

DATE: June 19, 2018

TO: Board of Water and Soil Resources' Members, Advisors, and Staff

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – June 27, 2018

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, June 27, 2018, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room, at 520 Lafayette Road, Saint Paul. Parking is available in the lot directly in front of the building (see hooded parking area).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. **Local Water Plan Status and Grant Eligibility Policy** – The purpose of this agenda item is to consider the New Local Water Plan Status and Grant Eligibility Policy. The intent of this proposed policy is to provide clear and consistent direction for grantees and potential grantees on how the status of their local water plan impacts BWSR decision on grants and grant payments and clarity on if plan status can impact grant payments. **DECISION**
2. **Revised Grants Monitoring and Reconciliation Policy** – The purpose of this agenda items is to consider the revised Grant Monitoring and Reconciliation Policy. This policy was revised in response to modifications to the Department of Administration's Office of Grants Management (OGM) policies that allow a granting agency with multiple grants of similar grant periods with the same grantee to choose - through a documented risk assessment - which grant(s) represent a sample that will receive monitoring and financial reconciliation. **DECISION**
3. **Fiscal Year 2019 Buffer Law Implementation Grants** – The purpose of this agenda items is to allocate SWCD Buffer Implementation Grants. These recommended allocations are consistent with the previous year's allocations for this program. **DECISION**
4. **Fiscal Year 2019 Local Capacity Grants Program** – The purpose of this action is to allocate the \$100,000 SWCD Local Capacity Grants. This action will also allocate the matching grants consistent with past Capacity Matching grants, with the exception of a new deadline for counties to provide documentation of support by January 15, 2019. **DECISION**
5. **FY 2019 Clean Water Fund Implementation Program Policy and the FY2019 Clean Water Fund Competitive Grants Program authorization** – The purpose of this agenda item is to approve the FY2019 Clean Water Fund Implementation Program Policy and authorize staff to initiate the FY19 Clean Water Fund Request for Proposals. This policy will apply to Projects and Practices, Multi-Purpose Drainage Management, Accelerated Implementation and Minnesota Department Health Well Sealing funding. **DECISION**

RIM Reserve Committee

1. **Carruthers / Schmidgall RIM Easement Alteration (61-03-98-01)** – This proposal seeks the release of 24 acres from RIM easement 61-03-98-01 in Pope County, owned by Evan Carruthers. The proposed replacement area of 48 acres is owned by Tom Schmidgall and is in the same township and watershed area. The two landowners have worked cooperatively to come up with this proposal which has been approved by the Pope SWCD, DNR Area Wildlife Mgr., and the RIM Committee at its May 23, 2018 meeting. The proposal meets the requirements of the BWSR Easement Alteration Policy. **DECISION**
2. **Christensen RIM Easement Alteration (24-08-01-01)** – This proposal seeks to release 0.25 acres from RIM easement 24-08-00-01 on land owned by the Christensen family in Carlston Twp., Freeborn County. The Christensens are seeking this release to accommodate a permanent 20 foot wide driveway to a building site for their sons new home. The home site is not on the easement, but they need to improve the current field road access lane which is on the easement for year round vehicular traffic. The Christensens propose replacement of 0.55 acres of cropland adjacent to the current RIM easement boundary. This propose meets the requirements of our easement alteration policy and was approved by the RIM Committee of the BWSR on May 23, 2018. **DECISION**
3. **Bruce Levos RIM Easement Alteration (07-05-99-03)** – Bruce Levos is proposing alteration of the RIM easement on his property adjacent to the LeSueur River in Blue Earth County to rectify an inadvertent 0.3 acre incursion into the easement when he expanded his vineyard in 2008. This was a mistake on the landowners part because he thought his easement boundary was further west. To rectify things and simplify the boundary of the easement, Mr. Levos is seeking approval to release 0.81 acres from the current RIM easement and replace these acres with 3.43 acres of more floodprone cropland, currently in CRP. This request meets the requirements of our easement alteration policy, and was recommended for approval by the RIM Committee of the BWSR at its May 23, 2018 meeting. **DECISION**
4. **MN Conservation Reserve Enhancement Program (MN CREP) 2018 Adjustments** – BWSR staff have been approving MN CREP landowner applications for the past 12 months submitted by Soil and Water Conservation Districts (SWCD). In April 2018 BWSR staff held four MN CREP Engagement meetings to seek input from SWCD's throughout the project area. The purpose of these meetings was to provide SWCDs with an opportunity to share the feedback they've been hearing from landowners on what aspects of the MN CREP are working well, and where adjustments are needed. A number of comments related to payment rates associated with a permanent easement program like RIM as a part of MN CREP.

Staff are proposing to continue utilizing the guidance in previous Board resolutions related to Standard Easement Payment rates (13-109) and Present Value (17-35). The most significant change being recommended by the RIM Reserve Committee is to establish a RIM incentive along with a process to approximate the value of two times the Continuous Conservation Reserve Program (CCRP) payment, which is what landowners often use as their alternative to a permanent easement. In addition, it is proposed to apply this incentive and payment process to funded MN CREP applications that have not had the RIM easement recorded. In limited situations it is also proposed to allow RIM-only as a part of a MN CREP application to make the easement area more manageable and to provide greater benefits to the landowner and the resources.

All of these proposals have been discussed twice with the RIM Reserve Committee and are being recommended for approval through a Board Resolution at the June 27th meeting. **DECISION**

Central Region Committee

1. **Isanti County Comprehensive Local Water Management Plan** – The current Isanti County Comprehensive Local Water Management Plan was approved on May 24, 2006 and expired on May 31, 2018. On March 18, 2015, the County Board of Commissioners passed a resolution to update the Plan, and on February 17, 2016, submitted the Priority Concerns Scoping Document to the reviewing agencies for final review and approval. The duration of the Plan is from July 1, 2018 to July 1, 2027. The Plan includes the following priority concerns:
 - Ground water quantity and quality
 - Surface water quality and quantity
 - Land use
 - AIS prevention and management

BWSR staff has completed its review and recommend approval of the Isanti County Comprehensive Local Water Management Plan. On June 7, 2018, the Board’s Central Region Committee reviewed and unanimously recommended approval of the Isanti County Comprehensive Local Water Management Plan.

DECISION

2. **Riley Purgatory Bluff Creek Watershed District Watershed Management Plan** – The Riley Purgatory Bluff Creek Watershed District (RPBCWD) was established in July 1969 and encompasses approximately 50 square miles of the western Twin Cities metropolitan area. This fourth generation plan will allow the RPBCWD to build on its accomplishments and further its success via a thorough prioritization of projects and strong partnerships. The Central Region Committee met earlier this month to discuss the Plan and recommends approval per the attached draft Order. ***DECISION***
3. **North Fork Crow River Comprehensive Watershed Management Plan** – On May 1, 2018, the Board received the final draft of the North Fork Crow River Comprehensive Watershed Management Plan. The 15 planning partners have developed a prioritized plan that targets all land covers in the watershed and will enhance implementation in central Minnesota. The Central Region Committee met earlier this month to discuss the Plan and recommends approval per the attached draft Order. ***DECISION***

Audit and Compliance Committee

1. **Board Reauthorization of Delegation for PRAP Assistance Grants to Local Government Units** – Board Resolution #15-37, Board Authorization of Delegation for PRAP Assistance Grants to LGUs had been approved by the Board in June, 2015 but had outdated references and needed to be updated. This resolution replaces and supersedes previous resolutions related to PRAP Assistance Grants. ***DECISION***

Administrative Advisory Committee

1. **Working Lands Watershed Restoration Pilot Program Development Grant** – In 2016 the Legislature directed BWSR to prepare a plan and feasibility study for a Working Lands Watershed Restoration Program to incentivize the establishment and maintenance of perennial and cover crops. This report was accepted by the Board at the January 24, 2018 meeting and submitted to the Legislature by the February 1, 2018 deadline.

The requirements of the legislative directive were accomplished “under budget,” leaving approximately \$120,000 available from the original appropriation to further the work of this initiative. An extension for these funds was in the Omnibus Appropriations bill that was vetoed by Governor Dayton. Interest remains within BWSR and the project partners to continue this work in advance of the 2019 Legislative session

Under statute, grant funds may be extended for one year following the expiration date of the appropriation. Stearns SWCD is willing to work with BWSR as a grant recipient to conduct additional program development, research and outreach. **DECISION**

OLD BUSINESS

1. **Clean Water Act Section 404 Assumption – Analysis of Retained and Assumable Waters in Minnesota –**
The “Minnesota Federal Clean Water Act Section 404 Permit Program Feasibility Study” was finalized on January 17, 2017. Board resolution #17-05 was passed on January 25, 2017, outlining the next steps in assessing the feasibility of Section 404 assumption in Minnesota. Those next steps focused on estimating and mapping the approximate extent of assumable and non-assumable waters in Minnesota based on information provided by the U.S. Army Corps of Engineers (according to federal regulations, not all waters/wetlands in a state are assumable, and the Corps is responsible for determining which waters they will retain regulatory authority over). Subsequently, BWSR staff worked with the Corps’ St. Paul District to develop criteria to estimate and map Corps-retained and State-assumable waters and wetlands using a statewide GIS mapping program. The mapping analysis indicated that, with the exception of stream headwaters, there would be very few waters and wetlands for the State to assume and the process to identify them would often rely on case-by-case evaluations that could be complicated and lengthy. The mapping results and additional analysis were incorporated into the “Analysis of Retained and Assumable Waters in Minnesota” report that was finalized on May 3, 2018. Staff will present the results of the analysis and discuss the current status of assumable waters and Section 404 assumption in Minnesota and nationally. **INFORMATION**

If you have any questions regarding the agenda, please feel free to call me at 651-296-0878. We look forward to seeing you on June 27.

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL BOARD ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 27, 2018**

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MARCH 28, 2018 BOARD MEETING

MINUTES OF MAY 23, 2018 BOARD MEETING

PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)

CONFLICT OF INTEREST DECLARATION

INTRODUCTION OF NEW EMPLOYEES

- Mary Juhl
- Cathy Seurer
- Nicole Clapp
- Dusty Van Thuyne

REPORTS

- Chair & Administrative Advisory Committee - Gerald Van Amburg
- Audit & Oversight Committee - Gerald Van Amburg
- Executive Director - John Jaschke
- Dispute Resolution Committee - Gerald Van Amburg
- Grants Program & Policy Committee - Steve Sunderland
- RIM Reserve Committee – Gene Tiedemann
- Water Management & Strategic Planning Committee - Jack Ditmore
- Wetland Conservation Committee - Tom Schulz
- Buffers, Soils & Drainage Committee - Kathryn Kelly
- Drainage Work Group - Tom Loveall/Al Kean

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. Local Water Plan Status and Grant Eligibility Policy – Melissa Lewis – ***DECISION ITEM***
2. Revised Grants Monitoring and Reconciliation Policy – Melissa Lewis – ***DECISION ITEM***
3. Fiscal Year 2019 Buffer Law Implementation Grants – Melissa Lewis – ***DECISION ITEM***
4. Fiscal Year 2019 Local Capacity Grants Program – Melissa Lewis – ***DECISION ITEM***
5. FY 2019 Clean Water Fund Implementation Program Policy and the FY2019 Clean Water Fund Competitive Grants Program authorization – Marcey Westrick – ***DECISION ITEM***

RIM Reserve Committee

1. Carruthers / Schmidgall RIM Easement Alteration (61-03-98-01) – Tim Fredbo – ***DECISION ITEM***
2. Christensen RIM Easement Alteration (24-08-01-01) – Tim Fredbo – ***DECISION ITEM***
3. Bruce Levos RIM Easement Alteration (07-05-99-03) – Tim Fredbo – ***DECISION ITEM***
4. MN Conservation Reserve Enhancement Program (MN CREP) 2018 Adjustments – Dave Weirens, Tim Koehler, and Dave Rickert – ***DECISION ITEM***

Central Region Committee

1. Isanti County Comprehensive Local Water Management Plan – Kevin Bigalke – ***DECISION ITEM***
2. Riley Purgatory Bluff Creek Watershed District Watershed Management Plan – Kevin Bigalke – ***DECISION ITEM***
3. North Fork Crow River Comprehensive Watershed Management Plan – Kevin Bigalke – ***DECISION ITEM***

Audit and Oversight Committee

1. Board Reauthorization of Delegation for PRAP Assistance Grants to Local Government Units – Dale Krystosek – ***DECISION ITEM***

Administrative Advisory Committee

1. Working Lands Watershed Restoration Pilot Program Development Grant – Dave Weirens – ***DECISION ITEM***

OLD BUSINESS

1. Clean Water Act Section 404 Assumption – Analysis of Retained and Assumable Waters in Minnesota – Les Lemm. ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Susan Stokes
- Minnesota Department of Health – Chris Elvrum
- Minnesota Department of Natural Resources – Tom Landwehr

- Minnesota Extension Service
- Minnesota Pollution Control Agency – Shannon Lotthammer/Terry McDill

ADVISORY COMMENTS

- Association of Minnesota Counties – Jennifer Berquam
- Minnesota Association of Conservation District Employees – Chessa Frahm
- Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Nathan Redalen
- Minnesota Association of Watershed Districts – Emily Javens
- Natural Resources Conservation Service – Curtis Elke

UPCOMING MEETINGS

- Next BWSR Meeting is the BWSR Board Tour: August 22 (board tour) and August 23 (board meeting), 2018, near Worthington, MN

ADJOURN

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL BOARD ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 28, 2018**

BOARD MEMBERS PRESENT:

Jill Crafton, Jack Ditmore, Tom Landwehr, DNR; Tom Loveall, Nathan Redalen, Tom Schulz, Steve Sunderland, Rich Sve, Gene Tiedemann, Gerald Van Amburg, Paige Winebarger, Terry McDill, MPCA; Joe Collins, Neil Peterson, Duane Willenbring, Patty Acomb

BOARD MEMBERS ABSENT:

Kathryn Kelly, Chris Elvrum, MDH; Susan Stokes, MDA

STAFF PRESENT:

John Jaschke, Hannah Pallmeyer, Julie Westerlund, Kevin Bigalke, Melissa Lewis, Dave Weirens, Ryan Hughes, Les Lemm, Al Kean, Chris Pence, Henry Van Offelen, Kelly Voigt, Lawrence Svien, Travis Germundson, Tim Smith

OTHERS PRESENT:

Frank Kohlasch, MPCA
MaryJean Fenske, MPCA
Peter Ciborowski, MPCA
Jeffrey Berg, MDA
Warren Formo, MAWRC
Jason Garms, DNR

Chair Gerald VanAmburg called the meeting to order at 9:02 AM

PLEDGE OF ALLEGIANCE

**** 18-12** **ADOPTION OF AGENDA** - Moved by Jack Ditmore, seconded by Jill Crafton, to adopt the agenda as presented. ***Motion passed on a voice vote.***

**** 18-13** **MINUTES OF January 24, 2018 BOARD MEETING** – Moved by Paige Winebarger, seconded by Duane Willenbring, to approve the minutes of January 24, 2018, as circulated. ***Motion passed on a voice vote.***

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

CONFLICT OF INTEREST DECLARATION

Chair VanAmburg read the statement:

“A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today’s business.”

The board discussed the conflict of interest form. Possible conflicts of interest included the Request for Proposals for One Watershed, One Plan and the grant for the Red River Basin Commission.

INTRODUCTION OF NEW EMPLOYEES

- Chris Pence, Board Conservationist
- Henry Van Offelen, Clean Water Specialist – Red River Valley
- Kelly Voigt, Northern Regional Training Conservationist
- Lawrence Svien, Southern Regional Training Conservationist
- Kevin Roth, Buffer and Soil Loss Specialist

Chair Van Amburg and the board welcomed the new staff to BWSR!

REPORTS

Chair & Administrative Advisory Committee – Chair Gerald Van Amburg reported that the Administrative Advisory Committee has not met since the previous board meeting. He attended the Environmental Quality Board and Red River Flood Damage Reduction work group meeting in Moorhead. The Environmental Quality Board toured Moorhead and discussed phosphorous reduction in waste water treatment. Commissioner Landwehr also attended the Environmental Quality Board meeting and appreciated the work being done in the Red River basin. Chair Van Amburg noted that there was an event associated with the work group meeting honoring the life of Don Ogaard, the first chair of the Board of Water and Soil Resources.

Audit and Oversight Committee – Chair Gerald Van Amburg reported that the committee has not met since the January board meeting. Jack Ditmore asked when the Office of the Legislative Auditor report will be published, and John Jaschke replied that no report has been provided to staff yet.

Executive Director's Report - John Jaschke introduced Jeff Berg, who filled in for Susan Stokes on behalf of the Department of Agriculture at the meeting. John Jaschke reported on the AMC, MASWCD, Association of Townships, and MAWD Days at the Capitol. He reminded board members that they are not allowed to accumulate points or rewards by traveling, and stated that BWSR cannot reimburse board members for receipts that have points on them. A legislative update was provided to board members, addressing the Governor's supplemental budget recommendations, Clean Water Fund payback and Clean Water Council recommendations, Outdoor Heritage Fund appropriations, Bonding recommendations, Ramsey Conservation District, Drainage, Coordinated Water Management, and other issues. The board discussed the proposed Ramsey County Conservation District dissolution and similarities and differences to the previous Hennepin Conservation District dissolution. A memo was provided to staff giving an update about One Watershed, One Plan. John Jaschke gave an update to board members about communications staffing, and reviewed a few stories communications staff had compiled about BWSR's work.

Dispute Resolution Committee - Travis Germundson provided an update to the board. There are two appeals pending, and one appeal has been filed since the previous board meeting. The appeals are under the Wetlands Conservation Act.

Grants Program & Policy Committee – Jill Crafton reported that the committee met on March 19, 2018, on the same day as the Water Management and Strategic Planning Committee. The committee discussed the One Watershed, One Plan planning grants Request for Proposal.

RIM Reserve Committee - Gene Tiedemann reported that the committee had not met since the previous board meeting.

Water Management & Strategic Planning Committee - Jack Dittmore reported that the committee met on March 19, 2018. The committee discussed revised content requirements and operating procedures for One Watershed, One Plan. No future meetings have been scheduled.

Wetland Conservation Committee - Tom Schulz reported that the committee met on March 19, 2018. The committee reviewed a proposed Draft Wetland Mitigation Fee Policy Addendum – Policies for Single User Accounts and Stewardship of Large Mitigation Sites. The committee also discussed the status of the In-Lieu Fee Wetland Mitigation Program and the Bank Service Area 6 Compensation Planning Framework. Staff also provided an update on the status of Section 404 Assumption.

Buffers, Soils & Drainage Committee – Steve Sunderland reported that the committee met on March 27, 2018, to review a draft of an alternative Administrative Penalty Order to be published for public comment. Staff also presented an update on returned buffer cost share funds and an update on buffers compliance. At this time, 64 counties and 4 watershed districts have accepted jurisdiction. The committee also discussed timing of payments and haying criteria for buffer cost share funds and the possibility of additional legislative appropriations or policy adjustments for buffer cost share. The committee plans to look at soil loss rules in future meetings. The committee also discussed buffer alternative practice tools and the participation at local meetings to discuss those tools.

Drainage Work Group (DWG) - Tom Loveall and Al Kean reported that the Drainage Work Group met on February 1 and February 22, 2018. They discussed accelerating drainage system acquisition of ditch buffer strips and alternative practices, and language was drafted that is chief authored by Senator Weber and Representative Torkelson. The DWG also discussed the runoff and sediment delivery option

for drainage system repair cost apportionment, and this language was drafted as an amendment to the accelerating drainage system acquisition bill. The board discussed the importance of having policies that can work with ever-evolving technology.

COMMITTEE RECOMMENDATIONS

Water Management and Strategic Planning Committee

One Watershed, One Plan Operating Procedures and Plan Content Requirements – Julie Westerlund presented the Operating Procedures and Plan Content Requirements. The One Watershed, One Plan Operating Procedures and Plan Content Requirements are the two policy documents that describe program requirements according to Minnesota Statutes §103B.801. These documents, which were based on policies for the pilot program (developed in 2014), were updated in 2016 when the program was formally established. Since that time, BWSR's Water Planning Program Team has identified a need to improve the organization and clarity of these documents, along with minor changes to policy elements. The team recommended re-formatting both documents with the new State of Minnesota logo and style. For both documents, the majority of non-policy information (background, context, and optional items) have been removed.

Other changes include:

- Policy
 - High level summary of changes (*see the last page of each document for more detail*)
- Operating Procedures
 - Removed automatic exemption for LGUs with less than 5% of their area in the planning boundary
 - Added requirements for sharing public comments during the plan review and approval process
- Plan Content Requirements
 - Land and Water Resources *Inventory* changed to *Narrative*; added requirement for discussion of watershed context
 - Fairly extensive wording changes in Plan Administration and Implementation Programs sections resulting in minor changes to policy elements.

The board discussed a modification to participation requirements by land area. It was noted that if a large county has part of a small watershed, it could have a significant impact on the watershed and still be under the 10 percent threshold for required participation. If an optional LGU does not participate in the development of the plan, they can still adopt the plan. If the LGU does not adopt the plan, they will not be eligible for watershed-based funding for that watershed. The operating procedures give BWSR some flexibility in working with groups to consider participation on a case-by-case basis. Board members thanked staff for their work on this agenda item and discussed the importance of looking at the natural characteristics of watersheds.

**
18-14 Moved by Jack Ditmore, seconded by Steve Sunderland, to approve the board order authorizing the updated operating procedures and plan content requirements. ***Motion passed on a voice vote.***

Grants Program and Policy Committee

One Watershed One Plan Planning Grant Request for Proposals & Grants Policy – Julie Westerlund and Melissa Lewis presented the Request for Proposal and Grants Policy.

Other than dates, the policy is unchanged from the previous policy.

The RFP includes the following changes:

- Response requirements (see “comprehensive watershed management plans”) encourage more early and meaningful discussions as partnerships are established.
- Review criteria are more specific and include minimum and preferred requirements that relate directly to new questions.
- Timeline for responses shortened from 15 to 12 weeks.

Rich Sve discussed concerns with the formula that determines funding based on prioritizing the amount of private lands in a watershed. The planning grants before the board are not formula-based. The pilot implementation grants have been formula-based in the past, and the board may revisit this going forward.

**
18-15 Moved by Jill Crafton, seconded by Tom Schulz, to approve the Request for Proposal and Grants Policy board order. ***Motion passed on a voice vote.***

Buffers, Soils and Drainage Committee

Administrative Penalty Order Plan for Buffer Law Implementation: Authorizing Public Review and Comment – Dave Weirens presented the draft of the proposed amendment to the Administrative Penalty Order to be noticed for public review. On March 27, 2018, the Buffers, Soils and Drainage Committee reviewed a proposed draft amendment to the Administrative Penalty Order Plan for Buffer Law Implementation and a staff request to seek public review and comment on this draft amendment. The committee recommended that the board seek public review and comment on the draft amendment.

**
18-16 Moved by Neil Peterson, seconded by Duane Willenbring, to approve the board order authorizing public review and comment. ***Motion passed on a voice vote.***

Chair Van Amburg recessed the board at 10:43am. Chair Van Amburg called the meeting back to order at 10:53am.

Northern Region Committee

Koochiching County Comprehensive Local Water Management Plan – Rich Sve presented the Koochiching County Comprehensive Local Water Management Plan (Plan) that was submitted for State review. The Northern Regional Committee (Committee) met March 7, 2018, to review the content of the Plan and state agency comments. The Committee recommended the Plan for approval by the full Board.

**
18-17 Moved by Rich Sve, seconded by Neil Peterson, to approve the Koochiching County Comprehensive Local Water Management Plan. ***Motion passed on a voice vote.***

Joe River Watershed District Revised Watershed Management Plan – Neil Peterson presented the Joe River Watershed District Revised Watershed Management Plan. The Joe River Watershed District (JRWD) was established on January 31, 1958, and is located in the northwest corner of Kittson County. The JRWD has completed the planning process for its Revised Watershed Management Plan (Plan). The JRWD distributed its proposed Plan as required for final review and comment. The Northern Regional

Committee (Committee) met on March 7, 2018, to review the Plan and to make a recommendation for approval. The Committee recommended approval by the full Board.

The board discussed the importance of collaborating with other local government units in the Red River Basin. Ryan Hughes mentioned that the Two Rivers Watershed District staff wrote this plan on behalf of the Joe River Watershed District, and the possibility of a One Watershed, One Plan approach in the future. The board thanked BWSR staff for thorough talking points.

The board discussed the wording of the board order. The board also discussed the comments submitted by the Department of Natural Resources.

**
18-18 Moved by Neil Peterson, seconded by Jill Crafton, to approve the Joe River Watershed District Revised Watershed Management Plan. ***Motion passed on a voice vote.***

Annual Red River Basin Commission Grant – Ryan Hughes presented the grant. In 2017, the Legislature appropriated funds to the Board for grants to the Red River Basin Commission (RRBC) for waters quality and floodplain management, including administration of programs. The Northern Regional Committee (Committee) met March 7, 2018, to review and discuss the RRBC 2017 Annual Report, the RRBC 2018 Workplan, the current status of the RRBC, and to make a recommendation of the Order authorizing the FY2018 grant to the Red River Basin Commission to the full Board. The Committee recommended approval by the full Board. No board members had a conflict of interest for this agenda item.

The board discussed slight modifications to the process for awarding the grant, and the board appreciated the inclusion of a work plan with this agenda item.

**
18-19 Moved by Tom Schulz, seconded by Rich Sve, to approve the Annual Red River Basin Commission Grant. ***Motion passed on a voice vote.***

Central Region Committee

Mille Lacs Priority Concerns Scoping Document – Kevin Bigalke presented the Priority Concerns Scoping Document. On January, 24, 2007, the Board of Water and Soil Resources approved Mille Lacs County's Comprehensive Local Water Management Plan for a ten year period ending January 31, 2017, which was extended to December 31, 2018. On May 5, 2015, the county passed a resolution to begin the plan update process. On November 30, 2017, the Mille Lacs County Water Planner submitted the priority concerns scoping document to the state agencies for review. On March 8, 2018, the BWSR Central Committee reviewed the Mille Lacs County Comprehensive Local Water Management Priority Concerns Scoping document and recommended the full Board approve the draft letter finding the priority concerns identified to be appropriate and for the county to continue working on the development of the plan.

The board appreciated a survey that was incorporated into the Priority Concerns Scoping Document. There was a request from the board to discuss altered hydrology in more depth at a future meeting.

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18-20 Moved by Joe Collins, seconded by Duane Willenbring, to approve the Mille Lacs Priority Concerns Scoping Document. ***Motion passed on a voice vote.***

Sherburne County Comprehensive Local Water Management Plan – Kevin Bigalke presented the Sherburne County Comprehensive Local Water Management Plan. On May 23, 2007, the Board of Water and Soil Resources approved Sherburne County’s Comprehensive Local Water Management Plan for a ten year period ending January 31, 2017, which was extended to February 28, 2018. On July 7, 2015, the county passed a resolution to begin the plan update process. On August 28, 2016, the Sherburne County Water Planner submitted the priority concerns scoping document to the state agencies for review, which was affirmed by the BWSR on October 27, 2016. On March 8, 2018, the BWSR Central Committee reviewed the Sherburne County Comprehensive Local Water Management Updated Plan and recommended the full Board approve the updated plan through the approval of the Board Order.

There was concern expressed that the Executive Summary mentioned the overuse of pesticides and herbicides (see page 4), without citing evidence of such. If someone applies these off-label, there can be serious legal repercussions. Fertilizers do not have labels, but pesticides and herbicides do. The board also discussed the role of development in the county in the Local Water Management Plan. It is important that the Executive Summary accurately reflects the full plan.

Moved by Joe Collins, seconded by Jill Crafton, to conditionally approve the Sherburne County Comprehensive Local Water Management Plan, on the condition that the county makes an amendment to the language about overuse of pesticides or herbicides or a clarification by providing further information on the overuse of pesticides and herbicides in the county. ***Motion passed on a voice vote.***

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18-21

Wright County Comprehensive Local Water Management Plan – Kevin Bigalke presented the Wright County Comprehensive Local Water Management Plan. Wright County, which includes the North Fork Crow River, South Fork Crow River and Mississippi-St. Cloud major watersheds, developed their current Local Water Management Plan in 2006. Since that time, the County, in coordination with the Wright County Soil and Water Conservation District (SWCD), has focused its implementation efforts on 300 plus lakes, two major river systems and more than 34,000 wetlands. Both the County and SWCD have been active participants in the North Fork Crow River One Watershed, One Plan and identified a need to amend the Local Water Management Plan to better address the areas outside of that effort. The Central Region Committee met earlier this month to discuss the Amendment and recommended approval.

The North Fork Crow River One Watershed, One Plan has not been approved, but is currently out for a 60 day review and is scheduled to be in front of the board in June. If the North Fork Crow River plan does not come to fruition, BWSR could require Wright County to undertake a full plan amendment.

Moved by Joe Collins, seconded by Rich Sve, to approve the Wright County Comprehensive Local Water Management Plan. ***Motion passed on a voice vote.***

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18-22

Riley-Purgatory-Bluff Creek Watershed District Boundary Change – Kevin Bigalke presented the boundary change request. The Riley Purgatory Bluff Creek Watershed District filed a Petition dated September 18, 2017 with the Board of Water and Soil Resources (Board) to change the boundary of the Riley Purgatory Bluff Creek Watershed District, the Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District, and the Lower Minnesota River Watershed District.

The territory included in the boundary change, the Petitioned Area, is located in Carver and Hennepin Counties entirely within the metropolitan area and totals approximately 2,171.32 acres of land. The

Petitioned Area is depicted on a map attached to the Petition and further identified in property identification tables attached to the Petition. On March 8, 2018, the Board's Central Region Committee and staff met in St. Paul to review and discuss the boundary change Petition. The committee voted unanimously to recommend approval of the boundary change to the full board. No hearings have been requested.

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18-23 Moved by Joe Collins, seconded by Duane Willenbring, to approve the Riley-Purgatory-Bluff Creek Watershed District Boundary Change. Jill Crafton abstained due to a potential conflict of interest.
Motion passed on a voice vote.

Wetland Conservation Committee

Wetland Mitigation Fee Policy Addendum – Policies for Single-User Accounts and Stewardship of Large Mitigation Sites – Les Lemm and Tim Smith presented the policy addendum. Staff have analyzed the outcomes of implementation of the Board's 2017 Wetland Mitigation Fee Policy, effective June 1, 2017, for unusually large wetland banks and single-user account transfers. Staff have concluded that, for unusually large transfers, a modified credit withdrawal fee schedule is justified due to lower agency costs. Similarly, staff have concluded that the current fee policy has the potential to over-collect the Easement Stewardship Fee for very large mitigation sites.

In order to address these less-common situations, staff prepared an addendum to the 2017 Wetland Mitigation Fee Policy. The purpose of this addendum is to use the flexibility provided in Minn. Stat. § 103G.2242, Subd. 14(b) to define the type, amount, and collection of fees associated with credit transfers of more than 100 wetland banking credits to a single-user account; and modify the determination and collection of the Easement Stewardship Fee for mitigation sites with easement areas in excess of 300 acres.

The board discussed that there are perpetual costs for easement stewardship, and it is important for BWSR to consider that in developing policies and fee structures. The board discussed the relationship between private wetland banks and mining. The board also discussed what type of entity would qualify as a single-user. The board also discussed slight wording changes recommended by staff.

**
18-24 Moved by Tom Schulz, seconded by Neil Peterson, to approve the policy addendum, with an amendment to fix a typo. ***Motion passed on a voice vote.***

NEW BUSINESS

Nutrient Reduction and Climate Protection – Frank Kohlasch, Minnesota Pollution Control Agency presented regarding the greenhouse gas benefits of various nutrient reduction practices. Minnesota's climate is changing, and the state is experiencing more extreme cold, more extreme rainfall, and increased numbers of heavy snowfall events. The state has not met the 2015 goals set out in the Next Generation Act to reduce greenhouse gas reductions and is not on track to meet the 2025 goals.

