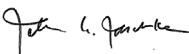


DATE: June 13, 2019

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – June 26, 2019

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, June 26, 2019, beginning at 9:00 a.m. The meeting will be held in the Lower Level Board Room, at 520 Lafayette Road North, St. 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

#### ***Grant Program & Policy Committee***

1. **Grant Noncompliance Policy Approval** - The purpose of this agenda item is to accept the revisions and approve the Board's Grant Noncompliance Policy. The revisions to the policy correct an error, modifies language for appeal of a penalty, reformats the policy, and provides clarity on noncompliance procedure. **DECISION**
2. **Erosion Control and Water Management Program Policy Approval** – The purpose of this agenda item is to accept the revisions and approve the Erosion Control and Water Management Program Policy to add language about pre-construction cover as an eligible activity. **DECISION**
3. **Fiscal Year 2020 and 2021 Soil and Water Conservation District Grants Authorization** – The purpose of this agenda item is to allocate FY 2020 and 2021 SWCD Programs and Operations Grants. The recommended grants are consistent with the previous year. **DECISION**
4. **Fiscal Year 2020 and 2021 Technical Service Area Grants Authorization** - The purpose of this agenda item is to allocate Technical Service Area (TSA) Grants. The recommended grants are have been modified slightly from the previous year to provide consistent allocations to each TSA except for the equipment funds which are rotated on an established schedule. **DECISION**
5. **Fiscal Year 2020 SWCD Watershed Conservation Planner Grant Amendment Authorization** - The Grants Program and Policy Committee, at their June 5, 2019 Meeting, recommended remaining FY14-15 and FY16-17 Accelerated Implementation Grant funds be designated for the SWCD Watershed Conservation Planner Initiative (WCPI). This board order would authorize the allocation of these remaining unobligated funds to use toward the \$1.5 M required BWSR match to the NRCS contribution agreement #68-6322-17-006 already committed to in October 2017 by board order #17-87. This current board order also authorizes staff to enter into grant agreement amendments with the WCPI Host SWCDs for the purpose of completing the goals and milestones of accelerating conservation planning assistance to increase landowner readiness to implement conservation practices in targeted areas of the seven priority watersheds. **DECISION**

6. **Fiscal Year 2020 and 2021 Natural Resources Block Grants Authorization** - The purpose of this agenda item is to allocate Natural Resources Block Grants. The recommended grants are consistent with the previous year. **DECISION**
7. **Fiscal Year 2020 Clean Water Fund Competitive Grant Policy and the Fiscal Year 2020 Clean Water Fund Competitive Grants Program Authorization** - The purpose of this agenda item is to approve the FY2020 Clean Water Fund Competitive Grant Policy and authorize staff to initiate the FY20 Clean Water Fund Request for Proposals. This policy will apply to Projects and Practices and Multi-Purpose Drainage Management. **DECISION**
8. **Fiscal Year 2020 and 2021 Buffer Implementation Program Grants** - The purpose of this agenda item is to allocate FY 2020 and 2021 Buffer Implementation Program Grants. **DECISION**
9. **Wellhead Protection Partner Grants (Pilot)** - Minnesota Session Laws 2015 and 2017 provided Clean Water funds for permanent conservation easements on wellhead protection areas or for grants to local units of government for fee title acquisition to permanently protect groundwater supply sources on wellhead protection areas or for otherwise assuring long-term protection of groundwater supply sources. Priority must be placed on land that is located where the vulnerability of the drinking water supply is designated as high or very high, where drinking water protection plans have identified specific activities that will achieve long-term protection, and on lands with expiring Conservation Reserve Program contracts. The Wellhead Protection Partner Grants (Pilot) policy establishes Wellhead Protection Partner Grants for fee title acquisition or other long-term protection mechanisms within a wellhead protection area that meets the priority criteria by a local partner. Both the RIM Reserve Committee and the Grants Program and Policy Committee have reviewed the policy. The Grants Program and Policy Committee recommended approval by the full BWSR Board. **DECISION**

#### ***Administrative Advisory Committee***

1. **Okabena-Ocheda Watershed District Boundary Change** – The purpose of the boundary change between the Okabena-Ocheda Watershed District and the Kanaranzi-Little Rock Watershed District is to achieve more accurate alignment between the hydrologic and legal boundaries of the two districts. **DECISION**
2. **Buffalo Creek Watershed District Watershed Management Plan Amendment Hearing Order** – On March 26, 2019, BWSR received a petition from BCWD to amend their watershed district watershed management plan in order to establish a water management district for the Glencoe Central-East Stormwater Basic Water Management Project, pursuant to MINN. STAT. 103D.411 and 103D.729. The proposed amendment is to establish water management district for the Glencoe Central-East Stormwater Basic Water Management Project, which will allow BCWD to create a funding mechanism to implement a comprehensive stormwater management project for the City of Glencoe. **DECISION**

If you have any questions regarding the agenda, please feel free to call me at 651-296-0878. The Board meeting will adjourn at approximately 12:30 p.m. We look forward to seeing you on June 26<sup>th</sup>.

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
LOWER LEVEL BOARD ROOM  
ST. PAUL, MN 55155  
WEDNESDAY, JUNE 26, 2019**

**PRELIMINARY AGENDA**

**9:00 AM CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**MINUTES OF MAY 22, 2019 BOARD MEETING**

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

**REPORTS**

- Chair & Administrative Advisory Committee - Gerald Van Amburg
- Audit & Oversight Committee - Gerald Van Amburg
- Executive Director - John Jaschke
- Dispute Resolution Committee – Travis Germundson/Gerald Van Amburg
- Grants Program & Policy Committee - Steve Sunderland
- RIM Reserve Committee – Tom Loveall
- 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

**AGENCY REPORTS**

- Minnesota Department of Agriculture – Thom Petersen
- Minnesota Department of Health – Chris Elvrum
- Minnesota Department of Natural Resources – Sarah Strommen
- Minnesota Extension Service – Joel Larson
- Minnesota Pollution Control Agency – Glenn Skuta

**ADVISORY COMMENTS**

- Association of Minnesota Counties – Brian Martinson
- 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 – Troy Daniell

## **COMMITTEE RECOMMENDATIONS**

### ***Grants Program & Policy Committee***

1. Grant Noncompliance Policy Approval
2. Erosion Control and Water Management Program Policy Approval
3. Fiscal Year 2020 and 2021 Soil and Water Conservation District Grants Authorization
4. Fiscal Year 2020 and 2021 Technical Service Area Grants Authorization
5. Fiscal Year 2020 SWCD Watershed Conservation Planner Grant Amendment Authorization
6. Fiscal Year 2020 and 2021 Natural Resources Block Grants Authorization
7. Fiscal Year 2020 Clean Water Fund Competitive Grant Policy and the Fiscal Year 2020 Clean Water Fund Competitive Grants Program Authorization
8. Fiscal Year 2020 and 2021 Buffer Implementation Program Grants
9. Wellhead Protection Partner Grants (Pilot)

### ***Administrative Advisory Committee***

1. Okabena-Ocheda Watershed District Boundary Change
2. Buffalo Creek Watershed District Watershed Management Plan Amendment Hearing Order

## **UPCOMING MEETINGS**

- BWSR Board Meeting and Tour, August 28-29, 2019

## **ADJOURN**

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
CONFERENCE ROOMS 200/201 – 2<sup>ND</sup> FLOOR  
ST. PAUL, MN 55155  
WEDNESDAY, MAY 22, 2019**

**BOARD MEMBERS PRESENT:**

Jill Crafton, Jack Ditmore, Chris Elvrum, MDH, Kathryn Kelly, Sarah Strommen, DNR; Tom Loveall, Nathan Redalen, Tom Schulz, Jeff Berg and Thom Petersen, MDA; Steve Sunderland, Joe Collins, Harvey Kruger, Paige Winebarger, Joel Larson, University of Minnesota Extension; Duane Willenbring, Rich Sve, Glenn Skuta, MPCA

**BOARD MEMBERS ABSENT:**

Neil Peterson, Gerald Van Amburg

**STAFF PRESENT:**

John Jaschke, Angie Becker Kudelka, Kari Keating, Kevin Bigalke, Pete Waller, Dan Fabian, Jenny Gieseke, Amie Wunderlich, Travis Germundson, Dave Weirens, Al Kean

**OTHERS PRESENT:**

Anna Cates, University of Minnesota, Minnesota Office for Soil Health (MOSH)  
Ann Lewandowski, University of Minnesota, Minnesota Office for Soil Health (MOSH)  
LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts (MASWCD)  
Emily Javens, Minnesota Association of Watershed Districts (MAWD)

**Vice Chair Tom Schulz called the meeting to order at 9:03 AM**

**PLEDGE OF ALLEGIANCE**

**\*\* 19-19** **ADOPTION OF AGENDA** - Moved by Rich Sve, seconded by Duane Willenbring, to adopt the agenda as presented. ***Motion passed on a voice vote.***

**\*\* 19-20** **MINUTES OF March 27, 2019 BOARD MEETING** – Moved by Kathryn Kelly, seconded by Jill Crafton, to approve the minutes of March 27, 2019, with minor typo corrections. ***Motion passed on a voice vote.***

**PUBLIC ACCESS FORUM**

There were no comments.

**INTRODUCTION OF NEW STAFF**

Amie Wunderlich, Compliance Coordinator was introduced by Jenny Gieseke. Vice Chair Schulz and the board welcomed Amie to BWSR!

**REPORTS**

**Chair & Administrative Advisory Committee** – Vice Chair Tom Schulz reported that the Administrative Advisory Committee met today before the meeting and talked about staffing and budget. There was nothing final to report on legislative activity. Gerald Van Amburg attended an EQB meeting and they are updating their environmental review rules.

**Audit and Oversight Committee** – John Jaschke reported that they have not met.

**Executive Director’s Report** - John Jaschke stated that he will defer the legislative update until later in the agenda. There was a national wetland banking conference in Minneapolis recently that our wetland staff attended. BWSR has a unique banking program, unlike most other banking programs in the country, because anyone is allowed to participate.

He announced that CREP will again be accepting formal applications on June 3<sup>rd</sup>. The general CRP program will not be opened until later in the year. BWSR’s website has been updated.

John Jaschke also reviewed the contents of the folder and reviewed the Snapshots stories provided to the board.

**Dispute Resolution Committee** – Travis Germundson reported that there are currently two appeals pending, one of them being new since the last board meeting. He reported that the new appeal is of an Administrative Penalty Order issued under the Buffer Law for a parcel located in Cottonwood County. The parcel did not meet the buffer requirements, but with the help of the Cottonwood SWCD staff, the operator and landowner are bringing it into compliance. The county proceeded to withdraw the APO and the appeal is intended to be dismissed.

**Introduction of new board member** - Katrina Kessler introduced herself as Assistant Commissioner for Water Policy and Agriculture with the Pollution Control Agency. Vice Chair Schulz and the board welcomed Katrina.

**Grants Program & Policy Committee** - Steve Sunderland reported that the committee has not met since the previous board meeting but will be meeting June 5<sup>th</sup>.

**RIM Reserve Committee** – Tom Loveall reported that the committee authorized staff to start the process to offer grants for permanent well head protection. It will go to Grants Program and Policy Committee in the near future. Information was provided about buffers and CRP and tillable land value updates. 12,000 acres have been enrolled in CREP and there will be a sign-up coming in June.

**Water Management & Strategic Planning Committee** - Jack Ditmore reported that the committee has not met but will have a joint meeting with the Grants Program and Policy Committee before the next board meeting.

**Wetland Conservation Committee** - Tom Schulz reported that the committee has not met since the previous board meeting and will probably not meet until fall.

**Buffers, Soils & Drainage Committee** - Kathryn Kelly reported that the committee has not met since the previous board meeting.

