



County Comprehensive Local Water Planning

County Water Plan Amendment Guide

July 2015

Purpose: As a general-purpose unit of government, counties, with their planning and land-use authorities, are uniquely positioned to link many land-use decisions with local goals for surface and groundwater protection and management. Through the Comprehensive Local Water Management Act (Act), counties are encouraged to make this link through the development and implementation of Comprehensive Local Water Management Plans (county water plans or water plans).

This document provides guidance on the requirements and procedures in amending a County Water Plan.

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I. Requirements for Amending a County Local Water Plan

A county may initiate an amendment to the local water plan for many reasons. A common reason is because new information or issues arise that need to be incorporated into the plan. Another common reason is due to requirements in the BWSR order approving the original plan for an update the goals, objectives and action items halfway through the plan, often called a 5 year amendment or Five Year Focus Plan. This type of amendment to the implementation section of the plan may also be required by BWSR order in conjunction with a request for an extension of the plan.

The county initiates an amendment ([Minnesota Statutes §103B.314, Subd. 6](#)) to the local water management plan by submitting a petition to BWSR and sending copies of the proposed amendment and the date of the public hearing to municipalities, towns, counties, soil and water conservation districts, watershed districts, organizations formed for the joint exercise of powers under [§471.59](#), and other special purpose districts or authorities exercising authority in water and related land resources management at the local level. The petition should be supported by a county resolution acknowledging the amendment.

After the public hearing, BWSR shall review the amendment pursuant to Minnesota Statutes [§103B.315, subdivision 5](#), paragraphs (b) and (c). The amendment becomes part of the local water management plan after being approved by the BWSR Board. BWSR must send the order and the approved amendment to the entities that received the proposed amendment and notice of the public hearing.

1. Local Water Plan Amendment Steps

- Step 1. County staff should consult with the BWSR Board Conservationist regarding the proposed amendment.
- Step 2. County board should pass a resolution indicating the intent to amend the local water plan.
- Step 3. County should convene the Water Plan Task Force and representatives of the state review agencies to participate in consideration and drafting of the amendment.
- Step 4. County must submit a petition to the BWSR Board Conservationist communicating their intent to amend their local water management plan. BWSR Board Conservationist consults with the BWSR Regional Supervisor, other BWSR staff and board members and provides feedback to the county regarding the proposed amendment.
- Step 5. County must submit copies of the draft proposed amendment and the date, time and place of the public hearing to:
 - Soil and water conservation districts
 - Municipalities, towns and townships
 - Watershed districts
 - Boards of contiguous counties
 - Joint powers organizations
 - BWSR regional supervisor
 - DNR
 - MPCA
 - MDA
 - MDH

- Step 6. BWSR and state agency staff attend the public hearing, or submit written comments to be read at the hearing, regarding the proposed amendment.
- Step 7. County may reconvene the Water Plan Task Force as needed to consider and address comments.
- Step 8. After the hearing, the county must submit: the final proposed amendment, a record of the public hearing, all written comments received on the plan, a list of the entities that received the proposed amendment and notice of public hearing, and a summary of the changes incorporated as a result of the review process to the BWSR Board Conservationist.
- Step 9. BWSR staff may consult with the state review agencies and will submit the proposed amendment to the BWSR regional committee for recommendation, and to the BWSR Board for a decision.
- Step 10. County receives official notice of BWSR Board action on the final proposed amendment.
- Step 11. The amendment becomes part of the local water management plan after being approved by the BWSR Board.
- Step 12. The County board may want to pass a resolution acknowledging the approved amendment after receiving notice.

2. Contents of a Petition to Amend a County Water Plan

The petition to amend the county water plan (step 4 above) may be in the form of a letter or memo to the BWSR [Board Conservationist](#). The petition should contain background on the water plan, the purpose(s) for the amendment, a general summary of the amendment (areas of the plan that will be amended, scope of the amendment if known), and a copy of the county resolution to proceed with an amendment. The petition may also include an actual copy of the draft proposed amendment and the date of the public hearing, if these have both been prepared. Or, these may be submitted later through the notification process in step 5 above. The petition may be submitted electronically.

3. Format of a Proposed Amendment

When submitting copies of the draft or final proposed amendment, the copies should show deleted text as stricken and new text as underlined; or the submittal should be clearly replacement pages (e.g. a new Executive Summary to replace the previous Executive Summary). Unless the entire document is reprinted, all approved amendments should be printed in the form of replacement pages for the plan with each page renumbered as appropriate including the effective date of the amendment. Draft and final amendments may be submitted electronically. Final BWSR-approved amendments posted to websites should be clean copies (track changes accepted).

4. Five Year Amendment

When the amendment is being pursued to address requirements in the BWSR order approving the original plan, the amendment will include an update of the action items, and the goals and objectives if necessary. The amendment will also include a revision to the executive summary, as appropriate. The county must follow the steps outlined above; however, convening the task force and coordinating with the agencies prior to submitting copies of the draft proposed amendment is required.