



# Local Water Plan Extension and Amendment Policy

June 22, 2016

## Purpose

The purpose of this policy is to provide direction to local water planning authorities regarding Minnesota Statutes §103B.3367 Water Plan Extensions. The primary goals of this policy are to: 1) facilitate the transition to One Watershed, One Plan by ensuring active participation by counties, soil and water conservation districts, and watershed districts in plan development; 2) allow for effective participation and use of the Minnesota Pollution Control Agency's Watershed Restoration and Protection Strategies (WRAPS); and 3) maintain eligibility of participating local government units in applying for and receiving grants under the Board's current and future grants policies.

## 1.0 Applicability

This policy is retroactive to extension and amendment requests received on or after January 1, 2016. This policy applies to counties, soil and water conservation districts, watershed districts, and watershed management organizations (organizations) that are operating under a local water plan. For purposes of this policy, "local water plan" means: a county water plan authorized under Minnesota statutes §103B.311, a watershed management plan required under §103B.231, a watershed management plan required under §103D.401 or §103D.405, a county groundwater plan authorized under §103B.255, a soil and water conservation district "comprehensive plan" under Minnesota statutes §103C.331, Subd. 11, or a comprehensive watershed management plan under §103B.801.

- A. Extensions of local water plans will be supported in one or more of the following circumstances:
  - i. In order for an organization to participate in and more effectively utilize the Minnesota Pollution Control Agency's watershed-based 10-year approach of monitoring, assessment, and development of WRAPS.
  - ii. In order to synchronize water management efforts between partners for the purposes of developing and completing comprehensive watershed management plans through the One Watershed, One Plan Program. Formal acknowledgement of intent to develop a comprehensive watershed management plan under §103B.801 in the form of a passed motion or resolution by the board of the water planning authority is required in this circumstance.
  - iii. All other purposes for requesting an extension will be considered on a case-by-case basis.
- B. Amendments of local water plans will be supported in one or more of the following circumstances:
  - i. As required by a BWSR Board order in association with an extension request.
  - ii. All other amendments will be considered on a case-by-case basis in consideration of the authorizing local water plan statute.

## 2.0 Extension Procedure

All requests for extensions to a local water plan must be initiated by petition to BWSR. Requests will be processed through the Board Conservationist, Regional BWSR Committee, and full BWSR Board; except for the following:

- A. Soil and Water Conservation District Comprehensive Plans. These requests will be processed through the Board Conservationist and approved by the Regional Manager; and

- B. Extension requests associated with WRAPS or transition to comprehensive watershed management planning consistent with Minnesota Statutes §103B.801. These requests will be processed through the Board Conservationist and Regional Manager with final approval delegated to the Executive Director.
  - i. For the purposes of transition, requests will be considered only when a motion or resolution committing to transitioning to comprehensive watershed management planning has been passed or adopted by the board and/or a comprehensive watershed management plan has been adopted for a portion of the organization's area.
  - ii. The Executive Director may condition the extension approval with a requirement for a subsequent amendment to address new data and information that may substantially change implementation of the local water plan. Extension requests will be processed within 60 days. Appeals of decisions on extension requests will be processed through the Regional Committee and full Board.

Where the SWCD has adopted the county plan by resolution and the county plan has been extended, the SWCD may continue to adopt the county water plan, as extended, by resolution.

Extensions that substantially delay implementation of the requirements of local water plans will not be allowed.

### **3.0 Amendment Procedure**

Amendments to local water plans must follow the requirements of the authorizing local water plan statute and will be processed through the Board Conservationist, Regional BWSR Committee, and full BWSR Board; except for:

- A. Amendments to local water plans as required by BWSR Board order or condition of approval from the Executive Director, in association with an extension request, must follow the requirements of the authorizing statute [for public notice]. These amendments will be processed through the Board Conservationist and Regional Manager with final approval delegated to the Executive Director.
- B. Counties may request waivers to amendments required by BWSR Board Order approving the county water plan. These requests will be processed through the Board Conservationist and Regional Manager with final approval delegated to the Executive Director.
  - i. Decisions will be made based on the extent of implementation occurring, the availability or not of new data or information, or commitment to transitioning to comprehensive watershed management planning.

Amendment requests noted in the exceptions above will be processed within 60 days. Appeals on decisions will be processed through Regional Committees and the full Board.