**Drainage Work Group (DWG)** – Tom Loveall reported that the group has not met since the previous board meeting. Al Kean reported on the status of the drainage bills at the legislature. He also reported that the DWG will be discussing updating the DWG Process Summary document; reestablishing drainage system records, in light of a recent MN Supreme Court decision on a DNR appeal; and DNR public waters and drainage guidance.

#### **AGENCY REPORTS**

**Minnesota Department of Agriculture** – Jeff Berg reported that he is temporarily sitting in for Commissioner Petersen and will defer any report until the Commissioner arrives.

**Minnesota Department of Health** – Chris Elvrum reported that there is not much to report because the legislature hasn't finished. They are however optimistic on the outcomes of their bills.

**Minnesota Department of Natural Resources** – Commissioner Strommen praised the collaboration between state agencies for the Legacy bill. They continue to work on Enbridge Line 3, including permits and tribal consultation. She mentioned the issue around a court decision and legislation regarding the re-naming of Lake Calhoun. Public comments have been about the politics of the name change. DNR works with the local community when name changes to lakes occur and essentially the court has taken that away. An appeal will be going to the Supreme Court.

**Minnesota Extension Service** – Joel Larson reported that he is excited to have Minnesota Office for Soil Health at today's meeting. They have hired a new educator position. They are involved with updating the Nutrient Reduction Strategy and having conversations about practices to address pollutants.

**Minnesota Pollution Control Agency** – Katrina Kessler reported that they have been busy at the legislature. PCA staff traveled to Baton Rouge to attend a national task force meeting about hypoxia. The statewide nutrient strategy is being revisited.

#### **ADVISORY COMMENTS**

**Minnesota Association of Soil and Water Conservation Districts** – Leann Buck reported that she has been at the legislature working to streamline outcomes and enhance 1W1P. SWCD capacity money is currently going through three different bills.

**Minnesota Association of Townships** – Nathan Redalen reported that they have been asking for additional money to help fund roads and bridges.

**Minnesota Association of Watershed Districts** – Emily Javens reported that they are excited about their summer tour in Moorhead in late June. Legislatively they have 4 bills that are still alive. Increasing a per diem, harvesting carp, coordinated watershed bill, and a project levy for State grants.

## **NEW BUSINESS**

### **Minnesota Office for Soil Health (MOSH) Briefing**

The Minnesota Office for Soil Health (MOSH) was established in 2017 by the Minnesota Board of Water and Soil Resources (BWSR) and the University of Minnesota's Water Resources Center (WRC). The office is committed to expanding the science of soil health and sharing practical information with farmers, conservationists, and others who manage our state's soils. This new partnership with the University of Minnesota will deliver applied research and technology to on-farm practices to assure that one of Minnesota's critical natural assets, its soil, is well managed for generations to come. Soil health is a foundation for both water quality and agricultural production and can be enhanced by innovative soil management practices that result in economic and environmental benefits. A recent stakeholders/kickoff event was held at the University. Ann Lewandowski, MOSH Coordinator, UMN Water Resources Center and Anna Cates, MN State Soil Health Specialist, UMN Dept. of Soil, Water, and Climate, provided a report on the event and outlined the future plans and projects the MOSH is anticipating.

## **COMMITTEE RECOMMENDATIONS**

### **Northern Region Committee**

**Bois de Sioux Watershed District and Upper Minnesota River Watershed District Boundary Change Petition** – Pete Waller presented the Bois de Sioux Watershed District and Upper Minnesota River Watershed District Boundary Change Petition.

A Petition for a Boundary Change of the Bois de Sioux Watershed District (BdSWD) and Upper Minnesota River Watershed District (UMRWD) has been filed with Minnesota Board of Water and Soil Resources (BWSR) by the two watershed districts. The proposed boundary change would achieve a more accurate alignment between the hydrologic and common legal boundaries of the BdSWD and the UMRWD.

The territory included in the boundary change encompasses approximately 1,000 acres of land on 25 parcels. The boundary changes are located in four townships within Big Stone County. The Petition's map attached to the Board Order depicts the territory and further identifies proposed changes within an attached table depicting parcel changes.

Prior to submitting the Petition, the BdSWD and UMRWD agreed it prudent to notify all affected landowners. The notifications consisted of:

- Advertising an informational public meeting held November 26, 2018, in Graceville, MN



- Inviting all affected landowners to the BDSWD December meeting
- Mailing individual letters that included details of the proposed changes

A legal notice of filing regarding the proposed boundary change, as per Minnesota Statutes, Section 103D.105 Subd 2, was published and a copy of the notice of filing was mailed to affected county, municipalities, and soil and water conservation districts. The notice stated a request for a public hearing, received within 30 days of the last date of publication of the notice of Filing of the Petition, would warrant a public hearing be held. No requests for a hearing or comments were received during the specified timeframe so a public hearing is not required.

The Northern Region Committee (Committee) met on May 1, 2019, at Graceville, Minnesota to discuss the petition. The Committee recommended approval of the proposed boundary change petition to the full Board.

\*\*  
19-21 Moved by Rich Sve, seconded by Kathryn Kelly, to approve the Bois de Sioux Watershed District and Upper Minnesota River Watershed District Boundary Change Petition. **Motion passed on a voice vote.**

**Central Region Committee**

**Sherburne Soil and Water Conservation District Change in Location of Principal Office Headquarters –** Kevin Bigalke presented the Sherburne Soil and Water Conservation District Change in Location of Principal Office Headquarters.

On April 11, 2019, the Sherburne SWCD Board of Supervisors passed a resolution approving the district's change of principal office location from 14855 Highway 10, Elk River, MN 55330 to 425 Jackson Ave NW, Elk River, MN. BWSR's Central Region Committee met on May 2, 2019 to review this request and voted to recommend approval of the change of principal office location to the full BWSR Board.

\*\*  
19-22 Moved by Joe Collins, seconded by Duane Willenbring, to approve the Sherburne Soil and Water Conservation District Change in Location of Principal Office Headquarters. **Motion passed on a voice vote.**

**Upper Rum River Watershed Management Organization Watershed Management Plan 2019-2028 –** Dan Fabian presented Upper Rum River WMO Watershed Management Plan.

The Upper Rum River Watershed Management Organization (URRWMO) was originally established on June 18, 1991 through a Joint Powers Agreement (JPA) between the Cities of Bethel, East Bethel, Ham Lake, Nowthen (formally Town of Burns), Oak Grove and St. Francis. The JPA was amended in 1997 and again in 2011. The URRWMO encompasses approximately 127.2 sq. miles within the northwestern corner of Anoka County, Minnesota. Their third generation plan was completed in 2007 and expired April 25, 2017. In this 4<sup>th</sup> generation plan the URRWMO efforts are now shifting from a primary activity of monitoring to supporting the implementation of projects within the watershed to improve water quality of identified priority resources. The Central Regional Committee met on May 2, 2019 to discuss the Plan and recommends approval of the Plan with a required five (5) year plan amendment per the attached draft Order.

Joe Collins mentioned that this was the first plan that he almost did not vote for. He is cautious of this plan due to the funding levels but was ultimately satisfied with its approval because there will be a 5

year review. Kevin Bigalke reported that more progress was made with the plan when they acquired new membership.

\*\*  
19-23 Moved by Joe Collins, seconded by Jill Crafton, to approve the Upper Rum River Watershed Management Organization Watershed Management Plan 2019-2028. ***Motion passed on a voice vote.***

**Administrative Advisory Committee**

Angie Becker-Kudelka reported that the environment omnibus, tax bill and Legacy bill have hearings or are being negotiated today. SWCD Capacity is now expected to come out of CWF. Angie provided members with a recent spreadsheet summary.

**Minnesota Department of Agriculture** – Thom Petersen reported that he was at the legislature and that the Ag bills are going well. African swine fever, exports, mental health counseling, and hemp production are included and he is pleased with the CWF bill. Acreage being enrolled in the Ag water quality certification program continues to increase.

**UPCOMING MEETINGS**

- Next BWSR Meeting is scheduled for 9:00am, June 26, 2019 in St. Paul.

Vice Chair Schulz adjourned the meeting at 11:36 AM

Respectfully submitted,

Tom Schulz  
Vice Chair

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Dispute Resolution Committee Report

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**Meeting Date:** June, 26, 2019

**Agenda Category:**     Committee Recommendation     New Business     Old Business

**Item Type:**             Decision                                     Discussion             Information

**Section/Region:**    Central Office

**Contact:**             Travis Germundson

**Prepared by:**        Travis Germundson

**Reviewed by:**        \_\_\_\_\_ Committee(s)

**Presented by:**       Travis Germundson/Gerald VanAmburg

**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**

None

**LINKS TO ADDITIONAL INFORMATION**

See attached Report

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

The report provides a monthly update on the number of appeals filed with BWSR.

Dispute Resolution Report  
 June 12, 2019  
 By: Travis Germundson

There is presently **two** appeals pending. There has been one new appeal filed since the last Board Meeting (May 22, 2019).

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 19-2 (6/6/19) This is an appeal of a WCA restoration order in Morrison County. The appeal regards the alleged drainage of 500,000 sq. ft. of wetland associated with the placement of agricultural drain tile. Applications for exemption and no-loss determinations were submitted to the LGU concurrently with the appeal. No decision has been made on the appeal.

~~File 19-1 (4-22-19) This is an appeal of an Administration Penalty Order issued under the Buffer Law in Cottonwood County. The parcel allegedly does not meet the buffer requirements for waters requiring a 50 foot average and 30 foot minimum width. Aerial imagery was initially used to determine that an additional 0.27 acres of buffer area is needed. Cottonwood SWCD staff are working with the operators on using a combination of structural and vegetative practices to bring about compliance. A Validation of Compliance was issued by the SWCD and the Administrative Penalty Order was subsequently withdrawn by the LGU. As a result the appeal has been dismissed.~~

File 18-3 (10-31-18) This is an appeal of a WCA restoration order in Hennepin County. The appeal regards the alleged filling and draining of over 11 acres of wetland. Applications for exemption and no-loss determinations were submitted to the LGU concurrently with the appeal. The appeal has been placed in abeyance and the restoration stayed for the LGU to make a final decision on the applications. That decision has been amended several times to extend the time period on the stay of the Restoration order.

### Summary Table

Type of Decision	Total for Calendar Year 2018	Total for Calendar Year 2019
Order in favor of appellant		
Order not in favor of appellant	2	
Order Modified		
Order Remanded		
Order Place Appeal in Abeyance	1	
Negotiated Settlement		
Withdrawn/Dismissed		1

**COMMITTEE RECOMMENDATIONS**  
***Grants Program & Policy Committee***

1. Grant Noncompliance Policy Approval – Melissa Lewis – ***DECISION ITEM***
2. Erosion Control and Water Management Program Policy Approval – Melissa Lewis – ***DECISION ITEM***
3. Fiscal Year 2020 and 2021 Soil and Water Conservation District Grants Authorization – Melissa Lewis – ***DECISION ITEM***
4. Fiscal Year 2020 and 2021 Technical Service Area Grants Authorization – Melissa Lewis – ***DECISION ITEM***
5. Fiscal Year 2020 SWCD Watershed Conservation Planner Grant Amendment Authorization – Melissa Lewis - ***DECISION ITEM***
6. Fiscal Year 2020 and 2021 Natural Resources Block Grants Authorization – Melissa Lewis - ***DECISION ITEM***
7. Fiscal Year 2020 Clean Water Fund Competitive Grant Policy and the Fiscal Year 2020 Clean Water Fund Competitive Grants Program Authorization – Marcey Westrick - ***DECISION ITEM***
8. Fiscal Year 2020 and 2021 Buffer Implementation Program Grants – Melissa Lewis - ***DECISION ITEM***
9. Wellhead Protection Partner Grants (Pilot) – Sharon Doucette - ***DECISION ITEM***

## BWSR Board Member Conflict of Interest in Grant Review – Disclosure Form

**Meeting:** BWSR Board Meeting      **Date:** June 26, 2019

I certify that I have read and understand the descriptions of conflict of interest provided, reviewed my participation for conflict of interest, and disclosed any perceived, potential, or actual conflicts. As a BWSR Board member, appointed according to Minnesota Statute Section 103B.101, I am responsible for evaluating my participation or abstention from the review process as indicated below. If I have indicated an actual conflict, I will abstain from the discussion and decision for that agenda item.