Nutrient reduction strategies could provide a net reduction in greenhouse gas emissions in Minnesota. The top eight strategies are the following:

1. Convert cropland to trees
2. Convert cropland to grass
3. Reduce nitrogen applied
4. Nitrification/urease inhibitors

5. No till tillage
6. Cover crops
7. Controlled release fertilizers
8. Reduced tillage

Implementation of nutrient reduction strategies could reduce greenhouse gas emissions in agriculture and land use sectors by about 10 percent. Greenhouse gas reduction is a co-benefit of nutrient reduction strategies – improved water quality is the principal driver of these strategies.

The Minnesota Nutrient Reduction Strategy looked at fertilizer efficiency improvements. Applying nitrogen at recommended rates decreases greenhouse gas emissions, while placing fertilizer lower in soil and using different timing for nitrogen applications increase greenhouse gas emissions. As a whole, fertilizer efficiency is a net greenhouse gas reduction strategy.

Another strategy is to increase and target living cover. Practices such as CRP with grass, cover crops, and riparian buffers would decrease greenhouse gas emissions. Conservation tillage is another strategy that reduces greenhouse gas emissions.

Constructed and restored wetlands may increase greenhouse gas emissions. This strategy deserves further study, as it may be possible to optimize constructed wetlands to maximize carbon storage and minimize methane release.

The board asked about the costs and benefits of implementing these proposals. The Minnesota Public Utilities Commission has determined a cost of carbon that could be used to calculate the scale and scope of climate benefits of some proposals.

The board discussed how the recommended rates for nitrogen application was determined. Peter Ciborowski from the MPCA explained that it was from a University of Minnesota survey and study. The board also discussed the use and development of the report.

Jill Crafton left the meeting at 12:30pm.

AGENCY REPORTS

Minnesota Department of Agriculture – Jeffrey Berg discussed how nitrates impact groundwater. He provided an update on the draft nitrogen fertilizer rule. The Department of Agriculture continues to draft the rule, with a statement of need and reasonableness. The timeline is that the rule may be ready for the governor’s signature by the end of the year.

Minnesota Department of Health – no report was provided.

Minnesota Department of Natural Resources – Commissioner Tom Landwehr provided a report to the board. Aquatic invasive species such as zebra mussels are increasing water clarity in some lakes in Minnesota. They are also changing the fish community. This has been seen in lakes such as Mille Lacs, where young walleyes are struggling to thrive. The DNR has been working with the Wright County SWCD to do a boat inspection program. This has been a controversial program. A permit application from the diversion authority for the Fargo-Moorhead diversion project has been submitted to the DNR, and is being reviewed. PCA and DNR, with assistance from the Attorney General, came to an agreement with

3M to deal with groundwater contamination. One part of the agreement is to put in fishing piers where people can fish without worrying about PFC (perfluorinated chemicals) contamination in fish.

Minnesota Pollution Control Agency – Terry McDill provided a report to the board. She discussed a local government roundtable work group meeting to address the Environmental Protection Agency (EPA) plan to use 319 funds for smaller watershed areas. PCA received a governor’s award for the watershed approach. She also mentioned the importance of agencies working together to make the watershed approach a success.

ADVISORY COMMENTS

Association of Minnesota Counties – no report was provided.

Minnesota Association of Conservation District Employees – no report was provided.

Minnesota Association of Soil & Water Conservation Districts – no report was provided.

Minnesota Association of Townships – Nathan Redalen reported about the Township Day at the Capitol. One issue that came up was how to properly tax electric cars to fund road projects.

Minnesota Association of Watershed Districts – no report was provided.

Natural Resources Conservation Services – no report was provided.

Hannah Pallmeyer shared with the board that the August 2018 board tour will likely be in southwestern Minnesota.

UPCOMING MEETINGS

- Next BWSR Meeting is scheduled for 9:00am, April 25, 2018 in St. Paul.

Chair Van Amburg adjourned the meeting at 12:47 PM.

Respectfully submitted,

Gerald Van Amburg
Chair

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL BOARD ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 23, 2018**

BOARD MEMBERS PRESENT:

Gerald Van Amburg, chair; Jack Ditmore, Sarah Strommen, DNR; Rich Sve, Shannon Lotthammer, MPCA, Joe Collins, Chris Elvrum, MDH;

BOARD MEMBERS PRESENT BY PHONE:

Jill Crafton, Patty Acomb, Kathryn Kelly, Neil Peterson, Tom Schulz, Susan Stokes, Steve Sunderland, Gene Tiedemann, Duane Willenbring, Paige Winebarger

BOARD MEMBERS ABSENT:

Tom Loveall, Nathan Redalen

STAFF PRESENT:

John Jaschke, Angie Becker Kudelka, Hannah Pallmeyer, Al Kean

OTHERS PRESENT:

Emily Javens, Minnesota Association of Watershed Districts
Jason Garms, Department of Natural Resources
Amanda Bilek, Minnesota Corn Growers Association
Jennifer Berquam, Association of Minnesota Counties
Amber Hanson, MN Farm Bureau Federation
Bruce Kleven

Chair Gerald VanAmburg called the meeting to order at 9:05 AM

Board members discussed upcoming meetings.

NEW BUSINESS

Legislative Update – John Jaschke and Angie Becker Kudelka presented a legislative update to the board. The legislature adjourned on Sunday, May 20th. The first year of the biennium was a budget year, and this was a bonding year. Governor Dayton has 14 days after bill passage to decide whether or not to sign bills. Unless otherwise indicated below, no actions have been taken on the following bills.

Omnibus bill

This year, there was a large omnibus bill that had many different sections, including environment. Some of the items in the omnibus bill were:

- **Buffers and Soil Loss:** The conference committee removed all buffer law related changes that had been proposed earlier in the session.
- **Clean Water Coordination:** The bill included language to improve Clean Water coordination between state agencies and local governments
- **Drainage Work Group:** The Drainage Work Group (a BWSR-facilitated state-wide work group with participation from nonprofits/local government/state government/agriculture sector/other stakeholders) reached consensus-based policy recommendations, some of which remained in the final version of the bill.
- **BWSR Operating Adjustments** were requested but ultimately not included in the final bill.
- **Pass-through:** The bill included \$25,000 one-time general funds to the Red River Basin Commission.

Angie Becker Kudelka clarified that the governor can line-item veto financial items but not policy items. The board discussed proposals regarding the soil loss ordinance. The legislation in front of the governor keeps everything as it was for soil loss. An ordinance is not required. A landowner could file a complaint, go through a resolution process, and be offered cost-share dollars.

Legacy bill

The House and Senate differed this year on their approach to Legacy Funds. The House passed a full Legacy bill (all four funds), the Senate passed a bill only for Outdoor Heritage Funds. On the last night of session both House and Senate passed stand-alone legislation appropriating Outdoor Heritage Funds.

Outdoor Heritage Fund

<i>OHF</i>	House	Senate	Bill Passed/sent to Gov
Wetland Easements	\$10 million	\$10 million	\$10 million
Buffer Easements	\$ 5 million	\$ 5 million	\$ 5 million
Total	\$15 million	\$15 million	\$15 million

Clean Water Fund

<i>CWF</i>	Gov's Rec	House	Senate	Bill Passed/sent to Gov
MN CREP (via BWSR)	\$15 million	\$ 10 million	NA	

Local implementation practices for drinking water (via BWSR)	\$ 5 million	\$ 3.5 million	NA	\$0
Forests for the Future (via DNR)	\$ 1 million	\$ 1 million	NA	
1W1P implementation (via BWSR)	\$ 4.422 million	\$ 4.3 million	NA	
Irrigation Management Assistance (via BWSR)	-	\$ 0.5 million	NA	
Buffer Cost Share (via BWSR)	-	\$ 5 million	NA	
Estimating CWF return on investment (via University of MN)	\$ 0.343 million	\$ 0.343 million	NA	
Total	\$25.675 million	\$24.673 million	NA	\$0

There was an inquiry if the Clean Water Fund money that was not allocated this year could be added to the Clean Water Fund for next year. Angie believes that is the case. The Clean Water Fund money is usually allocated on a biennial basis but there was a provision from last year's session that more money could be appropriated if there was a surplus. The \$22 million was transferred from the General Fund to the Clean Water Fund. The Senate put language in the tax bill to indicate that this was a one-time appropriation by striking the language after the payment was returned to the fund. Even if the tax bill is vetoed, it is still only a one-time appropriation.

Bonding

The final bonding bill included the following BWSR-related appropriations:

General Obligation Bonds

	Gov Rec	House	Senate	Bill Passed/sent to Gov
CREP	\$30 million	\$10 million	\$10 million	\$ 0
Local Roads Wetlands	\$ 5 million	\$ 5 million	\$ 5 million	\$ 6.7 million
Seidl's Lake (Pass-Thru)	-	\$ 0.781 million	-	\$ 0
Area II (Pass-Thru)	-	-		\$ 0.7 million
Total	\$35 million	\$15.781 million	\$15 million	\$ 7.4 million

Legislators also amended the LCCMR appropriations to this bill. While BWSR did not have any LCCMR recommended projects this session, the final bill shifted several projects, including the Conservation Reserve Enhancement Program (CREP) recommendations, from General Obligation Bonds to Appropriation bonds. The bill directed debt service payment from the Environment and Natural Resources Trust Fund over the next 20 years.

The board discussed that the Local Roads Wetland provision in the bonding bill was not allocated to any specific wetland banking areas. Applications are placed into a queue. BWSR is prohibited from closing wetland banking areas, even if they have zero credits. A priority for BWSR is to find credits in wetland banking areas with zero credits, and this may take several years.

Appropriation Bond Funds

	Gov Rec	House	Senate	Bill Passed/sent to Gov
CREP	--	--	--	\$ 10 million

The board discussed the funding status for CREP. The legislature passed \$15 million from the Outdoor Heritage Fund and \$10 million from bonding to fund CREP.

Ramsey Conservation District

On May 19, 2018, Governor Dayton signed into law a bill that will discontinue the Ramsey SWCD and transfer its duties to Ramsey County effective the day after both the county board to adopts a resolution by majority vote to approve of this change, and the clerical officer submits the proper paperwork to the Secretary of State. The board discussed that no further BWSR action would be required, if the Ramsey County Commissioners vote to approve the change.

Agriculture Policy Bill

On May 21, Governor Dayton vetoed the Agriculture Policy Bill, which included a soil loss provision that reversed language from the 2015 legislative session.

Buffer Tax Credit

A bill authored by Rep. Paul Anderson, that would create a \$50/acre credit for agricultural land converted to buffers, had two hearings in the House but was not included in any bills passed this session. Governor Dayton supported the idea of having a buffer tax credit.

What's Next

Governor Dayton has 14 days after bills are presented to take action. An update will be provided to the board once those decision have been announced.

UPCOMING MEETINGS

- RIM Reserve Committee is scheduled to meet immediately following the May 23 board meeting (approximately 10:00am) in the Stearns County Soil and Water Conservation District Large Conference Room (110 Second Street South, Suite 128, Waite Park) and via phone
- Grants Program and Policy Committee is scheduled to meet on June 5, 2018, at 9:00am in Room 113 in BWSR's St. Cloud Office (110 Second Street South, Waite Park)
- Next BWSR Meeting is scheduled for June 27, 2018 at 9:00am in the Lower Level Board Room
- The summer tour is scheduled for August 22 in southwestern Minnesota. The board meeting will be on August 23, also in southwestern Minnesota.

**
18-25 Motion by Joe Collins, seconded by Chris Elvrum, to adjourn the meeting. Motion passed. Chair Van Amburg adjourned the meeting at 9:38 AM.

Respectfully submitted,

Gerald VanAmburg
Chair

Dispute Resolution Report
 June 15, 2018
 By: Travis Germundson

There is presently **one** appeal pending. There have been **no** new appeals filed since the last report (March 28th Board Meeting).

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 11-1 (1-20-11) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of approximately 1.77 acres of wetland and 0.69 acres of excavation. The appeal was placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application and certification of required mitigation. An application was approved and site certification is scheduled to take place sometime this spring to confirm compliance.

~~File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers. The appeal has been placed in abeyance by mutual agreement. A revised wetland bank plan application has been approved with conditions. Those conditions require the approval of partial ditch abandonment along with a Conditional Use Permit for alterations in the floodplain. The appeal has been administratively closed and the case dismissed.~~

Summary Table

Type of Decision	Total for Calendar Year 2017	Total for Calendar Year 2018
Order in favor of appellant		
Order not in favor of appellant	3	1
Order Modified		
Order Remanded	1	
Order Place Appeal in Abeyance	2	
Negotiated Settlement		
Withdrawn/Dismissed	5	

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. Local Water Plan Status and Grant Eligibility Policy – Melissa Lewis – ***DECISION ITEM***
2. Revised Grants Monitoring and Reconciliation Policy – Melissa Lewis – ***DECISION ITEM***
3. Fiscal Year 2019 Buffer Law Implementation Grants – Melissa Lewis – ***DECISION ITEM***
4. Fiscal Year 2019 Local Capacity Grants Program – Melissa Lewis – ***DECISION ITEM***
5. FY 2019 Clean Water Fund Implementation Program Policy and the FY2019 Clean Water Fund Competitive Grants Program authorization – Marcey Westrick – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Local Water Plan Status and Grant Eligibility Policy

Meeting Date: June 27, 2018

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: _____

Contact: Melissa Lewis

Prepared by: Melissa Lewis

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Melissa Lewis

Time requested: 15 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|--|---|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input checked="" type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Approve the Local Water Plan Status and Grant Eligibility Policy.

LINKS TO ADDITIONAL INFORMATION

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The purpose of this agenda items is to consider the New Local Water Plan Status and Grant Eligibility Policy. The intent of this draft policy is to provide clear and consistent direction for grantees and potential grantees on how the status of their local water plan impacts BWSR decision on grants and grant payments and clarity on if plan status can impact grant payments. The Local Water Plan Status criteria in this policy are consistent with the criteria used historically with the Clean Water Fund competitive program as is the application of the

policy to competitive grants. The application of the policy to noncompetitive grants by not executing grants unless a plan is current is consistent with past practice; however, the policy documents the practice and adds a timeline - 6 months in which BWSR reserves right to cancel an award. The policy clearly exempts Disaster Recovery Assistance and Technical Service Area funding. The policy was drafted by the internal Grants Team and reviewed by Senior Management Team before being presented to the Grants Program and Policy Committee (GP&P) on June 5, 2018. GP&P recommended approval of the policy to the board.

BOARD ORDER**Local Water Plan Status and Grant Eligibility Policy****PURPOSE**

Provide clear direction to grantees and potential grantees on how the status of their local water plan impacts the Board's decisions on grants and grant payments.

FINDINGS OF FACT / RECITALS

1. The Board has authority under Minnesota Statutes §103B.3369 to award grants to local units of government with jurisdiction in water and related land resources management.
2. The Board has addressed local water plan status and grant eligibility within individual grant program policies in the past.
3. The Local Water Plan Status and Grant Eligibility policy was created to cover all applicable grant programs to provide clear direction to grantees on how the status of their local water plan impacts the Board's decisions on grants and grant payments.
4. The Grants Program and Policy Committee, at their June 5, 2018 Meeting, reviewed this policy and recommended approval to the Board.

ORDER

The Board hereby:

1. Adopts the Local Water Plan Status and Grant Eligibility Policy, dated June 27, 2018.

Dated at St. Paul, Minnesota, this June 27, 2018.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: _____

Local Water Plan Status and Grant Eligibility Policy

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

Version: 1.00

Effective Date: 6/27/2018

Approval: Board Decision #18-

Policy Statement

It is the policy of the State of Minnesota to consider a grant applicant's past performance before awarding subsequent grants to them (see Office of Grant Management Policy 08-13). The Board of Water and Soil Resources recognizes the importance of local water planning to performance in grant implementation.

This policy applies to competitive and noncompetitive or formula grants and the status of the local water plan only. Decisions regarding grant awards and other aspects of performance will be determined through individual grant program policies or BWSR Board actions. Decisions regarding legislatively named and single and sole source grants and the status of water plans will be on a case-by-case basis. As per BWSR grant agreements, BWSR reserves the right to assure program compliance.

Reason for this Policy

The purpose of this policy is to provide clear direction for grantees and potential grantees on how the status of their local water plan impacts BWSR decision on grants and grant payments.

Requirements

1.0 Local Water Plan Status Criteria

For the purposes of this policy: if a local water plan meets the following applicable criteria, or the BWSR Board order or BWSR action approving the local water plan states a different period of time than the criteria below, or the plan has been properly extended through the BWSR Local Water Plan Extension and Amendment Policy if applicable, and the plan was adopted by the local unit of government (LGU) after BWSR approval, the plan will be considered current.

- The metro watershed management organizations or watershed district plan (Minnesota statutes §103B.231) is less than 10 years beyond the BWSR plan approval date;
- The non-metro watershed district plan (§103D.401 or §103D.405) is less than 11 years 3 months beyond the BWSR approval date;
- The county water plan (§103B.311) is less than 10 years beyond the BWSR approval date;
- The soil and water conservation district comprehensive plan (§103C.331, Subd. 11) or county water plan adopted by reference is less than 10 years beyond the BWSR approval date; or
- The comprehensive watershed management plan under §103B.801 (One Watershed, One Plan) is less than 10 years beyond the BWSR plan approval date; or
- The seven-county metropolitan area municipality's local water plan (Minnesota statutes §103B.235) has been approved by the WMO and adopted by the municipality.

2.0 Local Water Plan Status and Grant Execution

- 2.1 **Competitive Grants.** Application for competitive grants is allowed if the local water plan is not current; however, the plan must be current at the time the Board approves the award. If the plan is not current at the time of BWSR Board action, the application will be deemed ineligible. Joint powers organizations must be working under a State approved and locally adopted plan to be eligible. Competitive One Watershed, One Plan Program planning grants are exempt from this requirement.
- 2.2 **Noncompetitive or Formula Grants.** If a local water plan is not current at the time of BWSR Board action on noncompetitive grants, the grant will not be executed until the plan becomes current. If the plan remains not current within six months of the Board action, BWSR reserves the right to cancel the award taking into consideration the Participation Requirements in the One Watershed, One Plan Operating Procedures and the One Watershed, One Plan Transition Plan. The requirement for a current plan is not applicable to the Disaster Recovery and Assistance Program or Soil and Water Conservation District Joint Powers Organization Technical Service Areas funding.
- 2.3 **When a local unit of government has multiple local water plans.** If a local government unit has more than one local water plan covering different areas of their jurisdiction, eligibility is determined by:
 - 2.3.1 For competitive grants the project location must be identified. If the project is in the area of a non-current plan as in 2.1 above, the application will be deemed ineligible.

2.3.2 Noncompetitive or formula grants will follow 2.2 above, except for Watershed-based funding grants in 2.3.3 below. See also the BWSR Local Water Plan Amendment and Extension Policy.

2.3.3 Watershed-based Funding Grants. These grants are for watershed planning areas covering multiple local government units, adopted through Minnesota Statutes §103B.801 outside the Seven-County Metropolitan Area (Metro Area) or through the Metropolitan Surface Water Management Act within the Metro Area. For these grants, eligibility will be determined through the Watershed-based Funding Policy.

3.0 Grant Payments and Amendments

Local water plan status will not impact processing of payments on, or decisions on amendments to, executed grant agreements, unless issues of noncompliance are found.

Related Information

- BWSR Grants Administration Manual sections:
 - Grant Noncompliance Policy
 - Processing a BWSR Grant
- BWSR Plan Extension and Amendment Policy

History

Version	Description	Date
1.00	This is the first version of this policy.	6/27/2018

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Revised Grants Monitoring and Reconciliation Policy

Meeting Date: June 27, 2018

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: _____

Contact: Melissa Lewis

Prepared by: Melissa Lewis

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Melissa Lewis

Time requested: 15 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|--|---|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input checked="" type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Approve the Grant Monitoring and Reconciliation Policy.

LINKS TO ADDITIONAL INFORMATION

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The purpose of this agenda items is to consider the revised Grant Monitoring and Reconciliation Policy. This policy was revised in response to modifications to the Department of Administration’s Office of Grants Management (OGM) Policies 08-08 and 08-10. The changes to OGM policies allow a granting agency with multiple grants of similar grant periods with the same grantee to choose - through a documented risk assessment - which grant(s) represent a sample that will receive monitoring and financial reconciliation. The

revisions to the BWSR policy allows for sampling grants subject to reconciliation consistent with the OGM policies, but continue to require monitoring all grants annually. The result of the revision is that BWSR will not need to request future exceptions to OGM policies. The draft board order also documents that additional FY 2016 grants and prior do not need to be reconciled because these grants were identified as part of a 2016 Office of Grants Management Exception, and the terms of this Exception have been met (note that the order the Grants Program and Policy Committee reviewed referred to FY 2015 grants - this was a typo and should have read FY 2016 and prior). This policy was revised by the agency's Grants Monitoring Work Group and reviewed by the Grants Team. Senior Management Team reviewed the proposed revised policy on April 10, 2018 and recommended approval to the Grants Program and Policy Committee (GP&P). The GP&P recommended approval at their June 5, 2018 meeting.

BOARD ORDER**Grants Monitoring and Financial Reconciliation Policy****PURPOSE**

Adopt a revised Grants Monitoring and Financial Reconciliation Policy.

FINDINGS OF FACT / RECITALS

1. Minnesota Statutes §16B.97 provides that the Commissioner of Administration shall “create general grants management policies and procedures that are applicable to all executive agencies.” This includes policies on Grant Payments (08-08) and Grant Monitoring (08-10) developed by the Office of Grants Management which provide the foundation for the Board’s Grant Monitoring and Financial Reconciliation Policy.
2. The current Grants Monitoring and Financial Reconciliation Policy, dated January 15, 2017, was adopted by the Board under an exception to the Office of Grants Management Policies 08-08 and 08-10. This exception expired January 1, 2018.
3. The proposed revised Grants Monitoring and Financial Reconciliation Policy meets the recently revised requirements of the Office of Grants Management without requiring exceptions.
4. The Board’s Grants Program and Policy Committee reviewed the revised Grants Monitoring and Financial Reconciliation Policy on June 5, 2018 and recommended approval to the Board.

ORDER

The Board hereby:

1. Adopts the revised Grants Monitoring and Financial Reconciliation Policy dated June 6, 2018.
2. Establishes that additional fiscal year 2016 grants and prior do not need to be reconciled because these grants were identified as part of a 2016 Office of Grants Management Exception and the terms of the Exception have been met.

Dated at St. Paul, Minnesota, this June 27, 2018.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Date: _____

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Attachments: Grants Monitoring and Financial Reconciliation Policy, dated June 6, 2018

Grants Monitoring and Financial Reconciliation Policy

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

Version: 1.00
Date: 06/27/2018
Approval: Board Decision #18-

Policy Statement

Under this policy, BWSR will:

1. Monitor all BWSR grants annually.
2. Complete a risk assessment of all BWSR grants \$50,000 and over, as required.
3. Financially reconcile, as required:
 - a. All BWSR grants subject to financial reconciliation that have a high risk assessment score, as defined in the BWSR Risk Assessment Procedure; and
 - b. At least one grant per grant allocation fiscal year per grantee that have any grant subject to financial reconciliation, based on BWSR capacity.

Requirements for risk assessment and reconciliation in this policy apply to competitive, legislatively made, formula and single and sole source grants, but not bonding and capital grants or grants exempt from Department of Administration's Office of Grants Management Policies 08-08 and 08-10.

This policy replaces the January 15, 2017 BWSR Grants Monitoring and Financial Reconciliation Policy and is effective immediately.

Reason for this Policy

The purpose of this policy is to provide direction on and document BWSR compliance with the Department of Administration's Office of Grants Management Policy 08-08 which requires reconciliation of all advance grant payments over \$50,000 and Policy 08-10 which requires state agencies to conduct at least one monitoring visit before final payment is made on all state grants over \$50,000.

Requirements

1.0 Implementation

The BWSR Grants Monitoring and Financial Reconciliation Policy will be implemented according to procedures developed by staff and reviewed with the Board or its designated committee.

2.0 Definitions

Financial Reconciliation: Comparing a grantee’s request for payment for a given period with supporting documentation for that request, such as purchase orders, receipts and payroll records.

Grant Allocation Fiscal Year¹: State fiscal year in which grants are processed by BWSR.

Monitoring: Reviewing and ensuring progress against the grant’s goals, to address any problems or issues before the end of the grant period, and to build rapport between the state agency and the grantee.

Risk Assessment: Evaluating a grant recipient’s risk of noncompliance with statutes, rules, grant agreements, and policies, to determine appropriate monitoring and reconciliation procedures.

History

Version	Description	Date
1.00	Modified to address 12/02/16 changes to Department of Administration’s Office of Grants Management Policies 08-08 and 08-10 which allows a granting agency with multiple grants of similar grant periods with the same grantee to choose through a documented risk assessment which grant(s) represent a sample that will receive monitoring and financial reconciliation. Reformatted to new policy template and logo.	June 27, 2018
0.00	Edits replaced the previous BWSR Grants Monitoring, Reconciliation and Verification Policy, adopted June 22, 2011	January 25, 2017

¹ Grants with the same grant allocation fiscal year are defined by BWSR as grants with a “similar grant period” as identified in Department of Administration’s Office of Grants Management Policies 08-10.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Fiscal Year 2019 Buffer Law Implementation Grants

Meeting Date: June 27, 2018

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region – Local Water Management Section

Contact: Melissa Lewis

Prepared by: Nicole Clapp

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Melissa Lewis

Time requested: 15 mins

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None General Fund Budget
- Amended Policy Requested Capital Budget
- New Policy Requested Outdoor Heritage Fund Budget
- Other: Clean Water Fund Budget

ACTION REQUESTED

Board approval of the 2019 Buffer Law Implementation Grants

LINKS TO ADDITIONAL INFORMATION

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The purpose of this agenda items is to allocate SWCD Buffer Implementation Grants. The recommended allocations are consistent with the previous year. Senior Management Team reviewed the recommendations on April 10, 2018 and recommended approval to the Grants Program and Policy Committee (GP&P). The GP&P reviewed the recommendations at their June 5, 2018 meeting and recommended approval of the order to the board.

BOARD ORDER**Fiscal Year 2019 Buffer Implementation Grants Program****PURPOSE**

Provide fiscal year 2019 Clean Water Fund Buffer Implementation Funds to Soil and Water Conservation Districts.

FINDINGS OF FACT / RECITALS

1. The Laws of Minnesota 2017, Regular Session, H. F. 707 91st Engrossment, Article 2, Sec. 7(e), appropriated fiscal year 2019 SWCD Buffer Implementation Grants.
2. The proposed allocations in this order were developed consistent with this appropriation.
3. The Grants Program and Policy Committee, at their June 5, 2018 Meeting, reviewed the proposed allocations and recommended approval to the Board.

ORDER

The Board hereby:

1. Approves the allocation of Buffer Implementation Grants to each eligible SWCD and Hennepin and Ramsey counties; consistent with the amount listed in the attached allocation table, totaling \$1,999,000 for FY 2019.
2. Authorizes staff to enter into grant agreements for these purposes.
3. Establishes that the Buffer Program Implementation grants awarded pursuant to this resolution will conform to the BWSR FY2019 Clean Water Fund Policy except that no match will be required.

Dated at St. Paul, Minnesota, this June 27, 2018.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Date: _____

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Attachments: FY2019 SWCD Buffer Grants Allocation Table

FY2019 SWCD Buffer Implementation Grant Allocation Table

SWCD Name	Grant Amount
Aitkin	\$10,000
Anoka	\$10,000
Becker	\$25,000
Beltrami	\$20,000
Benton	\$20,000
Big Stone	\$25,000
Blue Earth	\$30,000
Brown	\$30,000
Carlton	\$5,000
Carver	\$20,000
Cass	\$10,000
Chippewa	\$30,000
Chisago	\$10,000
Clay	\$35,000
Clearwater	\$20,000
Cook	\$3,000
Cottonwood	\$30,000
Crow Wing	\$10,000
Dakota	\$20,000
Dodge	\$25,000
Douglas	\$20,000
Faribault	\$30,000
Fillmore	\$30,000
Freeborn	\$30,000
Goodhue	\$25,000
Grant	\$25,000
Hennepin	\$10,000
Hubbard	\$10,000
Isanti	\$10,000
Itasca	\$5,000
Jackson	\$30,000
Kanabec	\$10,000
Kandiyohi	\$30,000
Kittson	\$35,000
Koochiching	\$5,000
Lac qui Parle	\$30,000
Lake of the Woods	\$10,000
Lake SWCD	\$3,000
Le Sueur	\$25,000
Lincoln	\$25,000
Lyon SWCD	\$30,000

SWCD Name	Grant Amount
Mahnomen	\$20,000
Marshall	\$45,000
Martin	\$35,000
McLeod	\$20,000
Meeker	\$25,000
Mille Lacs	\$10,000
Morrison	\$25,000
Mower	\$30,000
Murray	\$30,000
Nicollet	\$20,000
Nobles	\$35,000
Norman	\$35,000
Olmsted	\$25,000
Otter Tail East	\$25,000
Otter Tail West	\$25,000
Pennington	\$25,000
Pine	\$10,000
Pipestone	\$25,000
Polk East	\$25,000
Polk West	\$45,000
Pope	\$25,000
Ramsey	\$3,000
Red Lake County	\$20,000
Redwood	\$35,000
Renville	\$45,000
Rice	\$20,000
Rock	\$25,000
Root River	\$20,000
Roseau	\$35,000
Scott	\$10,000
Sherburne	\$10,000
Sibley	\$25,000
St. Louis North	\$5,000
St. Louis South	\$5,000
Stearns	\$35,000
Steele	\$25,000
Stevens	\$30,000
Swift	\$30,000
Todd	\$20,000
Traverse	\$30,000

SWCD Name	Grant Amount
Wabasha	\$20,000
Wadena	\$10,000
Waseca	\$20,000
Washington	\$10,000
Watsonwan	\$25,000
Wilken	\$35,000
Winona	\$20,000
Wright	\$20,000
Yellow Medicine	\$35,000
ALLOCATED TOTALS	\$1,999,000

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Fiscal Year 2019 Local Capacity Grants Program

Meeting Date: June 27, 2018

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region/Land & Water Unit

Contact: Melissa Lewis

Prepared by: Nicole Clapp

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Melissa Lewis

Time requested: 15 mins

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Board approval of the 2019 Local Capacity Grants

LINKS TO ADDITIONAL INFORMATION

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The purpose of this action is to allocate the \$100,000 SWCD Local Capacity Grants. This action will also allocate the matching grants consistent with past grants, with the exception of a new deadline for counties to provide documentation of support by January 15, 2019. Per statutory changes, Ramsey Conservation District will be dissolved effective July 1, 2018 and will be absorbed into Ramsey County. Senior Management Team reviewed the recommendations and recommended approval to the Grants Program & Policy Committee (GP&P). The GP&P reviewed the recommendations on June 5, 2018 and recommended the order to the board.

BOARD ORDER**Fiscal Year 2019 Local Capacity Grants Program****PURPOSE**

Provide fiscal year 2019 Clean Water Fund Local Capacity Grant Funds to Soil and Water Conservation Districts.

FINDINGS OF FACT / RECITALS

1. Soil and Water Conservation District (SWCD) Local Capacity Program supports implementation of Minnesota Statutes 103C.321 Officers and Employees, and 103C.331 Powers of District Boards.
2. The Laws of Minnesota 2017, Regular Session, H. F. 707 91st Engrossment, Article 2, Sec. 7(n), appropriated fiscal year 2018 SWCD Local Capacity Program funds.
3. The proposed allocations in this order were developed consistent with this appropriation.
4. The Grants Program and Policy Committee, at their June 5, 2018 Meeting, reviewed the proposed allocations and recommended approval to the Board.

ORDER

The Board hereby:

1. Approves the allocation of \$100,000 to each eligible SWCD, Hennepin and Ramsey Counties;
2. Approves the allocation of Local Capacity Matching Grants to each eligible SWCD up to the amount listed in the attached allocation table, with a required one-to-one match, and provided the county is able to document additional support to the SWCD is above the amount provided in 2016, and the allocation of funds remaining as available on a proportional basis to those SWCDs where the county has documented a match in excess of the requirement;
3. Established January 15, 2019 as the deadline for counties to provide documentation of support, after which Local Capacity matching Grant funds will be forfeit;
4. Establishes that the 2019 Local Capacity Grants awarded pursuant to this resolution will conform to SWCD Conservation Delivery and Capacity Grants Policy; and
5. Authorizes staff to enter into grant agreements for these purposes.

