive plan authorized under Minn. Statute 103C.331.

Minnesota statutes §103B.101, Subd. 14 or §103B.801, watershed management plan required under §103B.231, county groundwater plan authorized under §103B.255, or a Metro soil and water conservation district enhanced plan as identified in the “*Metro Enhanced SWCD Comprehensive Plan Options Guidance Document*” (<https://bwsr.state.mn.us/watershed-based-implementation-funding-program>) and authorized under §103C.331. The activity must have a primary benefit towards water quality. Activities must be first submitted through a budget request and work plan that will be reviewed by BWSR. The work plan must be approved by BWSR prior to funds being distributed.

Eligible activities can consist of structural practices and projects; non-structural practices and programs; program and project support, including staffing; and grant management and reporting. Technical and engineering assistance necessary to implement these activities are considered essential and are eligible to be included. Activities that result in multiple benefits are strongly encouraged.

- 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 3.7.
- 3.2 **Project Assurances.** The grantee must provide assurances that landowners or land occupiers receiving this funding 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 and Practices Assurances chapter of the Grants Administration Manual.
- 3.3 **Operation, Maintenance and Inspections.** All practice designs must include identification of operation and maintenance activities specific to the installed practices. An operation and maintenance plan is critical to ongoing performance of installed practices as well as to planning and scheduling those activities and must be prepared by designated technical staff for the life of the practice. 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.** Eligible activities include actual technical and administrative expenses to advance plan implementation, site investigations and assessments, design and cost estimates, construction or installation supervision, and inspections. Technical and administrative expenditures must be documented according to the Grants Administration Manual.
- 3.5 **Project Support.** Eligible activities include public participation and engagement, equipment, and other activities necessary for the implementation of water quality practices and programs consistent with the purposes of these funds. Project support expenditures must be appropriately documented according to

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

3.6 Grant Management and Reporting. Eligible activities include local grant administration, management, and reporting that are directly related to and necessary for implementing the project or activity. All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. Grant management and reporting expenditures must be documented according to the Grants Administration Manual.

3.7 Practice Standards. All practices must be consistent with the Natural Resource Conservation Service (NRCS) Field Office Technical Guide (FOTG), Minnesota Stormwater Manual, or be professionally accepted engineering or ecological practices. 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.

Feedlots. Eligible activities are limited to facilities that were constructed before **October 23, 2000**; and livestock operations registered with the Minnesota Pollution Control Agency Database or its equivalent, not classified as a Concentrated Animal Feeding Operation (CAFO), and with 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 violations have been imposed on the operator.

- a. Funded projects must comply with standards in MN Rule Chapter 7020 upon completion.
- b. Eligible practices are limited to best management practices listed by the Minnesota NRCS.
- c. Eligible practices and project components must meet all applicable local, State, and federal standards and permitting requirements.
- d. Feedlot roof structures are eligible up to \$100,000 per project with state grant funds and not to exceed 100% of construction costs.
- e. Feedlot relocations are eligible, up to \$100,000 per project with state grant funds and not to exceed 100% of the construction costs. The existing eligible feedlot must be permanently closed in accordance with local and State requirements. The existing and relocated livestock waste management systems sites are considered one project for grant funding.

Subsurface Sewage Treatment Systems

- a. Local governments should first exhaust 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 solutions 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 work plan submittal. 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.

Drainage Systems. Funds can be used as an external source of funding for Minnesota Statutes §103E.011 Subd 5 to facilitate multi-purpose drainage management practices with a primary purpose of improving water quality to reduce erosion and sedimentation and provide secondary benefits of reducing peak flows and flooding while protecting drainage system efficiency and reducing drainage system maintenance.

3.8 Non-Structural Practices and Measures. Eligible practices include 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 or that protect groundwater from degradation. Non-structural vegetative practices must follow the Native Vegetation Establishment and Enhancement Guidelines: <https://bwsr.state.mn.us/sites/default/files/2019-07/Updated%20guidelines%20Final%2007-01-19.pdf>

a. **In-lake or in-channel treatment.** Eligible practices include management practices such as rough fish management, vegetation management, lake drawdown, and alum treatments that have been identified as an implementation activity in a TMDL study or Watershed Restoration and Protection Strategies report and/or in a comprehensive watershed management plan or metro watershed management plan. Eligible expenses include only initial costs for design and implementation. All subsequent applications and treatments under this subsection are considered to be a local operation and maintenance expense responsibility. A feasibility study must be completed, reviewed and approved by BWSR staff prior to these activities being proposed in a grant work plan. The feasibility study must include:

- Lake and watershed information (at minimum, include lake morphology and depth, summary of water quality information, and the assessment of aquatic invasive species);
- Description of internal load vs. external load nutrient reductions;
- History of projects completed in the watershed, as well as other in-lake activities if applicable;
- Cost benefit analysis of options considered;
- Projected effective life of the proposed activities;
- Expected water quality outcome;
- Plan for monitoring surface water quality to assure the project's total phosphorus goal will be achieved during the project's effective life, and
- For activities related to rough fish (example carp), the feasibility study must also include:
 - Methods used to estimate adult and juvenile carp populations;
 - Description of the known interconnectedness of waterbodies (lakes, ponds, streams, wetlands, etc.);
 - Identified nursery areas;
 - Methods used to track carp movement;
 - Proposed actions to limit recruitment and movement; and
 - Proposed actions to reduce adult carp populations.

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 a duration other than 3 years must be reviewed by BWSR staff and approved by the Assistant Director of Regional Operations prior to work plan approval.

c. **Easements.** Eligible practices include easements. Easements and payment amounts must be reviewed and approved by BWSR staff prior to expenditure of grant funds to acquire an easement. When implementing perpetual easements, state easement payments shall not exceed current standard Reinvest in Minnesota (RIM) rates.

d. **Ordinance Development.** Eligible practices include development of ordinances to protect water quality (example: Minimal Impact Design Standards) that supplement existing federal/state/local requirements.

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 best 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.

4. Ineligible Activities

The following activities will not be considered:

- a. Activities that do not have a primary benefit of groundwater and/or surface water quality.
- b. Water quality monitoring such as, but not limited to, routine, baseline, diagnostic, or effectiveness monitoring. This includes both surface and groundwater monitoring activities.
- c. Household water conservation appliances and water fixtures.
- d. Wastewater treatment systems with the exception of certain Subsurface Sewage Treatment Systems (see 3.7).
- e. Municipal drinking water supply facilities or individual drinking water treatment systems.
- f. Stormwater conveyances that collect and move runoff, but do not provide water quality treatment benefit.
- g. Replacement, realignment or creation of bridges, trails or roads.
- h. Aquatic plant harvesting.
- i. Routine maintenance activities or repair of capital equipment and infrastructure within the effective life of existing practices or projects.
- j. Feedlots (see 3.7)
 - 1) Feedlot expansions beyond state registered number of animal units.
 - 2) Slats placed on top of manure storage structures.
- k. Subsurface Sewage Treatment Systems (SSTS)

- 1) Small community wastewater treatment systems serving over 10,000 gallons per day with a soil treatment system, and
 - 2) A small community wastewater treatment system that discharges treated sewage effluent directly to surface waters without land treatment.
- l. Drainage management
 - 1) Drain tile, except for tile outlets required for water and sediment control basins, tile required to make eligible drainage water management practices function, tile required to collect and move runoff to treatment system, and dense pattern tile to replace open tile inlet(s).
 - 2) Ditching except if needed for the creation of a storage and treatment wetland restoration.
 - 3) Back-flow preventing flap gates on side inlet structure pipes where a system-wide analysis has not been completed.
 - 4) Continuous berms greater than an average of 3 feet high (above existing ground) along Chapter 103E drainage ditches.
 - m. Fee title land acquisition (costs may count towards match).
 - n. Buffers or other alternative practices that are required by law (e.g., Buffer Law, Drainage Law, Shoreland Law).
 - o. Contribution to a contingency or reserve fund or payment(s) to an equipment replacement fund that extends beyond the grant agreement period.
 - p. Activities that outlet landlocked basins.
 - q. Development and delivery of educational activities and curriculum that do not support or lead to the implementation of water quality practices.
 - r. Components of projects needed to meet the statutory requirements of 103E Drainage Law.
 - s. Any project that contributes to, or otherwise is used to replace wetlands impacted under the Wetland Conservation Act (per Minn. Rules 8420).
 - t. Activities required under the Groundwater Protection Rule.

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 chapter 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 Practice or Project Construction and Sign-off. Local governments receiving these funds shall have the assigned technical assistance provider(s) certify that the practice or project was properly installed and completed according to the plans and specifications, including technically approved modifications, prior to authorization for payment.

5.3 **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. Grant Administration

6.1 **Work Plans, Reporting, and Reconciliation.** BWSR staff is authorized to develop grant agreements and requirements and processes for work plans, project outcomes reporting, fiscal reconciliations, and grant closeouts. All grantees must follow the Grants Administration Manual policy and guidance including requirements for proposed work plan revisions and grant amendments. BWSR reserves the right to:

1. Consider the extent of direct implementation activities and proposed outcomes in the approval of grant work plan;
2. Not approve all or a portion of a work plan if proposed work is not consistent with the purposes of these funds;
3. Modify, suspend, or cancel the grant agreement at any time if work under the grant agreement is found by BWSR to be unsatisfactory.