*Please complete the form below for all agenda items. If you indicate that you do not have a conflict for an agenda item, you do not need to fill out additional information regarding that agenda item.*

Agenda Item	No Conflict (mark here and stop for this row)	Grant Applicant(s) Associated with Conflict (required if conflict identified)	Conflict Type (required if conflict identified)	Will you Participate? (required if conflict identified)	Description of Conflict (optional)
Fiscal Year 2020 and 2021 Soil and Water Conservation District Grants Authorization			Perceived Potential Actual	Yes / No	
Fiscal Year 2020 and 2021 Technical Service Area Grants Authorization			Perceived Potential Actual	Yes / No	
Fiscal Year 2020 SWCD Watershed Conservation Plan Grant Amendment Authorization			Perceived Potential Actual	Yes / No	
Fiscal Year 2020 and 2021 Natural Resources Block Grants Authorization			Perceived Potential Actual	Yes / No	
Fiscal Year 2020 and 2021 Buffer Implementation Program Grants			Perceived Potential Actual	Yes / No	

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## BOARD MEETING AGENDA ITEM

<b>AGENDA ITEM TITLE:</b>	<b>Grant Noncompliance Policy Approval</b>		
<b>Meeting Date:</b>	<u>June 26, 2019</u>		
<b>Agenda Category:</b>	<input checked="" type="checkbox"/> Committee Recommendation	<input type="checkbox"/> New Business	<input type="checkbox"/> Old Business
<b>Item Type:</b>	<input checked="" type="checkbox"/> Decision	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
<b>Section/Region:</b>	<u>Regional Operations</u>		
<b>Contact:</b>	<u>Melissa Lewis</u>		
<b>Prepared by:</b>	<u>Nicole Clapp</u>		
<b>Reviewed by:</b>	<u>Grants Program &amp; Policy</u>	Committee(s)	
<b>Presented by:</b>	<u>Melissa Lewis</u>		
<b>Time requested:</b>	<u>15 min</u>		

**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**

Board approval of the revised Grant Noncompliance Policy

**LINKS TO ADDITIONAL INFORMATION**

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

The purpose of this agenda item is to accept the revisions and approve the Board’s Grant Noncompliance Policy. The revisions to the policy correct an error, modifies language for appeal of a penalty, reformats the policy, and provides clarity on noncompliance procedure. The action requested will also authorize correcting the error in grant program policies. The Grants Program & Policy Committee reviewed the recommendations at their June 5, 2019 meeting and recommended approval of the order to the board.



## BOARD ORDER

### Grant Noncompliance Policy Update & Revised Penalty Language for all Grant Program Policies

#### PURPOSE

Adopt a revised Grant Noncompliance Policy and approve revised penalty language in all BWSR grant program policies.

#### 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 the policy on Grant Closeout Evaluation (08-13) developed by the Office of Grants Management which informs the content of the Board’s Grant Noncompliance Policy.
2. Minnesota Statutes §103C.401 requires that the Board ensure compliance with statewide programs and policies.
3. The current Grants Noncompliance Policy was adopted by the Board June 24, 2015.
4. The proposed revised Grants Noncompliance Policy provides additional clarity on noncompliance procedure, corrects authority to implement a penalty for noncompliance, and meets the requirements of the Office of Grants Management.
5. Minnesota Statutes §103C.501 Subd. 5(c) provides the authority to impose a penalty on a land occupier of up to 150% of the amount of financial assistance received for noncompliance within the terms of the state cost share contract. This authority was erroneously transferred into BWSR grant agreements and grant program policies. Based on Attorney General review, the agency does not have authority to apply a penalty greater than 100% of the grant agreement.
6. All grant agreements developed since this error was identified have been edited to reflect appropriate application of the agency authority.
7. The proposed language revision brings the policy into compliance with the penalty BWSR is authorized to impose upon grantees.
8. The Board’s Grants Program and Policy Committee reviewed the revised Grants Noncompliance Policy and recommended language changes on June 5, 2019 and recommended approval to the Board.

#### ORDER

The Board hereby:

1. Adopts the revised Grant Noncompliance Policy dated June 26, 2019, and applies it retroactively to agency grant agreements.
2. Approves the penalty language changes to all BWSR grant program policies.



Dated at St. Paul, Minnesota, this June 26, 2019.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

\_\_\_\_\_

Date: \_\_\_\_\_

Gerald Van Amburg, Chair  
Board of Water and Soil Resources

Attachments: Grant Noncompliance Policy, dated June 26, 2019

## Grant Noncompliance Policy

**Version:** 2.00

**Effective Date:** 6/26/2019

**Approval:** Board Decision **19-XX**

### Policy Statement

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Grant recipients are responsible for managing State grant funds in compliance with statutes, rules, grant agreements, BWSR policies, local policies, and other applicable laws and requirements. BWSR has developed the following policy to categorize levels of noncompliance and establish procedures for when errors are found. BWSR staff has the discretion to consider factors not covered in this policy.

Often, mistakes in grants management result from simple misunderstandings and the majority of incidences are resolved without requiring a formal corrective action plan. When corrective actions are considered, the first goal is always to bring the grant recipient back into compliance. Noncompliance is generally found through the review procedures of monitoring or financial reconciliation. Noncompliance can be minor (Level 1) or more substantial (Level 2).

#### *Level 1: Failure to follow required administrative procedures*

Examples of Level 1 noncompliance may include, but are not limited to: lack of detail to justify an expense or payment, improperly completed forms or contracts, incorrect, insufficient, or late reporting, incomplete files, or deficient operation and maintenance plans. Deviation from locally established policies or procedures may also be noted as Level 1 noncompliance.

#### *Level 2: Failure to follow statute, rule, policy, or grant agreement*

Examples of Level 2 noncompliance may include, but are not limited to, missing signatures or dates on contracts, overpayment on contracts, lack of required technical assessment or sign-off by a technical representative, installation of practices that are not allowed or failure to address program purpose, lack of an operation and maintenance plan, projects occurring outside contract starting or completion dates, or expenditure of funds outside the term of the grant agreement or for ineligible activities. Repeated instances of Level 1 noncompliance may be categorized as Level 2 noncompliance.

### Reason for this Policy

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The purpose of this policy is to provide clear direction for grantees and document BWSR compliance with Minnesota Statute §103C.401 (2018) which establishes BWSR's obligation to assure program compliance.

## Requirements

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When noncompliance is found, grant recipients will be notified they are out of compliance in a memo, letter, or other means of communication. If the noncompliance is Level II or repeated Level I, the communication will be addressed to the chair of the board of the grantee, and copied to the grantee's administrator or lead staff and potentially other partners. Communications will document the noncompliance and suggest corrective actions to bring the grantee back into compliance, which may include a requirement to develop a corrective action plan or a requirement for repayment. The grantee must respond to BWSR and explain how each corrective action will be met. If a corrective action plan is required, BWSR must approve the plan and may require implementation of the plan for the grantee to be considered back in compliance.

For findings of noncompliance, BWSR has the authority to withhold payments on any or all grants or hold execution of future grants. This authority is provided under the Minnesota Department of Administration's Office of Grants Management Policy 08-13, Grant Closeout Evaluation, that requires state agencies to consider a grant applicant's past performance before awarding subsequent grants or making a new grant award of over \$5,000. Holds on grant payments and execution of future grants will be maintained until the grantee is considered back in compliance.

For substantial noncompliance or if work under the grant agreement is found by BWSR to be unsatisfactory or performed in violation of federal, state, or local law, BWSR has the authority to require the repayment of grant funds. If repayment of grant funds is required, the grantee must either pay the penalty directly or may be allowed to apply the penalty as a reduction to the amount of a future grant. When repayment is required, BWSR may hold any or all grant payments and/or hold execution of future grants until repayment is received.

Alternatives may also be considered and used at the discretion of BWSR.

### Appeal

A grant recipient may appeal a finding of noncompliance. The appeal must be in writing, include all supporting evidence, and be sent to the BWSR Regional Manager within 30 days of receiving the noncompliance communication from BWSR. The Regional Manager and Assistant Director of Regional Operations will review the appeal and supporting evidence, and render a decision. The Assistant Director of Regional Operations may stay any penalties until the appeal is resolved.

If no resolution can be achieved between the grant recipient and the Assistant Director of Regional Operations, the grant recipient may request in writing to the Executive Director and chair of the Board for the appeal to be heard by the appropriate Board Committee. The Committee will make a recommendation to the Board to dismiss, amend, or uphold the appeal.

### Definitions

**Corrective Action Plan:** A formal, organized document that at a minimum describes specifically how noncompliance issues will be addressed, who will be responsible, and when the solutions will be implemented.

**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.

**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.

**Noncompliance:** Failure to manage state grants in accordance with statutes, rules, grant agreements, BWSR policies, local policies, and other applicable laws and requirements.

## History

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Description of revisions	Date
Revised to replace previous Grant Noncompliance Policy (adopted June 24, 2015) with the newer Grant Noncompliance Policy (adopted June 26, 2019)	7/1/2019
Revised format; minor text changes from 7/1/15 version.	7/1/2017

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Erosion Control and Water Management Program Policy Approval

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**Meeting Date:** June 26, 2019

**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 min

**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**

Board approval of the revised Erosion Control and Water Management Program Policy

**LINKS TO ADDITIONAL INFORMATION**

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

The purpose of this agenda item is to accept the revisions and approve the Erosion Control and Water Management Program Policy to add language about pre-construction cover as an eligible activity. The Grants Program & Policy Committee reviewed the recommendations at their June 5, 2019 meeting and recommended approval of the order to the board.



## BOARD ORDER

### Erosion Control and Water Management Program Policy Update

#### PURPOSE

Adopt a revised Erosion Control and Water Management Program Policy.

#### FINDINGS OF FACT / RECITALS

1. The Board of Water and Soil Resources (BWSR) is authorized by Minnesota Statutes 103C.501 to adopt policy to implement the Erosion Control and Water Management Program, also known as the State Cost Share Program.
2. The Board has authorities under Minnesota Statutes §103B.3369 and 103B.101 to award grants and contracts to accomplish water and related land resources management.
3. The current Erosion Control and Water Management Program Policy, dated July 1, 2017, was adopted by the Board May 24, 2017.
4. The Board's Grants Program and Policy Committee reviewed the revisions to the Erosion Control and Water Management Program Policy at their June 5, 2019 meeting and recommended approval to the Board.

#### ORDER

The Board hereby:

1. Adopts the revised Erosion Control and Water Management Program Policy dated June 26, 2019 and applies it retroactively to all currently active grant agreements under this policy.

Dated at St. Paul, Minnesota, this June 26, 2019.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

\_\_\_\_\_

Date: \_\_\_\_\_

Gerald Van Amburg, Chair  
Board of Water and Soil Resources

Attachments: Erosion Control and Water Management Program Policy, dated June 26, 2019

## Erosion Control and Water Management Program Policy

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

**Version:** 2.00

**Effective Date:** 6/26/2019

**Approval:** Board Resolution #19-XX

### Policy Statement

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The Erosion Control and Water Management Program, commonly known as the State Cost Share Program, was created through Minnesota Statutes, §103C.501 to provide funds to Soil and Water Conservation Districts (Districts) to share the cost, with the land occupier, of conservation practices for high priority erosion, sedimentation, or water quality problems, or water quantity problems due to altered hydrology. The purpose of this policy is to provide specific requirements for the implementation of funds appropriated to BWSR associated with the Erosion Control and Water Management Program.