Dated at St. Paul, Minnesota, this June 27, 2018.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Date: _____

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Attachments: FY2019 SWCD Local Capacity Matching Grants Allocation Table

FY2019 SWCD Local Capacity Matching Grants Allocation Table

SWCD Name	Grant & Match Amount
Aitkin	\$18,200
Anoka	\$14,400
Becker	\$11,600
Beltrami	\$14,400
Benton	\$14,400
Big Stone	\$18,200
Blue Earth	\$18,200
Brown	\$18,200
Carlton	\$14,400
Carver	\$11,600
Cass	\$14,400
Chippewa	\$18,200
Chisago	\$30,000
Clay	\$14,400
Clearwater	\$18,200
Cook	\$18,200
Cottonwood	\$18,200
Crow Wing	\$30,000
Dakota	\$11,600
Dodge	\$18,200
Douglas	\$14,400
Faribault	\$18,200
Fillmore	\$11,600
Freeborn	\$14,400
Goodhue	\$11,600
Grant	\$18,200
Hubbard	\$30,000
Isanti	\$30,000
Itasca	\$11,600
Jackson	\$14,400
Kanabec	\$30,000
Kandiyohi	\$14,400
Kittson	\$18,200
Koochiching	\$30,000
Lac qui Parle	\$14,400
Lake of the Woods	\$18,200
Lake SWCD	\$18,200
Le Sueur	\$14,400
Lincoln	\$14,400
Lyon SWCD	\$14,400

SWCD Name	Grant & Match Amount
Mahnomen	\$30,000
Marshall	\$18,200
Martin	\$18,200
McLeod	\$18,200
Meeker	\$18,200
Mille Lacs	\$18,200
Morrison	\$18,200
Mower	\$14,400
Murray	\$14,400
Nicollet	\$14,400
Nobles	\$18,200
Norman	\$18,200
Olmsted	\$11,600
Otter Tail East	\$18,200
Otter Tail West	\$18,200
Pennington	\$18,200
Pine	\$18,200
Pipestone	\$14,400
Polk East	\$30,000
Polk West	\$30,000
Pope	\$18,200
Red Lake County	\$30,000
Redwood	\$14,400
Renville	\$14,400
Rice	\$14,400
Rock	\$14,400
Root River	\$14,400
Roseau	\$18,200
Scott	\$18,200
Sherburne	\$11,600
Sibley	\$14,400
St. Louis North	\$18,200
St. Louis South	\$30,000
Stearns	\$11,600
Steele	\$14,400
Stevens	\$14,400
Swift	\$18,200
Todd	\$14,400
Traverse	\$18,200
Wabasha	\$14,400

BOARD DECISION # _____

SWCD Name	Grant & Match Amount
Wadena	\$30,000
Waseca	\$18,200
Washington	\$11,600
Watsonwan	\$30,000
Wilken	\$18,200
Winona	\$14,400
Wright	\$11,600
Yellow Medicine	\$14,400

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY 2019 Clean Water Fund Implementation Program Policy and the FY2019 Clean Water Fund Competitive Grants Program authorization

Meeting Date: June 27, 2018

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region

Contact: Marcey Westrick

Prepared by: Marcey Westrick

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Marcey Westrick

Time requested: 20 mins

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|--|---|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input checked="" type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Approval of the FY 2019 Clean Water Fund Implementation Program Policy and authorize the FY2019 Clean Water Fund Competitive Grants Program

LINKS TO ADDITIONAL INFORMATION

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The Clean Water Fund Policy is reviewed and approved annually. For FY2019, the policy will apply to Accelerated Implementation, Minnesota Department of Health Well Sealing, Multi-purpose Drainage Management, and Projects and Practices funding.

The changes in this policy from the previous year include:

- Reorganized for consistency with the organization of the Watershed Based Funding policy
- The FY18 Buffer Cost Share section has been removed
- 1. Reference to the Plan Status and Grant Eligibility Policy has been included.
- 3.7 New section on drinking water to better recognize drinking water in the appropriation language.
- 3.9a Criteria that was previously noted in the RFP has been moved to the policy itself.
- 3.10a Lake draw down was added as a specific in-lake treatment.
- 3.10b Reorganized to first explain the practice of using incentives (and add “mitigate risk”) and then the duration. Duration was modified to allow incentives other than 3 years with BWSR approval, and the approval was shifted from Executive Director to Assistant Director of Regional Operations.
- 4.3, 4.4, 4.10 New ineligible activities that needed to be specifically included in the policy.
- 4.12 Modified to reflect land acquisition ineligible unless specifically allowed.

In addition to approving the policy, the board order also authorizes the fiscal year 2019 Clean Water Fund Competitive Grants Program. Grants Program and Policy Committee reviewed this recommendation on June 5, 2018 and recommends the attached policy and order to the board.

BOARD ORDER

Fiscal Year 2019 Clean Water Fund Competitive Grants Program

PURPOSE

Authorize the fiscal year 2019 Clean Water Fund Competitive Grants Program and adopt fiscal year 2019 Clean Water Fund Implementation Program Policy

FINDINGS OF FACT / RECITALS

1. The Laws of Minnesota 2017, Regular Session, H. F. 707 91st Engrossment, Article 2, Sec. 7, appropriated funds for the fiscal year 2019 Clean Water Fund Competitive Grants Program.
2. This policy and associated competitive grant program request for proposal criteria were created to provide expectations for application to the fiscal year 2019 Clean Water Fund Implementation Program and subsequent implementation activities conducted with these funds.
3. The Grants Program and Policy Committee, at their June 5, 2018 Meeting, reviewed the proposed fiscal year 2019 Clean Water Fund Competitive Grants Request for Proposal and Implementation Program Policy, and recommended approval to the Board.

ORDER

The Board hereby:

1. Authorizes the fiscal year 2019 Clean Water Fund Competitive Grants Program according to the attached FY 2019 Clean Water Fund Competitive Grants Request for Proposal criteria.
2. Adopts the attached FY 2019 Clean Water Fund Implementation Program Policy.

Dated at St. Paul, Minnesota, this June 27, 2018.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: _____

Attachments: FY 2019 Clean Water Fund Competitive Grants Request for Proposal Criteria
FY 2019 Clean Water Fund Implementation Program Policy

FY 2019 Clean Water Fund Competitive Grants Request for Proposal Criteria

Projects and Practices Ranking Criteria	
Ranking Criteria	Maximum Points Possible
<u>Project Abstract</u> : The project abstract succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.	5
<u>Prioritization (Relationship to Plans)</u> : The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan and is linked to statewide Clean Water Fund priorities and public benefits.	20
<u>Targeting</u> : The proposed project addresses identified critical pollution sources or risks impacting the water resource(s).	25
<u>Measurable Outcomes and Project Impact</u> : The proposed project has a quantifiable reduction in pollution for restoration projects or measurable outputs for protection projects and directly addresses the water quality concern identified in the application.	25
<u>Cost Effectiveness and Feasibility</u> : The application identifies a cost effective and feasible solution to address the non-point pollution concern(s).	15
<u>Project Readiness</u> : The application has a set of specific activities that can be implemented soon after grant award.	10
Total Points Available	100

Accelerated Implementation Ranking Criteria	
Ranking Criteria	Maximum Points Possible
Clarity of project’s goals, standards addressed and projected impact on land and water management and enhanced effectiveness of future implementation projects.	40
Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan.	25
Means and measures for assessing the program’s impact and capacity to measure project outcomes.	20
Timeline for Implementation	15
Total Points Available	100

Multipurpose Drainage Management Ranking Criteria	
Ranking Criteria	Maximum Points Possible
<u>Project Description:</u> The project description succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.	5
<u>Prioritization:</u> The proposal is based on priority protection or restoration actions associated with a “Priority Chapter 103E Drainage System” (as defined in this RFP) and is consistent with a watershed management plan that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy (WRAPS), Surface Water Intake Plan, or Wellhead Protection Plan.	15
<u>Targeting:</u> The proposed project addresses identified critical pollution sources or risks impacting the water resource identified in the application.	20
<u>Measurable Outcomes:</u> The proposed project has a quantifiable reduction in pollution and directly addresses the water quality concern identified in the application.	25
<u>Project Readiness:</u> The application has a set of specific activities that can be implemented soon after grant award.	5
<u>Cost Effectiveness:</u> The application identifies a cost effective solution to address the non-point pollution concern(s).	20
<u>Effective Combination of Practices:</u> Use of a combination of eligible activities that increase the overall effectiveness of the implemented practices/activities.	10
Total Points Available	100

Minnesota Department of Health Well Sealing Ranking Criteria	
Ranking Criteria	Maximum Points Possible
Specific wells included in the application	25
Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan	40
Priority areas for well sealing identified	20
Overall proposal quality and completeness	15
Total Points Available	100

FY 2019 Clean Water Fund Implementation Program Policy

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

Version: FY2019
Effective Date: 06/27/2018
Approval: Board Order #18-XX

Policy Statement

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.

Applicable Clean Water Fund Programs and Grants

- Projects and Practices
- Multi-purpose Drainage Management
- Accelerated Implementation
- Minnesota Department of Health Well Sealing

Reason for the policy

The purpose of this policy is to provide expectations for implementation activities conducted via the Board of Water and Soil Resources (BWSR) Clean Water Fund (CWF) implementation program.

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.

The FY 2019 Clean Water Fund Competitive Grants Request for Proposal (RFP) may identify more specific requirements or criteria when specified by statute, rule or appropriation language. 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

Eligible applicants for competitive grants include local governments (counties, watershed districts, watershed management organizations, soil and water conservation districts, and cities) or local government joint power boards working under a current State approved and locally adopted local water management plan, comprehensive watershed management plan or soil and water conservation district (SWCD) comprehensive plan. Counties in the seven-county metropolitan area are eligible if they have adopted a county groundwater plan or county comprehensive plan that has been approved by the Metropolitan Council under Minn. Stat. Chapter 473. Cities 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. Cities, including those outside of the seven-county metropolitan area, without such plans are encouraged to work with another eligible local government if interested in receiving grant funds. Local water plans must be current when the Board approves awards to be eligible to receive grant funds as defined under the Board's *Local Water Plan Status and Grant Eligibility Policy*. Applicants must also be in compliance with all applicable federal, State, and local laws, policies, ordinances, rules, and regulations.

2. Match Requirements

A non-State match equal to at least 25% of the amount of Clean Water Funds requested and/or received is required, unless specified otherwise by Board action and/or included in a Request for Proposals. Match can be provided by a landowner, land occupier, local government or other non-State source and can be in the form of cash or the cash value of services or materials contributed to the accomplishment of grant objectives. Buffer Implementation grants are exempt from this requirement.

3. Eligible Activities

The primary purpose of activities funded through this program is to restore, protect, and enhance water quality in lake, river and streams; protect groundwater from degradation; and protect drinking water sources. Eligible activities must be consistent with a comprehensive watershed management plan, county comprehensive local water management plan, soil and water conservation district comprehensive plan, metropolitan local water plan or metropolitan groundwater plan that has been State approved and locally adopted or an approved total maximum daily load study (TMDL), watershed restoration and protection strategy (WRAPs) document, surface water intake plan, or well head protection plan. Local governments may include programs and projects in their grant application that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government submitting the grant application and the local government that has adopted the plan.

Eligible activities can consist of structural practices and projects; non-structural practices, and measures, project support, and grant management and reporting. Technical and engineering assistance necessary to implement these activities are considered essential and are to be included in the total project or practice cost.

- 3.1 **Practice Standards.** All practices must be consistent with the Natural Resources 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.
- 3.2 **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 3.1.
- 3.3 **Project Assurances.** The grantee must provide assurances that the landowner or land occupier 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 Assurances section of the Grants Administration Manual.
- 3.4 **Operation, Maintenance and Inspections.** Identifying operation and maintenance activities specific to the installed practices is critical to ongoing performance of installed practices as well as to planning and scheduling those activities. An operation and maintenance plan must be prepared by designated technical staff for the life of the practice and be included with the design standards. An inspection schedule, procedure, and assured access to the practice site shall be included as a component of maintaining the effectiveness of the practice.
- 3.5 **Technical and Administrative Expenses.** Clean Water Funds may be used for actual technical and administrative expenses to advance project implementation. Eligible expenses include the following activities: grant administration, site investigations and assessments, design and cost estimates, construction supervision, and construction inspections. Technical and administrative expenditures must be appropriately documented according to the Grants Administration Manual.
- 3.6 **Grant Management and Reporting.** All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the project or activity. Applicants 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.
- 3.7 **Drinking Water.** Both surface water (streams, rivers, and lakes) and ground water (aquifers) can serve as sources of drinking water. Drinking water projects must be consistent with wellhead protection plans, protection plans for surface water intakes, strategies for groundwater restoration and protection, or local water management plans or their equivalents.

3.8 Livestock Waste Management Practices. Funding for application of conservation practice components to improve water quality is limited to: livestock management systems that were constructed before October 23, 2000, and livestock operations registered with the Minnesota Pollution Control Agency Database or its equivalent and that are not classified as a Concentrated Animal Feeding Operation (CAFO) and have 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 livestock waste management violations have been imposed on the operator.

- a. Funded projects must be in compliance with standards in MN Rule Chapter 7020 upon completion.
- b. Eligible practices and project components must meet all applicable local, State, and federal standards and permitting requirements.
- c. Eligible practices are limited to best management practices listed by the MN USDA-NRCS. (www.nrcs.usda.gov/wps/portal/nrcs/detail/mn/programs/financial/eqip/?cid=nrcs142p2_023513)
- d. Feedlot roof structure is an eligible practice with the following payment limitation: The maximum grant for a feedlot roof structure is not to exceed \$100,000. Funding is not eligible for projects already receiving flat rate payment equaling or exceeding this amount from the NRCS or other State grant funds.
- e. Feedlot relocation is an eligible practice, with the following conditions:
 - 1) The existing eligible feedlot must be permanently closed in accordance with local and State requirements,
 - 2) Payment Limitation: The maximum grant for a feedlot relocation is not to exceed \$100,000. Funding is not eligible for projects already receiving flat rate payment equaling or exceeding this amount from the NRCS or other State grant funds.
 - 3) The existing and relocated livestock waste management systems sites are considered one project for grant funding.

3.9 Subsurface Sewage Treatment Systems (SSTS)

- a. SSTS project landowners must meet low income thresholds. Applicants are strongly encouraged to use existing income guidelines from U.S. Rural Development as the basis for their definition of low income.
- b. Only identified imminent threat to public health systems (ITPHS) are eligible for grants funds, except as provided under c.
- c. Proposed community wastewater treatment systems 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 the application deadline. 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 waste water 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.

3.10 Non-structural Practices and Measures 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 and to protect groundwater and drinking water sources from degradation are eligible. Non-structural vegetative practices must follow the Native Vegetation Establishment and Enhancement Guidelines.

http://www.bwsr.state.mn.us/native_vegetation/seeding_guidelines.pdf .

- a. **In-lake or in-channel treatment.** Best management practices such as rough fish management, lake draw-down and alum treatments that have been identified as an implementation activity. A feasibility study must be completed prior to applying for funding. Eligible costs apply only to initial costs for design and implementation. All subsequent applications and treatments under this subsection are considered to be Operations and Maintenance expenses that are a local responsibility.
- b. **Incentives.** Incentives may be used to help landowners to mitigate risk to install or adopt land management practices that improve or protect water quality. 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.
 - **Duration.** Incentives to install or adopt 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 incentives 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. **Project Support.** Eligible activities include community engagement, outreach, equipment and other activities, which directly support or supplement the goals and outcomes expected with the implementation of items identified in this section. Refer to guidance within the Grants Administration Manual for Capital Equipment Purchases.

4. Ineligible Activities

The following activities are ineligible for these funds.

- 4.1 Activities that do not have a primary benefit of water quality.

- 4.2 Stormwater conveyances that collect and move runoff, but do not provide water quality treatment benefit.
- 4.3 Replacement, realignment or creation of trails or roads.
- 4.4 Bridges.
- 4.5 Municipal wastewater treatment.
- 4.6 Municipal drinking water supply facilities or individual drinking water treatment systems.
- 4.7 Routine maintenance activities within the effective life of existing practices or projects.
- 4.8 General maintenance and repair of capital equipment.
- 4.9 Activities having the primary purpose of water quality monitoring or assessment unless specifically allowed.
- 4.10 Feedlot expansions.
- 4.11 Subsurface Sewage Treatment Systems (SSTS), specifically for:
 - a. Small community wastewater treatment systems serving over 10,000 gallons per day with a soil treatment system, and
 - b. A small community wastewater treatment system that discharges treated sewage effluent directly to surface waters without land treatment.
- 4.12 Fee title land acquisition or easement costs, unless specifically allowed. If not specifically allowed, land acquisition and easement costs can count toward the required match if directly associated with the project and are incurred within the grant period.
- 4.13 Buffers that are required by law (including Drainage Law and Buffer Law).

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 section 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 **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. Practice or Project Construction and Sign-off

Grant recipients shall verify 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.

7. BWSR Grant Work Plan, Reporting and Reconciliation Requirements

BWSR staff is authorized to develop grant agreements, requirements and processes for work plans and project outcomes reporting, closeouts, and fiscal reconciliations. All grantees must follow the Grants Administration Manual policy and guidance. 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 grant funds at a rate up to 150% of the grant agreement.

History

This policy was originally created in 2010 and is updated annually for each fiscal year of funding.

Contact

For Clean Water Programs: Marcey Westrick, Clean Water Coordinator

COMMITTEE RECOMMENDATIONS

RIM Reserve Committee

1. Carruthers / Schmidgall RIM Easement Alteration (61-03-98-01) – Tim Fredbo – ***DECISION ITEM***
2. Christensen RIM Easement Alteration (24-08-01-01) – Tim Fredbo – ***DECISION ITEM***
3. Bruce Levos RIM Easement Alteration (07-05-99-03) – Tim Fredbo – ***DECISION ITEM***
4. MN Conservation Reserve Enhancement Program (MN CREP) 2018 Adjustments – Dave Weirens, Tim Koehler, and Dave Rickert – ***DECISION ITEM***

easement is perpetual and the State paid the original landowner \$33,300.52. Mr. Carruthers purchased this land under the RIM easement on Dec. 9, 2016.

Mr. Carruthers and Mr. Schmidgall have worked cooperatively to propose this alteration and have received approval from both the Pope SWCD and the DNR Area Wildlife Supervisor, Kevin Kotts, as required by RIM Rule and Policy. These approvals are both contained in the included Carruthers support docs.pdf. Since work to alter this easement will necessitate both an amended easement for Carruthers and a new easement for Schmidgall, the landowners have sent \$1,000 for the required BWSR processing fee.

The 48 acre Schmidgall land being offered as replacement is less than a mile away, and in the same Township and watershed, and would also be considered riparian land if the State were to put it under easement. The 48 acres meets our 2:1 replacement acreage ratio required by our Easement Alteration Policy. This replacement land in Sec. 30 is currently in CRP according to the Pope SWCD. Tom Schmidgall is also the current operator of the land owned by Carruthers in Sec. 8, and it is clear in the boundary proposed for release, with its half circle pattern, that center pivot irrigation of the property is planned. This will most likely necessitate removal of the trees that are between the north boundary of easement 61-03-98-01 and the road to the north. See Appendix A map in the attached supporting documents. If the State were to approve of this proposed alteration request, we would have to treat this land being enrolled as replacement as a new application for RIM.

Recommendation

Staff recommends Board approval of this request as it meets our 2:1 replacement requirements as required by our Easement Alteration Policy, and has been approved locally by both the SWCD and DNR. The 24 acre release from easement 61-03-98-01 will still maintain a 300 foot vegetative buffer adjacent to the wetland complex to the south.

This proposal is unique in that land not owned by the current easement holder where a release of acres is being sought is being offered as replacement land. This will necessitate a new application with a new landowner to complete the replacement easement. While this is not specifically prohibited by current RIM rule or policy, it goes in a direction that was never anticipated. All alteration replacement acres that the BWSR has done to date have dealt with lands owned by the current RIM easement landowner. This proposal, if approved, would necessitate a whole new easement being acquired on land that may not even be eligible under current program sign-up possibilities if Schmidgall was seeking to enroll these acres on his own.

This proposal seeks to bring the released 24 acres under crop production, and appears to be planned for irrigation as well. While the 48 acres proposed for replacement meet our alteration policy, I still feel that this proposal is not clearly a win – win situation as the landowners have claimed. Another irrigation well in the sandy outwash soils found in this region of the state will only increase the possibility of further ground water contamination that will come with more intensive row crop production on these sandy soils.

Board Resolution # 18- _____

RIM Reserve Easement 61-03-98-01 Alteration, Carruthers & Schmidgall

WHEREAS, Evan Carruthers owns the land under RIM/CREP easement 61-03-98-01 in Sec.8, Bangor Twp., Pope County; and

WHEREAS Mr. Carruthers wants to remove 24 acres from the 91.3 acre perpetual riparian land easement; and

WHEREAS Mr. Carruthers is proposing to replace the 24 acres removed from 61-03-98-01 by placing a new easement on 48 acres of land owned by Tom Schmidgall in Sec. 30 of Bangor Twp.; and

WHEREAS Carruthers and Schmidgall have worked cooperatively to come up with this proposal; and

WHEREAS the 48 acres proposed as replacement is all cropland currently in CRP, so this proposal satisfies our 2:1 cropland replacement policy, and the State will realize a net gain of 24 acres under RIM if this proposal is approved; and

WHEREAS both the Pope SWCD and the DNR Area Wildlife Supervisor are in support of this proposal; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources (BWSR) approves the release of 24 acres from RIM easement 61-03-98-01, and the addition of a new minimum 48 acre replacement easement which includes the 3.3 acre food plot area in Sec. 30 of Bangor Twp. as proposed, and authorizes staff to work with Mr. Carruthers, Mr. Schmidgall and the Pope SWCD staff to officially amend and create the necessary RIM easement documents;

BE IT FURTHER RESOLVED THAT, Mr. Carruthers and Mr. Schmidgall shall pay all title insurance and recording fees associated with the amendments, and all cost associated with any necessary seeding that may be required on the new easement area consistent with a prairie restoration plan developed and/or approved by the Pope SWCD;

Dated at Saint Paul, Minnesota this 27th day of June, 2018

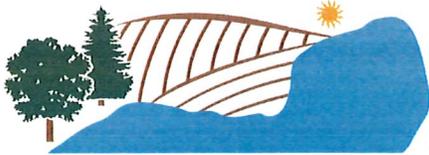
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair

Board of Water and Soil Resources

Date: _____

POPE SOIL & WATER



CONSERVATION DISTRICT

1680 Franklin St N
Glenwood, MN 56334-2011
(320) 634-5327
Fax: (320) 634-4278

February 20, 2018

To: Board of Water and Soil Resources Easement Section

From: Holly Kovarik, Manager
Pope Soil and Water Conservation District

Dear Board of Water and Soil Resources,

Mr. Evan Carruthers has made a request to make an alteration to his conservation easement # 61-03-98-01 in Bangor Section 8. The Pope SWCD Board of Supervisors reviewed the request on January 16, 2018 and again on February 20, 2018. The proposal by Mr. Carruthers and Mr. Matt Schmidgall include swapping a piece of land owned by Schmidgall in Bangor Section 30 for the land currently in the conservation easement. The board approved resolution 01-18 to submit the proposal and approved the alteration request as prepared by Evan Carruthers in conjunction with Matt and Tom Schmidgall to the Board of Water and Soil Resources. Please see the attached resolution and supporting information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Holly Kovarik', written in a cursive style.

Holly Kovarik
Pope SWCD
Manager

RECEIVED

FEB 27 2018

Div. of Water & Soil Resources
St. Paul

Resolution for Conservation Easement Alteration Request Evan Carruthers CREP

Pope SWCD Resolution 01-18

WHEREAS; the Pope Soil and Water Conservation District (SWCD) has received in writing a request from Evan Carruthers regarding his Conservation Reserve Enhancement Program Acres;

WHEREAS; the Pope SWCD Board reviewed his letter submitted to staff regarding consideration by Mr. Carruthers and Matt and Tom Schmidgall to remove acres from the CREP program at the January 16, 2018 Board Meeting;

WHEREAS; Mr. Carruthers and Mr. Schmidgall must submit all of the following to complete his request per Policy 8400.3610 listed above to the Board of Water and Soil Resources Attn: Tim Fredbo 520 Lafayette Rd. North, St. Paul, MN 55155 and include the following requirements

1. A copy of a letter from the landowner to the district board justifying the change and identifying how the public interest and general welfare will be better served;
2. A letter from the district board recommending either approval or disapproval of the proposed change;
3. A letter from the Department of Natural Resources area wildlife manager recommending either approval or disapproval of the proposed change;
4. Other supporting documentation including; an aerial photo identifying the requested change, a soil survey map of the area, cropping history information, or other documentation.
5. Non-refundable \$500, per easement affected, processing fee must accompany the request payable to the Board of Water and Soil Resources
6. All requests must replace acres released at a 2:1 ratio.

See complete policy as attached and all provisions apply and must be met and meeting the criteria outlined by BWSR does not guarantee that the BWSR Board will approve the request for release of a conservation easement.

THEREFORE BE IT RESOLVED; the Pope SWCD approves this resolution clearly articulating that by approving the resolution you are approving the request and submittal of the CREP proposal and the letter drafted by the District Manager to Tim Fredbo with BWSR.

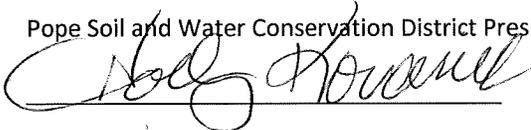
THEREFORE IT BE FURTHER RESOLVED; that the Pope SWCD Manager will discuss the requirements with Mr. Carruthers and proceed as clearly directed by the SWCD Board.



Pope Soil and Water Conservation District President



Date



Date

District Manager

Jessica Oldakowski
Technician
Pope Soil and Water Conservation District
1680 Franklin Street North
Glenwood, MN 56334

Jessica and BWSR Staff,

Below (and attached) is a written proposal for a swap of RIM Easement acreage that impacts 2 separate parcels of land in Pope County as identified below. This “swap” of easements is being proposed jointly by the two separate land owners; Evan Carruthers (Trustee for the Evan Carruthers Revocable Trust) and Tom Schmidgall. The swap is being proposed for consideration by the board of Pope County Soil and Water Conservation District as we understand that both the local district and state board need to review the proposal and approve the relevant swap for it to become effective. The properties, impacted RIM easement, swap and relevant pros/cons and wildlife benefits are explained below:

Description of Properties:

Property #1 (Appendix A)

Owner: The Evan A Carruthers Revocable Trust

Location: 23574 150th Avenue, Bangor Township, Glenwood, MN in Pope County

Total Acreage: 160 acres in total

RIM Easement ID: 61-03-98-01

RIM Easement Acreage: 91.3 acres

Property #2 (Appendix B)

Owner: Thomas Schmidgall

Location: NW ¼ of Section 30 in Bangor Township (124-36)

Total Acreage: 150 acres in total

RIM Easement: No RIM Easement Currently on Property

Description of Swap:

The landowners are proposing a swap whereby 24 acres (identified in Appendix A) would be removed from the RIM Easement (ID 61-03-98-01) in exchange for 48 acres of new RIM Easement impacting properties identified in Appendix B. There would be no consideration paid by BWSR to effectuate the swap. Both properties are located within a mile of each other and impact the same watershed district. The net impact to the RIM Program would be adding an additional 24 acres of RIM acreage at no cost.

Pros/Cons of the "Swap":

Pros:

- 1) BWSR increases acreage under permanent RIM Easement by 24 acres at no cost.
- 2) The acreage is located in close proximity and (in the property owners estimation) is quite comparable (both share low bottom sloughs or wet acres in same watershed for example) making the swap easily analyzed and/or compared.
- 3) Original RIM easement (ID 61-03-98-01) wet acres continue to remain in permanent RIM easement and will continue to be buffered by a substantive RIM easement.
- 4) BWSR permanently protects further acres bordering a large low bottom of wet acreage (in Appendix B) which are critical wet acres that will continue to benefit water and soil quality.
- 5) Adding the new RIM easement would create 128 acres of contiguous RIM easement acreage as there is another 80 acre parcel to the NW of the Appendix B acreage that is already in a RIM easement.
- 6) Substantial long-term benefit to wildlife habitat which will be further described below.
- 7) Precedent transaction agreed to and proposed by two willing landowners that have a substantial soil, water and wildlife benefit. This proposal could be used as a case study to stimulate further land swap proposals enhancing the effectiveness of the RIM program across the state.

Cons:

- 1) 24 acres of high ground are removed from permanent RIM easement and will be put into agricultural production.

Wildlife Habitat Benefits:

- 1) Incremental 24 acres of valuable wildlife habitat are permanently protected through the newly created RIM easement at no cost to the program.
- 2) New agricultural zone of 24 acres will be contiguous to "low bottom" on Appendix A and will act as a food plot for wildlife going forward. So you will end up with winter cover within short distance of food plot.

We wanted to thank you for considering this "swap" proposal as set forth in this document. We recognize that this swap may be considered an unusual request but we believe it is one of the rare circumstances where a proposal can be constructed that is a true "win/win" situation for all stakeholders (BWSR, property owners, wildlife, soil/water resources). Please let us know if you have any questions or require clarifications on the proposal and we look forward to hearing from you following your review.

Regards,



Evan Carruthers
Property Owner

Tom Schmidgall
Property Owner

We wanted to thank you for considering this "swap" proposal as set forth in this document. We recognize that this swap may be considered an unusual request but we believe it is one of the rare circumstances where a proposal can be constructed that is a true "win/win" situation for all stakeholders (BWSR, property owners, wildlife, soil/water resources). Please let us know if you have any questions or require clarifications on the proposal and we look forward to hearing from you following your review.

Regards,

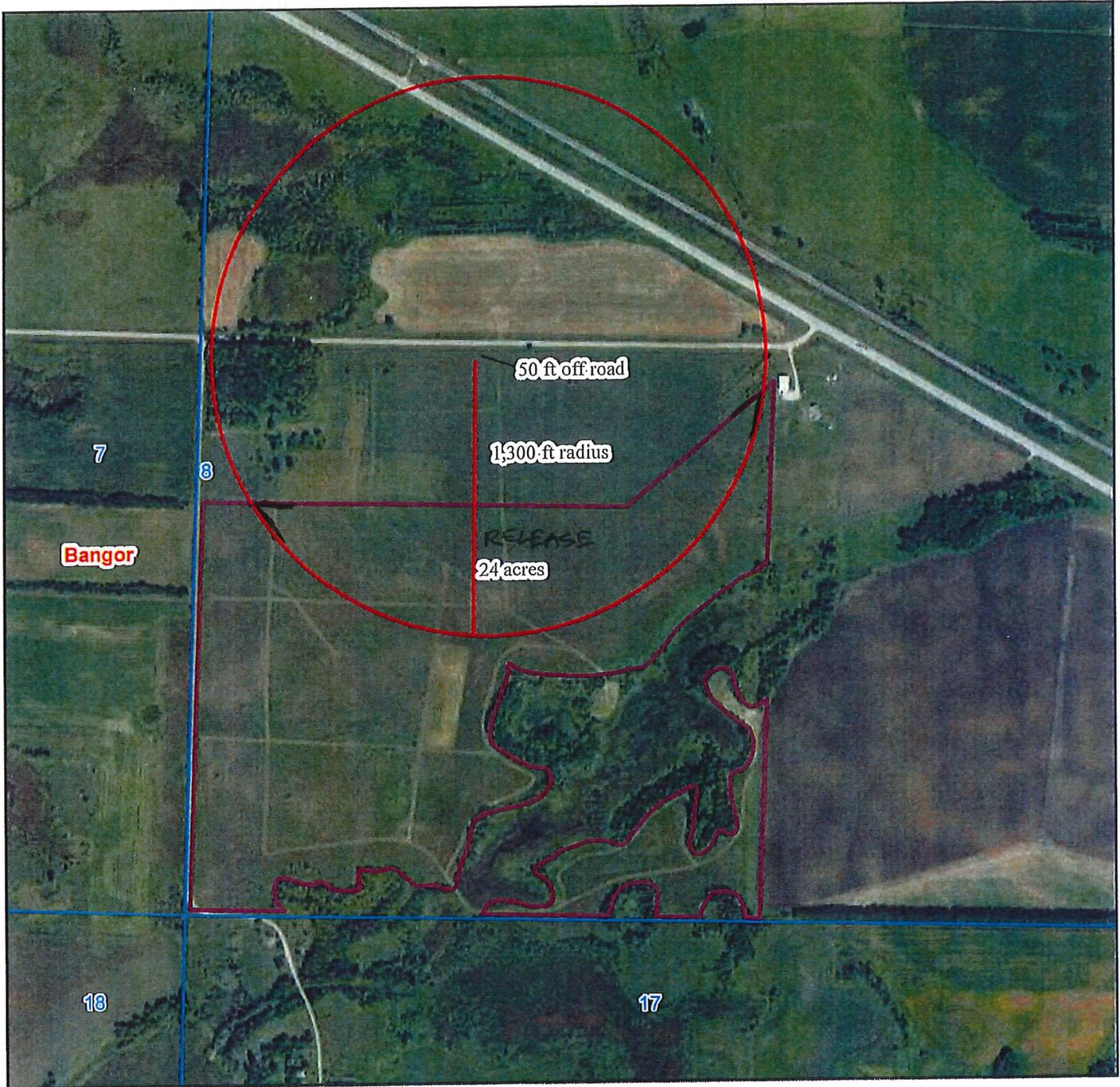
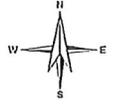
Evan Carruthers
Property Owner

A handwritten signature in black ink, appearing to read "Tom Schmidgall", with a long, sweeping flourish extending upwards and to the right.

