



County Comprehensive Local Water Planning

County Water Plan Update Guide

July 2015

Purpose: This document provides guidance on the requirements and procedures for the development and update of a Comprehensive Local Water Management Plan, also known as a county water plan or water plan.

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I. Requirements of a Local Water Management Plan

As a general-purpose unit of government with their planning and land-use authorities, counties 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).

According to the Act, county water plans must:

- Cover the entire area within a county;
- Address water problems in the context of watershed units and groundwater systems;
- Be based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management;
- Be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system;
- Cover a period of at least five years and no more than ten years; and
- Fully utilize existing water and related land resources plan; including plans related to agricultural land preservation programs.

This document provides guidance on the requirements and procedures in the development or update of a county water plan.

II. Initiate the Update Process

The first step in developing or updating a water plan is to meet with the BWSR [Board Conservationist](#) to review the water plan update process. The next step is for the County Board to pass a resolution communicating commitment to the process. Passing a resolution is recommended approximately 18 months prior to the expiration of the current plan to allow adequate time to gather priority concerns, write the plan, and meet the review timelines specified in Minnesota Statutes §103B.301. A copy of the resolution should be sent to the appropriate BWSR [Board Conservationist](#).

An example **Resolution to Update Plan** is provided on the [County Comprehensive Local Water Management](#) page of the BWSR Website.

1. Delegation

Counties may delegate all or parts of the preparation of the plan to a local unit of government, regional development commission, or a resource conservation and development committee (Minnesota Statutes §103B.311). Delegation can be included in the resolution to update the plan. The county may not delegate authority for the exercise of eminent domain, taxation, or assessment to a local unit of government that does not possess those powers. The delegated authority must pass a resolution accepting the delegation.

III. Develop the Priority Concerns Scoping Document

The next step plan development is to gather input on the most important water resource management issues, or priority concerns, in the county.

1. Notification of Plan Update

The county is required by Minnesota Statutes §103B.313 to send a notice of the intent to revise the Water Plan to:

- All municipalities, towns, counties, soil and water conservation districts, watershed districts, organizations formed for the joint exercise of powers under Minnesota Statutes §471.59, and other special purpose districts or authorities exercising authority in water and related land resources management at the local level partially or wholly within the planning area;
- Adjacent counties;
- The state review agencies including: the Board of Water and Soil Resources (BWSR), the Department of Agriculture (MDA), the Department of Health (MDH), the Department of Natural Resources (DNR), and the Pollution Control Agency (PCA); and
- Not required by statute, but it is suggested to also send notice to Federal partners, other state or local agencies that may have interest in the plan and other stakeholders.

The notice of a plan revision includes an invitation for recipients to submit priority concerns they wish to see the plan address, a request for relevant plans, and must provide 45 days for recipients to respond. Counties may send the notice electronically.

Example language for a simple **Notice of Plan Update**, template language for an **Invitation to Submit Concerns** from the entities noted above, and state review agency routing information are available on the [County Comprehensive Local Water Management](#) page of the BWSR Website.

2. Advisory Task Force or Committee

Most counties have an established Water Plan Advisory Task Force or Committee charged with making sound water and related resource management decisions based on fact and science. These advisory committees serve at the request of the governing board and carry out responsibilities such as:

- Soliciting and considering input from citizens and local, regional, and state entities.
- Identifying priority water management concerns.
- Addressing coordination of plans that affect water management.

Membership in the task force is up to the plan authority; however, these groups are typically represented by:

- Local Water Planner/Manager
- Planning and Zoning Administrator
- SWCD Supervisor
- 1 large & 1 small city mayor
- 1 township officer
- 1 watershed district manager from each district in the county
- 1 member from each major citizen-based environmental group
- Lake association(s) president(s)
- Sportsman’s groups: Pheasants Forever, private and public clubs, Trout Unlimited, etc.
- Agricultural groups: irrigator groups, crop grower groups, sustainable agriculture groups
- Chamber of commerce
- Resort owners

- Assuring the process for developing a water management plan is followed.
- Supporting the implementation of the plan.
- Annually assess the progress of the plan’s implementation programs.
- Encouraging local volunteers to get involved in local water management.
- Assist in resolving conflicts.