Funds are allocated by BWSR based on the following minimum criteria to districts that have fully complied with all program rules and policies:

- Extent of high priority erosion or water quality problems in the district, as indicated in the district comprehensive and annual plans or their equivalent.
- Priorities for the control of soil erosion or water quality problems as established by BWSR.
- Historic success of the district in applying conservation practices.
- Ability of the district to expend the funds in a timely manner.
- Legislative appropriation.

BWSR will allocate the cost-sharing funds available to districts in the form of grants for conservation practices addressing high priority erosion, sedimentation, or water quality problems.

## Erosion Control and Water Management (State Cost Share Program)

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District boards and staff are responsible for the administration and decisions concerning the local use of these funds in accordance with: Minnesota Statutes, section 103C.501; Minnesota Administrative Rules, part 8400.0060 through 8400.1900; BWSR policies; the grant agreement; and all other applicable laws. BWSR will use grant agreements as contracts for assurance of deliverables and compliance. Failure to comply with relevant statutes, rules, and policies may lead to imposition of financial penalties on the grant recipient.

**The BWSR Grants Administration Manual provides the primary framework for local management of these funds.**

### 1.0 Eligible and Ineligible Activities

The primary purpose of activities funded with Erosion Control and Water Management funds is to assist with structural, vegetative, or nonstructural land management practices to correct existing problems. Specific preventative practices may also be allowed through policy or appropriation. Vegetative practices include establishment of permanent vegetation through practices such as but not limited to: critical area planting and filter strips. Nonstructural land management practices include conservation management practices such as but not limited to: cover crops, residue management, and nutrient management that are incorporated into a farm management plan and have erosion control or water quality improvement benefits. **Pre-Construction Cover is allowed when temporary cover is necessary for the future installation of structural conservation practices.**

- 1.1 Practice Standards.** All practices must be consistent with the NRCS Field Office Technical Guide (FOTG) or professionally accepted engineering or ecological practices. Design standards for all practices must include specifications for operation and maintenance for the life of the given practice, including an inspection schedule and procedure. Practices where runoff or sediment from the contributing watershed prevents the practice from achieving the intended purpose with normal operation and maintenance are ineligible. Unless otherwise directed by statute or rule, vegetative practices must follow the BWSR Board adopted Native Vegetation Establishment and Enhancement Guidelines ([http://www.bwsr.state.mn.us/native\\_vegetation/seeding\\_guidelines.pdf](http://www.bwsr.state.mn.us/native_vegetation/seeding_guidelines.pdf)).
- 1.2 Effective Life.** All structural and vegetative practices must be designed and maintained for a minimum effective life of ten years. The beginning date for a practice's effective life is the same date final payment is approved and the project is considered complete. The effective life of non-structural land management practices will be based on the district's BWSR approved Implementation Plan, as per Section 3.2.2. Rehabilitation of structural and vegetative practices beyond their designed effective life are eligible for this program.
- 1.3 Repair of Damaged Practices.** Using Erosion Control and Water Management funds to repair damage to a conservation practice is eligible if the practice was installed using approved standards, damage was caused by reasons beyond the control of the land occupier, and damage or failure of the practice was not due to improper maintenance or removal of the practice within the effective life.
- 1.4 Practices that Address Water Quantity Problems Due to Altered Hydrology.** The primary purposes of these types of practices is to apply conservation practices on drainage or conveyance systems to



(a) improve water quality, and (b) reduce surface and/or subsurface peak flows and volumes that contribute to water quality problems. Practices that do not have water quality as a primary purpose are ineligible.

- 1.5 Ineligible Practices.** Incentive payments for ongoing maintenance, writing of conservation plans, payments to adopt land management practices such as tillage or residue management unless approved as per Section 3.2.2, payments for crop damage during construction, payments to repair or install septic systems, payments for easements, stormwater conveyances that collect and move runoff but do not provide water quality benefit, practices installed for energy conservation and snow protection, and/or feedlot expansions are not allowable practices with these funds. See also Section 1.4.
- 1.6 Project and Practice Assurances.** The grantee has the responsibility to ensure that the installed conservation practices and projects meet the purposes of the grant program, will remain in place for the lifespan expected, and will provide the benefits for which they were designed as per the Project and Practice Assurance Section of the Grants Administration Manual.

## 2.0 Technical and Administrative Components

Erosion Control and Water Management funds may be used for technical and administrative expenses.

- 2.1 Technical Quality Assurance.** 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) as per the Technical Quality Assurances section of the Grants Administration Manual.
- 2.2 Technical and Administrative Expense.** Up to twenty percent (20%) of the total grant may be used for technical and administrative expenses. Amounts used must be documented as an actual expense. Remaining funds must be provided as cost share to achieve the purpose of these funds, unless otherwise indicated in specific appropriation language. Districts may use more than 20% of the grant for technical and administrative expenses if a request for such use is recommended by the Board Conservationist and approved by the BWSR Regional Manager, based on the following:
- a) Other non-state funds, will be leveraged and the district couldn't do the project otherwise; or
  - b) Funds are used on a project that is Erosion Control and Water Management Program or Environmental Quality Incentives Program (EQIP) eligible AND the district's most recent Financial Report indicates less than an 18-month fund balance; or
  - c) Funds were granted for the Cooperative Weed Management Areas (CWMA) Program, as approved in the CWMA work plan.
- 2.3 Technical and Administrative Activities.** Activities eligible include the following: grant administration, staff training to acquire or maintain appropriate technical approval authorities or other applicable technical certifications which can include licenses, site investigations and assessments, design and cost estimates, construction oversight, and inspections.

### 3.0 Financial Assistance to Land Occupiers

Financial assistance can be calculated by either a) the percent of the installation cost of a practice that may be provided to a land occupier for materials and labor necessary to install the practice as per Section 3.1 or b) a flat rate for buffers, non-structural land management practices and pre-construction cover. As per Section 3.2 flat rates serve as an alternative to actual costs documented by receipts or invoices.

**3.1 Maximum percent based on receipts or invoices.** The maximum cost share rate utilizing state funds for installation of a practice is seventy-five percent (75%) of the installation cost, except for unused well sealing which is established at fifty percent (50%). State and non-state funds combined may not exceed 100%.

**3.1.1 Non-state contributions.** A land occupier may provide the remainder of the local share of the implementation cost through in-kind services, or non-state funds. The district board shall determine whether charges for in-kind services and materials are practical and reasonable. Standard rates for in-kind services should be identified in the district's cost share program policy.

**3.1.2 Local Rates.** Prior to receiving any applications from land occupiers, district boards may set different cost share rates up to the maximum identified in BWSR policy. These rates should be identified in the District's cost share program policy.

## OR

**3.2 Flat Rates.** Flat rates may be used as an alternative to actual costs documented by receipts or invoices. When using flat rates a land occupier cannot accept any other state or federal funds for that practice.

**3.2.1 Buffers.** For buffers based on water quality improvements with a maximum width of 120 feet, the flat rate may be up to \$300 per acre to establish the vegetation. A cropping history, defined as in agricultural crop production for at least two of the last five years, is required. Species selection and acceptable seed source requirements must follow BWSR's Native Vegetation Establishment and Enhancement Guidelines. Native shrub plantings (amongst native grasses and flowers) for wildlife, fruit or nut production is allowed. Allowable activities after establishment include haying, seed propagation, bio-energy production, and prescribed burning; if these occur outside of the nesting season of May 15 to August 1 and are included in the operation and maintenance plan. Alternative dates can be approved by the SWCD on a case-by-case basis for weed control, tree and scrub management or emergency repairs. Grazing after successful establishment is allowed with an approved grazing management plan (e.g. Prescribed Grazing practice standard 528).

**3.2.2 Nonstructural Land Management Practices** are allowed when they are part of 1) a planned erosion control or water quality improvement plan; 2) when the district has submitted an Implementation Plan to BWSR and after Board Conservationist approval of the Implementation Plan; and 3) the district has incorporated the approved Implementation Plan into their locally adopted cost share program policy for that fiscal year. Land occupiers who are already

incorporating the requested nonstructural land management practice in their farming operation are not eligible.

**3.2.3 Pre-Construction Cover** is allowed when temporary cover is necessary for the future installation of structural conservation practices. A flat rate payment of up to \$150 per acre, not to exceed 10 acres, is allowed as part of a state cost-share contract for the installation of structural practice(s). Eligible acres are defined as; 1) The area needed to provide access to the location of the structural practice to be installed. 2) The area to be impacted during installation, this includes the actual location of the practice as well as any surrounding areas that will have disturbance during construction. The temporary cover is to remain in place until construction begins. A land occupier is only eligible to receive this payment once per cost-share contract, unless construction is delayed another year for reasons beyond the control of the land occupier. Refer to the Agricultural BMPs section of [BWSR's Native Vegetation Establishment and Enhancement Guidelines](#) for recommended species, seeding rates, and seeding dates.

**3.3 Cooperative Weed Management Program (CWMA).** A non-state local share equal to at least 25% of the amount of CWMA funds received is required. Local share 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.

## 4.0 Expenditure of Funds on Practices and Contracts

The District Board has the authority and responsibility to approve expenditure of funds within their own organization. The approval or denial of expenditures of funds must be documented in the District's meeting minutes prior to beginning the funded activity. The grantee may delegate this authority as long as delegation is supported by a documented local board or council action, such as a motion, resolution, or adoption of a policy.

**4.1 Cost Share Contract.** A contract between the District and land occupier(s) receiving state funds is required to provide a legal standing to insure practices are installed and maintained according to approved standards and specifications. The required contract and procedures for using this contract are located in the Implementing Practices section of the BWSR Grants Administration Manual. Modifications to the conservation practice contract template may be made prior to execution with a land occupier and with prior approval from the District legal counsel and BWSR.

**4.1.1 Service Charges.** District or Technical Service Area charges for services such as administration, field investigations, design, and monitoring to establish the practice shall not be included in calculating the project cost for purposes of determining cost-share payment amounts to the land occupier. Service charges such as tree planting or mechanical weed control are eligible to be included.

**4.2 Contract Timeframe.** District Boards have the authority to adopt timely starting and completion dates. Execution and completion of a contract with a land occupier must be within the grant period. Contracts not completed within the period of the grant agreement must be cancelled unless the grant agreement with the District has been extended and the contract has been extended such that the contract timeframe is within the amended grant. Under all circumstances, grant funds must be expended within the period of a valid grant agreement.

- 4.3 Canceled Projects.** Funds from canceled projects or remaining from completed projects where the final cost was less than the estimated amount may be re-encumbered to a new contract as provided in the grant agreement. Funds that are unexpended after the end date of the grant agreement must be returned as provided in the grant agreement.
- 4.4 Removal of Practices.** District Boards may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice and the purpose of the original practice has been achieved.
- 4.5 Failure to Maintain Practices.** Funds re-paid to a district from a landowner who has failed to maintain a practice, must be reallocated to the local cost share program according to this policy and Minnesota Rules 8400.0050 to 8400.1900, less the administrative cost of the district.

**5.0 BWSR Grant Reporting and Reconciliation Requirements**

To ensure the continued success of the program, regular reporting of accomplishments and benefits is required. BWSR staff is authorized to develop grant agreements, including requirements and processes for project outcomes reporting, closeouts, fiscal reconciliations, and grant verifications. All grantees must follow the grant agreement and Grants Administration Manual. See specifically the Reporting Requirements and Grant Closeout Process sections of the Grants Administration Manual.