Tom Schmidgall
Property Owner



Appendix A
Evan Carruthers
RIM SWAP



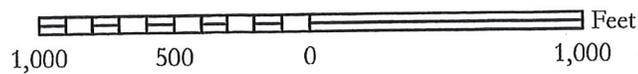
Date: 1/10/2018

Legend

-  bdry_bwsr_rim_cons_easements
-  Townships
-  Sections

1:7,987

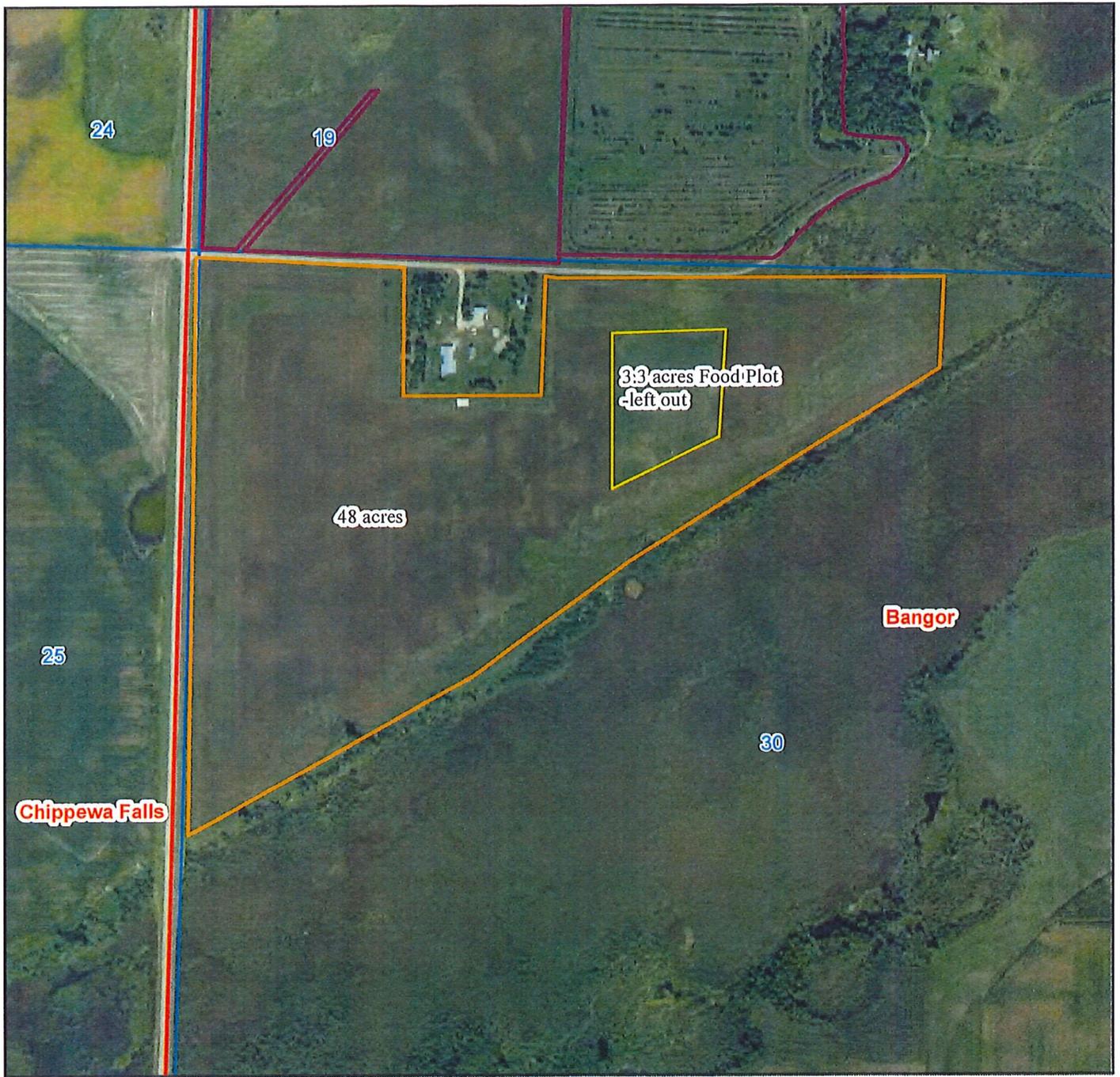
1 inch equals 666 feet



Maps are for graphical purposes only. They do not represent a legal survey.



Appendix B
Carruthers/Schmidgall
RIM SWAP



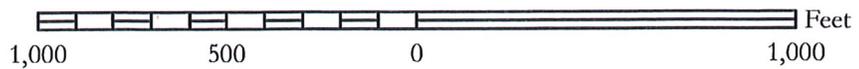
Legend

- bdry_bwsr_rim_cons_easements
- Townships
- Sections

Date: 1/10/2018

1:5,747

1 inch equals 479 feet



Maps are for graphical purposes only. They do not represent a legal survey.

Macrosteles clavatus

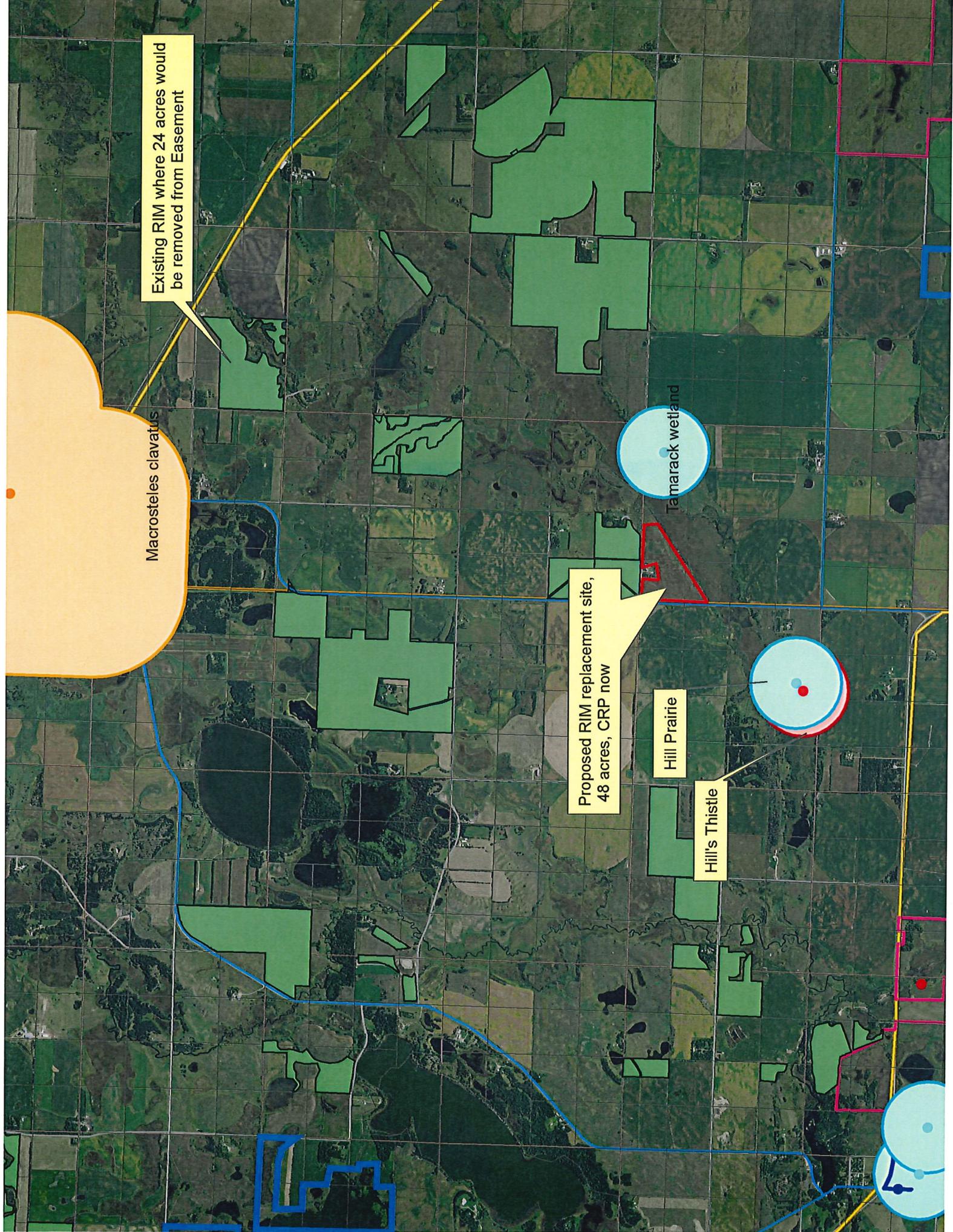
Existing RIM where 24 acres would be removed from Easement

Tamarack wetland

Proposed RIM replacement site, 48 acres, CRP now

Hill Prairie

Hill's Thistle



DIVISION OF WILDLIFE
23070 N LAKESHORE DRIVE
GLENWOOD MN 56334

February 8, 2018

Pope County Soil and Water Conservation District Board
1680 Franklin St. North
Glenwood, MN 56334

Dear SWCD Board,

I am writing in regards to a request from Mr. Evan Carruthers and Mr. Tom Schmidgall to swap RIM acres administered by Mr. Carruthers in exchange for enrolling a greater amount of land owned by Mr. Schmidgall into the RIM program. The land owned by the Carruthers Family is in Section 8, Bangor Twp. while the land owned by Mr. Schmidgall is in Section 30, Bangor Twp.

The Carruthers/Schmidgall RIM proposal will result in more upland grassland habitat being permanently protected within the same township. Removing 24 acres from the Carruthers RIM easement does reduce the size of that tract and will probably reduce the number of grassland nesting birds on that tract. On the other hand, enrolling 48 replacement acres on the Schmidgall property is a 2:1 replacement of grassland habitat. The Schmidgall land is adjacent to some 100 acres of land already enrolled in RIM. If the RIM land swap is approved, there will be total of about 150 grassland acres in one block protected by RIM easements.

I think the additional acres of protected RIM grassland acres is a net benefit to common grassland species such as pheasants, ducks and small grassland songbirds.

I also reviewed the proposed RIM swap for impacts to rare species. Reducing the size of the Carruthers RIM easement by 24 acres should have no negative impacts on rare species near that land. Enrolling the 48 acres Schmidgall tract into RIM has some potential benefit to a rare species of native thistle (not a noxious species). That species has been identified about half a mile from the Schmidgall land. Since the Schmidgall tract would provide permanent grassland habitat – it is possible that the rare species of thistle might become established on the Schmidgall property in the future. If the Schmidgall land remains in CRP (not protected by RIM), it may be farmed in the future.

I think the current RIM land swap is a much better proposal than the earlier one. Total acres of planted native grasslands increases under this proposal. And the swap should not have negative impacts on rare species.

For the reasons described in this letter, I approve of this RIM Easement swap from the perspective of wildlife habitat.

Sincerely,



Kevin Kotts, Area Wildlife Supervisor

c. Mr. Matt Schmidgall

acceptable year round access for passenger vehicles. Due to other ownership and residences around this site, this option provides the only reasonable access. The 20 ft. x 600 ft. strip they are proposing for release is already being used to access easement and non-easement lands to the north and the grass cover has been degraded somewhat.

To replace the released 0.25 acres the owners propose to add 0.55 acres of new cropland adjacent to the current easement boundary and just to just to the east. This is shown on the map as *proposed RIM exchange land*. Please refer to the map in the supporting documents that you received to see the locations of these areas in relation to our current RIM easement boundary.

Both the Freeborn SWCD and the MN DNR Wildlife Specialist are in full support of this request. Their recommendations are also included in the supporting documents.

Recommendation

Staff recommends approval of this request. The 0.55 acres being offered as replacement for the necessary access from 267th St. meets our required 2:1 replacement criteria.

Board Resolution # 18- _____

RIM Reserve Easement 24-08-01-01 Alteration, Christensen

WHEREAS, the BWSR acquired a 71.3 acre CREP/RIM easement in Sections 2 and 11 of Carlston Twp., T103N, R23W, Freeborn County, on September 18, 2002 from Dale and Martha Christensen; and,

WHEREAS the Christensen's son, Jason, is proposing to build a home on land adjacent to the easement in the NE corner of Sec. 11 which only has access that goes along an existing field road thru land currently under RIM easement 24-08-01-01; and

WHEREAS the Christensens are proposing removal of a 20 ft. strip, or 0.25 acres, for the proposed driveway off of 267th St which borders the south end of the RIM easement, and are proposing to replace these acres with a 0.55 acres of existing cropland adjacent to the current easement boundary to the northeast of the proposed homesite; and

WHEREAS both the Freeborn SWCD and the DNR Area Wildlife Manager are in support of this proposal, and the proposal meets the Board's 2:1 cropland replacement ratio; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources (BWSR) approves the alteration of RIM easement 24-08-01-01 as proposed, and authorizes staff to work with the Christensen family and Freeborn SWCD staff to officially amend the necessary RIM easement documents; and

BE IT FURTHER RESOLVED THAT, the Christensen's shall pay all title insurance and recording fees associated with the amendment of this RIM easement, and pays all cost associated with seeding down of the 0.55 replacement acres consistent with a plan developed by the Freeborn SWCD;

Dated at Saint Paul, Minnesota this 27th day of June, 2018

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair

Board of Water and Soil Resources

Date: _____

Conservation Easement Alteration Request

Proposed by: Jason and Crystal Christensen

Area of Request: Section 11 of Carlston Township in Freeborn County MN

We are requesting to exchange .25 acres of current RIM cropland in Carlston Township for .55 acres of cropland, that borders current RIM Land as noted in the photo. The proposed land involved in the requested exchange is in very close proximity to each other, and is adjacent to a prime wildlife habitat area. Approval of this request will allow us to have access to land we are proposing to build our home on. Our proposal will be to improve the access to our proposed building site with a gravel driveway that will include proper drainage to prevent future erosion of this land.

Attached are the ariel photos noting the Soil Survey of the proposed area, the current RIM land holdings and an edited photo showing the proposed building site. The proposed driveway, as noted by the arrow on the photo, is currently on RIM land and allows access to our proposed building site off of 267th Street, in Section 11 of Carlston Township in Freeborn County. The proposed dimension of the driveway are 600 feet in length by 20 feet wide.

The current RIM Land, we are requesting to be exchanged, is currently a field access driveway between two parcels of land and does not provide any habitat for waterfowl or wildlife. Exchanging the two pieces of land would add more protection for waterfowl and wildlife in the area as the new proposed site is adjacent to current RIM land and wooded area and borders a current wetland protected area. This will add more RIM Land, preserving and enhancing this wetland and wildlife area for our generation, as well as future generations.

Jason and Crystal Christensen



RECEIVED

MAY 01 2018

Freeborn County Soil & Water Conservation District
1400 West Main Street
Albert Lea, MN 56007
Phone: 507-373-5607 Ext. 3
www.freebornswcd.org

MINUTES OF REGULAR MEETING OF BOARD OF SUPERVISORS
April 12th, 2018

I. The meeting was called to order at 7:00 P.M. by Vice-Chairman Christopher Dahl in our district office located at 1400 West Main Street, Albert Lea, MN. Guests were introduced; Jason & Crystal Christensen, Landowners, Courtney Christensen, Shell Rock River W.D., and Dave Copeland, BWSR.

II. Those present were as follows:

- Christopher Dahl, Vice-Chair
David Ausen, Treasurer
Paul Heers, Jr., Board Secretary
Colin Wittmer, Supervisor
Mark Schaetzke, District Manager/Tech.
Brenda Lageson, Office/Assistant Manager
Lindsey Zeitler, District Technician
Jarod Schamaun, District Technician
Gary Kurer, NRCS District Conservationist

Absent:

Donald Kropp, Chairman

III. Minutes of the Previous Meeting:

- Minutes of the March 08th regular meeting were approved as presented on a motion made by Wittmer and seconded by Ausen. Results of a roll call vote were as follows: Affirmative- Dahl, Ausen, Heers, Jr., and Wittmer. Opposed -- None. The motion carried.

IV. Treasurer's Report:

- The treasurer's balance as of March 31st, 2018, was \$6,346.07 in checking and \$897,737.68 in savings. A motion approving the treasurer's report as read and payment of bills was made by Wittmer and seconded by Heers, Jr. Results of a roll call vote were as follows: Affirmative- Dahl, Ausen, Heers, Jr., and Wittmer. Opposed -- None. The motion carried.

V. Grant actions and/or info:

- Request for state cost share assistance:

Table with 4 columns: Contract #, Name, Practice, Project Cost Est., Encumbered. Row 1: DRAP2-16-04, Azizy, 412 Grassed Waterway, \$7,260, \$5,070

After some discussion a motion was made by Wittmer and seconded by Heers, Jr. authorizing cost share in the amount listed above. Results of a roll call vote were as follows: Affirmative- Dahl, Ausen, Heers, Jr. and Wittmer. Opposed -- None. The motion carried.

- Requests for state buffer cost share assistance:

Table with 4 columns: Contract #, Name, Practice, Flat Rate Project Cost (per acre) encumbered. Rows include Westman Group, LLC, Heilmann, L, Enderson, R, Sorenson, J, Ausen, G, Korman, T, Paulson, MM, Klocek, James.

NEXT PAGE

FY18-BUFF-17 Anderson, C

342 Critical Area Plant

\$150

After some discussion a motion was made by Wittmer and seconded by Heers, Jr. authorizing cost share assistance in the amounts listed above. Results of a roll call vote were as follows: Affirmative- Dahl, Heers, Jr. and Wittmer. Opposed -- None. **The motion carried.** Ausen abstained.

- Staff report that there is additional 18 Buffer C/S grant dollars available. After some discussion a motion was made by Ausen and seconded by Wittmer to apply for these funds. Results of a roll call vote were as follows: Affirmative- Dahl, Heers, Jr. and Wittmer. Opposed -- None. **The motion carried.**

VI. New Business:

- RIM Easement #24-08-01-01 alteration request by landowners. They are requesting an exchange of property for access to a proposed building site. After listening to their situation, a motion was made by Wittmer and seconded by Ausen approving their request to be forwarded to the Board of Soil & Water Resources (BWSR) for consideration. **Results of a roll call vote were as follows: Affirmative- Dahl, Heers, Jr. and Wittmer. Opposed -- None. The motion carried.**
- Courtney Christensen, Shell Rock River W.D. presented to our Board of Supervisors the Watershed District's interest in applying for One Watershed One Plan for Shell Rock and Winnebago watersheds and is looking for support from our SWCD. She will have documents ready for authorization at our next regular board meeting.
- Dave Copeland, BWSR gave an update which included; new training positions filled, CREP, NRCS contribution agreements, etc.
- Kurer gave his report; Personnel changes, EQIP FY18, CSP, CRP, WRP/WRE/ACEP, etc.
- Supervisors and staff reported on several meetings/trainings this past month which included; Soil Health, SE Area 7 meeting, Blue Earth Civic Engagement, Shell Rock Advisory, Cedar 1W1P, QuickBooks training, Day at the Capitol, and a GBERBA meeting.
- Schaetzke gave his final report and parting thoughts. He has met with staff to direct them in the interim how to carry-out several projects that he has been working on until his successor is hired. He recommends Lageson to handle managerial duties and for Zeitler to sign off on conservation plans. Zeitler and Schamaun are to share technical duties.
- Our SWCD truck was rolled into by another truck in the parking lot at Day at the Capitol. The owner of the other truck offered to cover the damage. The board recommends getting the bumper fixed.
- Schaetzke is proposing to switch his Freeborn SWCD computer with a Waseca SWCD owned computer. It is recommended by IT, and will make his transition easier. After some discussion a motion was made by Wittmer and seconded by Ausen authorizing the computer swap. Results of a roll call vote were as follows: Affirmative- Dahl, Heers, Jr. and Wittmer. Opposed -- None. **The motion carried.**
- Staff gave a technology update. They received quotes and are waiting on one more then they will have a recommendation of which GPS system to purchase at the next regular meeting.
- Discussion was held regarding filling the vacant Manager position. It was the consensus of the group to get the announcement out as soon as possible and keep open until June 1st.
- Discussion was then held regarding hiring a seasonal/part-time temp to help with some of the workload. A motion was made by Ausen and seconded by Wittmer authorizing this. Results of a roll call vote were as follows: Affirmative- Dahl, Heers, Jr. and Wittmer. Opposed -- None. **The motion carried.**

Minnesota Department of Natural Resources



Owatonna Area Wildlife Office
Albert Lea Field Station
19499 780th Avenue
Albert Lea, Minnesota 56007
(507) 668-7071
jeanine.vorland@state.mn.us

March 30, 2018

Freeborn Soil and Water Conservation District
c/o Mark Schaetzke
Freeborn SWCD Manager
1400 West Main Street
Albert Lea, MN 56007

RE: Alteration of Christensen CREP/RIM Easement Section 11 Carlston Township, Freeborn County

Dear Mr. Schaetzke:

I received a request from Jason and Crystal Christensen asking for review of a proposed RIM easement alteration. I understand they have also been working with the Soil and Water District regarding the proposed change to release a strip of land along the edge of the easement for a driveway to a new building site. The strip of land would be about 0.25 acres. They are also proposing to add 0.55 acres to the easement as a block of habitat adjacent to the existing easement property (see attached map).

Based on the information provided I have no unusual concerns with this alteration. The proposal exchanges a narrow strip which, in part, borders an area that already has some development. While recognizing the proposed alteration is to facilitate development of a building site near the easement area, the proposed site is grouped with existing residences. The land exchange should adequately mitigate for the strip of land removed. It does not increase the amount of edge to easement area and the additional land should offer equal or greater habitat value for most farmland wildlife species.

Thank you for the opportunity to provide input into this proposed alteration. Please contact me if you have questions or need more information.

Sincerely,

A handwritten signature in blue ink that reads 'Jeanine Vorland'.

Jeanine Vorland
Area Wildlife Manager

Attachment

c: (electronically) Jason and Crystal Christensen



Conservation Plan Map

Christensen CREP/RIM

District: FREEBORN SOIL & WATER CONSERVATION DISTRICT

Legal Description: Carlston Sec 11

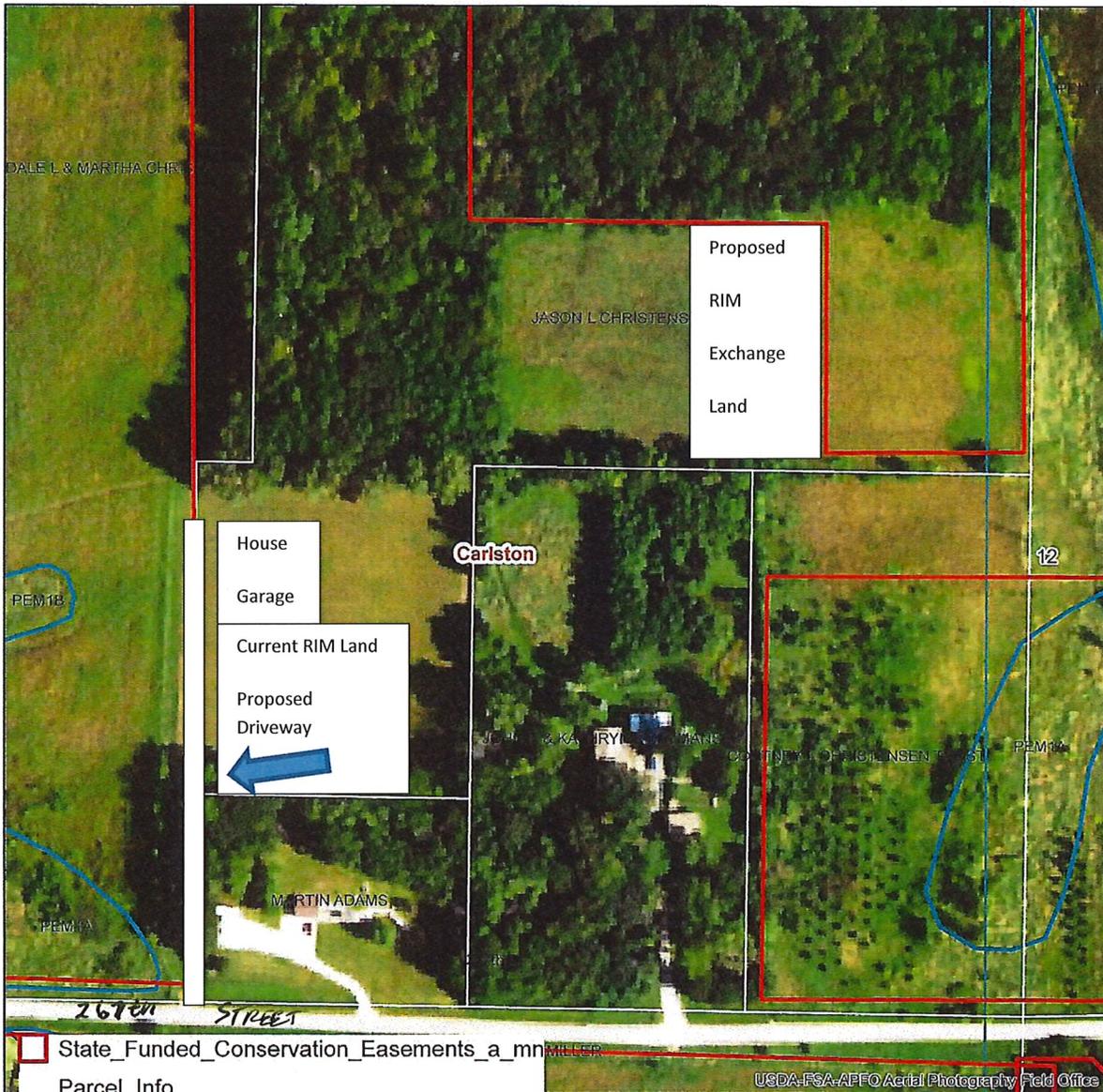
Date: 3/15/2017

Field Office: ALBERT LEA SERVICE CENTER

Agency: USDA - NRCS

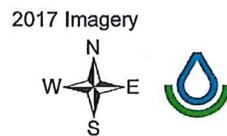
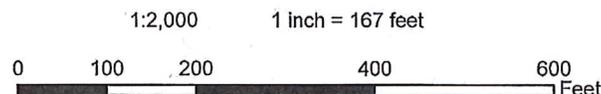
Assisted By: Mark Schaeetzke

State and County: MN, Freeborn County, Minnesota



State Funded Conservation Easements_a m

- Parcel_Info
- SMN_NWI_UTM
- Civil Townships
- Sections



Maps are for graphical purposes only. They do not represent a legal survey

Easement I.D. No: 24-08-01-01

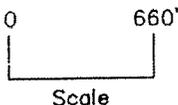
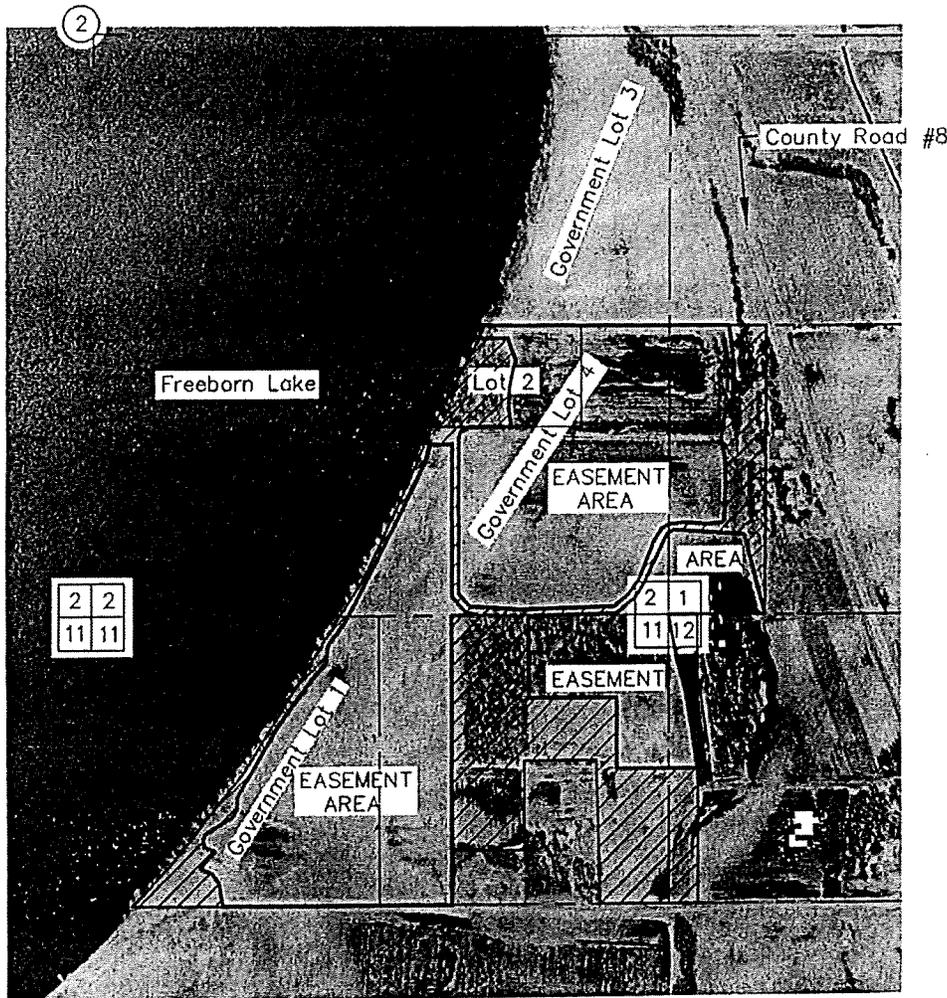
Map 1 of 1

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
CONSERVATION EASEMENT
EXHIBIT 'A'

429124

This map delineates the easement area(s) referred to in the attached easement conveyance.

Section 1/2/11/12 T. 103 N., R. 23 W., Freeborn County



Prepared By:

Board of Water and Soil Resources

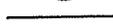
Dated:

October 18, 2001

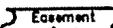
LEGEND



Center of Section



Boundary of Described Lands



Lands Included in Easement



Lands Not Included in Easement



Section/Quarter/Sixteenth Line

In 2008 or 2009, Mr. Levos made a small addition to his vineyard on land that he did not realize was in the RIM easement. Mr. Levos assumed his RIM boundary was further west, and since the easement boundary had never been staked in the field by the SWCD, this slight 0.3 acre incursion into the easement went undetected until this past year when looked at in ARCmap GIS by Blue Earth SWCD staff for a required site inspection. When Mr. Levos was contacted by the SWCD about this issue, his offer to make amends for this mistake is the current request to change his easement boundary.