Technical committee membership generally includes local, state, federal, and private individuals specializing in the management and protection of water resources, such as:

- BWSR Board Conservationist
- SWCD Manager
- DNR Wildlife Manager
- DNR Fisheries Manager
- MDH and MDA Area Representatives
- DNR Hydrologist
- PCA Regional staff
- Local Feedlot Officer
- NRCS District Conservationist

The appointment of a technical committee to assist with plan development is also encouraged and is often combined with the Water Plan Task Force. It is also appropriate to use the technical committee to propose goals, objectives and actions that will address priority concerns. Agency committee members can also communicate what the agency is doing to address the concern and suggest potential implementation actions.

3. Public Meeting(s) and Public Input

Public participation is important because water plans developed with broad citizen participation will create support for day-to-day plan implementation; help guide annual activities and the expenditure of funds; and be a known success in the county. At least one public input meeting is required by Minnesota Statutes §103B.313 prior to submitting the priority concerns to BWSR. However, multiple public meetings may be necessary to explain the planning process, the goals of the plan, and to solicit meaningful input.

The public meeting must be legally noticed and are suggested to be communicated to the public through appropriate avenues such as direct mailings, community newsletters, cable television, websites, social media, and local newspaper announcements. The required meeting can be conducted before or after the county has collected input regarding priority concerns from the parties receiving the update notice or the taskforce selection of priority concerns.

Combining public input meetings with those conducted for other relevant plans, such as county comprehensive plans, is efficient and utilizes the public’s time and interest wisely. Many counties have also used citizen surveys and workshops with interest groups (e.g. lake associations in the county) as additional means to gather public input. Effective meetings and workshops generally include:

- A well-thought-out agenda (with realistic timeframes) that achieves the goals for the meeting;
- Maps or other materials that depict the resources (extent, condition, threats, etc.) of the county;
- The meeting or workshop is led by an individual who is skilled at facilitation and understands water management issues;
- Participants understand what you want them to do or communicate and how much time they will have; and

- The information gathered at the meeting is summarized and distributed it to attendees.

A list of the public and internal forums held to gather input regarding priority concerns, including the dates they were held, a list of participants and affiliated organizations, a summary of the proceedings, and supporting data; is required in the Priority Concerns Scoping Document by Minnesota Statutes §103B.312, Subd. 2(i).

4. Coordination with Local and State Plans and Controls

Each county must also review water and land resource plans and official controls submitted through the notification process; and conduct meetings and coordinate its planning program with other units of government. The county may also execute agreements with other local units of government establishing the responsibilities during the preparation and implementation of the water plan. These steps are to assure effective and efficient management, coordination, and consistency of water plans within single watershed units or groundwater systems (Minnesota Statutes §103B.311). The county is also encouraged to review and coordinate with federal plans and controls as applicable within the county. Understanding the range, scope, and context of relevant plans and controls and how they will interact is important because it helps to:

- Avoid duplication of actions, regulation, and permitting;
- Coordinate actions such as monitoring, data collection, education, and land treatment between plans and agencies where common goals and objectives exist;
- Identify conflicts or inconsistencies with other plans or controls and develop a strategy to reconcile them;
- Identify gaps between existing regulatory controls; and
- Identify where the plan or control may be in conflict or overlap with what the county has or is proposing as part of its plan update.

The process used to coordinate and resolve differences between the water plan's priority concerns and other state, local, and regional concerns is expected to be included in the Priority Concerns Scoping Document and eventually the information gathered will be analyzed and summarized in the water plan.