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 100% of the grant agreement.

**Contact**

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For additional information, contact the local Board Conservationist.

**History**

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Description of Revisions	Date
Revised to include pre-construction cover as an eligible activity. Replaces previous Erosion Control and Water Management Program Policy (adopted May 24, 2017) with the newer Erosion Control and Water Management Program Policy (adopted June 26, 2019)	6/26/2019

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Fiscal Year 2020 and 2021 Soil and Water Conservation District Grants Authorization

**Meeting Date:** June 26, 2019

**Agenda Category:**  Committee Recommendation     New Business     Old Business

**Item Type:**  Decision     Discussion     Information

**Section/Region:** Regional Operations

**Contact:** Melissa Lewis

**Prepared by:** Nicole Clapp

**Reviewed by:** Grants Program & Policy    Committee(s)

**Presented by:** Melissa Lewis

**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 type="checkbox"/> Other:                   | <input type="checkbox"/> Clean Water Fund Budget        |

**ACTION REQUESTED**

Board approval of the Fiscal Year 2020 and 2021 SWCD Programs and Operations grants which include; Conservation Delivery and State Cost Share grants to SWCDs.

**LINKS TO ADDITIONAL INFORMATION**

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

The purpose of this agenda item is to allocate FY 2020 and 2021 SWCD Programs and Operations Grants. The recommended grants are consistent with the previous year. The Grants Program & Policy Committee reviewed the recommendations at their June 5, 2019 meeting and recommended approval of the order to the board.



## BOARD ORDER

### Fiscal Years 2020 and 2021 Soil and Water Conservation District Grants Authorization

#### PURPOSE

Provide fiscal years 2020 and 2021 Soil and Water Conservation District (SWCD) grants.

#### FINDINGS OF FACT / RECITALS

1. The SWCD Grants provide Conservation Delivery and State Cost Share grants to SWCDs.
2. The Laws of Minnesota 2019, 1<sup>st</sup> Special Session, Chapter 4, Article 1, Section 4(b) and (d) appropriated fiscal year 2020 and 2021 SWCD Conservation Delivery and Erosion Control and Water Management allocations.
3. The Board has authorities under Minnesota Statutes §103B.3369 and 103B.101 to award grants and contracts to accomplish water and related land resources management.
4. The proposed allocations in this order were developed consistent with this appropriation.
5. The Grants Program and Policy Committee, at their June 5, 2019 Meeting, reviewed the proposed allocations and recommended approval to the Board.

#### ORDER

The Board hereby:

1. Authorizes staff to enter into individual grant agreements with SWCDs meeting statute, policy, or grant program requirements for fiscal year 2020 and 2021 consistent with the attached allocation table and totaling:

Grant	FY 2020	FY 2021
Conservation Delivery	\$1,765,001	\$1,765,001
Erosion Control and Water Management	\$1,199,999	\$1,199,999

2. Authorizes staff to enter into grant agreements for these purposes.

Dated at St. Paul, Minnesota, this June 26, 2019.

#### MINNESOTA BOARD OF WATER AND SOIL RESOURCES

\_\_\_\_\_

Date: \_\_\_\_\_

Gerald Van Amburg, Chair  
Board of Water and Soil Resources

Attachments: *Proposed FY2020 and 2021 SWCD Programs and Operations Grants*

**Proposed FY 2020 and 2021 SWCD Programs and Operations  
Grants**

<b>SWCD</b>	<b>Conservation Delivery</b>	<b>Erosion Control and Water Management</b>
AITKIN	\$20,212	\$4,141
ANOKA	\$20,765	\$11,107
BECKER	\$19,026	\$26,044
BELTRAMI	\$26,376	\$10,122
BENTON	\$19,224	\$11,169
BIG STONE	\$18,037	\$6,550
BLUE EARTH	\$18,868	\$17,309
BROWN	\$18,947	\$14,757
CARLTON	\$18,670	\$8,001
CARVER	\$19,698	\$16,673
CASS	\$18,275	\$8,347
CHIPPEWA	\$18,947	\$11,213
CHISAGO	\$19,737	\$8,844
CLAY	\$19,263	\$16,468
CLEARWATER	\$18,750	\$7,506
COOK	\$18,196	\$10,142
COTTONWOOD	\$18,947	\$14,091
CROW WING	\$18,354	\$9,607
DAKOTA	\$21,240	\$22,054
DODGE	\$19,343	\$9,908
DOUGLAS	\$20,172	\$16,410
FARIBAULT	\$19,343	\$12,651
FILLMORE	\$20,133	\$24,289
FREEBORN	\$19,145	\$16,482
GOODHUE	\$20,054	\$25,855
GRANT	\$19,026	\$11,332
HENNEPIN COUNTY	\$25,930	\$13,392
HUBBARD	\$18,157	\$7,761
ISANTI	\$20,172	\$6,050
ITASCA	\$18,828	\$6,931
JACKSON	\$18,314	\$11,769
KANABEC	\$18,710	\$9,607
KANDIYOHI	\$19,501	\$14,294
KITTSOON	\$19,184	\$9,607
KOOCHICHING	\$18,472	\$10,142
LAC QUI PARLE	\$18,750	\$20,521
LAKE	\$18,314	\$10,142
LAKE OF THE	\$18,037	\$10,142
LE SUEUR	\$19,619	\$19,479
LINCOLN	\$19,896	\$15,527
LYON	\$19,224	\$14,141
MAHNOMEN	\$18,117	\$10,799
MARSHALL	\$29,596	\$9,491
MARTIN	\$18,908	\$17,945
MC LEOD	\$18,789	\$10,987
MEEKER	\$18,552	\$14,977
MILLE LACS	\$18,868	\$6,944

MORRISON	\$20,252	\$22,808
MOWER	\$20,805	\$10,819
MURRAY	\$18,235	\$10,884
NICOLLET	\$19,224	\$12,862
NOBLES	\$18,512	\$17,383
NORMAN	\$18,986	\$9,605
OLMSTED	\$21,754	\$30,642
OTTER TAIL EAST	\$18,986	\$15,954
OTTER TAIL WEST	\$18,986	\$20,932
PENNINGTON	\$18,710	\$11,038
PINE	\$18,986	\$13,045
PIPESTONE	\$18,670	\$15,873
POLK EAST	\$18,828	\$10,293
POLK WEST	\$18,828	\$13,414
POPE	\$18,592	\$19,927
RAMSEY	\$19,343	\$10,163
RED LAKE	\$18,077	\$5,632
REDWOOD	\$19,343	\$13,576
RENVILLE	\$19,501	\$10,460
RICE	\$22,940	\$14,891
ROCK	\$19,343	\$15,923
ROOT RIVER	\$22,505	\$20,901
ROSEAU	\$18,750	\$10,525
SCOTT	\$19,935	\$18,366
SHERBURNE	\$21,635	\$7,493
SIBLEY	\$18,868	\$9,005
ST. LOUIS NORTH	\$18,789	\$8,550
ST. LOUIS SOUTH	\$18,789	\$7,119
STEARNS	\$22,030	\$36,814
STEELE	\$20,014	\$10,609
STEVENS	\$19,184	\$15,309
SWIFT	\$18,592	\$10,055
TODD	\$20,054	\$16,595
TRAVERSE	\$19,145	\$5,376
WABASHA	\$19,619	\$15,401
WADENA	\$18,710	\$10,142
WASECA	\$18,986	\$10,552
WASHINGTON	\$20,568	\$11,736
WATONWAN	\$18,394	\$9,694
WILKIN	\$19,263	\$13,427
WINONA	\$20,963	\$11,629
WRIGHT	\$21,358	\$15,797
YELLOW MEDICINE	\$19,263	\$17,060
<b>ALLOCATED TOTALS</b>	<b>\$1,765,001</b>	<b>\$1,199,999</b>



## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Fiscal Year 2020 Technical Service Area Grants Authorization

**Meeting Date:** June 26, 2019

**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 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 type="checkbox"/> Other:                   | <input checked="" type="checkbox"/> Clean Water Fund Budget |

**ACTION REQUESTED**

Board approval of the 2020 Technical Service Area Grants

**LINKS TO ADDITIONAL INFORMATION**

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

The purpose of this agenda item is to allocate Technical Service Area (TSA) Grants. The recommended grants are have been modified slightly from the previous year to provide consistent allocations to each TSA except for the equipment funds which are rotated on an established schedule. The Grants Program & Policy Committee reviewed the recommendations at their June 5, 2019 meeting and recommended approval of the order to the board.



## BOARD ORDER

### Fiscal Year 2020 and Fiscal Year 2021 Technical Service Area Grants Authorization

#### PURPOSE

Provide fiscal year 2020 and Fiscal Year 2021 Technical Service Area Program Grants to the eight Technical Service Areas in the state.

#### FINDINGS OF FACT / RECITALS

1. The Technical Services Area (TSA) grants program provides Nonpoint Engineering Assistance (NPEA) and TSA Enhanced Technical Assistance grants to the eight Soil and Water Conservation District TSAs.
2. The Laws of Minnesota 2019, 1st Special Session, Chapter 4, Article 1, Section 4(b) appropriated fiscal year 2020 and fiscal year 2021 Nonpoint Engineering Assistance allocations; and Laws of Minnesota 2019, Laws of Minnesota 2019, 1st Special Session, Chapter 2, Article 2, Sec. 7(c) appropriated the Enhanced Technical Assistance funds through fiscal year 2020 and fiscal year 2021 Accelerated Implementation appropriation.
3. The Board has authorities under Minnesota Statutes §103B.3369 and 103B.101 to award grants and contracts to accomplish water and related land resources management.
4. The proposed allocations in this order were developed consistent with these appropriations.
5. The Grants Program and Policy Committee, at their June 5, 2019 Meeting, reviewed the proposed allocations and recommended approval to the Board.

#### ORDER

The Board hereby:

1. Approves the allocation of TSA Program Grants to eligible TSAs in the amounts listed in the attached allocation table.
2. Authorizes both fiscal year 2020 and fiscal year 2021 Enhanced Technical Assistance grant allocations, recognizing that funds for the fiscal year 2021 grants will not be available until the start of that fiscal year and will be processed only after July 1, 2020.
3. Establishes that the grants awarded pursuant to this order will conform to Technical Service Area Grants Program Policy.
4. Authorizes staff to enter into grant agreements for this purpose.

Dated at St. Paul, Minnesota, this June 26, 2019.

