



# Erosion control and water management program

New rule/new policies and grant agreement for FY14 & 15

October 2013

## Purpose

The Board of Water and Soil Resources (BWSR) has been working on changes to the Erosion Control and Water Management Program (commonly referred to as the State Cost Share Program) to ensure consistency between Statute, rule and policy. This effort resulted in an [amended rule](#), [BWSR Board adopted policies](#) and an updated program manual. The result provides program flexibility through BWSR Board adopted policy and should increase administrative consistency between this and other grant programs for both BWSR and Soil and Water Conservation Districts (SWCDs). The rules were finalized August 29, 2013 when the BWSR Board adopted the policy. The amended rules, policy and updated program manual will be effective for FY2014 (FY14) Erosion Control and Water Management Program grants.”

## Rule changes

- Rules conform to statutory amendments
- Changes were made for increased program direction via BWSR Board policies and guidelines
- Reduce the administrative burden of the program
- Conservation practice objectives:
  - Control nutrient runoff
  - Control sedimentation
  - Divert runoff to protect and improve water quality
  - Reduce wind erosion
  - Control gully, rill or sheet erosion
  - Control storm water runoff
  - Protect or improve surface water and groundwater quality
  - Alleviate water quantity problems due to altered hydrology

### Important!

**For FY2014 State Cost Share funding SWCDs will use the FY14 Policy ([bwsr.state.mn.us/cs/rulemaking/FINAL\\_Erosion\\_Control\\_Water\\_Management\\_Program\\_Policy\\_082913](http://bwsr.state.mn.us/cs/rulemaking/FINAL_Erosion_Control_Water_Management_Program_Policy_082913)) & Grant Administration Manual ([www.bwsr.state.mn.us/grants/manual](http://www.bwsr.state.mn.us/grants/manual)).**

**For FY2013 and prior funding SWCDs will use the FY2013 State Cost Share Manual ([http://www.bwsr.state.mn.us/cs/csmanual\\_fy13andprior.html](http://www.bwsr.state.mn.us/cs/csmanual_fy13andprior.html)).**

## Policy changes and highlights affecting FY14 funded projects

### **Policy 2.2 – Effective Life**

- All practices continue to have a 10-year minimum effective life span

### **Policy 2.4 – Practices dealing with Altered Hydrology (New)**

- Must improve water quality and reduce peak flows: Examples are side inlet controls, water level control structures, and watergates

### **Policy 2.5 – Ineligible Practices**

- Practices for energy conservation & snow protection: Examples are shelterbelts and living snowfences

### **Policy 3.1 – Technical and Administrative Expense**

- 20 percent of total Grant without asking
- Must document as actual expense
- Each year could have exceptions depending on Legislative language
- Allows SWCDs to use all or part of their allocation for technical assistance with BC approval, when:
  - Other non-state funds will be leveraged and they couldn't do the project otherwise; or,
  - Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their most recent Financial Report indicates less than an 18-months fund balance

### **Policy 4.1 – Maximum Rates Established by BWSR Policy**

- Up to 75 percent for Practices
- Exception: Unused Well Sealing – up to 50%

### **Policy 5.1 – Technical Expertise – Staff Skills**

- Staff skills must be included in District's Cost-share policies

### **Policy 6.1 (a) – Contract Modifications**

- Contract form modification may occur with District legal counsel and BWSR approval

### **Policy 6.2 – Approval of Contract with Landowner**

- District Boards must approve or deny contract

- Actions are documented in the minutes
- Consider approval for expenditures if it shows up in minutes: Example: accounts payable, consent agenda or separate motion

### **Policy 6.4 – Completion Date – (New)**

- **Funds must be expended within grant agreement period**
- Written approval from BWSR to extend grant agreement
- **Changed grant period consult grant agreement**

### **Policy 6.7 – Delegation**

- SWCD's Boards may delegate signing contracts and other documents
- Must be in district policy

### **Policy 7.4 – Practice Sign-off and Payment – Final Plans**

- One copy to landowner
- One copy retained in SWCD office

### **Policy 8.2 – Inspections**

- Qualified staff ensures O&M is being followed

### **Policy 9.2 – Grant Closeout Reporting**

- 30 days from end of grant agreement or last expenditure if prior to end of grant agreement

### **Policy 9.4 – Record Retention**

- 6 years from the end of practice lifespan

### **Policy 10.1 – Monitoring, Reconciliation and Verification**

- Verification of expenditures/income of 10 percent of all grants
- Monitor 100 percent of all grants

### **Policy 11.0 Local SWCD Policies**

- i.e. document delegation (see policy for more)

## Grant Agreement Changes (FY14 & FY15)

- FY14 amounts specified & available after GA executed & notified by BWSR
- FY15 amounts yet to be determined & available 'soon' after July 1, 2014 & notified by BWSR
- **Expiration Date – December 31, 2016 for BOTH FY's.**

## Recommended next steps

Review these changes at your next local Board meeting. Begin setting and adopting local SWCD Policies.