Suggested steps to reviewing local plans and controls and utilizing them in the plan update:

1. Collect all relevant plans and controls. Some examples include: county and township comprehensive plans and zoning ordinances (i.e., official controls), municipal stormwater plans and official controls, comprehensive lake or wetland management plans, special purpose district plans (e.g., SWCD, watershed district, etc.), or other special interest plans.
2. Review the plans and controls and categorize the water and land related activities, programs, or regulations into topic areas, such as: erosion control, stormwater management, flood damage reduction, monitoring and data collection, land use management, etc. This exercise should highlight duplication of efforts and areas where attention is needed.
3. For each plan or regulation, assess the common objectives and actions in relation to the county’s selected priority concerns. Identify areas of potential coordination, overlap, and area of conflict; while keeping in mind a primary goal of local water management is to coordinate actions of various local governments and state agencies charged with managing the water resources of the county.
4. Conduct meetings with other local units of governments to coordinate efforts.
 - a. Agreements may be executed to establish responsibilities of each unit during the preparation and implementation of the plan.
 - b. If conflicts or inconsistencies are identified, the county should notify the plan authority and work to resolve them.
 - c. The county can also use their authorities under Minnesota Statutes §103B.325 to require another local government to amend existing water and land resource plans and official controls upon adoption of the county plan.

Where opportunities for coordination are identified and agreed upon, incorporate the actions into the implementation program of the local water management plan.

5. Selecting Priority Concerns

Priority concerns—as defined in Minnesota Statutes §103B.305—means the issues, resources, subwatersheds, or demographic areas that are identified as a priority by the county. Use the following guidelines when selecting priority concerns:

- The priority concerns describe an existing or anticipated problem or identify a specific resource or area targeted for management, preservation, or improvement.
- The number of priority concerns should be limited and commensurate with the duration of the plan and the resources available to implement solutions.
- The character of the priority concerns is specific in scope (i.e., not general or broad).
- An ongoing water resource management issue in the county that has generated major concern or conflict should be selected or an explanation will be provided why it will not be addressed in the plan.

The priority concerns are agreed upon only after all relevant input has been received and considered.

The following are general examples of priority concerns:

- Negative impacts of development on [name water resource(s)].
- Cumulative impacts of [issue] in the [subwatershed].
- Disconnect between land use regulations and [water resource management, or the comprehensive plan, or other specific plans].
- Impaired or degraded waters in the [subwatershed].
- Excess runoff volume from public and private drainage systems.
- Groundwater contamination in the [demographic area] or [resource].
- Preserving the water quality of [resource].
- Failing septic systems within 1,000 feet of priority water bodies and courses shown on the reference map 1A.
- Flash flooding of the [resource] due to reduced water storage capacity in the [subwatershed].
- Conflicts between water management programs or authorities.

6. Draft the Priority Concerns Scoping Document

The Priority Concerns Scoping Document (PCSD), as defined in Minnesota Statutes §103B.305, means the list of the chosen priority concerns and a detailed account of how those concerns were identified and chosen. To meet this requirement, please follow the format of the outline when presenting the information in the document PCSD.

1. Introduction

1.1. County primer

- 1.1.1. County name and county seat shown on a map of the state of Minnesota.
- 1.1.2. Population of the county, including a statement on projected trends (growth or decline).
- 1.1.3. Dominant land use of the county and projected trends.

1.2. Plan information:

- 1.2.1. Identify the local government unit responsible for the local water management plan/program (e.g., environmental services, SWCD, etc.);
- 1.2.2. Include the date the original local water management plan was adopted and the number of times it has been updated; and
- 1.2.3. Identify the expiration date of the current plan.

2. Priority concerns addressed by the plan

- 2.1. Provide a description of each priority concern selected to be addressed by the plan.

3. Description of priority concern identification process

- 3.1. List all public and internal forums held to gather input regarding priority concerns, including:
 - 3.1.1. Dates they were held;

- 3.1.2. A list of participants and affiliated organizations; and
- 3.1.3. A summary of the proceedings, and supporting data.
- 3.2. Include copies of any written comments received at the public information meeting.
- 3.3. Compile a list of issues identified by the stakeholders.
4. Description of priority concern selection process
 - 4.1. Describe how the priority concerns were chosen; and
 - 4.2. Identify any differences between the plan's priority concerns and other state, local, and regional concerns and describe the process used to resolve the differences.
5. Priority concerns not addressed by the plan
 - 5.1. Provide a brief description of why each concern submitted for consideration was not chosen or how the concern may be addressed through other efforts or delegated to other partnering entities.