#### MINNESOTA BOARD OF WATER AND SOIL RESOURCES

\_\_\_\_\_

Date: \_\_\_\_\_

Gerald Van Amburg, Chair  
Board of Water and Soil Resources

**Allocation Table**

TSA	Nonpoint Engineering Assistance Program					Clean Water Fund	FY 2020 Total	FY 2021 Total
	FY20-21 NPEA Grant	FY20 Equipment	FY21 Equipment	FY 2020 Total NPEA Grant	FY 2021 Total NPEA Grant	FY20-21 Enhanced Technical Assistance		
1	\$127,500	\$20,000	\$0	\$147,500	\$127,500	\$242,500	\$390,000	\$370,000
2	\$127,500	\$0	\$20,000	\$127,500	\$147,500	\$242,500	\$370,000	\$390,000
3	\$127,500	\$0	\$0	\$127,500	\$127,500	\$242,500	\$370,000	\$370,000
4	\$127,500	\$0	\$0	\$127,500	\$127,500	\$242,500	\$370,000	\$370,000
5	\$127,500	\$0	\$20,000	\$127,500	\$147,500	\$242,500	\$370,000	\$390,000
6	\$127,500	\$20,000	\$0	\$147,500	\$127,500	\$242,500	\$390,000	\$370,000
7	\$127,500	\$0	\$0	\$127,500	\$127,500	\$242,500	\$370,000	\$370,000
8	\$127,500	\$0	\$0	\$127,500	\$127,500	\$242,500	\$370,000	\$370,000
	<b>\$1,020,000</b>	<b>\$40,000</b>	<b>\$40,000</b>	<b>\$1,060,000</b>	<b>\$1,060,000</b>	<b>\$1,940,000</b>	<b>\$3,000,000</b>	<b>\$3,000,000</b>

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** FY 2020 SWCD Watershed Conservation Planner Grant  
Amendment Authorization

**Meeting Date:** June 26, 2019

**Agenda Category:**  Committee Recommendation  New Business  Old Business

**Item Type:**  Decision  Discussion  Information

**Section/Region:** Central Region

**Contact:** Mary Peterson

**Prepared by:** Mary Peterson

**Reviewed by:** Grants Program and Policy Committee Committee(s)

**Presented by:** Melissa Lewis

**Time requested:** 5 Minutes

**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

Approval of the order for the “FY 2020 SWCD Watershed Conservation Planner Grant Amendment Authorization”

### LINKS TO ADDITIONAL INFORMATION

1. <https://bwsr.state.mn.us/bwsr-snapshots>

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

**WCPI BACKGROUND:** USDA-NRCS entered into a contribution agreement with BWSR to increase landowner/producer readiness to implement conservation practices in seven major watersheds. **The Purpose** is to establish a partnership framework for cooperation between NRCS, BWSR and SWCDs on activities that involve

the planning and implementation of conservation activities in these watersheds. **The Goals** include: 1) increase technical capacity of SWCDs to conduct resources assessments and prepare conservation plans within the selected watersheds; 2) target conservation planning assistance to high priority acres in these watersheds; 3) increase landowner readiness and participation in conservation programs; and 4) accelerate conservation practice implementation along with quantifying the environmental benefits. **The Budget** totals \$3 million, equally funded by NRCS and BWSR and funds this Initiative through December 2021. **The Approach** includes working through participating SWCDs to recruit, hire/contract, and support dedicated watershed conservation planners to work with landowners and the watershed partners to achieve the goals.

On October 25, 2017, BWSR Board approved Resolution #17-87, SWCD Watershed Conservation Planner Grant – Program Authorization, that authorized the BWSR match commitment of \$1.5 Million towards the BWSR/NRCS Contribution Agreement #68-6322-17-006 and identified the use of unallocated FY16-17 and FY18-19 SWCD Local Capacity Program and/or FY18-19 Accelerated Implementation Grant (AIG) funds up to the amount specified. The WCPI Budget is summarized here:

Up-to One FTE BWSR Coordination and support	437,911
Up to Seven FTE HUC8 SWCD Watershed Conservation Planners and support	2,348,096
Up to One FTE SWCD Engineering and Technical Assistance	<u>213,993</u>
Total Budget (\$1.5 M. BWSR & \$1.5 M NRCS)	\$ 3,000,000

The proposed board order would allow the use of unobligated FY14-15 and FY16-17 CWF Accelerated Implementation Grant (AIG) funds towards the NRCS Contribution Agreement match commitment. These sources were not included in the original board action.

In addition to the Link provided to the WCPI Story in the BWSR June Snapshots, the following attachments are provide for information.

1. WCPI – May 2019 Update
2. Map of the HUC8 WCPI Watersheds

A future WCPI presentation to the Board is being planned for early fall and will highlight this BWSR/SWCD/NRCS partnership and the progress toward goals.



## BOARD ORDER

### FY 2020 SWCD Watershed Conservation Planner Grant Amendment Authorization

#### PURPOSE

Authorize the remainder of the funding for the Watershed Conservation Planner Grant Program in partnership with the Natural Resources Conservation Service (NRCS) to fulfill the terms of the contribution agreement, as a continuation of previous board action #17-87.

#### FINDINGS OF FACT / RECITALS

1. The Board of Water and Soil Resources (Board) and the Natural Resources Conservation Service (NRCS) are engaged in complementary and compatible activities related to providing Soil and Water Conservation District (SWCD) watershed conservation planning assistance to agricultural producers to support implementation of Minnesota Statutes 103C.321 Officers and Employees, and 103C.331 Powers of District Boards; in the SWCD Watershed Conservation Planner Grants Program, USDA-NRCS agreement number 68-6322-17-006.
2. Previous Board action through Board Resolution #17-87 approved the use of funds appropriated for SWCD Local Capacity from the Laws of Minnesota 2015, 1<sup>st</sup> Special Session, Chapter 2, Article 2, Section 7(o) and Accelerated Implementation Grants and SWCD Local Capacity from the Laws of Minnesota 2017, Regular Session, Chapter 91, Article 2, Section 7(c) & (n).
3. The Board's continued participation in the SWCD Watershed Conservation Planner Grants Program partnership with NRCS requires additional Board funding commitment.
4. The Laws of Minnesota 2013, Regular Session, Chapter 137, Article 2, Section 7(b) and the Laws of Minnesota 2015, 1<sup>st</sup> Special Session, Chapter 2, Article 2, Section 7(c) appropriated funds for the Accelerated Implementation Grants Program related to the implementation of 103C.321 and 103C.331.
5. Clean Water Fund appropriation language (Laws of Minnesota 2013, Regular Session, Chapter 137, Article 2, Section 7(l) and the Laws of Minnesota 2015, 1<sup>st</sup> Special Session, Chapter 2, Article 2, Section 7(s)) allows the Board to shift grant or cost-share funds and adjust technical and administrative assistance portion of the funds to leverage federal or other non-state funds.
6. The Board has authorities under Minnesota Statutes §103B.3369 and 103B.101 to award grants and contracts to accomplish water and related land resources management.
7. The Grants Program and Policy Committee, at their June 5, 2019 Meeting, recommended remaining unallocated FY 14-15 and FY 16-17 Accelerated Implementation Grant funds be designated for the SWCD Watershed Conservation Planner Grants Program.

#### ORDER

The Board hereby:

1. Authorizes staff to allocate remaining FY 14-15 and FY 16-17 Accelerated Implementation funds to SWCDs to hire dedicated Watershed Conservation Planners in large scale watersheds.
2. Authorizes staff to enter into grant agreements amendments for these purposes.

Dated at St. Paul, Minnesota, this June 26, 2019.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

\_\_\_\_\_

Gerald Van Amburg, Chair  
Board of Water and Soil Resources

Date: \_\_\_\_\_



United States Department of Agriculture



## WATERSHED CONSERVATION PLANNING INITIATIVE (WCPI)

**BACKGROUND:** USDA-NRCS entered into a contribution agreement with BWSR to increase landowner/producer readiness to implement conservation practices in seven major watersheds. **The Purpose** is to establish a partnership framework for cooperation between NRCS, BWSR and SWCDs on activities that involve the planning and implementation of conservation activities in these watersheds. **The Goals** include: 1) increase technical capacity of SWCDs to conduct resources assessments and prepare conservation plans within the selected watersheds; 2) target conservation planning assistance to high priority acres in these watersheds; 3) increase landowner readiness and participation in conservation programs; and 4) accelerate conservation practice implementation along with quantifying the environmental benefits. **The Budget** totals \$3 million, equally funded by NRCS and BWSR through the Clean Water Fund, and funds this Initiative through December 2021. **The Approach** includes working through participating SWCDs to recruit, hire/contract, and support dedicated watershed conservation planners to work with landowners and the watershed partners to achieve the goals.

### WCPI UPDATE - May 2019

#### MEET THE LEAD WCPI PLANNERS:



Jennifer Hahn  
Middle MN



Paul Hunter  
Cedar



Ian Olson  
Chippewa



Hannah Neusch  
Blue Earth



Dan Wermager  
Root River



Mary Jo Youngbauer  
Lower St. Croix



Tessa Zee  
Sauk River

It was a busy winter and spring for the seven recently-hired WCPI Planners as they get to know their conservation partners, understand the soil and water resources concerns in their watershed and work with partners to identify priority areas for implementation.

Progress is underway for increasing technical capacity for conservation planning assistance to landowners in the seven selected HUC8 watersheds. In addition to attending several BWSR/NRCS technical training sessions and working with their Watershed Conservation Teams, these planners have been conducting outreach activities in targeted areas resulting in several landowner contacts. This has allowed them to begin the conservation planning process with willing producers. Some planners have also helped out with the NRCS EQIP workload and provided planning assistance to landowners interested in applying for EQIP funds for practice implementation.

**WCPI IN THE NEWS:** Check out “Taking a whole-farm approach to conservation, water quality” written by Ann Wessel, BWSR Information Officer <http://www.bwsr.state.mn.us/sites/default/files/2019-05/WCPI%202019%20051319.pdf>. This article has been picked up by ten known regional and local publications to date. The WCPI will also be featured in the upcoming June BWSR Snapshot coming your way soon.



## WATERSHED CONSERVATION PLANNING INITIATIVE (WCPI)

### WATERSHED PLANNING AND IMPLEMENTATION

Watershed conservation teams have been established in the seven selected watersheds. The host districts have been charged with engaging their conservation partners in the HUC8 watersheds in planning and implementing the WCPI goals and milestones. Internal partner communication strategies have been developed to encourage participation and ensure successful completion of measurable results. These established watershed conservation teams have provided input on priority sub watershed selection, targeted landowner outreach activities and on-the-job training to conservation planners working with landowners in their counties.

### WCPI CONSERVATION PLANNERS ATTEND MEET AND GREET

The WCPI planners gathered in Farmington on March 14 for a meet and greet. Mary Peterson, BWSR WCPI Coordinator, Lawrence Svien, BWSR Resource Trainer, Jim Fritz, NRCS Area Resource Conservationist and Shannon Carpenter, State Water Quality Specialist were on hand to lead and engage the planners through an interactive agenda. Highlights included sharing experiences and ideas for implementing conservation planning, landowner assistance, learning tips for networking, communicating with watershed partners and reviewing training needs and opportunities to achieve or retain their conservation planner certification.



### PROGRESS REPORTING - DUE JUNE 15, 2019

Host districts are preparing to submit their semi-annual progress reports using the BWSR link program. This preparation includes reviewing their accomplishments, communicating with their partners and evaluating whether changes are needed to achieve expected goals. Host district link activity and expenditure reports will be compiled and incorporated into the BWSR semi-annual reports to be submitted to NRCS in July 2019. A summary of these activities and progress to date information will be provided in the September WCPI Update.