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 100% of grant funds.

6.2. **Approval of Expenditures.** The grantee board has the authority and responsibility to approve the expenditure of funds within their own organization. The approval or denial of individual expenditures of funds must be documented in the grantee board's meeting minutes.

6.3 **Failure to Maintain Practices.** Funds repaid to a grantee from a landowner or other land occupier who has failed to maintain a practice for its effective life must be reallocated to a local cost share program or project account consistent with MN Statutes Chapter 114D.50, less the administrative cost of the grantee.

7. Assurance Measures

Watershed-based Implementation Funding Assurance Measures are based upon fiscal integrity and accountability for achieving measurable progress towards water quality elements of eligible watershed management or comprehensive watershed management plans. Assurance measures will be used as a means to help grantees meaningfully assess, track, and describe the use of these grant funds to achieve clean water goals through prioritized, targeted, and measurable implementation. The following assurance measures are supplemental to existing reporting and on-going grant monitoring efforts.

1. Prioritized, targeted, and measurable work is making progress toward achieving clean water goals.
2. Programs, projects, and practices are being implemented in priority areas.
3. Grant work is on-schedule and on-budget.
4. Leverage of non-state funds.

History

This policy may be reviewed annually and updated as needed.

Description	Date
This policy was originally created in 2019.	9/25/19
This policy was updated in 2021 to add a few ineligible activities and clarify language related to eligible activities and entities and change Metro soil and water conservation district annual work plans to enhanced plans under eligible activities.	10/27/2021

BOARD ORDER

Fiscal Year 2022 Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program Policy

PURPOSE

Authorize a fiscal year 2022 Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program and adopt fiscal year 2022 Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program Policy.

FINDINGS OF FACT / RECITALS

1. The Laws of Minnesota 2021, 1st Special Session, Chapter 6, Article 6, Section 2, Subd. 8(p) appropriated \$993,000 from the Environment and Natural Resources Trust Fund to the Board for demonstration projects that provide grants or payments to plant residential lawns with native vegetation and pollinator-friendly forbs and legumes to protect a diversity of pollinators.
2. The Laws of Minnesota 2021, 1st Special Session, Chapter 6, Article 5, Section 2, Subd. 8(m) appropriated \$118,000 from the Environment and Natural Resources Trust Fund to the Board for demonstration projects that provide grants or payments to plant residential lawns with native vegetation and pollinator-friendly forbs and legumes to protect a diversity of pollinators.
3. The Laws of Minnesota 2021, 1st Special Session, Chapter 6, Article 5, Section 2, Subd. 20(b) transferred \$922,000 to the Board for demonstration projects that provide grants or payments to plant residential lawns with native vegetation and pollinator-friendly forbs and legumes to protect a diversity of pollinators.
4. On October 8th, 2021 the Legislative-Citizen Commission on Minnesota Resources (LCCMR) approved the workplan for this program, which included key goals of involving a wide range of conservation partners in the program including; cities, counties, watershed districts, soil and water conservation districts, tribes and nongovernmental organizations.
5. On January 28, 2010, the Board adopted resolution 10-05 regarding policies adopted by the Office of Grants Management relating to conflicts of interest and financial review of nongovernmental organizations. This resolution requires nongovernmental organizations to have a local government unit as a fiscal agent to receive BWSR grant funds.
6. This policy and the associated request for proposal were created to provide expectations for application to the fiscal year 2022 Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program and subsequent activities conducted with these funds.
7. The Grants Program and Policy Committee, at their October 8, 2021 Meeting, reviewed the proposed Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program Policy and recommended approval to the Board.

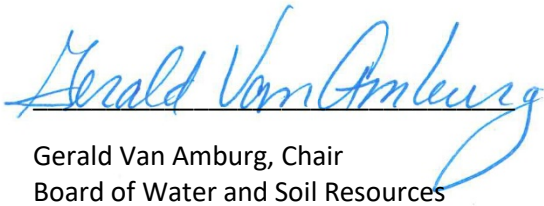
ORDER

The Board hereby:

1. Authorizes that nongovernmental organizations are eligible to directly receive grants for the Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program, notwithstanding Board Resolution 10-05.
2. Adopts the attached Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program Policy, dated October 27, 2021.
3. Authorizes staff to finalize and issue a Request for Proposals for Lawns to Legumes Phase 2 Demonstration Neighborhood grants.

Dated at St. Paul, Minnesota, this October 27, 2021.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: October 27, 2021