IV. Submitting the Priority Concerns Scoping Document

After drafting the Priority Concerns Scoping Document (PCSD), the county submits the PCSD to the state review agencies for review and comment (Minnesota Statutes §103B.313). Routing information for the state review agencies can be found on the [County Comprehensive Local Water Management](#) page of the BWSR website. Electronic submittal (email attachment or CD) of the PCSD is acceptable.

The state review agencies are required to send their comments on the PCSD to BWSR, copying the county, within 30 days of receiving the document. BWSR staff will review these comments and draft recommendations for incorporating the state's expectations in the content of the final plan. These recommendations will be provided to the Regional Committee of the BWSR Board. The county will be asked to present the PCSD to this Committee and may be asked to prepare additional documents. The Committee will make a recommendation to be provided to the BWSR Board.

The full BWSR Board will review the Committee's recommendations and take action on the official comments within 60 days of BWSR receiving the PCSD, or after the next regularly scheduled board meeting beyond the 60 days. A county may request that resolution of unresolved issues be addressed through the BWSR dispute resolution procedures.

V. Develop the County Water Plan

The next sections provide guidance and requirements for drafting the plan after approval of the PCSD, according to Minnesota Statutes §103B.314.

1. Assessing Priority Concerns

For each priority concern; relevant data, plans, and policies must be analyzed. The analysis must be summarized in the plan, along with a description of the magnitude of the concern and how it's impacting or changing the local and water resources. Assessment of priority concerns is where agency staff, or the technical advisory committee if it exists, can lend valuable assistance. A county may want to schedule meetings for discussing each priority concern and invite agency and local staff experienced with the topic.

2. Develop Goals and Objectives to Address Priority Concerns

Each plan must contain specific measurable goals and objectives relating to the priority concerns. The goals and objectives must also coordinate and attempt to resolve conflict with city, county, regional, or state goals and policies ([Minnesota Statutes §103B.314, Subd. 3](#)). And, where appropriate, the plan should describe the watersheds or groundwater units to which the goals and objectives apply.

Goals are general statements that clearly communicate what is to be accomplished over the long-term to address the priority concerns. Goals are achievable in a reasonable period of time. Objectives state how the goal will be accomplished by breaking it down into smaller, more specific measures that will be taken.

3. Develop an Implementation Program for Priority Concerns

The implementation program identifies the specific strategies and actions that will be taken to achieve each goal ([Minnesota Statutes §103B.314, Subd. 4](#)). This section should be the focal point of the water plan. An implementation program may include actions involving, but not limited to: data collection programs, implementation of conservation programs, educational programs, capital improvement projects, project feasibility studies, enforcement strategies, amendments to existing official controls, and adoption of new official controls. For each measurable goal, describe:

- Implementation strategies or actions to address the goal;
- Staff and financial resources available or needed to carry out the strategies or actions;
- When the strategy or action will start and be completed;
- The local unit(s) of government delegated implementation responsibility;
- The watersheds or groundwater units benefiting from the initiatives; and
- The anticipated measurable result of the action or strategy.

If the county finds that no actions are necessary to address the goals and objectives the plan must explain why actions are not needed.

Consider answering the following questions when assessing a priority concern:

- What? (is the concern)
- Why? (substantiate that the concern is genuine)
- Risk? (what would happen if the concern is not addressed)
- Who? (who is affected most by the concern)
- Where? (geographic location such as watersheds or groundwater units)

Counties are strongly encouraged to write an implementation program for no more than five years and including an implementation action to assess the plan and amend as necessary at this time. This opportunity can be used to incorporate additional data and information from the development of the Minnesota Pollution Control Agency's Watershed Restoration and Protection Strategies and other local and state reports and plans, as well as to update the implementation program in the county water plan, through a plan amendment of the county water plan as appropriate. This is consistent with adaptive management methods and the state's watershed approach.

Counties are also encouraged to develop the implementation program with input from other resource managers in the county and state agencies to coordinate and build upon the efforts underway by other entities. Representatives can provide insight into assessing priority concerns and offer suggestions for goals, objectives, and actions. They can also communicate what they are doing to address the concern and suggest implementation actions for the county.