#### **BWSR WCPI Contact Information:**

Mary Peterson, BWSR WCPI Coordinator  
[Mary.mk.peterson@state.mn.us](mailto:Mary.mk.peterson@state.mn.us) (651) 296-0784  
And Lead BWSR Board Conservationist

#### **NRCS WCPI Program Contact Information:**

Shannon Carpenter, State Water Quality Specialist and TSP Coordinator  
[Shannon.carpenter@mn.usda.gov](mailto:Shannon.carpenter@mn.usda.gov) 651-602-7935  
And Regional NRCS Assistant State Conservationist of Field Operations

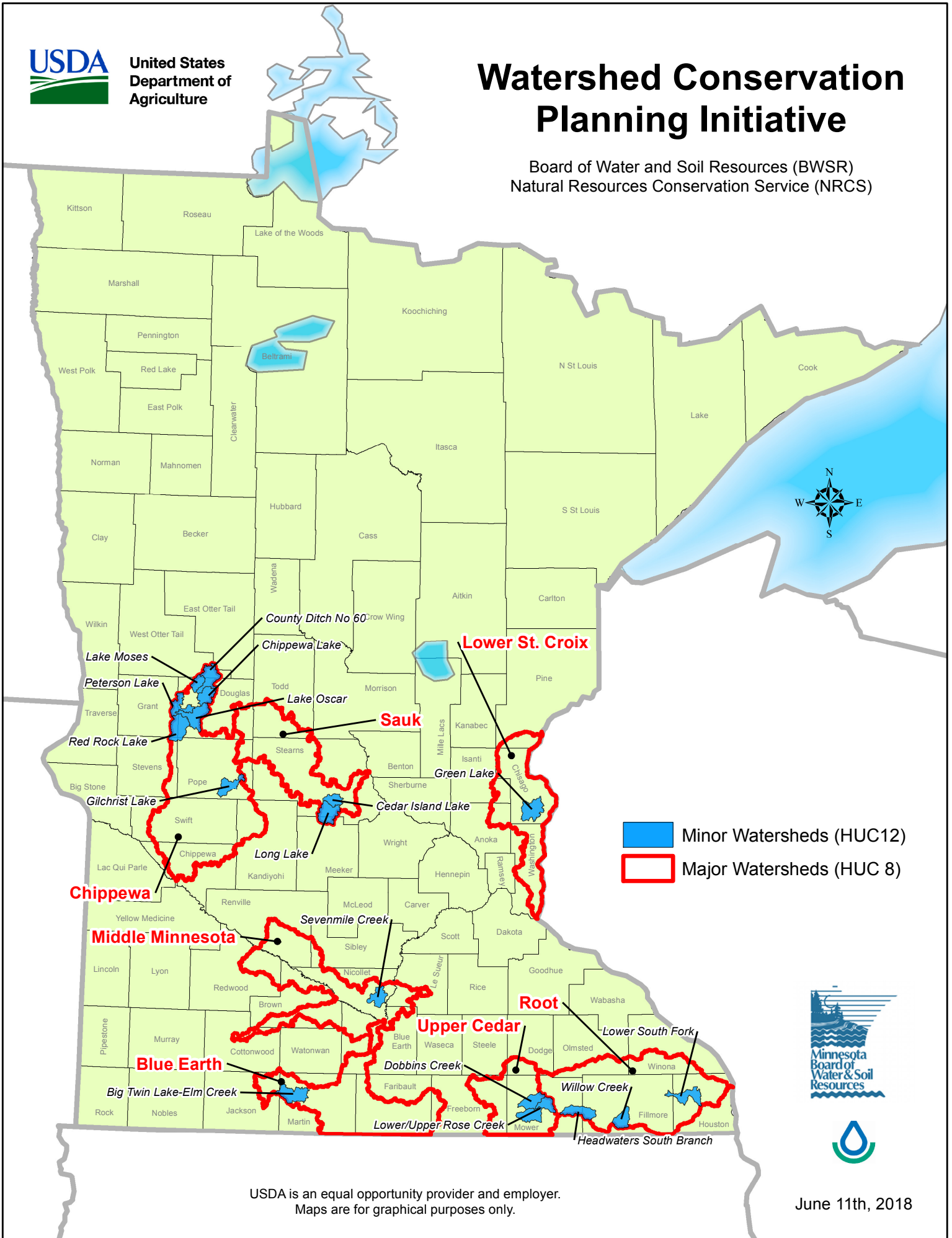
*In Partnership with the 35 Soil and Water Conservation Districts and **Host Districts** within the Blue Earth, Cedar, Chippewa, Lower St. Croix, Middle Minnesota, Sauk and Root River Watersheds: Anoka SWCD, Blue Earth SWCD, Brown SWCD, Chippewa SWCD, **Chisago SWCD**, Cottonwood SWCD, Dodge SWCD, **Douglas SWCD**, Faribault SWCD, Fillmore SWCD, Freeborn SWCD, Grant SWCD, Isanti SWCD, Jackson SWCD, Kandiyohi SWCD, LeSueur SWCD, **Martin SWCD**, Meeker SWCD, **Mower SWCD**, Nicollet SWCD, Olmsted SWCD, Pine SWCD, Pope SWCD, **Redwood SWCD**, Renville SWCD, **Root River SWCD**, Sibley SWCD, **Stearns SWCD**, Steele SWCD, Stevens SWCD, Swift SWCD, Todd SWCD, Washington SWCD, West Ottertail SWCD, and Winona SWCD.*



United States  
Department of  
Agriculture

# Watershed Conservation Planning Initiative

Board of Water and Soil Resources (BWSR)  
Natural Resources Conservation Service (NRCS)



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Maps are for graphical purposes only.



June 11th, 2018

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Fiscal Year 2020 and 2021 Natural Resources Block Grants Authorization

**Meeting Date:** June 26, 2019

**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 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 type="checkbox"/> Other:                   | <input type="checkbox"/> Clean Water Fund Budget        |

**ACTION REQUESTED**

Board approval of the Fiscal Year 2020 and 2021 Natural Resources Block Grants.

**LINKS TO ADDITIONAL INFORMATION**

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

The purpose of this agenda item is to allocate Natural Resources Block Grants. The recommended grants are consistent with the previous year. The Grants Program & Policy Committee (GP&P) reviewed the recommendations at their June 5 meeting and recommended approval of the order to the board. The board order was modified after this meeting to include a requirement for counties to transfer a portion of the Wetland Conservation Act (WCA) amount SWCDs to help cover the cost of SWCD participation in WCA

Technical Evaluation Panels. This requirement has been in place for many years, but was not included in the board order in recent years. GP&P will be asked to review the modified order at their June 25<sup>th</sup> meeting.



## BOARD ORDER

### Fiscal Years 2020 and 2021 Natural Resources Block Grant Authorization

#### PURPOSE

Provide fiscal years 2020 and 2021 Natural Resources Block Grant (NRBG) program grants to MN Counties.

#### FINDINGS OF FACT / RECITALS

1. The Natural Resources Block Grant (NRBG) program provides assistance to local governments to implement statutory natural resource programs of Comprehensive Local Water Management (LWM), the Wetland Conservation Act (WCA), and the Minnesota Department of Natural Resources (DNR) Shoreland Management.
2. The Laws of Minnesota 2019, 1<sup>st</sup> Special Session, Chapter 4, Article 1, Section 4(a), appropriated fiscal year 2020 and 2021 LWM, WCA and DNR Shoreland Natural Resources Block Grant funds to BWSR.
3. The Board has authorities under Minnesota Statutes §103B.3369 and 103B.101 to award grants and contracts to accomplish water and related land resources management.
4. The proposed allocations in this order were developed consistent with this appropriation.
5. The Grants Program and Policy Committee, at their June 5, 2019 Meeting, reviewed the proposed allocations and recommended approval to the Board.

#### ORDER

The Board hereby:

1. Authorizes staff to enter into individual grant agreements with counties meeting the NRBG Program requirements and consistent with the attached table *Proposed FY2020 and 2021 Natural Resources Block Grant allocations*, for grant programs funded by BWSR appropriations, as determined by the BWSR and DNR, and totaling:

<u>Grant</u>	<u>FY 2020</u>	<u>FY 2021</u>
LWM	\$1,139,152	\$1,139,152
WCA	\$1,906,479	\$1,906,479
DNR Shoreland	\$ 398,332	\$ 398,332

2. Resolves that for LWM, WCA and DNR Shoreland programs, grantees have the flexibility to shift the grant funds between these three BWSR programs consistent with local program needs.

3. Resolves that participation in the NRBG is conditioned upon a transfer of funds consistent with the attached table to the Soil and Water Conservation District (SWCD) for Wetland Conservation Act activities, or such greater amount as agreed by the county and SWCD.
4. Authorizes staff to enter into grant agreements for these purposes.

Dated at St. Paul, Minnesota, this June 26, 2019.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

\_\_\_\_\_

Date: \_\_\_\_\_

Gerald Van Amburg, Chair  
Board of Water and Soil Resources

*Attachments: Proposed FY2020 and 2020 Natural Resources Block Grant allocation*

Proposed FY2020 and 2021 Natural Resources Block Grants				
COUNTY	LWM	WCA	SHORELAND	REQUIRED WCA TRANSFER
AITKIN	\$13,888	\$33,240	\$11,004	\$5,000
ANOKA SWCD	\$8,094	\$63,191	\$2,615	\$9,479
BECKER	\$13,071	\$24,237	\$10,956	\$5,000
BELTRAMI	\$13,688	\$64,600	\$5,616	\$9,690
BENTON	\$13,271	\$31,598	\$3,352	\$5,000
BIG STONE	\$15,711	\$8,777	\$2,744	\$5,000
BLUE EARTH	\$10,023	\$18,178	\$3,309	\$5,000
BROWN	\$13,633	\$8,778	\$2,729	\$5,000
CARLTON	\$13,349	\$22,507	\$4,006	\$5,000
CARVER	\$8,094	\$31,599	\$2,668	\$5,000
CASS	\$10,502	\$44,766	\$10,915	\$6,715
CHIPPEWA	\$14,881	\$8,778	\$2,678	\$5,000
CHISAGO	\$11,243	\$27,700	\$5,043	\$5,000
CLAY	\$12,673	\$16,447	\$3,004	\$5,000
CLEARWATER	\$15,256	\$19,909	\$3,227	\$5,000
COOK	\$14,832	\$12,985	\$4,281	\$5,000
COTTONWOOD	\$14,844	\$8,778	\$2,828	\$5,000
CROW WING	\$8,094	\$38,088	\$19,515	\$5,713
DAKOTA	\$8,094	\$52,804	\$2,668	\$7,921
DODGE	\$14,484	\$16,444	\$2,729	\$5,000
DOUGLAS	\$12,077	\$21,641	\$8,717	\$5,000
FARIBAULT	\$14,550	\$8,778	\$2,790	\$5,000
FILLMORE	\$14,278	\$8,778	\$2,746	\$5,000
FREEBORN	\$13,120	\$8,778	\$3,202	\$5,000
GOODHUE	\$9,433	\$16,447	\$2,828	\$5,000
GRANT	\$15,503	\$13,850	\$3,118	\$5,000
HENNEPIN	\$8,094	\$57,133	\$0	\$8,570
HOUSTON	\$14,699	\$12,985	\$2,780	\$5,000
HUBBARD	\$13,245	\$25,103	\$8,605	\$5,000
ISANTI	\$13,251	\$25,103	\$4,085	\$5,000
ITASCA	\$10,447	\$44,148	\$10,311	\$6,622
JACKSON	\$14,717	\$8,778	\$3,072	\$5,000
KANABEC	\$15,071	\$25,103	\$4,173	\$5,000
KANDIYOHI	\$12,023	\$21,641	\$6,890	\$5,000
KITSON	\$15,279	\$16,447	\$2,701	\$5,000
KOOCHICHING	\$15,025	\$28,913	\$2,777	\$5,000
LAC QUI PARLE	\$15,453	\$8,778	\$2,682	\$5,000
LAKE	\$14,736	\$16,447	\$4,707	\$5,000
LAKE OF THE WOODS	\$15,809	\$33,760	\$3,563	\$5,064
LE SUEUR	\$13,501	\$16,447	\$5,017	\$5,000
LINCOLN	\$15,488	\$8,778	\$2,824	\$5,000
LYON	\$13,689	\$8,778	\$2,793	\$5,000
MAHNOMEN	\$15,838	\$12,985	\$3,428	\$5,000