Mr. Levos is requesting a release of 0.81 acres from within the current easement and is proposing to replace this with 3.43 acres of land currently in CRP. Please refer to the map C in the supporting documents that you received to see the locations of these areas in relation to our current RIM easement boundary. The landowner is proposing this change to keep the boundary simple, as it follows the tree line to the west of the 0.81 acre release area. This proposal is a replacement ratio of four to one, and takes more floodprone land permanently out of crop production.

Both the Blue Earth SWCD and the MN DNR Wildlife Specialist are in support of this request, as required by RIM rule and policy.

Recommendation

Staff recommends approval of this request. The 3.43 acres being offered as replacement are more at risk to flooding than the area proposed for release, and surpasses our required 2:1 replacement criteria.

Board Resolution # 18- _____

RIM Reserve Easement 07-05-99-03 Alteration, Levos

WHEREAS, the BWSR acquired a 22.3 acre RIM easement in Sections 4 and 9 of Decoria Twp., T107N, R26W, Blue Earth County, on June 21, 2001 from Bruce and Valerie Levos; and,

WHEREAS Mr. Levos inadvertently encroached into his RIM easement while expanding his vinyard in 2008 as he was unaware of the boundary location because it had never been staked in the field; and

WHEREAS the Blue Earth SWCD discovered the 0.3 acre incursion into the RIM easement boundary while examining an ArcMap GIS image as part of a routine site inspection in the fall of 2017; and

WHEREAS Mr. Levos is seeking to make amends for this accidental incursion into his RIM easement by requesting an alteration of his RIM easement boundary that will offer replacement acres at a 4:1 ratio; and

WHEREAS Mr. Levos has been working with Blue Earth SWCD staff to come up with the current proposal which removes 0.81 acres from the existing easement boundary, and replaces these acres with 3.43 acres of existing CRP cropland adjacent to the current easement boundary; and

WHEREAS the current landowner proposal places more floodprone land under permanent easement protection that what the current easement boundary configuration provides, so water quality protection benefits of the easement would be enhanced by the alteration; and

WHEREAS both the Blue Earth SWCD and the DNR Area Wildlife Manager are in support of this proposal, and the proposal easily surpasses the Board's 2:1 cropland replacement ratio of our Easement Alteration Policy; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources (BWSR) approves the alteration of RIM easement 07-05-99-03 as proposed, and authorizes staff to work with the Levos family and Blue Earth SWCD staff to officially amend the necessary RIM easement documents; and

BE IT FURTHER RESOLVED THAT, the Levos's shall pay all title insurance and recording fees associated with the amendment of this RIM easement, and pays all cost associated with any seeding required on the 3.43 replacement acres as prescribed by the Blue Earth SWCD;

Dated at Saint Paul, Minnesota this 27th day of June, 2018

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Date: _____

Gerald Van Amburg, Chair

Board of Water and Soil Resources

RECEIVED

APR 13 2018

**Bd. of Water & Soil Resources
St. Paul**

Bruce Levos
19035 Kodiak Lane
Mankato, MN 56001

January 2018

To Whom it may concern:

It was brought to my attention that I inadvertently encroached on .3 acres of conservation easement when making a small extension to my vineyard.

I am applying for a four to one land swap which will benefit pollinators and wildlife. I would include .81 acres out and add 3.43 acres. The suggested land swap is adjacent to the existing conservation easement and currently is a restored prairie. The advantage to the land swap gives immediate diversification to pollinators, farther away from residential housing, offers wildlife sanctuary and currently is in a restored prairie status.

I appreciate your time in taking into consideration my proposal to help improve wildlife mosaic.

Sincerely,



Bruce Levos



Blue Earth County

Soil & Water Conservation District

1160 South Victory Drive, Suite #3
Mankato, MN 56001
(507) 345-4744
(507) 345-6036

Approved Minutes of March 8, 2018

Supervisors Present: Chairman: Emily Javens, Vice-Chairman: John Rollings, Treasurer: John Shanahan, and Secretary: Carol Krosch, and PR&I: William Gardner

Staff Present: District Manager: Jerad Bach, Assistant Manager: John Billings, Conservation Technician: Derek Denisen

Guests: County Commissioner: Kip Bruender, Property Assess Clean Energy Loan Program: Robin Weis, NRCS District Conservationists: Reginald Liddell and Ray Hummel, NRCS ACE Employee: Joe Christianson, Farmbill Biologist: Jeff Potts

Proceedings: Meeting called to order by Chairman Emily Javens at 4:00 p.m.

Pledge: All present said the Pledge of Allegiance.

Housekeeping:

Agenda: Agenda was reviewed. Bach said that Weis' presentation should be moved up to the Open Communication Section. Billings noted the additions of two new additions to Old and New Business. **Krosch moved to approve the revised agenda, seconded by Rollings. Motion adopted.**

Guests: Javens welcomed Purvis, Liddell, Hummel, and Potts

Minutes: Rollings moved to approve the February 8, 2018 minutes, seconded by Gardner. Motion adopted.

Treasurer's Report: (See Attached)

Balance on hand	\$ 707,283.22
Receipts	\$ 648,615.97
Disbursements	<u>\$ 126,237.30</u>
Total	\$1,229,661.89

Billings presented the Treasurer's Report for February. **Rollings moved to file the February Treasurer's Report subject to audit, and pay Supervisors Per Diem/Expenses, seconded by Krosch. Motion adopted.**

Open Communications

Guests:

PACE Loan Program: Weis presented the Property Assessed Clean Energy (PACE) Loan Program. She handed out brochures and explained the funding is for business, nonprofits, churches, agribusinesses, and large group residential property owners. Weis explained the loans are for increased energy efficiency based on an energy audit performed prior to the loan agreement. Weis said there has been a hog facility that received funds for a solar energy upgrade, and other rural businesses in need of better energy efficiency. Rollings asked if people could group together to qualify for the loans. Weis said that grouping would not be allowed. Krosch asked the current rate. Weis said 4%. Javens asked if this was revolving loan program. Weis said it will start to be as more loans are paid back. Javens

SEE NEXT PAGE

asked what the consequences for borrowers that do not pay the loan back. Weis explained it was assessed to taxes, so eventually someone is responsible.

County Commissioner: Purvis presented report (See Attached). Shanahan thanked Purvis for all the daycare funding.

District Conservationist: Liddell introduced Hummel and Christianson. Liddell announced he would be detailed to Utah for a 120 day period to assist the State Conservationist. Liddell reported the EQIP applications are in ranking.

District Manager: Bach presented report (see attached). Javens asked if we would be hiring a replacement for Kalbus. Bach explained we would likely not rehire

Farmbill Biologist: Potts presented his report. (See Attached)

Cost-Share:

Lynch - 4FY17: Bach requested to encumber \$1,085.00 for a well decommissioning with a total cost of \$2,171.00. **Gardner** moved to encumber \$1,085.00 for the James Lynch well decommissioning contract, seconded by **Krosch**. Motion adopted.

Old Business:

Levos Easement Alteration: Denisen presented the proposed easement boundary line changes on aerial maps (See Attached). Shanahan moved to approve the recommendation of the easement boundary change Option C which is nearly a 3 to 1 acre replacement, seconded by **Krosch**. Motion Adopted.

New Business:

BWSR Financial Reconciliations: Bach reviewed the reconciliation report for the 2014 Minnesota Flood Relief Grant-Phase 3. **Rollings** moved to approved and sign the Disaster Relief reconciliation report, seconded by **Shanahan**. Motion adopted. Bach explained the 2016 Local Capacity Grant reconciliation report completion will happen after a determination of compliance for a purchase completed through the grant. **Rollings** moved to approved and designate **Bach** to sign the Financial Report for the 2016 Local Capacity grant, seconded by **Gardner**. Motion adopted.

FY18 SWCD Local Capacity Amendment: Bach explained the need of the amendment to the 2018 Local Capacity funds. **Rollings** moved to accept and sign the 2018 SWCD Local Capacity grant amendment, seconded by **Krosch**. Motion adopted.

Computer Request: Bach reviewed price quote for two computers (See Attached). Bach explained that we have been trying replace two of the six computers every year to keep the systems and hardware up to date. **Shanahan** moved to purchased the two quoted computers, seconded by **Rollings**. Motion adopted.

Area 6 Meeting: Billings announced the Area 6 meeting would be held in St James on March 22 and asked which supervisors would attend. Shanahan said he could attend, and **Rollings** said he would try.

Supervisors and Chairman:

Supervisors: Rollings apologized for missing the Area 6 Chairman's Meeting. **Rollings** reviewed a picture presentation from footage taken from his drone. He said he thought SWCDs would like a tool like a drone for conservation reviews and investigations. **Krosch** reported Blue Earth County approved the disposal of ash at the Ponderosa Landfill. She said she would be attending the Blue Earth WRAPS meeting next week. **Javens** asked permission to have the SWCD pay the per diem and expenses for her NACD Washington trip. She said MASWCD would be paying for the flight and hotel. Everyone agreed the per diem and expenses could be paid by the District. **Shanahan** reported he will be attending the GBERBA, Blue Earth WRAPS, Area VI, and South Central TSA meetings. Shanahan also said he would be in attendance at the SWCD Legislative Day. **Gardner** said MPI was moving forward with a promotional video. **Gardner** reported MPI would be closing on another acreage soon.

Gardner reminded everyone about the MPI banquet is on April 6.

Adjourn: There being no further business, **Rollings** moved to adjourn the meeting, **Seconded** by Shanahan.
Motion adopted.

- * Meeting adjourned at 6:10 pm
- * Next regular meeting will be held April 5, 2018
- * Minutes submitted by John Billings, Assistant Manager

Approved Date: 4/5/18 Carol Krosch, Secretary Carol Krosch

Approved Date: 4/5/18 Emily Javens, Chairman Emily Javens

DNR APPROVAL

Holly Kalbus

From: Stangel, Joseph (DNR) <joseph.stangel@state.mn.us>
Sent: Friday, February 09, 2018 12:22 PM
To: Holly Kalbus
Subject: RE: Bruce & Valerie Levos Property Blue Earth County/ Decoria Township/ SE 1/4 Section 4.

Holly,

Based on observations by my Technician and subsequent discussion, I would approve of the 2:1 swap as proposed.

Thanks

Joe M. Stangel
Assistant Regional Wildlife Manager | Fish & Wildlife

Minnesota Department of Natural Resources
21371 State Hwy 15
New Ulm, MN 56073
Phone: 507-359-6031
Email: joseph.stangel@state.mn.us
mndnr.gov

From: Schaefer, Peter J (DNR)
Sent: Thursday, February 08, 2018 1:08 PM
To: Stangel, Joseph (DNR) <joseph.stangel@state.mn.us>
Cc: holly.kalbus@blueearthswcd.org
Subject: Bruce & Valerie Levos Property Blue Earth County/ Decoria Township/ SE 1/4 Section 4.

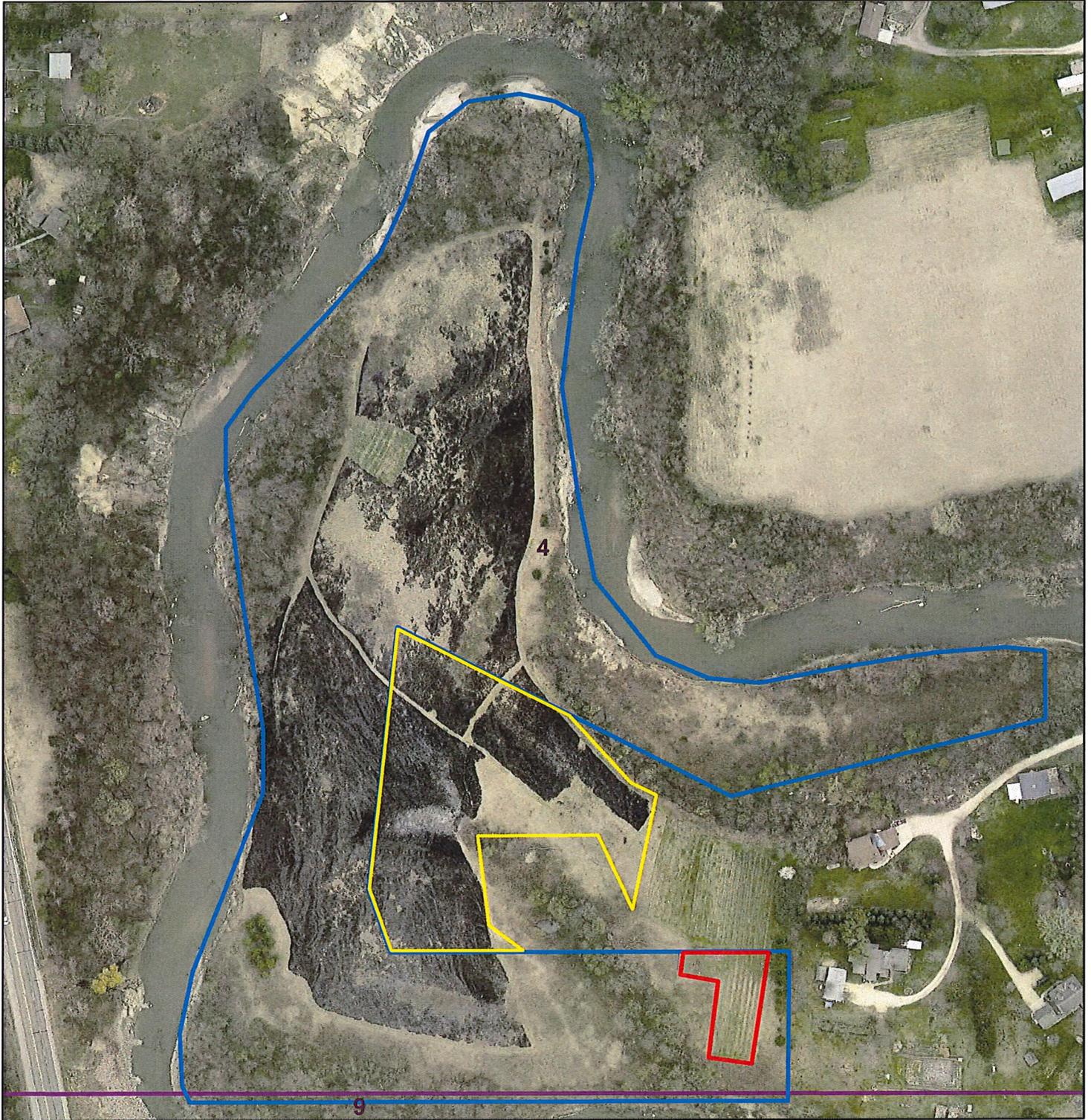
Joe, Holly,

2-8-18

The Levos property you asked me to evaluate for prairie vegetation cover, abundance and diversity was finished last Thursday February 1st, 2018. The Conservation Easement, new vineyard, grass, and forb tract, that Levos's would like to swap for the CRP site, appears to be a few years old, with 2"- 2.5" diameter on some of the grape vines. In addition, the grass and forb area around the new vineyard appears to be a little light with grasses and forbs and fairly consistent successional woody cover throughout, sumac, ash, Siberian elm, boxelder, dogwood, other shrubs sps., willow, and a couple of nice young oak. The larger CRP tract, to trade for, also has some woody creeping in, although it is mostly limited to a few small thick patches of sumac and willow, surrounded by Switchgrass ?, Indiangrass, other grasses, numerous aster, sunflower, and goldenrod sps., Yellow Coneflower, Round Headed Bush Clover, and Wild Bergamot. This field evaluation would be about an even trade if it takes into consideration elevation and flood risk although the proposed trade should be considered a good one for holding pollinators and the Riverine Conservation Resources in place.

**As Requested,
Pete**

Peter J. Schaefer
Minnesota DNR Section of Wildlife
Swan Lake Area Wildlife Office
501 – 9th Street



Legend

- Section
- CRP Boundary
- RIM Easement Boundary
- Vineyard Boundary

1: 2,500

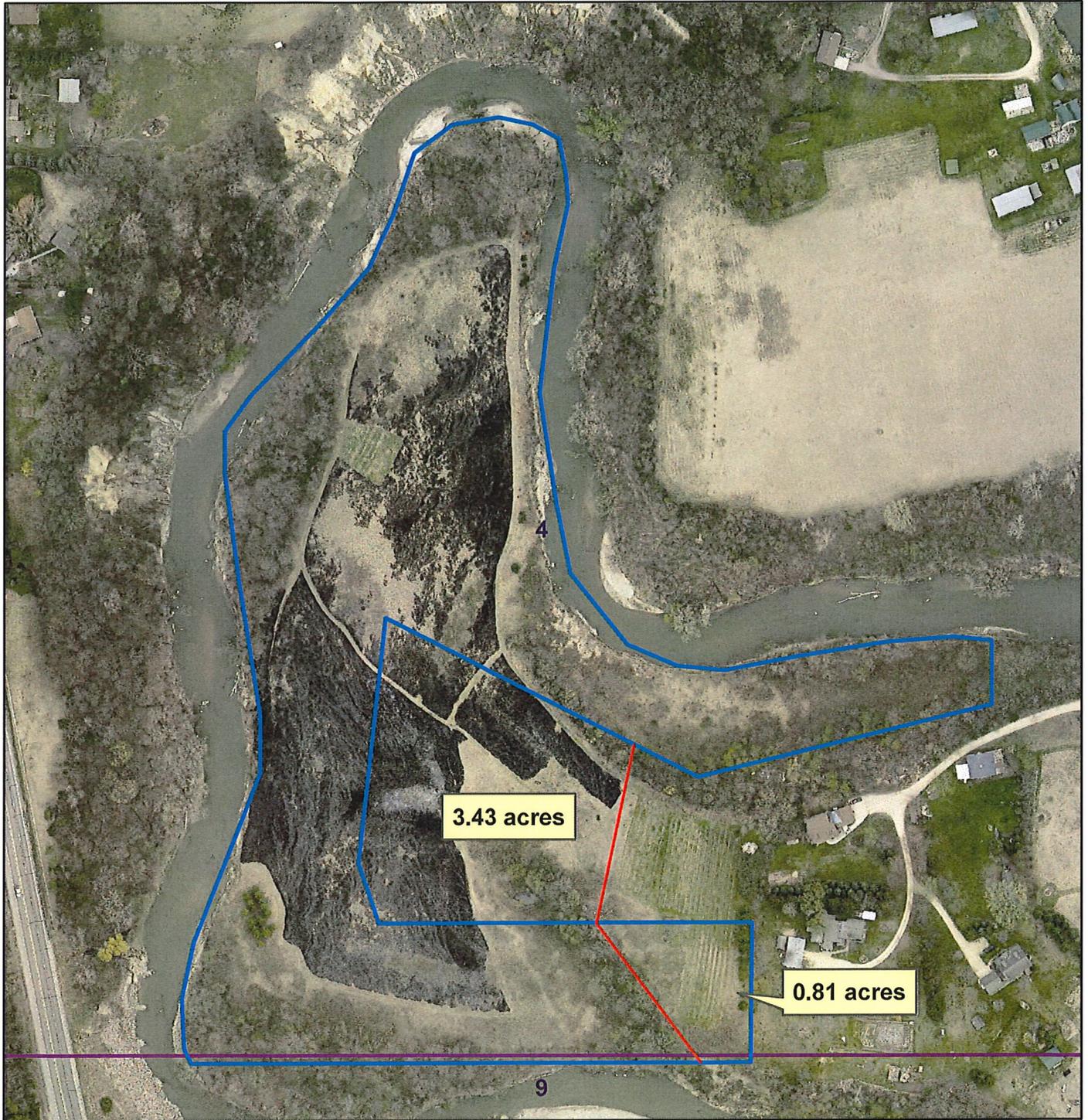
1 inch: 188 feet



Blue Earth County
Decoria Township
SE 1/4 of Section 4

Bruce & Valerie Levos
07-05-99-03

2



Legend

- Section
- Proposed New Boundary
- RIM Easement Boundary



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: MN Conservation Reserve Enhancement Program (MN CREP) 2018
Adjustments

Meeting Date: 06/27/18

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information
Easement/Private Lands Conservation

Section/Region: Section

Contact: Dave Weirens

Prepared by: Tim Koehler

Reviewed by: RIM Reserve Committee(s)
Dave Weirens/Dave Rickert/Tim

Presented by: Koehler

Time requested: 30 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other:
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

The Board is requested to approve the recommendation of the RIM Reserve Committee to update the Minnesota Conservation Reserve Enhancement Program (MN CREP) for 2018.

LINKS TO ADDITIONAL INFORMATION

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

BWSR staff have been approving MN CREP landowner applications for the past 12 months submitted by Soil and Water Conservation Districts (SWCD). In April 2018 BWSR staff held four MN CREP

Engagement meetings to seek input from SWCD's throughout the project area. The purpose of these meetings was to provide SWCDs with an opportunity to share the feedback they've been hearing from landowners on what aspects of the MN CREP are working well, and where adjustments are needed. A number of comments related to payment rates associated with a permanent easement program like RIM as a part of MN CREP.

Staff are proposing to continue utilizing the guidance in previous Board resolutions related to Standard Easement Payment rates (13-109) and Present Value (17-35). The most significant change being recommended by the RIM Reserve Committee is to establish a RIM incentive along with a process to approximate the value of two times the Continuous Conservation Reserve Program (CCRP) payment, which is what landowners often use as their alternative to a permanent easement. In addition, it is proposed to apply this incentive and payment process to funded MN CREP applications that have not had the RIM easement recorded. In limited situations it is also proposed to allow RIM-only as a part of a MN CREP application to make the easement area more manageable and to provide greater benefits to the landowner and the resources.

All of these proposals have been discussed twice with the RIM Reserve Committee and are being recommended for approval through a Board Resolution at the June 27th meeting.

Board Resolution # 18- _____

MN Conservation Reserve Enhancement Program (MN CREP) 2018 Adjustments

WHEREAS, Governor Dayton and the USDA Secretary by his designee signed the MN CREP agreement in January of 2017 that includes 60,000 acres for filter strips, wetland and wellhead protection practices that will assist landowners in protecting water quality and enhancing wildlife habitat; and,

WHEREAS Board Resolution 17-14, Conservation Reserve Enhancement Program Implementation, authorizes staff to implement the Conservation Reserve Enhancement Program (CREP): *Minnesota's Plan to Improve Water Quality and Enhance Habitat*; and,

WHEREAS, Board Resolution 17-35, Conservation Reserve Enhancement Program (CREP) Present Value and Round-out Payments:

- Established a present value rate payment methodology based on information provided by Dr. Steven J. Taff, Professor Emeritus, Department of Applied Economics, University of Minnesota;
- Provided the state portion of a CREP payment, based on the RIM Rates authorized in Board Resolution 13-109, that also includes a present value adjustment to reflect the time value of money over the 14 to 15 year CRP contract period as part of the total RIM payment and payments for round-out areas needed to assure the purpose and integrity of the conservation easement; and

WHEREAS, the total landowner CREP payment is comprised of a Conservation Reserve Program (CRP) payment amount with the remaining amount equaling the RIM payment (Board Resolution 17-35); and,

WHEREAS, in April 2018 BWSR staff held four Minnesota CREP Engagement meetings to seek input from Soil and Water Conservation Districts (SWCD) throughout the project area. The purpose of these meetings was to provide SWCDs with an opportunity to share the feedback they've been hearing from landowners on what aspects of the MN CREP are working well, and where adjustments are needed. A few of the common points made by SWCD staff at these meetings included:

- Increasing payment rates;
- More of the total payment should be paid up front;
- Allow more non-cropland to be included in the easement;
- More CRP practices to be eligible under CREP;
- Allow existing CRP acres to be eligible;
- Simplifying the payment calculation process;
- Opposition to perpetual easements; and;

WHEREAS, the first year of MN CREP sign-ups have yielded approximately 5,700 acres of approved permanent easement applications with 154 landowners, with applications received from 39 SWCD's; and,

WHEREAS, the BWSR RIM Reserve Committee met on May 23, 2018 and June 13, 2018 to review proposed program adjustments to CREP and recommends the following provisions.

NOW THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources staff are authorized to:

1. Utilize BWSR Board Resolution 13-109, Standard Easement Payment Rates, or its successor, as the basis for the total MN CREP Landowner Payment Rate to landowners; and,
2. Include Present Value and Round-out Payments in the MN CREP Landowner Payment Rate as authorized in Board Resolution 17-35, Conservation Reserve Enhancement Program (CREP) Present Value and Round-out Payments.

BE IT FURTHER RESOLVED THAT, the Minnesota Board of Water and Soil Resources staff are authorized to:

1. Include a RIM incentive for eligible cropland, to the total MN CREP Landowner Payment Rate that will be an additional 15% above the 90% of the Average Assessed Tillable Value (AATV) for the township in which the application is located; and,
2. Utilize the greater of the MN CREP Landowner Payment Rate or two times the Continuous CRP (CCRP) payment rate, capped at 15% above the MN CREP Landowner Payment Rate, for eligible cropland in the offered area as the starting point for the CREP payment amount; and,
3. Allow RIM-only as a part of a MN CREP application to utilize BWSR Board Resolution 13-109, Standard Easement Payment Rates, or its successor, as the basis for the MN CREP Landowner Payment Rate and will include a RIM incentive for eligible cropland, that will be based upon an additional 15% above the 90% of the AATV for the township in which the application is located. Present Value and the greater of the two times CCRP process provided in number 2 above will not be added to the RIM-only part of the total application; and,
4. Review existing MN CREP applications approved for funding that have not had a RIM easement recorded and adjust the MN CREP Landowner Payment Rate as provided under items 1 and 2 when the total payment rate would be higher; and
5. BWSR Staff will annually review the MN CREP and as needed bring updates to the RIM Reserve Committee and the BWSR Board.

Date: _____

Gerald Van Amburg, Chair

Board of Water and Soil Resources

Attachment: MN Conservation Reserve Enhancement Program (MN CREP) 2018 Adjustments

MN Conservation Reserve Enhancement Program (MN CREP) 2018 Adjustments

June 14, 2018

Purpose: This document provides the Minnesota Conservation Reserve Enhancement Program (MN CREP) June 2018 Program Update that was presented to the BWSR RIM Reserve Committee on May 23, 2018 and June 13th.

Background: After a year of implementing MN CREP, BWSR staff have undertaken a review of the Program to determine its effectiveness and to identify any desirable changes. As part of this process, in April 2018, BWSR staff held four MN CREP Engagement meetings to seek input from Soil and Water Conservation Districts throughout the project area. The purpose of these meetings was to provide an opportunity for District staff to share the feedback they've been hearing from landowners on what aspects of the MN CREP program are working well, and where improvements are needed.

A few of the common points made by SWCD staff at these meetings included:

- Increasing payment rates
- More of the total payment should be paid up-front
- Allow more non-cropland to be included in the easement
- More CRP practices to be eligible under CREP
- Allow existing CRP acres to be eligible
- Simplify the payment calculation process
- Opposition to perpetual easements

This document explains the changes that are being proposed to respond to landowner and SWCD ideas on how to improve the MN CREP.

A. Proposed Payment Changes. These items have been reviewed by the BWSR RIM Reserve Committee that is recommending them to the BWSR Board for their consideration.

1. **RIM Incentive/Process.** Include a RIM incentive for eligible cropland, to the MN CREP Landowner Payment Rate of an additional 15% above the 90% of the Average Assessed Tillable Value (AATV) for the township in which the offer is located.

The payment process will then utilize the greater of the MN CREP Landowner Payment Rate or two times the Continuous Conservation Reserve Program (CCRP) payment rate, capped at 15% above the MN CREP Landowner Payment Rate for eligible cropland in the offered area as the CREP payment amount. Through the current application process, BWSR collects information that can derive the Soil Rental Rates for each application. Applications with less productive soils which have a lower Soil Rental Rate will likely not receive an additional payment amount. Applications with more productive soils which have a higher Soil Rental Rate will receive the 2x CCRP additional payment amount (if higher value than the Township Value, not to exceed an additional 15% (as proposed) over the MN CREP Landowner Payment Rate).

This incentive/process will encourage sign-up through increased landowner payments, a larger up-front payment and simplification of the payment calculation process. The RIM Incentive, Present Value and two times the Continuous CRP amounts are not applicable to the 60% non-cropland rate.

2. **Existing MN CREP funded applications not recorded.** Review existing MN CREP applications approved for funding that have not had a RIM easement recorded and increase the MN CREP Landowner Payment Rate as provided under #1.
3. **RIM-Only.** RIM-only as a part of a MN CREP offer will utilize BWSR Board Resolution 13-109, Standard Easement Payment Rates, or its successor, as the basis for the MN CREP Landowner Payment Rate. The rate will include a RIM incentive for eligible cropland that will be based upon an additional 15% above the 90% of the AATV for the township in which the offer is located. Present Value and the greater of the 2XCCRP process explained above will not be added to the stand-alone RIM part of the total offer.

B. Payment Rate Concepts that are not Changing. These items have been implemented via prior Board resolutions and/or staff decisions and are not being changed at this time.

1. The **MN CREP landowner payment concept** remains the same as originally planned. That is – the MN CREP landowner payment is the total of all of the CRP payments paid by USDA (approximately 2/3rd of the total) with the remaining amount being paid by the State through RIM (approximately 1/3rd of the total).
2. **Average Assessed Tillable Value (AATV).** Continue to follow previous BWSR Board Resolutions to base the CREP Landowner Payment Rate on 90% of AATV by township for cropland and 60% of AATV for non-cropland. In addition, utilize the in-place processes for counties close to the Twin Cities Metro Area as is utilized now for RIM.
3. **Present Value** - A present value adjustment compensates landowners fairly for the time value of money over the 14 to 15 year CRP contract period compared to receiving that amount up-front when the easement is recorded. The present value amount will continue to be added to the 90% AATV value as was authorized with Board Resolution 17-35. This is a documentable value and when included in the overall rate will make it simpler for the local SWCD office to provide a quick payment estimate.

C. Administrative Changes. These items are planned to be implemented by BWSR staff under current BWSR Board resolutions.

1. **CRP Payment Restriction - \$50K maximum CRP restriction process.** If the CREP application shows a CRP payment in excess of \$50,000 the amount above that level will not be paid by FSA, as required by CRP. The applicant will be encouraged to explore and exhaust all options, working with the local USDA Farm Service Agency (FSA) office to maximize the CRP payment situation. In special limited circumstances designated BWSR staff may approve, utilizing RIM funds to pay the annual amount above \$50,000 that will not be paid by FSA on CP23 or CP23a

applications only. This incentive will only be valid if the existing CREP CRP offer shows a contract payment in excess of \$50,000 and not for a lower CREP CRP contract payment when combined with previously funded CRP contracts that puts a landowner above the \$50,000 amount.

2. **Allow RIM-only for existing CRP.** Allow RIM-only, at the non-cropland or cropland rate corresponding to the existing CRP conservation practice, for existing CRP that is less than or equal to 50% of total CREP offered acres (for example if a 20 acre CREP offer, up to 10 acres would be allowed as RIM-only in conjunction with an existing CRP contract).
 3. **CP23a (non-floodplain wetlands), 4:1 upland to wetland ratio increase.** The allowable upland to wetland ratio for CP23a will be increased. The upland acres above the 4:1 ratio will be paid based on the cropland or non-cropland rate as RIM-only.
 4. **Increase non-crop %**
 - a. CP21 – Increase the amount of non-cropland up to and including 20% of the offer.
 - b. CP23/23a – Increase the amount of non-cropland up to and including 20% of the offer. Non-cropland wetland restoration acres will not contribute to the cap.
 5. **100 year floodplain not mapped causing eligibility challenges.** In some counties the 100 year floodplain is not mapped or if mapped soils are not hydric meaning eligibility for a CP23 wetland may be in question, and floodplain map out-of-date. NRCS will be asked to provide guidance and practical alternatives to local offices on how to handle these and other situations for CP23's that avoid infield review of soils or the site that will hopefully clear up confusion and allow more landowners to sign-up for CP23.
- D. Potential Future Actions.** Items in this category require USDA concurrence and an amendment to the CREP Agreement between the State and USDA and will take a significant amount of time to complete. BWSR staff will continue to investigate feasibility of the following two options:
- Limited term easements for buffers and wellhead
 - Consider additional CRP practices

COMMITTEE RECOMMENDATIONS

Central Region Committee

1. Isanti County Comprehensive Local Water Management Plan – Kevin Bigalke – ***DECISION ITEM***
2. Riley Purgatory Bluff Creek Watershed District Watershed Management Plan – Kevin Bigalke – ***DECISION ITEM***
3. North Fork Crow River Comprehensive Watershed Management Plan – Kevin Bigalke – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Isanti County Comprehensive Local Water Management Plan

Meeting Date: June 27, 2018

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region

Contact: Kevin Bigalke, Jason Weinerman

Prepared by: Jason Weinerman

Reviewed by: Central Region Committee(s)

Presented by: Kevin Bigalke

Time requested: 5 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Board action requested to approve the Isanti County Comprehensive Local Water Management Plan Update.