For projects initiated and funded through the authorities granted by Minnesota Statutes §103B.331, also known as capital improvement projects, the plan must contain the following information for each project:

- Approximate size, configuration, and location of the project;
- The purposes of the project and relationship to the objectives in the plan;
- The proposed schedule for project construction;
- The expected federal, state, and local costs;
- The types of financing proposed, such as special assessments, ad valorem taxes, and grants; and
- The sources of local financing proposed.

This section can be presented in narrative, as a table or schedule, or both.

4. Implementation: Ongoing Activities Coordinated by the Plan

This section of the plan provides an opportunity for local units of government to identify other activities and programs necessary to local water management program, but not reflected in the priority concerns. This is the place to identify programs and activities where the local governments have a significant administrative role. Examples include the Wetland Conservation Act, Floodplain Management Program, Flood Damage Reduction, Feedlot Compliance, Septic System Ordinances, Shoreland Ordinances, Source-water and Wellhead Protection, Stormwater Management, etc.

This section can be presented in narrative, as a table or schedule, or both; and may be incorporated into the Implementation for Priority Concerns information.

5. Contents of a Local Water Management Plan

Local water management plans should contain the following sections, in the order presented (Minnesota Statutes §103B.314):

1. Cover Page stating the duration of the plan.

2. Executive Summary
 - 2.1. Purpose of the local water management plan
 - 2.2. List of the priority concerns to be addressed by the plan
 - 2.3. Summary of goals and actions to be taken along with the projected total cost
 - 2.4. Description of the consistency of the plan with other pertinent local, state, and regional plans and summary of recommended amendments to other plans and official controls
3. Assessment of Priority Concerns
 - 3.1. For each priority concern, analyze relevant data, plans, and policies provided by agencies and describe the magnitude of the concern, including how the concern is impacting or changing the local land and water resources. Reference the Priority Concerns Scoping Document (contained in the appendix).
 - 3.2. For each priority concern, identify specific measurable goals and objectives. The goals and objectives must coordinate and attempt to resolve conflict with city, county, regional, or state goals and policies.
4. Implementation Program
 - 4.1. For each goal, include implementation projects and programs:
 - 4.1.1. Implementation strategies or actions to address the goal;
 - 4.1.2. Staff and financial resources available or needed to carry out the strategies or actions;
 - 4.1.3. When the strategy or action will start and be completed;
 - 4.1.4. The local unit(s) of government delegated implementation responsibility;
 - 4.1.5. The watersheds or groundwater units benefiting from the initiatives; and
 - 4.1.6. The anticipated measurable result of the action or strategy.
5. Appendix – Priority Concerns Scoping Document

6. Public Hearing and Final Plan Approval

Once the water plan update is drafted and ready for final submittal, the county board must conduct a public hearing (Minnesota Statutes §103B.315). After the hearing the county must submit the information below to the state review agencies. State review agency routing information is available on the [County Comprehensive Local Water Management](#) page of the BWSR Website. Submittals may be email attachment or CD.

- The final plan;
- All written comments received on the plan;
- A record of the public hearing; and

- The county should submit the plan to other parties (e.g., local units of government) to give them an opportunity to comment on the final plan. However, such action is not required by statute.

After consulting with the state review agencies, the BWSR board will act on approving the plan (or disapproving parts or all of it) and notify the county of their action within 90 days of receiving the items above. If BWSR approves the plan, the county must adopt the plan within 120 days. If BWSR does not approve all or part of the plan, Minnesota Statutes §103B.315, Subd. 5 sets forth a resolution process:

1. If a plan is disapproved, BWSR shall provide a written statement of its reason for disapproval. A disapproved local water management plan must be revised by the county board and resubmitted for approval by BWSR within 120 days after receiving notice of disapproval of the local water management plan, unless the board extends the period for good cause.
2. If the county disagrees with BWSR's decision to disapprove the plan, it may, within 60 days, initiate the resolution process as established pursuant to Minnesota Statutes §103B.345.

VI. Final Plan Adoption and Implementation

Upon receiving notice that BWSR has approved their plan, a county has 120 days to pass an Adoption and Implementation Resolution and forward a copy of the adoption to appropriate the BWSR Regional Manager and [Board Conservationist](#).