LINKS TO ADDITIONAL INFORMATION

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

Isanti County (County) has updated their Comprehensive Local Water Management Plan (Plan) as authorized under Minnesota Statutes, section 103B.301, the Comprehensive Local Water Management Act. The initial step in the update process, the Priority Concerns Scoping Document (PCSD), was completed and the State’s official comments were communicated to the County in a letter dated May 25, 2016. On March 30, 2018, the BWSR 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

Minnesota Statutes, section 103B.315, subd. 5. State agency review comments were received from MDA, BWSR, and MPCA. The County has responded to all comments received and incorporated appropriate revisions to the final draft. The state agencies recommended that BWSR approve the entire Plan Update as submitted.

The priority concerns to be addressed in the final Plan were deemed to be appropriate and no changes were recommended or required. These priority concerns included the following: 1) Ground water quantity and quality, 2) Surface water quantity and quality, 3) Land use, and 4) AIS prevention and management. The County actively engaged citizens, partners and agency representatives in the development of the Plan Update and included measurable and targeted goals and strategies in their implementation program.

BWSR staff completed its review and found that it meets the requirements of Minnesota Statutes, section 103B.314. The Plan:

- focuses on the priority concerns identified in the PCSD;
- assesses the priority concerns and sets forth appropriate goals and objectives;
- provides an implementation program with measurable actions, timeline and budget; and
- includes all required sections.

On June 7, the Central Regional Committee met with County representatives and BWSR staff to review and discuss the Plan. The Committee's decision was to recommend approval of the Isanti Comprehensive Local Water Management Plan update to the full Board per the attached draft Order.

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

In the Matter of the review of the Comprehensive Local Water Management Plan for Isanti County, pursuant to Minnesota Statutes, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.

**ORDER
APPROVING
COMPREHENSIVE
LOCAL WATER
MANAGEMENT PLAN**

Whereas, the Board of Commissioners of Isanti County (County) submitted a Comprehensive Local Water Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on March 30, 2018 pursuant to Minnesota Statutes, Section 103B.315, Subdivision 5, 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. On February 17, 2016 the Board received a Priority Concerns Scoping Document from Isanti County, pursuant to Minnesota Statutes, Section 103B.312.
2. On May 25, 2016 the Board approved official comments on Isanti County's Priority Concerns Scoping Document. The approval was mailed to the county on May 25, 2016.
3. The Plan focuses on the following priority concerns:
 - A. Ground water quantity and quality
 - B. Surface water quantity and quality
 - C. Land use
 - D. AIS prevention and management
4. On March 30, 2018, 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 Minnesota Statutes, Section 103B.315, Subd. 5. State agency representatives attended and provided input at advisory committee meetings during development of the Plan. The following state review comments were received during the comment period.
 - A. Minnesota Department of Agriculture: had no additional comments on the plan
 - B. Minnesota Department of Health: found the plan does not violate any statute or rule requirements and recommends approval of the plan as submitted. MDH commends the county for recognizing the importance of protecting ground and drinking water.
 - C. Minnesota Department of Natural Resources: provided no comment

- D. Minnesota Pollution Control Agency: stated all agency concerns have been included in the final plan and commended county for including information from the Lower St. Croix and the Rum River WRAPS documents
 - E. Minnesota Environmental Quality Board: provided no comment
 - F. Minnesota Board of Water and Soil Resources regional staff: had no comment on the final plan and commended Isanti County staff, Isanti SWCD staff, and water resources advisory committee members on their efforts in the planning process
5. **Central Regional Committee.** On June 7, the Central Regional Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Plan. Those in attendance from the Board’s Committee were Joe Collins – Chair, Jill Crafton, Jack Ditmore, Paige Winebarger – by telephone, Terry McDill, Duane Willenbring – by telephone. Board staff in attendance were Central Region Manager Kevin Bigalke, Board Conservationist Jason Weinerman and Board Conservationist Steve Christopher. The representatives from the County were Darrick Wotachek (county water planner). 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.
6. This Plan will be in effect for a ten-year period until July 1, 2027.

CONCLUSIONS

- 1. All relevant substantive and procedural requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Local Water Management Plan for Isanti County pursuant to Minnesota Statutes, Section 103B.315, Subd. 5.
- 2. The Isanti County Plan attached to this Order states water and water-related problems within the county; priority resource issues and possible solutions thereto; goals, objectives, and actions of the county; and an implementation program. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103B.301.

ORDER

The Board hereby approves the attached update of the Isanti Comprehensive Local Water Management Plan 2018-2027.

Dated in St. Paul, Minnesota, this 27th Day of June, 2018.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Gerald Van Amburg, Chair



June 27, 2018

Isanti County Commissioners
c/o Darrick Wotachek, Water Plan Coordinator
Isanti County Zoning
Government Center
Main Level, Room #1101
555 18th Ave SW
Cambridge, MN 55008

RE: Approval of the Isanti County Comprehensive Local Water Management Plan Update

Dear Isanti County Commissioners:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you the Isanti revised Comprehensive Local Water Management Plan (Plan) was approved at its regular meeting held on June 27, 2018. Attached is the signed Board Order that documents approval of the Plan and indicates the Plan meets all relevant requirements of law and rule.

This update of the Plan is effective for a ten-year period until July 1, 2027, with Goals, Objectives and Action Items to be amended by July 1, 2023. Please be advised, the County must adopt and begin implementing the plan within 120 days of the date of the Order in accordance with Minnesota Statutes §103B.315, Subd. 6.

The commissioners and staff, local partner agencies, and water plan advisory members are to be commended for writing a plan that clearly presents water management goals, actions, and priorities of the County. With continued implementation of this water plan, the protection and management of Isanti County's water resources will be greatly enhanced. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Please contact Board Conservationist Jason Weinerman of our staff at 320-223-7072 or jason.weinerman@state.mn.us for further assistance in this matter.

Sincerely,

Gerald Van Amburg , Chair
Minnesota Board of Water and Soil Resources

[Add specific office location footer here]

Enclosure:

BWSR Board Order

CC: Jeff Berg, MDA (via email)
George Minerich, MDH (via email)
Dan Lais, DNR (via email)
Juline Holleran, MPCA (via email)
Kevin Bigalke, BWSR Regional Manager (via email)
Jason Weinerman, BWSR Board Conservationist (via email)
Amy Waters, BWSR (file copy)



Isanti County Local Water Management Plan 2018-2028

Draft prepared by Isanti County Zoning Office with assistance from Isanti Soil and Water Conservation District
1/24/2018

IV. Executive Summary

The purpose of the Local Water Management Plan (LWMP) is to identify existing and potential water resource issues, create an implementation strategy for protection and foster positive land use management and sustainable development within the entire County in a way that is respectful of the resources. The LWMP is administered by the Isanti County Zoning Office with assistance from the Isanti Soil and Water Conservation District (ISWCD). Both agencies are committed to providing landowners with applicable information to assist them in making wise choices in land management and collectively protect the natural resources of Isanti County.

Isanti County is aware that many local, state and federal agencies are involved with water resource restoration and protection. The intent of this plan is to reduce the duplication and eliminate gaps in implementation strategies aimed at the common goal of protecting, preserving and improving water resources in Isanti County. Additionally, the County is aware that there are several existing plans that address water resources within the county (i.e. Watershed Restoration and Protection Strategies/WRAPS and Storm Water Retrofit Assessments/SRAs). These existing plans will incorporate water quality monitoring and assessment, watershed analysis, civic engagement, planning, implementation, and measurable results to increase the effectiveness and efficiency of the LWMP. The goal of this plan was to incorporate the high priority actions from said plans such that the actions to protect waters can be found in one location.

The original LWMP was formally adopted on August 18, 1993. The second update and current local water management plan was adopted on January 1, 2006 and was originally set to expire in December 2015. The County was granted a two-year extension from the Minnesota Board of Water and Soil Resources (BWSR) which extended the expiration date to May 2018.

This plan was developed in accordance with the requirements of Comprehensive Local Water Management Minn. Stat. 103B.301 to 103B.355

Isanti County held public participation meetings with the Water Plan Task Force (WPTF) to identify the priority concerns. These meetings were facilitated to receive input about perceived threatened water resources, environmental issues, riparian zone decline, land use changes, and aquatic invasive species. The WPTF then considered all input and used this information to create an implementation plan to address these issues. From this selection process, the following priority concerns and goals were identified:

- **Protect groundwater resources from impairments and develop a sustainable framework for groundwater users.**
- **Protection and restoration of Isanti County surface water quality and quantity.**
- **Promote land use management practices that are beneficial to Isanti County's natural resources.**
- **Aquatic invasive species (AIS) prevention and management.**

Ditches and drainage management is also identified as a concern and will be addressed within the surface water quality priority concern. After the priority concerns were established, the County Zoning Office and ISWCD worked together to develop the implementation schedule and plan.

V. Implementation Plan Summary

The implementation schedule was developed by the Isanti County Zoning Office in partnership with the Isanti Soil and Water Conservation District (ISWCD). Within this portion of the document, all goals, objectives, and action items for this current plan are identified to address the four priority concerns. The following respective objectives under each priority will obtain the County's goals.

1. Ground Water Priorities

- Increase local agencies, stakeholders, and consumers capacity to protect Isanti County's groundwater resources.
- Protect quality and quantity of groundwater within areas identified as vulnerable/sensitive using the most current plans/studies.
- Promote wise groundwater withdrawal to protect and conserve current and future uses including drinking water, recreation, ecological, agricultural, commercial, and industrial uses.

2. Surface Water Priorities

- Work with local municipalities and developments to protect and conserve surface water quality.
- Acquire data necessary to gain a greater understanding of the resources, threats, and strategies to better target practices for planning and implementing watershed activities.
- Implement projects that minimize the transport of nutrients, sediment, and bacteria to surface waters to meet the goals of WRAPS, TMDLs and/or SRAs.
- Enforce County zoning ordinances with land uses to protect surface water quality and pursue additional regulations or ordinance amendments.

3. Land Use Management Priorities

- Develop and improve local plans, controls, and ordinances to reduce impacts from storm water runoff from lands being developed or converted.
- Develop a process for drainage management with a focus on public and private drainage systems.
- Ensure the protection of healthy, connected forest and natural areas for both water quality and habitat.

4. AIS Prevention and Management Priorities

- Monitor and map surface waters for current and new infestations of AIS.
- Protect lakes with public accesses from AIS infestation.
- Make informed decisions regarding AIS.
- Proactively provide education and information on AIS.

The action items identified in this section also align with the Watershed Restoration and Protection Strategies (WRAPS) for the Rum River, Lower St. Croix, and the Snake River Watersheds and strive to be consistent with other local, state, and regional watershed plans. The following sections of this plan will provide information regarding the County's geography and watersheds, assessment of the priority concerns, an implementation schedule, and an appendix of additional figures or tables. Overall, the cost of implementing this plan will be \$5.9 million. Annually the County will expend approximately \$595,697, which consists of funds from county budget, state legislature, natural resource block grants, and clean water fund grants.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Riley Purgatory Bluff Creek Watershed District Comprehensive Watershed Management Plan

Meeting Date: June 27, 2018

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region

Contact: Steve Christopher

Prepared by: Steve Christopher

Reviewed by: Central Region Committee(s)

Presented by: Kevin Bigalke

Time requested: 5 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Approval of the Riley Purgatory Bluff Creek Watershed District Comprehensive Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

Full Plan Link as follows: http://www.rpbcwd.com/files/1215/2365/2606/01_Plan_Final_ReviewDraft_2017Plan_4-5-18_REDLINE_RptAndAppendicesRED.pdf

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Background:

The Riley Purgatory Creek Watershed District (District) was established on July 31, 1969 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). Bluff Creek was added to the District in June 1984.

The District is approximately 47 square miles in size and located in both Hennepin County and Carver County, within the Minnesota River basin. The following municipalities lie partially within the District: Bloomington, Chanhassen, Chaska, Deephaven, Eden Prairie, Minnetonka, and Shorewood. The District is bound by the Lower Minnesota River Watershed District to the south, the Carver County WMO to the southwest, the Minnehaha Creek Watershed District to the west and north, and the Nine Mile Creek Watershed District to the east.

The current third generation watershed management plan was approved by the Board in January 2011.

Plan Process and Highlights:

The District recently underwent an extensive prioritization process with their Creek Restoration Action Strategy (CRAS) which 1. Developed a mechanism to compare stream conditions in the watershed to guide implementation as well as 2. Created an adaptive approach to update the CRAS to incorporate new information as it is collected in the future. The work that went into the development of the CRAS has significantly informed the 2018-2027 Comprehensive Water Resources Management Plan (Plan).

The District led a thorough public engagement process with community meetings, their Citizens Advisory Committee, their Technical Advisory Committee, and their Board of Managers. The process identified the following thirteen goals:

1. Operate in a manner that uses District resources and capacity efficiently and effectively while advancing the District's vision and goals.
2. Collect data and use the best available science to recommend and support management decisions.
3. Design, maintain, and implement Education and Outreach programs to educate the community and engage them in the work of protecting, managing, and restoring water resources.
4. Plan and conduct the District's implementation program to most effectively accomplish its vision with consideration for all stakeholders and resources.
5. Include sustainability and the impacts of climate change in District projects, programs, and planning.
6. Implement the District's regulatory program to protect water resources from further degradation, enhancing resources when possible.
7. Support Carver and Hennepin County to operate effectively as Ditch Authorities.
8. Protect, manage, and restore water quality of District lakes and creeks to maintain designated uses.
9. Preserve and enhance the quantity, as well as the function and value of District wetlands.
10. Preserve and enhance habitat important to fish, waterfowl, and other wildlife.
11. Promote the sustainable management of groundwater resources.
12. Protect and enhance the ecological function of District floodplains to minimize adverse impacts.
13. Limit the impact of stormwater runoff on receiving waterbodies.

The District has also set a goal of the following overarching outcomes for the duration of the plan:

- 41,000 linear feet of streambank, shoreline, ravine and slope stabilization
- 3,200 pounds of phosphorus reduction per year
- 11 acres of habitat restored
- 4.1 million gallons of groundwater conserved per year

The draft Plan is an excellent example of a resource that provides transparency for the District's decision making and will provide value when working with its citizens as well as its partners.

Attachments:

1. Draft order for approval of the Riley Purgatory Bluff Cree Watershed District (RPBCWD) Watershed Management Plan.
2. RPBCWD Plan Executive Summary.
3. RPBCWD Location Map

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

In the Matter of the review of the Watershed Management Plan for the Riley Purgatory Bluff Creek Watershed District, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

**ORDER
APPROVING
A WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Riley Purgatory Bluff Creek Watershed District (RPBCWD) submitted a Watershed Management Plan (Plan) dated April 2018 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, 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. **RPBCWD Establishment.** The Riley Purgatory Creek Watershed District was established on July 31, 1969 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). The first water resources management plan for the District was prepared and adopted in 1973. The second plan was adopted in 1982. Bluff Creek was added to the District in June 1984. The plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982 (M.S. 103B), and approved by the Board of Water and Soil Resources (Board) in August 1996. The Board approved the current “third generation” Water Resources Management Plan in January 2011.
2. **Authority of Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.
3. **Nature of the Watershed.** The District is approximately 47 square miles in size and located in both Hennepin County (32.8 sq. miles) and Carver County (14.5 sq. miles), within the Minnesota River basin. The land use in the watershed consists predominantly of single family low density residential land use, with a mix of recreational/golf courses/preserved areas, commercial, industrial, institutional land uses, as well as undeveloped areas. Development pressure within the watershed is projected to slightly increase through the life of this Plan, particularly from medium density residential development. There are a total of 13 major lakes and three major creeks in the District. The following municipalities lie partially within the District: Bloomington, Chanhassen, Chaska, Deephaven, Eden Prairie, Minnetonka, and Shorewood. The District is bound by the Lower Minnesota River Watershed District to the south, the Carver County WMO to the southwest, the Minnehaha Creek Watershed District to the west and north, and the Nine Mile Creek Watershed District to the east.

4. **Plan Development and Review.** The RPBCWD initiated the planning process for the 2018-2027 Plan in January of 2016. As required by MR 8410, a specific process was followed to identify and assess priority issues. Stakeholders were identified, notices were sent to municipal, regional, and state agencies to solicit input for the upcoming Plan.

RPBCWD initiated a survey and began promotion of the public input meetings in February of 2016. RPBCWD conducted numerous technical advisory committee meetings, citizen's advisory committee meetings and staff workshops along with public input meetings. The RPBCWD also provided a preview of the plan at their annual watershed tour on July 31st which allowed stakeholders to better understand the goals.

The Plan was submitted for formal 60-day review in November 2017. The District received comments on the draft Plan and responded to Plan reviewers' comments in writing. After formal review of the RPBCWD Plan, the District held a public hearing on the draft Plan on March 15, 2018. All additional comments received during the 90-day review period have been addressed. The final draft Plan and all required materials were submitted and officially received by the Board on April 13, 2018.

5. **Local Review.** The RPBCWD distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B132, Subd. 7. Local written comments and edits were received from City of Eden Prairie, Bloomington Sustainability Commission, Lotus Lake Conservation Alliance, Mitchell Lake Association, along with several citizens. The RPBCWD responded to all comments.
6. **Metropolitan Council Review.** During the 60-day review, the Council noted the thorough and well organized plan. RPBCWD thanked the Council for its comments.
7. **Department of Agriculture (MDA) Review.** No comments were received during the 60-day or 90-day final review period.
8. **Department of Health (MDH) Review.** No comments were received during the 60-day or 90-day final review period.
9. **Department of Natural Resources (DNR) Review.** The DNR noted that the plan is well thought out and aligns with the Agency's goals. The DNR also noted the efforts of the District in its regulatory capacity and goals for sustainable groundwater management. RPBCWD thanked the DNR for its comments.
10. **Pollution Control Agency (PCA) Review.** PCA participated in TAC meetings and provided feedback throughout the plan development process. During the 60-day review, PCA stated it had no additional comments.
11. **Department of Transportation (DOT) Review.** No comments were received from the DOT during the 60-day or 90-day comment periods.
12. **Board Review.** Board staff commended the RPBCWD on a Plan that demonstrates sound justification for its programs and projects. Board staff also noted the high number of goals and stressed the importance of measurability to gauge its success. RPBCWD responded to this comment noting that it will be continuing to develop a process for measurement, tracking and reporting on the aforementioned goals.
13. **Plan Summary.** The Plan focuses on a watershed approach recognizing the needs of its three major subwatersheds: Riley Creek, Purgatory Creek and Bluff Creek. Each subwatershed has its own resource needs and well developed strategies are identified to address each.

The process identified the following thirteen goals:

- Operate in a manner that uses District resources and capacity efficiently and effectively while advancing the District's vision and goals.
- Collect data and use the best available science to recommend and support management decisions.
- Design, maintain, and implement Education and Outreach programs to educate the community and engage them in the work of protecting, managing, and restoring water resources.
- Plan and conduct the District's implementation program to most effectively accomplish its vision with consideration for all stakeholders and resources.
- Include sustainability and the impacts of climate change in District projects, programs, and planning.
- Implement the District's regulatory program to protect water resources from further degradation, enhancing resources when possible.
- Support Carver and Hennepin County to operate effectively as Ditch Authorities.
- Protect, manage, and restore water quality of District lakes and creeks to maintain designated uses.
- Preserve and enhance the quantity, as well as the function and value of District wetlands.
- Preserve and enhance habitat important to fish, waterfowl, and other wildlife.
- Promote the sustainable management of groundwater resources.
- Protect and enhance the ecological function of District floodplains to minimize adverse impacts.
- Limit the impact of stormwater runoff on receiving waterbodies.

The District has also set a goal of the following overarching outcomes for the duration of the plan:

- 41,000 linear feet of streambank, shoreline, ravine and slope stabilization
- 3,200 pounds of phosphorus reduction per year
- 11 acres of habitat restored
- 4.1 million gallons of groundwater conserved per year

14. **Central Region Committee Meeting.** On June 7, 2018, the Board's Central Region Committee and staff met in St. Paul to review and discuss the final Plan. Those in attendance from the Board's committee were Jill Crafton, Jack Ditmore, Terry McDill, Duane Willenbring (via phone), Paige Winebarger (via phone), and Joe Collins, chair. Board staff in attendance were Central Region Manager Kevin Bigalke and Board Conservationist Steve Christopher. RPBCWD Administrator Claire Bleser provided highlights of the Plan and process. Board staff recommended approval of the Plan. After presentation and discussion, the committee unanimously voted to recommend the approval of the Plan to the full board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving the Watershed Management Plan for the Riley Purgatory Bluff Creek Watershed District (RPBCWD) pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The RPBCWD Watershed Management Plan, attached to this Order, defines the water and water-related problems within the RPBCWD's boundaries, possible solutions thereto, and an implementation program through 2027.
4. The RPBCWD Watershed Management Plan will be effective July, 2018 through June, 2027.
5. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Riley Purgatory Bluff Creek Watershed District Watershed Management Plan dated April 2018.

Dated at Saint Paul, Minnesota this 27th day of June 2018.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: _____
Gerald Van Amburg, Chair

June 27, 2018

Riley Purgatory Bluff Creek Watershed District
C/o Claire Bleser, Administrator
18681 Lake Drive East
Chanhassen, MN 55317

Dear Chair and Managers:

I am pleased to inform you that the Minnesota Board of Water and Soil Resources (Board) has approved the Riley Purgatory Bluff Creek Watershed District (RPBCCWD) revised Watershed Management Plan (Plan) at its regular meeting held on June 27, 2018. For your records I have enclosed a copy of the signed Board Order that documents approval of the Plan. Please be advised that the RPBCCWD must adopt and implement the Plan within 120 days of the date of the Order, in accordance with MN Statutes 103B.231, Subd. 10.

The managers, staff, consultants, advisory committee members, and all others involved in the planning process are to be commended for developing a plan that clearly presents water management goals, actions, and priorities of the watershed. With continued implementation of your Plan, the protection and management of the water resources within the watershed will be greatly enhanced to the benefit of the residents. The Board looks forward to working with you as you implement this Plan and document its outcomes.

Please contact Steve Christopher of our staff at 651-249-7519, or at the central office address for further assistance in this matter.

Sincerely,

Gerald Van Amburg
Chair

Enclosure

cc's on next page

Cc: Karen Galles, Hennepin County (via email)
Jeanne Daniels, DNR (via email)
Kate Drewry, DNR (via email)
John Freitag, MDH (via email)
Karen Voz, MDH (via email)
Jeff Berg, MDA (via email)
Judy Sventek, Met Council (via email)
Beth Neuendorf, MN DOT (via email)
Kevin Bigalke, BWSR (via email)
Steve Christopher, BWSR (via email)
File Copy

COVER GRAPHIC:

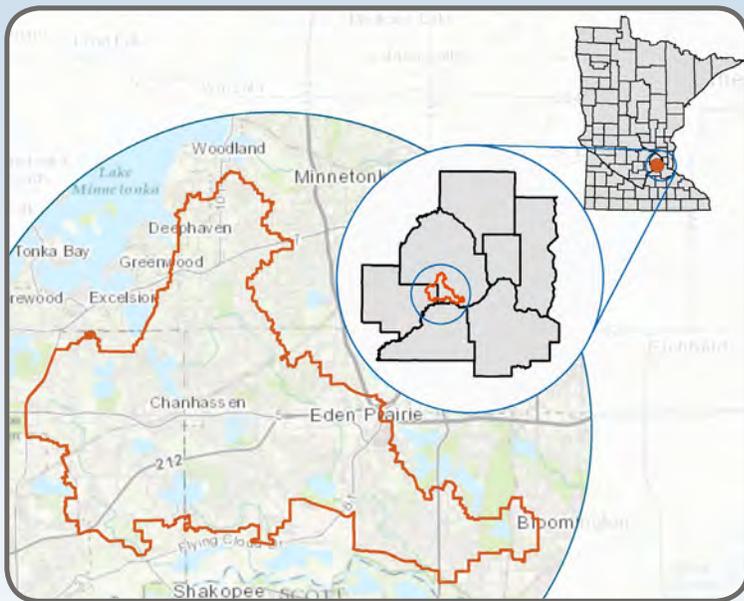
The word cloud on the front cover was created using all of the comments from the six public input meetings. The larger the word, the more often it appeared in the comments. Prepositions, conjunctions, etc were omitted. Words with fewer than three occurrences were omitted.

WANT TO LEARN MORE about the Watershed District? Check out Section 1 of our plan!

About us

The Riley Purgatory Bluff Creek Watershed District (RPBCWD) is a local unit of government tasked with protecting, managing and restoring the water resources within its boundaries. The District was established on July 31, 1969 and is one of 65 Minnesota watershed management organizations. It is located in the southwestern portion of the Twin Cities metropolitan area in a largely developed urban landscape, which encompasses portions of Bloomington, Chanhassen, Chaska, Deephaven, Eden Prairie, Minnetonka and Shorewood.

The District is led by district residents and water professionals who focus on managing local water resources. The District partners with local communities to identify top priorities and plan, implement, and manage efforts to protect, manage, and restore our water resources. We educate and engage residents and the efforts they undertake benefit the quality and quantity of water in local and downstream watersheds and communities.



RPBCWD is located in the southwestern portion of the Twin Cities metropolitan area.

Plan Purpose



The purpose of this watershed management plan is to guide how the District will manage activities in the watershed between 2018 and 2028. The plan also meets Minnesota Statutes 103B and 103D, and Minnesota Rules 8410 requirements which governs our actions.

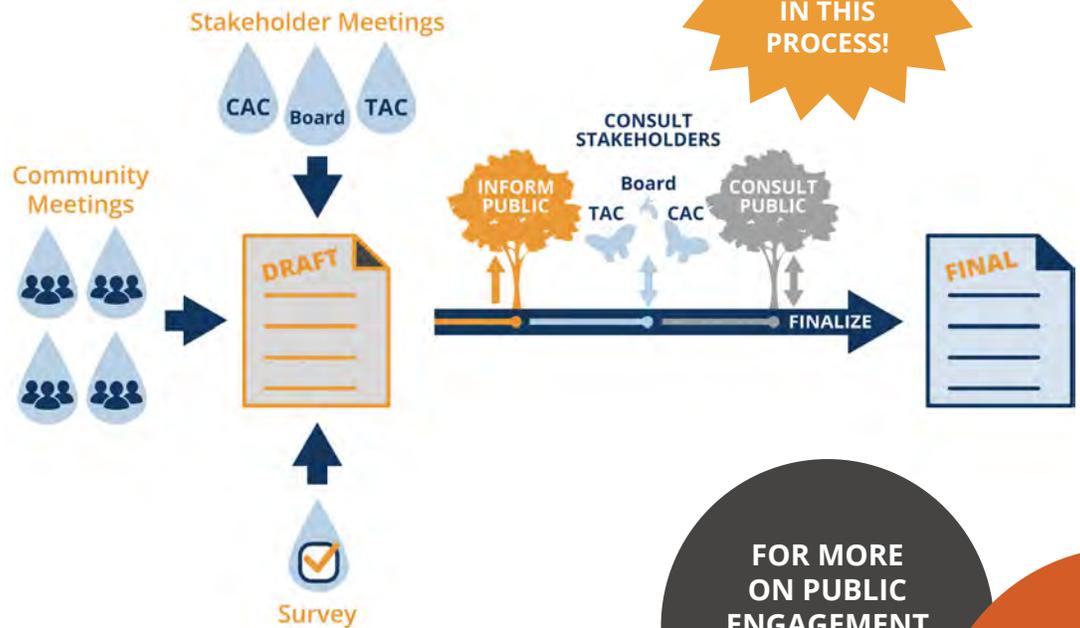
This plan presents a summary of the District's goals, strategies, and activities necessary to accomplish the District's mission during the life of this Plan. The plan also describes the District's resource management framework and funding approach for projects and programs.

The Riley-Purgatory-Bluff Creek Watershed District protects, manages, and restores water resources within its boundaries. The District views all the following elements as essential for achieving its mission:

- Effective administration and judicious use of public resources
- Data collection and analysis to ensure decisions are based on sound science
- Planning to achieve District goals in a strategic and equitable manner
- Education and outreach to promote watershed stewardship
- Regulation to protect District natural resources from degradation
- Projects and programs addressing both surface water and groundwater quality and quantity, and related habitat

Public Engagement Process

Understanding that public support is critical for the efficient and effective operation of any government organization, the District emphasized public engagement and outreach throughout the development of this plan. As a result, the issues identified and emphasized in this plan are a direct result of stakeholders input.



Goals Identified

Through our public input process, the following goals were identified:

- 1** Operate in a manner that uses District resources and capacity efficiently and effectively while advancing the District's vision and goals.
- 2** Collect data and use the best available science to recommend and support management decisions.
- 3** Design, maintain, and implement Education and Outreach programs to educate the community and engage them in the work of protecting, managing, and restoring water resources.
- 4** Plan and conduct the District's implementation program to most effectively accomplish its vision with consideration for all stakeholders and resources.
- 5** Include sustainability and the impacts of climate change in District projects, programs, and planning.
- 6** Implement the District's regulatory program to protect water resources from further degradation, enhancing resources when possible.
- 7** Support Carver and Hennepin County to operate effectively as Ditch Authorities.
- 8** Protect, manage, and restore water quality of District lakes and creeks to maintain designated uses.
- 9** Preserve and enhance the quantity, as well as the function and value of District wetlands.
- 10** Preserve and enhance habitat important to fish, waterfowl, and other wildlife.
- 11** Promote the sustainable management of groundwater resources.
- 12** Protect and enhance the ecological function of District floodplains to minimize adverse impacts.
- 13** Limit the impact of stormwater runoff on receiving waterbodies.

FOR MORE ON PUBLIC ENGAGEMENT
Check out Section 2

OUR GOALS?
Find out more in Section 3

AT A GLANCE: The Next 10 Years

Where will we go?