An example **Adoption and Implementation Resolution** is provided on the [County Comprehensive Local Water Management](#) page of the BWSR Website.

1. Conformance of Local Plans and Official Controls

According to Minnesota Statutes §103B.325, the county board will notify the local units of government exercising water and related land resources planning and regulatory responsibility within the county of the adoption or amendment to a water plan. Within 90 days after notification, the local units of government must submit existing water and related land resources plans and official controls to the county board for review. The county board shall identify any inconsistency between the plans and controls and the local water management plan and shall recommend the amendments necessary to bring local plans and official controls into conformance with the local water management plan.

Local units of government must enact amendments to their plans and official controls as recommended by the county board so that they are in conformance with the local water management plan within 180 days.

VII. Authority under Approved Water Plans

[Minnesota Statutes §103B.331](#), gives counties with an approved water plan the authority to:

- Regulate the use and development of water and related land resources within incorporated areas.
- Acquire property for implementation of projects in the plan.
- Assess costs to benefited properties.
- Charge users for services.

- Establish taxing districts and issue bonds.

Minnesota Statutes §103B.325 requires local governments to enact amendments to their plans and official controls so that they are in conformance with an approved county water plan. See these statutes for more information.

VIII. Summary of Water Plan Update Responsibilities

Gathering input on priority concerns

County responsibilities:

- Convene the water plan taskforce and develop a public participation process.
- Send notice of water plan update and priority concerns input request to state review agencies, local governments, and citizens.
- Review relevant water and related resources management programs, plans, and controls of local, state, and federal partners.
- Gather input and select priority concerns.

BWSR responsibilities:

- Board conservationist meets as requested to review the update process and provides BWSR priority concerns to the planning authority and the BWSR Regional Subcommittee.

Priority Concerns Scoping Document

County responsibilities:

- Document the process used to gather priority concerns, including how priority concerns were selected and why certain priority concerns weren't chosen for the plan.
- Draft and submit the Priority Concerns Scoping Document (PCSD) to state review agencies for comment.

BWSR responsibilities:

- BWSR staff will forward the PCSD, comments submitted by the state review agencies, and other relevant information to the BWSR Regional Subcommittee.
- BWSR will convene a meeting of representatives of the planning authority, the BWSR Regional Subcommittee, and agency representatives (if necessary) to discuss the PCSD.
- BWSR Regional Subcommittee will consider the recommendations or requirements provided by the state review agencies and all other comments received in review of the PCSD, in finalizing the official comments that will be recommended to the BWSR Board for consideration at the next BWSR Board meeting. A copy of the recommendation will be provided to the state review agencies.
- The BWSR Board will approve or amend and approve the official PCSD comment letter the state will forward to the planning authority.
- After the meeting, BWSR staff will send the official comments to the planning authority and copy all the state agency review appointed liaisons.

Plan Development

County responsibilities:

- Draft the contents of the water management plan update with:

- Participation from local governments, citizen groups, and state agencies;
- Adequate assessment of and focus on the priority concerns identified in the PCSD in setting forth appropriate goals, and objectives;
- Adequately addressing any recommendations/requirements communicated in the state's official comment letter;
- A detailed implementation program with measurable actions, timeline and budget; and
- All required sections of the plan.

BWSR staff responsibilities:

- Assist LGU, as requested, in drafting the contents of the plan update.

Public Hearing and Plan Approval

County responsibilities:

- Legally notice and conduct a public hearing.
- Submit the final plan, public hearing transcript and any written comments received on the final plan draft to the BWSR regional office.
- Upon receiving notice that the BWSR has approved their plan, a county has 120 days to adopt the plan.

BWSR responsibility:

- BWSR staff will review the final plan to make sure it meets the requirements of a water plan and the state's official comment letter, and draft a recommendation to the BWSR Regional Subcommittee as to whether the plan should be approved or not.
- BWSR Regional Subcommittee will meet with LGU as requested and formulate a recommendation on the water plan for the full board.
- BWSR Board will approve, or disapprove all or parts of the plan.
- After board approval, BWSR staff will send notice of board action.