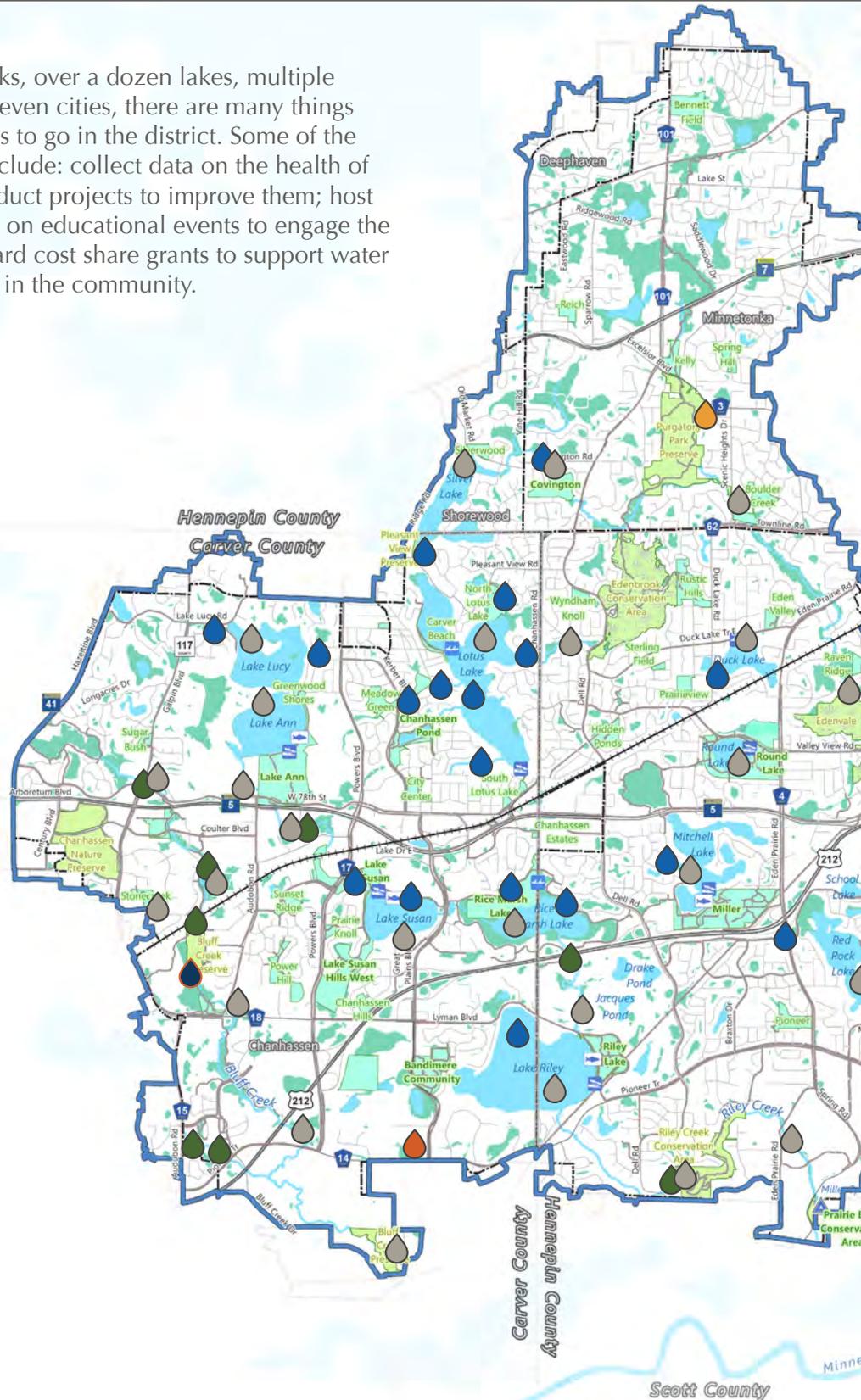


Long-Term Monitoring Sites

Assessment and Analysis

Assessment and analysis of our water resources is the foundation for RPBCWD's work. Regular, detailed water quality monitoring provides the District with scientifically reliable information that is needed to decide if water improvement projects are needed. The District then conducts studies to identify potential projects that would help protect or restore our water resources. Finally, after implementation, the District not only assesses these projects to see how effective they are in the watershed, but also if further actions are needed. Check the map to see where we monitor!

With three creeks, over a dozen lakes, multiple wetlands, and seven cities, there are many things to do and places to go in the district. Some of the things we do include: collect data on the health of the waters; conduct projects to improve them; host and collaborate on educational events to engage the public; and award cost share grants to support water quality projects in the community.



RESEARCH FOR SOLUTIONS: Our environment is always changing and so are the tools that help us understand it. Over the next 10 years, the District will continue to study its waters to find solutions to protect and restore them. Learn more by visiting our website: rpbcd.org

What will we do?

WANT TO LEARN MORE ABOUT OUR PROJECTS AND PROGRAMS?

Check out Section 9

34

District Projects

With over 100 possible projects identified costing nearly \$60 million, the District uses a prioritization process (see next page) to determine the projects that provide the most comprehensive resource benefits. Thirty-four of these projects are planned to be implemented in the next 10 years.

10
Riley Creek Projects

7
Bluff Creek Projects

17
Purgatory Creek Projects

7
WATER QUALITY

5
STREAMBANK RESTORATION

11
WATER QUALITY

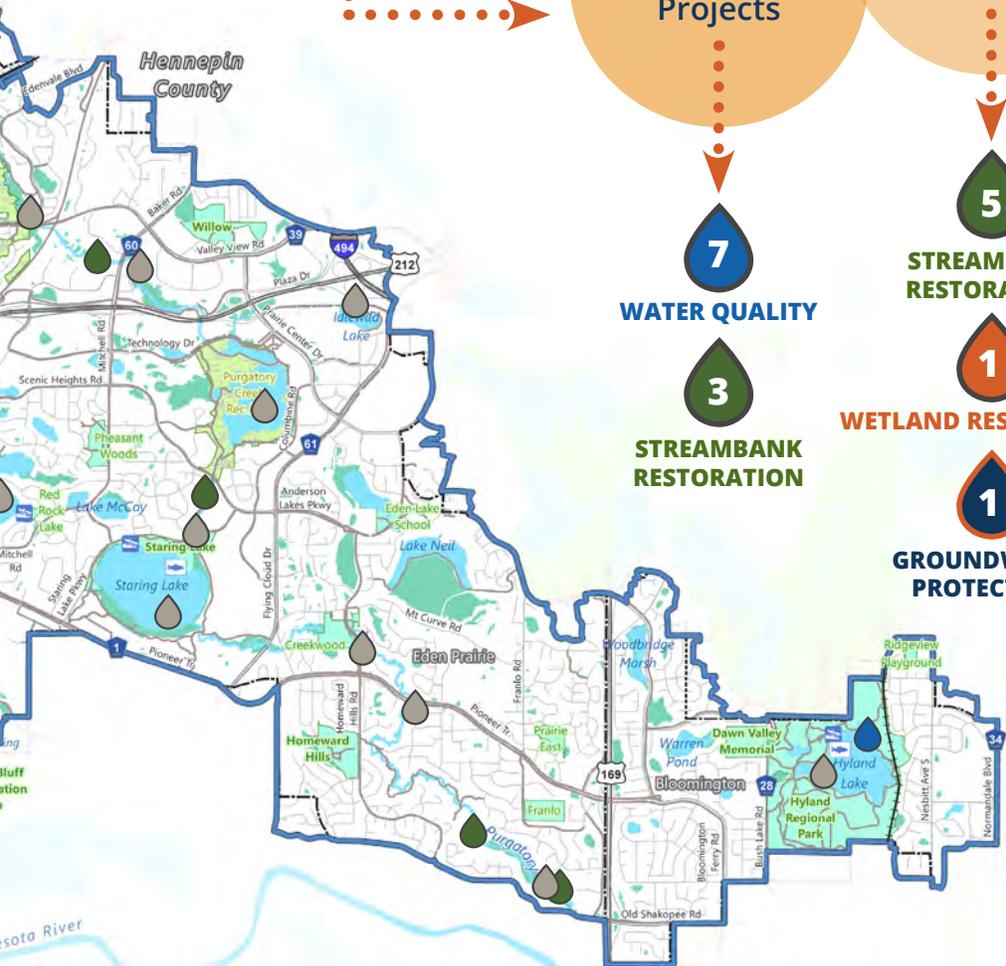
3
STREAMBANK RESTORATION

1
WETLAND RESTORATION

5
STREAMBANK RESTORATION

1
GROUNDWATER PROTECTION

1
HABITAT RESTORATION



A Closer Look

Adaptive Management and Prioritization

The District has conducted numerous assessments to help its work to protect, manage and restore our waters using an adaptive management approach. Adaptive management begins with the collection and interpretation of data to understand current conditions. The District then identifies solutions to improve water quality based on the best available science. Projects are then prioritized and implemented.



As part of this plan, the District worked with stakeholders to develop a prioritization tool. The tool identified several criteria to help the District prioritize, including:

- How many district goals are met
- How much habitat is restored
- Whether there are partners
- How much pollutant is removed
- Accessibility of the site
- How much shoreline/streambank is stabilized
- Sustainability of the project
- How much volume is infiltrated
- What is the reach of the benefits

Decision Tree

With nearly 50 years of experience managing our water resources, the District has extensive resource knowledge. Combining this knowledge with the adaptive management techniques the District was able to develop management decisions trees for lake, creek, wetland, and groundwater resources. The decision trees are instrumental in guiding the District to ensure our actions protect, manage and restore the resources.

TO LEARN MORE,
GO TO SECTION 9

TO LEARN
MORE ABOUT THE
PRIORITIZATION
TOOL check out
Section 4



Education and Outreach

Community scale problems require community scale actions — water quality affects and belongs to everyone. Education and outreach leverages the power of an engaged community to effect positive change to help improve our waters. Through increasing awareness, growing stewardship and building capacity, education and outreach empowers each of us to do our part in making our waters healthy.



The District offers a cost-share program, which provides funding and technical assistance for projects that protect and conserve water resources, and increases public awareness of the vulnerability of these resources and solutions to improve them.

Regulatory

Regulation plays an important role in protecting water resources from the impacts of development and redevelopment. The District's permitting program includes rules that cover topics like buffers, stormwater, streambanks and shorelines, among others.

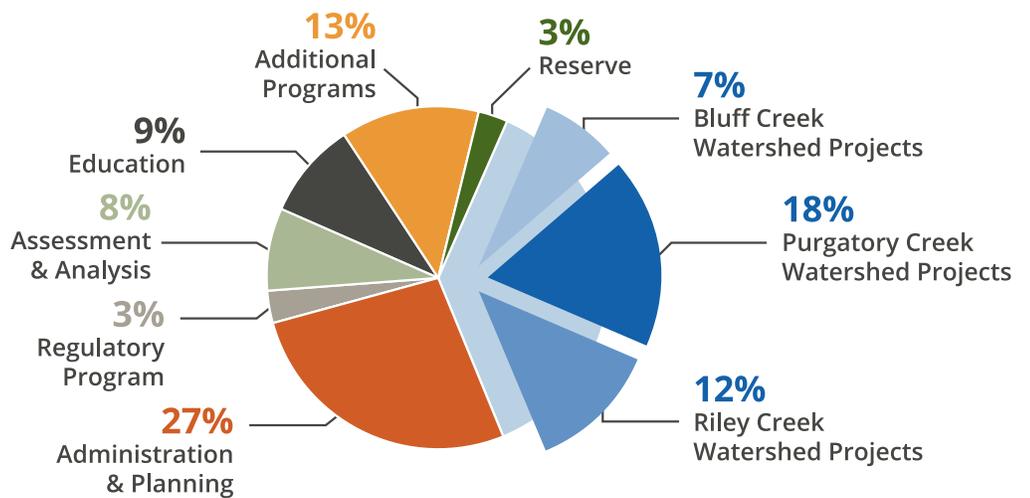


In 2016, the District's permitting program resulted in projects that removed an estimated 48,000 lbs of Total Suspended Solids (sediment) and 130 lbs of Total Phosphorus (nutrient) from site runoff.

260,000 cubic feet of runoff from each rainfall event can be retained through infiltration, retention ponds and rainwater reuse systems; 20 projects included buffers.

Finance (the next 10 years)

Where will the funds go? This pie chart explains the District's planned expenditures for 2018-2028.





Partnerships & Volunteers

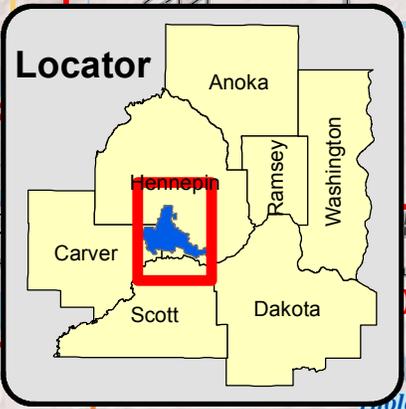
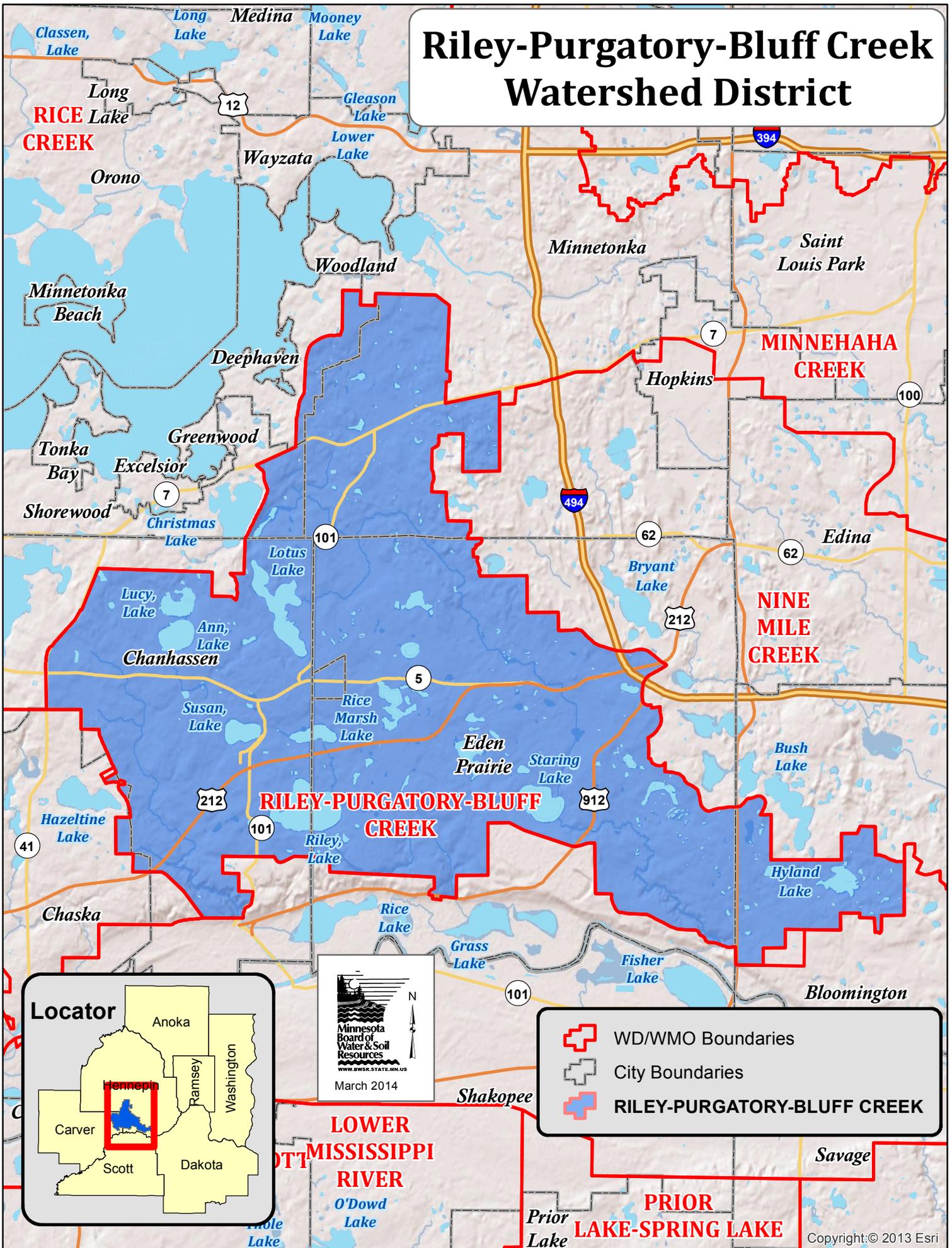
Caring for local waters is a big task, and we can't do it alone. It is only through partnerships with other organizations, and the support of community volunteers that together we can protect and improve water quality.



Riley Purgatory Bluff Creek Watershed District

18681 Lake Drive East | Chanhassen | 55317
952-607-6481 | info@rpbcd.org | rpbcd.org

Riley-Purgatory-Bluff Creek Watershed District



- WD/WMO Boundaries
- City Boundaries
- RILEY-PURGATORY-BLUFF CREEK

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: North Fork Crow River Comprehensive Watershed Management Plan

Meeting Date: June 27, 2018

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region

Contact: Steve Christopher

Prepared by: Steve Christopher

Reviewed by: Central Region Committee(s)

Presented by: Kevin Bigalke

Time requested: 10 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Approval of the North Fork Crow River Comprehensive Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

Full Plan Link as follows:

[http://ftp.houstoneng.com/main.html?download&weblink=d460b8c24c3c4b846d3dd397f141c725&realfileame=NFCR\\$20Watershed\\$201W1P_05012018.pdf](http://ftp.houstoneng.com/main.html?download&weblink=d460b8c24c3c4b846d3dd397f141c725&realfileame=NFCR$20Watershed$201W1P_05012018.pdf)

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

Plan Development

In early 2014, the NFCR planning partners joined together to submit a nomination to participate as a pilot One Watershed, One Plan and were selected by the BWSR Board later that year. After their selection, partners started the plan development process in early 2015. The original members established a Memorandum of

Agreement between the planning partners for the purposes of writing a Comprehensive Watershed Management Plan in early 2015 and added McLeod County and McLeod SWCD in January 2016. The Plan partners or North Fork Crow River Watershed Planning Partnership (NFCRWPP) include McLeod County, McLeod Soil and Water Conservation District (SWCD), Meeker County, Meeker SWCD, Kandiyohi County, Kandiyohi SWCD, Pope County, Pope SWCD, Stearns County, Stearns SWCD, Wright County, Wright SWCD, Middle Fork Crow River Watershed District, North Fork Crow River Watershed District, and the Crow River Organization of Water (CROW). The plan will identify the priority resources and the issues affecting the local entities and describe projects and programs to address those issues in a targeted, measureable way.

Three committees were enacted to help provide guidance and decision-making throughout the planning process. The Policy Committee consisted of one elected or appointed representative from each member organization, excluding CROW. The Policy Committee provided direction, final decision-making on Plan content, and approval of expenses during Plan development. The Advisory Committee contained members representing local partners, State review agencies, federal agencies, and local stakeholders. The Planning Workgroup contained local staff and carried out the majority of the decision making for recommendation to the Policy Committee. The Advisory Committee reviewed comments received during public comment periods, including information gathered from the kick-off meeting and provided recommendations to the Policy Committee and planning Workgroup for final inclusion in the Plan. The Advisory Committee also ensured that the Plan content and planning process followed State requirements. Early in the decision-making process, the planning partners decided to contract with CROW for facilitation and meeting coordination as well as Houston Engineering Inc. (HEI) to assist the committees on the Prioritize, Target, and Measure Application (PTMApp) prioritization model and writing of the Plan.

The content of the of the NFCR 1W1P follows closely with the State’s Clean Water Nonpoint Priority Funding Plan as well as the strategies defined in BWSR’s Prioritize, Target and Measure (PTM) guidance. The focus of implementation in the Plan has been informed by two separate prioritization processes: Zonation, a value based decision making tool, which was facilitated by Minnesota Department of Natural Resources Staff and a survey of priority issues conducted by HEI. Through these methods, the planning partners established the three groups below as their highest priorities. Specific strategies and actions for implementation were developed for each of these.

Highest Priority	Second Highest Priority	Third Highest Priority
“A” Level Priority Concerns	“B” Level Priority Concerns	“C” Level Priority Concerns
<ul style="list-style-type: none"> ▪ Drinking Water (Groundwater) ▪ Lakes ▪ Agricultural Drainage Systems ▪ Surface Runoff 	<ul style="list-style-type: none"> ▪ Streams and Rivers ▪ Groundwater Supplies ▪ Wetlands ▪ Rural Development and Sustainability 	<ul style="list-style-type: none"> ▪ Lake, Shoreland, and Stream Riparian Corridors ▪ Public Knowledge and Behavior ▪ Terrestrial Habitat for Wildlife ▪ Landowner, Producer and Lakeshore Owner Engagement ▪ Urban Stormwater

Implementation

The NFCRWPP used the PTMApp to estimate feasible locations for management practices and structural BMPs, as well as the associated annual costs and anticipated benefits arising from implementation which has specifically generated a list of the 250 best (most cost-effective and most effective toward load reduction goals) structural practices in each of the seven planning regions.

In addition to identifying the best structural practices for implementation, the NFCRWPP has identified Watershed-Wide Measurable Goals through Land Stewardship. The land stewardship is categorized into three areas: Rural Stewardship, Urban Stewardship and Shoreland Stewardship. By doing so, it both acknowledges that resource goals will not be able to be accomplished solely through structural practices as well as providing an avenue for improvement across all land cover types.

The Plan includes several levels of implementation based on three funding levels. The baseline level is consistent with the current amount of funding (based on 2015 amounts), the moderate level achieves 50% of the resource need and the high funding level is based upon the amount needed to meet the resource goals. The NFCRWPP notes that State and Federal funding increases will be necessary to reach the moderate or high levels.

Implementation of the Plan will be done under a signed Memorandum of Agreement (MOA). The MOA will identify roles and responsibilities of each of the Plan members. The Planning Workgroup anticipates meeting quarterly to review Plan progress, track measurable progress towards ten-year goals, recommend changes to the Plan, and review implementation priorities.

Attachments:

1. Draft order for approval of the North Fork Crow River Comprehensive Watershed Management Plan
2. NFCR Plan Executive Summary

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

In the Matter of the review of the Comprehensive Watershed Management Plan for North Fork Crow River Comprehensive Watershed Management Plan, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14.

**ORDER
APPROVING
COMPREHENSIVE
WATERSHED
MANAGEMENT PLAN**

Whereas, the Policy Committee of the North Fork Crow River Watershed Planning Partnership (NFCRWPP) submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on May 1, 2018 pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and Board Resolutions #14-46 and #14-68, 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 2015 and revised in 2016 through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes McLeod County, McLeod Soil and Water Conservation District (SWCD), Meeker County, Meeker SWCD, Kandiyohi County, Kandiyohi SWCD, Pope County, Pope SWCD, Stearns County, Stearns SWCD, Wright County, Wright SWCD, Middle Fork Crow River Watershed District, North Fork Crow River Watershed District, and the Crow River Organization of Water (CROW).
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 be replaced with a comprehensive watershed management plan. And, Board Resolutions #14-46 and #14-68 adopted the One Watershed, One Plan (1W1P) Operating Procedures and Plan Content Requirements for Pilots policies.
3. **Nature of the Watershed.** The North Fork Crow River (NFCR) area is in an agricultural region of south-central Minnesota, draining an area of 1,483 square miles (950,000 acres). The watershed is in the Upper Mississippi River Basin and encompasses parts of Pope (3.7%), Stearns (16.0%), Kandiyohi (16.0%), Meeker (28.4%), Wright (31.7%), Hennepin (3.0%), Carver (0.1%), and McLeod (1.0%) counties. There are 31 municipalities located completely or partially within the boundaries of the watershed. Land use in the NFCR Watershed is mostly agricultural, except for the eastern portion that

accounts for metro fringe urban and commercial land uses. The total population of the watershed is 96,990 with an estimated 2,864 farms. Surface waters within the watershed are abundant with 679 lakes and 233 streams segments throughout the plan area. From its source at Grove Lake in Pope County, the North Fork Crow River runs east-southeast for a total length of 157 miles, flowing through Rice Lake and Lake Koronis until it meets the South Fork Crow River, where the confluence of the two rivers at Rockford forms the Crow River. The Crow River flows northeast until it meets the Mississippi River near Otsego and Dayton. The watershed elevation ranges from approximately 800 to 1,400 feet above sea level, decreasing from west to east.

4. **Plan Development.** The North Fork Crow River Watershed Planning Partnership (NFCRWPP) initiated the planning process through a request for preliminary input in late 2015 and with a kickoff meeting. The NFCRWPP identified a group of stakeholders and established a three committees to assist in the development of the Plan: Policy Committee, Planning Workgroup and Advisory Committee. The Policy Committee selected priority concerns to develop specific strategies and actions around. They include, but are not limited to Drinking Water (Groundwater), Agricultural Drainage Systems, Wetlands, and Rural Development & Sustainability. Focused around these priorities, specific goals were identified through both structural and non-structural practices to achieve resource needs. On January 5, 2018, the NFCRWPP submitted a 60-draft of the Plan for comments and held a public hearing on April 16, 2018.

5. **Plan Review.** On May 1, 2018, 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 Resolution #14-46. State agency representatives attended and provided input at Advisory Committee meetings during development of the Plan. A summary of the State Agency comments are as follows:

Minnesota Department of Agriculture (MDA): MDA commended the NFCRWPP on its effort to develop the Plan and its identification of new approaches. MDA requested a clearer description of conservation delivery and implementation. MDA requested clarification on how resource goals would be met through improvements in soil health. The NFCRWPP adequately addressed all comments.

Minnesota Department of Health (MDH): MDH expressed concern about the downstream impacts to drinking water from surface water, specifically related to the Minneapolis and St. Paul from the Mississippi. MDH requested inclusion of reference to the recently completed North Fork Crow River Groundwater and Restoration Strategies report. MDH provided additional guidance on nitrate concentration standards for groundwater risk. The NFCRWPP adequately addressed all comments.

Minnesota Department of Natural Resources (DNR): DNR appreciated the efforts of the NFCRWPP. DNR provided suggested language related to the Groundwater Sustainability section, specifically to the Bonanza Valley Groundwater Management Area. DNR requested a finer scale for metrics of high quality lakes/lakes at risk. DNR requested language to identify the source of altered hydrology on the landscape. The NFCRWPP adequately addressed all concerns and the DNR recommends approval of the Plan.

Minnesota Pollution Control Agency (PCA): PCA acknowledged the NFCRWPP's efforts in the creation of the Plan. PCA noted that limitations may exist in meeting TMDL due to the scale of the Plan and stressed the importance of a strong linkage between the Plan and existing documents (WRAPS/TMDLs/GRAPS, etc.). The NFCRWPP adequately addressed all comments.

Minnesota Environmental Quality Board: No comments were received.

Metropolitan Council: Metropolitan Council requested that a non-technical Executive Summary is provided to ensure all users will understand the information. Metropolitan Council requested a stronger connection to the downstream impacts, particularly the Mississippi River. The NFCRWPP adequately addressed all comments.

Board of Water and Soil Resources (BWSR): BWSR commended the group on its efforts through the planning process and specifically for the development of the land stewardship methods. Due to the high number of priorities and actions, BWSR suggested the identification of key resources to focus efforts around for each planning region. BWSR provided suggested language regarding the impacts to downstream waters, specifically to the Twin Cities drinking water supply. The NFCRWPP adequately addressed all comments.

Local Review: Local written comments and suggested revisions were also submitted by the City of Annandale, City of Corcoran, City of Loretto, Middle Fork Crow River Watershed District, Upper Mississippi River Source Water Protection Project, the University of Minnesota Water Resources Center, Stearns SWCD, Wright SWCD/Water Task Force, Cokato Lake Association, and private citizens. The NFCRWPP adequately addressed all comments.

6. **Plan Summary and Highlights.**

The Plan includes a thorough identification of the targeted areas through the use of PTMApp. PTMApp has estimated feasible locations for management practices and structural BMPs, as well as the associated annual costs and anticipated benefits arising from implementation. The result is a list of the 250 best (most cost-effective and most effective toward load reduction goals) structural practices in each of the seven planning regions.

In addition to identifying the best structural practices for implementation, the NFCRWPP has identified Watershed-Wide Measurable Goals through Land Stewardship. The land stewardship is categorized into three areas: Rural Stewardship, Urban Stewardship and Shoreland Stewardship. By doing so, it both acknowledges that resource goals will not be able to be accomplished solely through structural practices as well as providing an avenue for improvement across all land cover types.

The Plan includes several levels of implementation based on three funding levels. The baseline level is consistent with the current amount of funding (based on 2015 amounts), the moderate level achieves 50% of the resource need and the high funding level is based upon the amount needed to meet the resource goals.

7. **Central Regional Committee.** On June 7, 2018, the Board's Central Region Committee and staff met in St. Paul to review and discuss the final Plan. Those in attendance from the Board's committee were Jill Crafton, Jack Ditmore, Terry McDill, Duane Willenbring (via phone), Paige Winebarger (via phone), and Joe Collins, chair. Board staff in attendance were Central Region Manager Kevin Bigalke and Board Conservationist Steve Christopher. CROW Watershed Coordinator Diane Sander and Consultant Rachel Olm (Houston Engineering Inc.) provided highlights of the Plan and process. Others in attendance included Margaret Johnson, Middle Fork Crow River Watershed District; and Cris Skonard, North Fork Crow River Watershed District. Board staff recommended approval of the Plan. After presentation and discussion, the committee unanimously voted to recommend the approval of the Plan to the full board.

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 North Fork Crow River Watershed pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and Board Resolutions #14-46 and #14-68.
3. The North Fork Crow River Comprehensive Watershed Management Plan 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 Resolutions #14-46 and #14-68.
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 Comprehensive Watershed Management Plan of the North Fork Crow River Watershed, dated April 2018.

Dated at St. Paul, Minnesota, this 27th of June, 2018.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Gerald Van Amburg, Chair

June 27, 2018

Crow River Organization of Water
C/o Diane Sander, Watershed Coordinator
311 Brighton 18681 Lake Drive East
Chanhausen, MN 55317

Dear Chair and Managers:

I am pleased to inform you that the Minnesota Board of Water and Soil Resources (Board) has approved the North Fork Crow River Comprehensive Watershed Management Plan (Plan) at its regular meeting held on June 27, 2018. For your records I have enclosed a copy of the signed Board Order that documents approval of the Plan.

This Plan is effective for a ten-year period until June 30, 2027. Please be advised, the partners must adopt and begin implementing the plan within 120 days of the date of the Order in accordance with Minnesota Statutes §103B.101, Subd. 14, and the One Watershed, One Plan Operating Procedures.

The managers, staff, consultants, advisory committee members, and all others involved in the planning process are to be commended for developing a plan that clearly presents water management goals, actions, and priorities of the watershed. With continued implementation of your Plan, the protection and management of the water resources within the watershed will be greatly enhanced to the benefit of the residents. The Board looks forward to working with you as you implement this Plan and document its outcomes.

Please contact Steve Christopher of our staff at 651-249-7519, or at the central office address for further assistance in this matter.

Sincerely,

Gerald Van Amburg
Chair

Enclosure

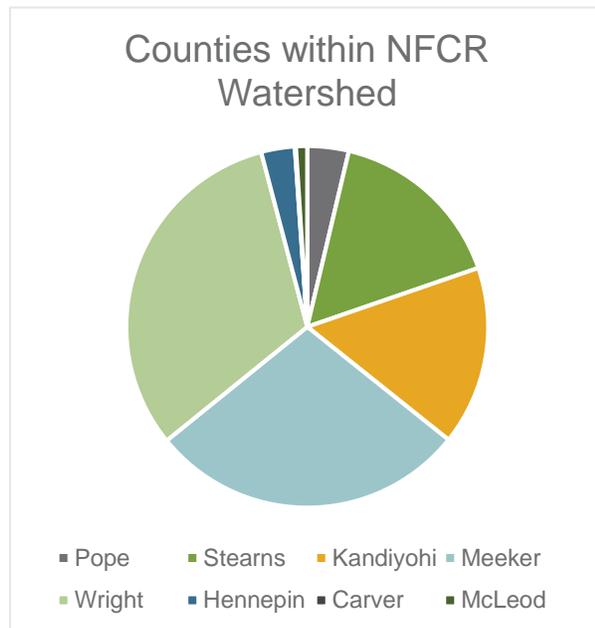
cc's on next page

Cc: Margaret Wagner, MDA (via email)
Ryan Lemickson, MDA (via email)
Barbara Weisman, DNR (via email)
Rob Collett, DNR (via email)
Karen Voz, MDH (via email)
Juline Holleran, MPCA (via email)
Scott Lucas, MPCA (via email)
Judy Sventek, Met Council (via email)
Erik Dahl, EQB (via email)
Kevin Bigalke, BWSR (via email)
Steve Christopher, BWSR (via email)
File Copy

EXECUTIVE SUMMARY

INTRODUCTION (SECTION 1)

The North Fork Crow River Water Planning Partnership (NFCRWPP) is an organization of six counties, six soil and water conservation districts, two watershed districts, and a joint powers board within south-central Minnesota. The NFCRWPP joined together in 2016 to develop a comprehensive One Watershed, One Plan (1W1P), aimed at creating prioritized and targeted implementation strategies that result in measurable resource improvements.

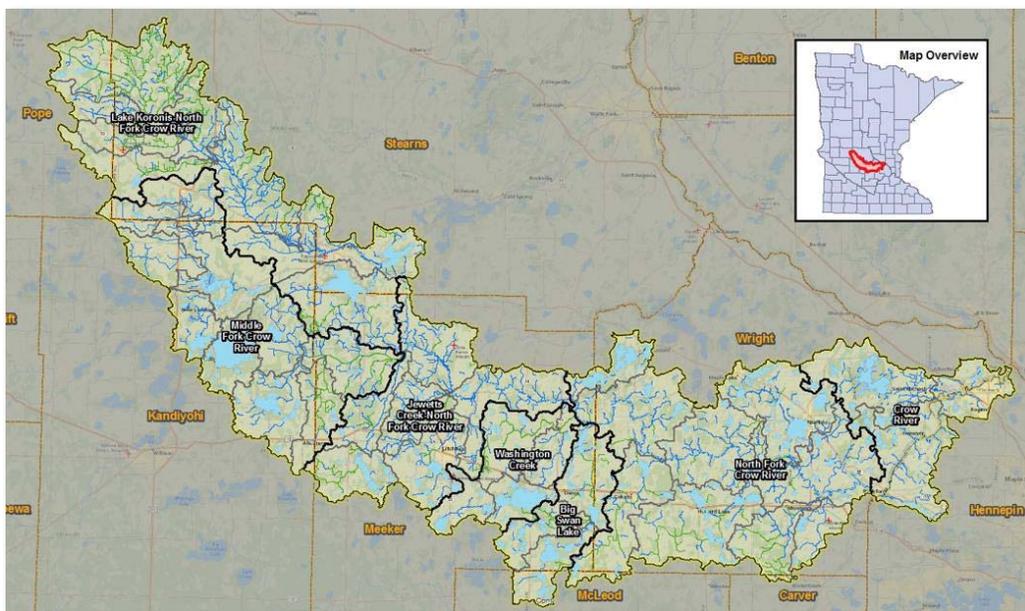


The North Fork Crow River (NFCR) Watershed area drains 1,483 square miles of predominately agricultural land. The watershed encompasses parts of Pope (3.7%), Stearns (16.0%), Kandiyohi (16.0%), Meeker (28.4%), Wright (31.7%), Hennepin (3.0%), Carver (0.1%), and McLeod (1.0%) counties.



The North Fork Crow River Watershed District, Middle Fork Crow Watershed District and the Crow River Organization of Water (CROW) are also located within plan boundaries (Figure ES-1).

Figure ES-1: Location of the North Fork Crow River Watershed



ANALYSIS AND PRIORITIZATION OF POTENTIAL CONCERNS AND ISSUES (SECTION 2)

There are many environmental issues and resources to be managed within the large and diverse NFCR Watershed. In recognition of staff, time, and resource limitations, the NFCRWPP needed to prioritize the focus of implementation efforts during the 10-year lifespan of this plan.

The NFCRWPP developed a comprehensive list of potential resource concerns (i.e. potential concerns) and issues impacting the watershed using a combination of existing reports, data, and stakeholder input. This comprehensive list of potential concerns and issues was then prioritized through an online survey. A total of **21 potential concerns** were identified and considered during the prioritization process. Potential concerns were designated as A, B, C, D, or E priority level. From this initial list, 13 concerns emerged as “priority” (level A-C) concerns (**Table ES-1**). These priority concerns and their associated issues became the focus of initial implementation efforts within the NFCR Watershed.

It should be noted that many implementation efforts affecting one or more priority concerns permeate to lower level potential concerns, therefore benefiting those resources too. For example, streams and rivers emerged as a B-level priority concern, while surface drinking water emerged as a D-level concern. The Crow River is a defining water feature of the NFCR Watershed, and discharges to the Mississippi River. The Crow River discharge (which includes both the North and South Fork Watersheds) at times doubles the concentration of nutrients and sediment in the Mississippi River. The discharge location is upstream of the drinking water intakes of both the City of St. Paul Regional Water Services and the City of Minneapolis Water Treatment and Distribution Services. These utilities provide drinking water to nearly 1 million residential customers. Thus, when streams and rivers (e.g. Crow River and its tributaries) benefit from strategies addressing nutrients (phosphorus and nitrogen), sediment, and bacteria loading, so too does surface drinking water sources for many people downstream.

Table ES-1: Priority concerns for the North Fork Crow River One Watershed, One Plan

Highest Priority	Second Highest Priority	Third Highest Priority
“A” Level Priority Concerns	“B” Level Priority Concerns	“C” Level Priority Concerns
<ul style="list-style-type: none"> Drinking Water (Groundwater) Lakes Agricultural Drainage Systems Surface Runoff 	<ul style="list-style-type: none"> Streams and Rivers Groundwater Supplies Wetlands Rural Development and Sustainability 	<ul style="list-style-type: none"> Lake, Shoreland, and Stream Riparian Corridors Public Knowledge and Behavior Terrestrial Habitat for Wildlife Landowner, Producer and Lakeshore Owner Engagement Urban Stormwater
		

ESTABLISHING MEASURABLE GOALS (SECTION 3)

Next, the NFCRWPP established watershed-wide measurable goals for each priority concern.

These goals are designed to:

- concentrate implementation activities where they are most likely to fix the issues impacting locally-prioritized resources; and
- track progress towards a desired outcome.

Watershed-wide measurable goals are framed around increasing the proportion of the NFCR Watershed that meet the principles of rural, urban, and shoreland stewardship.

While the NFCRWPP has developed a framework for urban and shoreland stewardship, this plan only analyzes rural stewardship in the NFCR Watershed. “**Rural stewardship**” is defined by creating solutions to water quality and water quantity challenges using a combination of management and structural best management practices (BMPs) to increase soil health. This approach can lead not only to positive environmental benefits but also create new value propositions for producers and/or landowners.



Ramping up management practices could lead to significant soil improvements

The watershed-wide measurable goal for rural stewardship is to implement management practices (e.g. cover crops, conservation tillage to increase residue, permanent cover) in 40% of all cropland areas in the watershed to increase soil health.

This plan also assigns measurable goals to each priority concern. Assigning priority concern measurable goals is a way of recognizing that additional actions are warranted to protect or restore a resource, even if the watershed-wide measurable goals of stewardship has already been met.

Priority concern measurable goals can be focused on either protecting resources in good condition or restoring resources that have deteriorated.

Goals can be focused on meeting:

- a specific desired condition (such as removing a stream from an impaired waters list by reducing the amount of pollutants reaching the waters); or
- a target for a specific priority concern and issue (such as reducing runoff depth by 0.75 inches across the watershed).

For a full list of plan measurable goals, see Section 3.

TARGETED IMPLEMENTATION AND IMPLEMENTATION PROGRAMS (SECTION 4 AND 5)

Section 4 sets the stage for targeted plan implementation. This plan presents two components to targeted implementation:

1. a “**targeted implementation schedule**”; and
2. planning region “**implementation profiles**”.

The targeted implementation schedule is comprised of a set of actions that—when implemented—are expected to make reasonable progress toward plan measurable goals. These actions are categorized into “**implementation components**” within the targeted implementation schedule to estimate and summarize funding needs. Implementation components include:

- delivering **education and outreach**;
- executing local or state **regulatory** or statutory obligations;

- developing data to fill **data gaps** and complete **research**;
- implementation of **management practices**, typically including cover crops, tillage management, and fertilizer management;
- implementation of **structural BMPs**, typically include sediment and water control basins, woodchip bioreactors, controlled drainage, and grass waterways; or
- implementation of large, physical **capital improvement project** structures.

Similar actions are funded by the same implementation program. Estimated funding needs by implementation program are presented in Section 5, where details on how to implement, sources of funding, and how money flows are further defined.

The NFCRWPP used the Prioritize, Target, and Measure Application (PTMApp) to estimate feasible locations for management practices and structural BMPs, as well as the associated annual costs and anticipated benefits arising from implementation. These results are summarized in planning region implementation profiles.

Planning region implementation profiles present information about the probable number, location, and types of management practices and structural BMPs that the NFCRWPP prioritized for implementation. The implementation profiles also present information about the relationship between the fiscal investment to build such practices relative to the life-cycle cost and the practice’s ability to reach water quality goals. The information within the implementation profile is useful to understand whether surface water quality goals are actually achievable through management practices and structural BMPs that treat surface runoff. Further, the profiles indicate the estimated annual cost of achieving these goals.

The NFCRWPP prioritized the 250 “best” structural BMPs within each planning region. They are considered to be the “best” based on both:

- cost-effectiveness; and
- their ability to provide the greatest reductions in annual nutrient (nitrogen and phosphorus) and sediment loads.

Table ES-2 highlights the benefits of implementing structural BMPs in the targeted implementation approach, shown by planning region relative to reduction goals for nutrients and sediment. The NFCRWPP also evaluated the environmental benefit gained from meeting the rural stewardship measurable goal. These benefits are summarized in **Table ES-3**, also by planning region.

Table ES-2: The 250 best (most cost-effective and most effective toward load reduction goal) structural practices in each planning region, with estimated cumulative load reduction progress towards State load reduction goals as estimated by PTMAapp.

Planning Region	Treatment Group Type & Number of Structural BMPs	Estimated Annualized Cost	Parameter	Unit	Existing Condition at Planning Region Outlet	Load Reduction Goal		Load Reduction Expected from Implementation	Load Reduction Expected from Implementation (%)	Progress towards 10 yr. Goal (%)
						Annual Load Reduction (%)	Target Load Reduction			
Lake Koronis-North Fork Crow River	Storage (99) Filtration (151)	\$157,377	Sediment	tons/yr.	20,245	25%	5,061	4,461	22%	88%
			Total Nitrogen	lbs./yr.	68,489	45%	30,820	2,927	4%	9%
			Total Phosphorus	lbs./yr.	3,608	12%	433	105	3%	24%
Middle Fork Crow River	Storage (60) Filtration (190)	\$202,448	Sediment	tons/yr.	26,855	25%	6,714	2,285	9%	34%
			Total Nitrogen	lbs./yr.	93,922	45%	42,265	392	0.4%	1%
			Total Phosphorus	lbs./yr.	315	12%	38	13	4%	35%
Jewetts Creek-North Fork Crow River	Storage (45) Filtration (205)	\$141,078	Sediment	tons/yr.	32,688	25%	8,172	6,243	19%	76%
			Total Nitrogen	lbs./yr.	75,566	45%	34,005	3,011	4%	9%
			Total Phosphorus	lbs./yr.	4,102	12%	492	111	3%	22%
Washington Creek	Storage (100) Filtration (150)	\$541,859	Sediment	tons/yr.	19,689	25%	4,922	7,437	38%	151%
			Total Nitrogen	lbs./yr.	60,708	45%	27,319	6,776	11%	25%
			Total Phosphorus	lbs./yr.	3,070	12%	368	252	8%	68%
Big Swan Lake	Storage (60) Filtration (169) Protection (10) Biofiltration (11)	\$508,824	Sediment	tons/yr.	20,404	25%	5,101	7,430	36%	146%
			Total Nitrogen	lbs./yr.	54,112	45%	24,355	5,249	10%	22%
			Total Phosphorus	lbs./yr.	2,655	12%	319	188	7%	59%
North Fork Crow River	Storage (6) Filtration (244)	\$93,659	Sediment	tons/yr.	41,097	25%	10,274	9,470	23%	92%

Planning Region	Treatment Group Type & Number of Structural BMPs	Estimated Annualized Cost	Parameter	Unit	Existing Condition at Planning Region Outlet	Load Reduction Goal		Load Reduction Expected from Implementation	Load Reduction Expected from Implementation (%)	Progress towards 10 yr. Goal (%)	
						Annual Load Reduction (%)	Target Load Reduction				
Crow River			Total Nitrogen	lbs./yr.	90,397	45%	40,679	2,544	3%	6%	
			Total Phosphorus	lbs./yr.	5,071	12%	609	98	2%	16%	
			Sediment	tons/yr.	29,597	25%	7,399	4,694	16%	63%	
		Storage (39) Filtration (187) Protection (24)	\$173,925	Total Nitrogen	lbs./yr.	85,265	45%	38,369	1,779	2%	5%
				Total Phosphorus	lbs./yr.	7,088	12%	851	81	1%	10%

Green cells indicate achievement of load reduction goal through implementation of all 250 best structural practices

Estimated number of practices, annualized cost, and progress toward achieving load reduction by planning region, based on implementing the “best”, most cost-effective structural practices with the greatest reductions in the annual nutrient (nitrogen and phosphorus) load delivered to the planning region outlet (regional scale) and the greatest sediment load reduction reaching the catchment outlet (i.e., local scale). Estimates developed using the Prioritize, Target and Measure Application (PTMApp). Load reduction benefits from practice implementation are cumulative and do not consider implementation of upstream practices, and therefore are likely high. Benefits arising from implementation of management practices are not evaluated in this table.

Table Interpretation (top row): In the Lake Koronis-North Fork Crow River planning region, 99 storage practices and 151 filtration practices will cost an estimated \$157,377 annually to implement and maintain. Upon implementation of those 250 structural practices, PTMApp estimates that the sediment load at the outlet of the Lake Koronis-North Fork Crow River planning region will be reduced by 4,461 tons/yr., or 22% from existing conditions. This sediment load reduction corresponds to 88% of the target load reduction goal of 5,061 tons/yr. or a 25% load reduction goal, based on the Sediment Reduction Strategy.

Table ES-3: Estimated benefits from meeting rural stewardship measurable goal, compared to a stated load reduction goal target

Planning Region	Parameter	Load Reduction Goal	Est. Load Reduction Benefit	Progress Towards Load Reduction Goal
Lake Koronis - North Fork Crow	Sediment	25%	18%	71%
	Total Phosphorus	12%	7%	60%
Middle Fork Crow River	Sediment	25%	17%	67%
	Total Phosphorus	12%	9%	73%
Jewetts Creek-North Fork Crow River	Sediment	25%	16%	66%
	Total Phosphorus	12%	7%	59%
Washington Creek	Sediment	25%	14%	57%
	Total Phosphorus	12%	5%	43%
Big Swan Lake	Sediment	25%	17%	66%
	Total Phosphorus	12%	7%	60%
North Fork Crow River	Sediment	25%	22%	87%
	Total Phosphorus	12%	8%	70%
Crow River	Sediment	25%	25%	102%
	Total Phosphorus	12%	10%	84%

The ability to achieve measurable goals is largely dependent on the amount of funding available. Increased funding is expected to increase implementation of management practices, structural BMPs, and provide additional capital improvement projects.

Three implementation levels representing incremental increases in the implementation effort and funding amounts are described and evaluated within this plan:

1. baseline;
2. moderate; and
3. high implementation level.

In Section 4, all three implementation levels show increases in funding and relative increased progress toward plan goals. To summarize, only the baseline implementation level is shown here.

The baseline implementation level assumes local funding committed to plan implementation is at or near the estimated current (2015) local funding level. The baseline implementation level is inclusive of costs needed to develop a consistent education and outreach program for the watershed area, and implement education and outreach actions at or near their current level. Dollars are also included to fund research to close data gaps. The baseline implementation level assumes the financial support received to administer and enforce statutory obligations and ordinances remains unchanged, and includes funding for plan administration costs.

Costs also include the construction of three large capital improvement projects. If the actions of the baseline implementation level could be successfully completed, they would result in the implementation and anticipated load reduction benefits from **all 250 of the best structural BMPs** within each planning region (as shown in **Table ES-2**). This baseline implementation level would also achieve 10% of the rural stewardship measurable goal.

Table ES-4: Annual and total plan cost for implementation actions within the baseline implementation level

Item	Estimated Annualized Cost	Total Plan Cost (Over 10 Years)
Targeted Implementation Schedule		
Structural BMP	\$2,182,800 ¹	\$21,828,000
Management Practice	\$2,430,825 ²	\$24,308,250
Education and Outreach	\$150,000 ³	\$1,500,000
Data Gaps and Research	\$100,000 ⁴	\$1,000,000
Regulatory	\$495,000 ⁵	\$4,950,000
Capital Improvement	\$750,000 ⁶	\$7,500,000
Additional Expenses		
Plan Administration	\$233,000	\$2,330,000
Total Estimated Funding Needs		
	\$6,341,625	\$63,416,250

¹ Includes total cost of targeted implementation approach plus 20% for technical assistance

² Assumes 10% of rural stewardship measurable goal is met and additional cost of \$10/acre for field walkovers

³ Estimated \$150,000 per year for watershed wide activities, inclusive of upfront cost to develop uniform education and outreach program

⁴ Assumes one study per year of \$100,000

⁵ Assumes local fiscal support of statutory obligation and ordinance implementation remains unchanged.

⁶ Assumes three large investment projects

The NFCRWPP previously entered into a formal agreement through a Memorandum of Agreement to lead the 1W1P planning process for the NFCR Watershed. The parties are drafting a revised Memorandum of Agreement for the purposes of implementing this plan. Expectations are that the roles of the local Policy Committee, Planning Work Group, and Advisory Committee will shift and change focus during plan implementation. **Table ES-5** shows the probable roles and functions related to plan implementation.

Table ES-5: Anticipated roles for the North Fork Crow River Watershed 1W1P implementation

Local Committee Name	Primary Implementation Role/Functions
Local Organization Board/ Policy Committee	<ul style="list-style-type: none"> ▪ Local funding commitments for implementation ▪ Approving the annual work plan ▪ Approving annual fiscal reports ▪ Approving annual reports submitted to Minnesota Board of Water and Soil Resources (BWSR) ▪ Annual review and confirmation of Planning Work Group priority resource concerns recommendations ▪ Direction to Planning Work Group on addressing emerging issues ▪ Approve plan amendments ▪ Implement county ordinances and state statutory responsibilities separately from plan implementation ▪ Approve grant applications ▪ Approve annual assessment
Advisory Committee	<ul style="list-style-type: none"> ▪ Review of and input on annual work plan ▪ Identification of collaborative funding opportunities ▪ Recommendations to Planning Work Group on program adjustments ▪ Assist with execution of the targeted implementation schedule

Local Committee Name	Primary Implementation Role/Functions
<p>Planning Work Group</p>	<ul style="list-style-type: none"> ▪ Identify local funding needs for implementation ▪ Review annual work plan ▪ Review annual fiscal reports ▪ Prepare annual reports submitted to BWSR ▪ Annual review and confirmation of priority resource concerns ▪ Evaluate and recommend response to emerging issues ▪ Prepare plan amendments ▪ Implement the targeted implementation schedule
<p>Fiscal / Administrative Agent</p>	<ul style="list-style-type: none"> ▪ Convene committee meetings ▪ Prepare the annual work plan ▪ Prepare annual fiscal reports ▪ Prepare and submit grant applications/funding requests ▪ Compile annual results for annual assessment

COMMITTEE RECOMMENDATIONS

Audit and Oversight Committee

1. Board Reauthorization of Delegation for PRAP Assistance Grants to Local Government Units – Dale Krystosek – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Board Reauthorization of Delegation for PRAP Assistance Grants to LGUs

Meeting Date: June 27, 2018

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Organizational Effectiveness

Contact: Dale Krystosek

Prepared by: Dale Krystosek

Reviewed by: Audit and Oversight Committee Committee(s)

Presented by: Dale Krystosek

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input type="checkbox"/> None | <input checked="" type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Approval

LINKS TO ADDITIONAL INFORMATION

N/A

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

Board Resolution #15-37, Board Authorization of Delegation for PRAP Assistance Grants to LGUs had been approved by the Board in June, 2015 but had outdated references and needed to be updated. This resolution replaces and supersedes previous resolutions related to PRAP Assistance Grants.



BOARD ORDER

Performance Review and Assistance Program (PRAP) Assistance Grants

PURPOSE

Authorize PRAP Assistance Grants and delegate approval of these grants to the Executive Director.

FINDINGS OF FACT / RECITALS

1. The Board of Water and Soil Resources (Board) regularly monitors and evaluates the performance and activities of local water management entities and provides assistance in improving performance under the authorities and requirements of Minnesota Statutes §103B.102.
2. In 2015, the Board through resolution #15-37, authorized “the Executive Director to expend up to \$10,000 per grant or contract for specialized assistance to local government water management entities to address operational or service delivery needs identified through a PRAP assessment or specialized assistance request.”
3. The Board continues to receive requests for PRAP Assistance Grants to address operational or service delivery needs identified through a PRAP assessment or specialized assistance request.
4. The Board has authorities under Minnesota Statutes §103B.3369 to award grants to local units of government with jurisdiction in water and related land resources management.
5. The Laws of Minnesota 2017, Chapter 93, Sect 4(n), appropriated funds eligible for this purpose.
6. The Audit and Oversight Committee, at their June 26, 2018 meeting, reviewed this request and recommended the Board approve this order.

ORDER

The Board hereby:

1. Approves the allocation of returned cost-share funds to eligible local government water management entities.
2. Reconfirms the delegation of authority to the Executive Director to approve individual PRAP Assistance grants up to \$10,000 per contract and requires that program awards are reported to the Board at least once per year.
3. Establishes that all PRAP Assistance Grants awarded be cost shared by the grantee at a percentage determined by the Executive Director.
4. Authorizes staff to enter into grant agreements for these purposes.
5. Establishes that this order replaces previous Board resolution #15-37.

Dated at St. Paul, Minnesota, this June 27, 2018.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Date: _____

Gerald Van Amburg, Chair
Board of Water and Soil Resources

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee

1. Working Lands Watershed Restoration Pilot Program Development Grant – Dave Weirens –
DECISION ITEM

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Working Lands Watershed Restoration Pilot Program Development Grant

Meeting Date: June 27, 2018

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Programs and Policy

Contact: Dave Weirens

Prepared by: Suzanne Rhees

Reviewed by: Administrative Advisory Committee(s)

Presented by: Dave Weirens

Time requested: 15 min.

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input type="checkbox"/> None | <input checked="" type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input checked="" type="checkbox"/> Other:
Staff time match for contract/grant
management | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

The Board is requested to adopt the Order authorizing a grant to Stearns SWCD to continue BWSR’s work on the Working Lands Watershed Restoration Program with funds remaining from the 2016 appropriation.

LINKS TO ADDITIONAL INFORMATION

<http://www.bwsr.state.mn.us/planning/WLWRP/wlwrp.html>

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

In 2016 the Legislature directed BWSR to prepare a plan and feasibility study for a Working Lands Watershed Restoration Program to incentivize the establishment and maintenance of perennial and cover crops. This

report was accepted by the Board at the January 24, 2018 meeting and submitted to the Legislature by the February 1, 2018 deadline.

The requirements of the legislative directive were accomplished “under budget,” leaving approximately \$120,000 available from the original appropriation to further the work of this initiative. An extension for these funds was in the Omnibus Appropriations bill that was vetoed by Governor Dayton. Interest remains within BWSR and the project partners to continue this work in advance of the 2019 Legislative session

Under statute, grant funds may be extended for one year following the expiration date of the appropriation. Stearns SWCD is willing to work with BWSR as a grant recipient to conduct additional program development, research and outreach.



BOARD ORDER

Working Lands Watershed Restoration Pilot Program Development Grant

PURPOSE

Provide Fiscal Year 2019 Grant to the Stearns County Soil and Water Conservation District (SWCD) to develop a Working Lands Watershed Restoration Pilot Program.

FINDINGS OF FACT / RECITALS

1. In 2016, the Minnesota Legislature appropriated funds and directed the Board of Water and Soil Resources (Board) to prepare a plan and feasibility study for a Working Lands Watershed Restoration Program to incentivize the establishment and maintenance of perennial and cover crops.
2. The report was accepted by the Board on January 24, 2018 and submitted to the Legislature on February 1, 2018, as required by the Laws of Minnesota 2016, Chapter 189, Article 3, Subdivision 4).
3. BWSR was able to accomplish the tasks identified in the legislation for under budget, leaving additional funds for design of a pilot program.
4. Additional research and outreach tasks have been identified to develop a pilot program that can be implemented in identified watersheds and/or source water protection areas, including:
 - development of detailed criteria to target the location of perennial and cover crops at a watershed and/or source water protection area scale, to maximize the environmental benefits at the lowest cost;
 - development of a program framework, including model contracts, payment rates for contracts of varying duration and types of crops; harvest standards, and monitoring procedures;
 - a system for valuing the ecosystem services provided through perennial cover; and
 - research into potential processors and markets for perennial and winter annual crops, including coordination with a MDA project that is “to identify and quantify economically viable opportunities to grow vegetative cover, including perennial crops, winter annuals, and cover crops, in areas with highly vulnerable groundwater in Minnesota”.
5. The Stearns County Soil and Water Conservation District Board passed a resolution on June 12, 2018 to support the project and accept a grant to continue this work.
6. The Administrative Advisory Committee, at their June 27, 2018 meeting, reviewed this request.

ORDER

The Board hereby:

1. Approves the allocation of up to \$120,000 to the Stearns County SWCD to support the continued development of a Working Lands Watershed Restoration Pilot Program.
2. Authorizes staff to enter into a grant agreement for this purpose.

Dated at St. Paul, Minnesota, this June 27, 2018.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: _____

OLD BUSINESS

1. Clean Water Act Section 404 Assumption – Analysis of Retained and Assumable Waters in Minnesota – Les Lemm. ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Clean Water Act Section 404 Assumption – Analysis of Retained and Assumable Waters in Minnesota

Meeting Date: June 27, 2018

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Wetlands

Contact: Les Lemm

Prepared by: Les Lemm

Reviewed by: Wetlands Committee Committee(s)

Presented by: Les Lemm

Time requested: 20 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

LINKS TO ADDITIONAL INFORMATION

The full “Analysis of Retained and Assumable Waters in Minnesota” report, an online mapping application showing the statewide mapping results, and additional information are available on the BWSR website at: http://www.bwsr.state.mn.us/wetlands/cwa_404/2015-17_CWA_404_Feasibility_Study.html

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The “Minnesota Federal Clean Water Act Section 404 Permit Program Feasibility Study” was finalized on January 17, 2017. Board resolution #17-05 was passed on January 25, 2017, outlining the next steps in assessing the feasibility of Section 404 assumption in Minnesota. Those next steps focused on estimating and mapping the approximate extent of assumable and non-assumable waters in Minnesota based on information

provided by the U.S. Army Corps of Engineers (according to federal regulations, not all waters/wetlands in a state are assumable, and the Corps is responsible for determining which waters they will retain regulatory authority over). Subsequently, BWSR staff worked with the Corps' St. Paul District to develop criteria to estimate and map Corps-retained and State-assumable waters and wetlands using a statewide GIS mapping program. The mapping analysis indicated that, with the exception of stream headwaters, there would be very few waters and wetlands for the State to assume and the process to identify them would often rely on case-by-case evaluations that could be complicated and lengthy. The mapping results and additional analysis were incorporated into the "Analysis of Retained and Assumable Waters in Minnesota" report that was finalized on May 3, 2018. Staff will present the results of the analysis and discuss the current status of assumable waters and Section 404 assumption in Minnesota and nationally.

Executive Summary

Section 404 of the federal Clean Water Act (CWA) is administered by the U.S. Army Corps of Engineers (COE) with oversight by the U.S. Environmental Protection Agency (EPA). Section 404(g) of the CWA allows for state “assumption” of the Section 404 permitting program. However, that assumption authority does not apply to all waters; the COE retains permitting authority over certain waters. Those Section 404-jurisdictional waters that are not retained by the COE are “assumable” by the state. Under current EPA regulations, the COE has the sole authority to identify which waters they will retain.

In 2015, the Minnesota legislature directed the State’s Board of Water and Soil Resources (BWSR) and Department of Natural Resources (DNR) to study the feasibility of state assumption. In January 2017, BWSR and the DNR, in collaboration with the Minnesota Pollution Control Agency (PCA), submitted the final assumption feasibility study report to the legislature. The report noted that the extent of assumable waters is one of the most significant factors affecting the feasibility of state Section 404 assumption and the agencies committed to conducting an assumable waters assessment, in cooperation with the COE.

In a letter dated January 25, 2017, the COE St. Paul District described the waters which the COE would retain (Appendix B). BWSR and Minnesota IT Services staff then worked with the COE to develop specific criteria to map the approximate extent of COE-retained waters described in the letter using Geographic Information Systems (GIS). The mapping results were reviewed and there was general agreement that, although there are limitations in using GIS data layers to map on-the-ground resources, it appeared to provide a reasonable way to estimate the proportions of retained and assumable waters. Specifically, the COE indicated that, given the substantive GIS limitations, it *“is reasonable to illustrate an estimate of the relative proportion of waters and wetland that would be assumable under 40 CFR 233.”*

Consequently, BWSR and MNIT moved forward with assembling the resulting data, including an analysis of Section 404 permit locations in an attempt to assess the extent to which permit activity occurred in retained versus assumed waters and wetlands. The mapping analysis showed that the vast majority of Section 404-jurisdictional wetlands, lakes, and non-wetland basins in Minnesota would be retained by the COE under Section 404 Assumption. In contrast, a significant majority (in terms of linear miles) of streams would be assumable by the State primarily because the State would assume all first and second order (headwater) streams, which comprise the majority of statewide total stream length. Due to limitations in the data, the analysis of Section 404 permitting was largely inconclusive with respect to the extent to which permits were issued in waters that would be retained or assumed.

Relative statewide proportions of COE-retained and State-assumable waters in Minnesota:

Type of Water	% COE-Retained	% State-Assumable
Wetlands (acres)	91.5%	8.5%
Lakes/Basins (acres)	98.7%	1.3%
Streams (miles)	12.0%	88.0%

The COE had initially indicated concerns with the mapping results and draft report. However, on February 16, 2018, after further review of a modified version of the draft report, the COE commented that, “Given the limitations acknowledged in the report, the most recent draft appears to be as representative an estimate as can reasonably be obtained using landscape scale GIS data.”

Particularly given the goals of State assumption to improve efficiency and certainty for the regulated public, and to reduce regulatory redundancy by assuming the majority of waters and permitting authority, the outcome of the State's current attempt to estimate and map assumable waters is not favorable for Section 404 assumption in Minnesota for the following reasons:

- 1) The results of the current analysis indicate that, with the exception of first and second order streams, relatively few waters in Minnesota would be assumable by the State.
- 2) While the COE has indicated that this analysis may be a reasonable, representative estimate of COE-retained and State-assumable waters, they also have emphasized that there are limitations to mapping the waters described in their January 25, 2017 letter. Therefore, while this analysis may be useful for planning purposes, some uncertainties remain about the extent to which Minnesota could assume Section 404 responsibilities.
- 3) Regardless of the potential extent of assumption, the COE has indicated that they would rely, to some degree, on case-by-case determinations to specifically identify COE-retained waters (particularly wetlands) thereby diminishing the potential gains in permitting efficiency from State assumption.

In light of concerns expressed by the COE during completion of the report, the State agencies were concerned that the outcome of the current analysis may not result in a sufficiently accurate representation of COE-retained and State-assumable waters to reasonably assess the feasibility of state assumption. On February 2, 2018, in order to obtain the information on COE-retained waters necessary to inform further decision-making, BWSR, DNR, and PCA sent a joint letter to the COE to begin the process of preparing a Memorandum of Agreement that satisfies the requirement for an assumption application package to the EPA (Appendix G). As the first step in this process, the agencies requested that the St. Paul District, in accordance with 40 CFR § 233.14(b)(1), specifically identify the waters that would be retained by the COE under Section 404 assumption in Minnesota. The agencies are hopeful that the outcome of this request may provide additional information and certainty related to the feasibility of Section 404 assumption in Minnesota.

Difficulties in identifying retained and assumable waters in a way that is both implementable and results in sufficiently extensive assumable waters to make state assumption feasible are not unique to Minnesota. In 2015, partly in response to a request by three state associations, EPA established the Assumable Waters Subcommittee of the National Advisory Council for Environmental Policy and Technology to provide advice and develop recommendations on how to best clarify for which waters a state or tribe may assume CWA section 404 responsibilities. The Subcommittee's final report was completed in May, 2017 and submitted to EPA Administrator Scott Pruitt on June 1, 2017. Implementation of the Subcommittee's majority recommendations would result in a reasonable amount of waters for Minnesota to assume, while utilizing a process that both provides certainty and is implementable on the ground. These recommendations, if adopted, would significantly improve the feasibility of Section 404 Assumption in Minnesota. The federal government, however, would need to take action to implement the Subcommittee's majority recommendations in order to address impediments to Section 404 assumption related to assumable waters. The Subcommittee's majority recommendations should be supported.