MARSHALL	\$14,993	\$20,308	\$2,668	\$5,000
MARTIN	\$13,697	\$8,778	\$3,085	\$5,000
MCLEOD	\$12,642	\$16,447	\$3,048	\$5,000
MEEKER	\$13,990	\$19,044	\$4,831	\$5,000
MILLE LACS	\$14,361	\$22,507	\$4,905	\$5,000
MORRISON	\$13,609	\$30,298	\$4,025	\$5,000
MOWER	\$13,047	\$12,985	\$3,330	\$5,000
MURRAY	\$15,050	\$8,778	\$3,286	\$5,000
NICOLLET	\$13,156	\$16,447	\$2,736	\$5,000
NOBLES	\$14,402	\$8,778	\$2,715	\$5,000
NORMAN	\$15,541	\$12,985	\$2,677	\$5,000
OLMSTED	\$8,094	\$25,103	\$3,213	\$5,000
OTTER TAIL	\$9,824	\$59,729	\$18,106	\$12,125
PENNINGTON	\$15,341	\$16,447	\$2,890	\$5,000
PINE	\$13,855	\$34,626	\$6,018	\$5,194
PIPESTONE	\$15,247	\$8,778	\$2,668	\$5,000
POLK	\$13,468	\$21,641	\$3,527	\$5,000
POPE	\$15,095	\$15,581	\$4,336	\$5,000
RAMSEY CD	\$8,094	\$16,677	\$0	\$5,000
RED LAKE	\$15,857	\$12,985	\$2,931	\$5,000
REDWOOD	\$14,472	\$10,387	\$2,668	\$5,000
RENVILLE	\$14,047	\$8,778	\$2,716	\$5,000
RICE	\$10,457	\$24,238	\$4,274	\$5,000
ROCK	\$15,175	\$8,778	\$2,668	\$5,000
ROSEAU	\$15,131	\$24,238	\$2,752	\$5,000
SCOTT	\$8,094	\$41,551	\$2,668	\$6,233
SHERBURNE	\$8,094	\$31,599	\$4,971	\$5,000
SIBLEY	\$14,615	\$13,452	\$2,755	\$5,000
ST. LOUIS	\$8,094	\$75,657	\$20,339	\$18,006
STEARNS	\$8,094	\$45,879	\$9,185	\$6,882
STEELE	\$12,460	\$12,118	\$2,925	\$5,000
STEVENS	\$15,305	\$8,778	\$2,783	\$5,000
SWIFT	\$15,051	\$12,118	\$2,799	\$5,000
TODD	\$14,676	\$21,641	\$5,033	\$5,000
TRAVERSE	\$15,585	\$8,778	\$2,861	\$5,000
WABASHA	\$14,177	\$12,118	\$16,972	\$5,000
WADENA	\$15,390	\$19,909	\$3,146	\$5,000
WASECA	\$14,271	\$12,118	\$3,067	\$5,000
WASHINGTON	\$8,094	\$41,551	\$2,668	\$6,233
WATONWAN	\$15,108	\$8,778	\$2,788	\$5,000
WILKIN	\$15,232	\$8,778	\$2,685	\$5,000
WINONA	\$11,847	\$12,118	\$2,706	\$5,000
WRIGHT	\$8,094	\$42,416	\$9,528	\$6,362
YELLOW MEDICINE	\$15,175	\$8,778	\$2,682	\$5,000
<b>TOTALS</b>	<b>\$1,139,152</b>	<b>\$1,906,479</b>	<b>\$398,332</b>	



## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** FY 2020 Clean Water Fund Competitive Grant Policy and the FY2020 Clean Water Fund Competitive Grants Program authorization

**Meeting Date:** June 26, 2019

**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 checked="" type="checkbox"/> Clean Water Fund Budget |

**ACTION REQUESTED**

Approval of the FY 2020 Clean Water Fund Competitive Grant Policy and authorize the FY2020 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 Competitive Grant Policy is reviewed and approved annually. For FY2020, the policy will apply to Projects and Practices and Multi-purpose Drainage Management funding. New this year is a Drinking Water sub-grant program under Projects and Practices.

The changes in this policy from the previous year include:

- 3.10a Add minimal requirements for in-lake/in-channel feasibility studies
- 4.3, 4.8 New ineligible activities that needed to be specifically included in the policy
- 7. To be consistent with other grant policies, a paragraph regarding approval of expenditure of funds was added.

In addition to approving the policy, the board order also authorizes the fiscal year 2020 Clean Water Fund Competitive Grants Program and authorizes staff to finalize and issue a Request for Proposals. The Grants Program and Policy Committee reviewed these recommendations on June 5, 2019 and recommends the attached policy and order to the board.

**BOARD ORDER**

**Fiscal Year 2020 Clean Water Fund Competitive Grants Program**

**PURPOSE**

Authorize the fiscal year 2020 Clean Water Fund Competitive Grants Program and adopt fiscal year 2020 Clean Water Fund Competitive Grant Policy

**FINDINGS OF FACT / RECITALS**

1. The Laws of Minnesota 2019, 1<sup>st</sup> Special Session, Chapter 2, Article 2, Sec. 7(b) appropriated \$16,000,000 for the fiscal year 2020 Clean Water Fund Projects and Practices Competitive Grants Program with up to 20 percent available for land-treatment projects and practices that benefit drinking water, and the Laws of Minnesota 2019, 1<sup>st</sup> Special Session, Chapter 2, Article 2, Sec. 7(j) appropriated \$850,000 for the fiscal year 2020 Clean Water Fund Multipurpose Drainage Management Competitive Grants Program.
2. The Board has authorities under Minnesota Statutes §103B.3369 and 103B.101 to award grants and contracts to accomplish water and related land resources management.
3. This policy and associated competitive grant program request for proposal criteria were created to provide expectations for application to the fiscal year 2020 Clean Water Fund Competitive Grant Program and subsequent implementation activities conducted with these funds.
4. The Grants Program and Policy Committee, at their June 5, 2019 Meeting, reviewed the proposed fiscal year 2020 Clean Water Fund Competitive Grants Request for Proposal criteria and Program Policy, and recommended approval to the Board.

**ORDER**

The Board hereby:

1. Adopts the attached FY 2020 Clean Water Fund Competitive Grant Policy.
2. Authorizes the fiscal year 2020 Clean Water Fund Competitive Grants Program according to the attached ranking criteria for the *FY 2020 Clean Water Fund Competitive Grants Request for Proposal*.
3. Authorizes staff to finalize and issue a Request for Proposals.

Dated at St. Paul, Minnesota, this June 26, 2019.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

\_\_\_\_\_

Date: \_\_\_\_\_

Gerald Van Amburg, Chair  
Board of Water and Soil Resources

Attachments: FY 2020 Clean Water Fund Competitive Grants Request for Proposals Criteria  
FY 2020 Clean Water Fund Competitive Grant 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
<b>Total Points Available</b>	<b>100</b>

Drinking Water Protection 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 actions listed in an approved local water management plan or a state approved plan (Minnesota Department of Health approved drinking water (source water) protection plan such as a wellhead protection plan, wellhead protection action plan and surface water intake plan.	20
<u>Targeting</u> : The proposed project addresses contaminant sources or risks directly impacting drinking water sources. The project is either in an area designated as a Drinking Water Supply Management Area, vulnerable to groundwater contamination, high groundwater sensitivity, or in an area with elevated levels of contamination that pose a risk to human health.	30

<u>Project Impact:</u> The proposed project reduces contaminant sources posing the greatest risk to drinking water sources.	35
<u>Project Readiness:</u> The application has a set of specific activities that can be implemented soon after grant award.	10
<b>Total Points Available</b>	<b>100</b>

<b>Multipurpose Drainage Management Ranking Criteria</b>	
<b>Ranking Criteria</b>	<b>Maximum Points Possible</b>
<u>Project Description:</u> The project description succinctly describes the project purpose, the 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 locally adopted and approved by the state or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy (WRAPS), Surface Water Intake Plan, or Wellhead Protection Plan.	30
<u>Targeting:</u> The proposed project targets practices or combinations of practices to the identified critical pollution sources or risks impacting the water resource identified in the application.	20
<u>Measurable Outcomes:</u> The proposed project reduction in pollution has been qualified and directly addresses the identified water quality concern.	20
<u>Project Readiness:</u> The proposed project 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
<b>Total Points Available</b>	<b>100</b>

## **FY 2020 Clean Water Fund Competitive Grant Policy**

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

**Version:** FY2020

**Effective Date:** 06/26/2019

**Approval:** Board Order #19-XX

### **Policy Statement**

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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

### **Reason for the policy**

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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) competitive grant 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 2020 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

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### 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 lakes, rivers 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, groundwater restoration and protection strategy (GRAPs) 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 **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 3.8.
- 3.2 **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.
- 3.3 **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.
- 3.4 **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.
- 3.5 **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.
- 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 **Practice Standards.** All practices must be consistent with the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG), Minnesota Stormwater Manual, or be a professionally

accepted engineering or ecological practice. 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.

***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/equip/?cid=nrcs142p2\\_023513](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/mn/programs/financial/equip/?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.

### ***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](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, vegetation management, lake draw-down and alum treatments that have been identified as an implementation activity are eligible. A feasibility study that meets minimal requirements as defined by BWSR must be completed prior to applying for funding and the report uploaded to eLINK as part of the grant application. 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 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.

#### **4. Ineligible Activities**

The following activities are ineligible for these funds. The Clean Water Fund Competitive RFP may identify program specific ineligible activities.

- 4.1 Activities that do not have a primary benefit of water quality.
- 4.2 Routine and/or baseline water quality monitoring
- 4.3 Household water conservation appliances and water fixtures.
- 4.4 Wastewater treatment with the exception of Subsurface Sewage Treatment Systems
- 4.5 Municipal drinking water supply facilities or individual drinking water treatment systems.
- 4.6 Stormwater conveyances that collect and move runoff, but do not provide water quality treatment benefit.
- 4.7 Replacement, realignment or creation of bridges, trails or roads.
- 4.8 Aquatic Plant Harvesting
- 4.9 Routine maintenance or repair of best management practices, capital equipment and infrastructure within the effective life of existing practices or projects.
- 4.10 Feedlots
  - a. Feedlot expansions beyond state registered number of animal units, with exception of activities under section 3.7 *Livestock Waste Management Practices*.
  - b. Slats placed on top of manure storage structures.
- 4.11 Subsurface Sewage Treatment Systems (SSTS):
  - 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 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 100% of the grant agreement.

The grantee board is the authority and has the responsibility to approve the expenditure of funds within their own organization. The approval or denial of expenditures of funds must be documented in the Grantee Board's meeting minutes.

BWSR recommends all contracts be reviewed by the grant recipient's legal counsel.

Grant reporting, fiscal management, and administration requirements are the responsibility of the grant recipient.

## History

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

## Contact

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For Clean Water Programs: Marcey Westrick, Clean Water Coordinator

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Fiscal Year 2020 and 2021 Buffer Implementation Program Grants

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**Meeting Date:** June 26, 2019

**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 min

**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 checked="" type="checkbox"/> Clean Water Fund Budget |

**ACTION REQUESTED**

Board approval of the Fiscal Year 2020 and 2021 Buffer Implementation to eligible SWCDs, Hennepin and Ramsey counties.

**LINKS TO ADDITIONAL INFORMATION**

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

The purpose of this agenda item is to allocate FY 2020 and 2021 Buffer Implementation Program Grants. The recommended grants for FY20 are consistent with the previous year. The recommendation for FY21 is to continue with the same allocation, plus distribute any returned funds from previous fiscal years based on demonstrated need. The Grants Program & Policy Committee will be reviewing the recommendations at their June 25, 2019 meeting and providing a final recommendation to the board.



## BOARD ORDER

### Fiscal Years 2020 and 2021 Buffer Implementation Grants Program Authorization

#### PURPOSE

Provide fiscal years 2020 and 2021 Clean Water Fund Buffer Implementation funds to Soil and Water Conservation Districts.

#### FINDINGS OF FACT / RECITALS

1. The Laws of Minnesota 2019, 1<sup>st</sup> Special Session, Chapter 2, Article 2, Section 7(e), appropriated fiscal year 2020 and 2021 Buffer Implementation Program funds.
2. The Laws of Minnesota 2015, 1<sup>st</sup> Special Session, Chapter 76, Article 2, Section 7(e), appropriated fiscal year 2016 and 2017 Buffer Implementation Program funds.
3. The Laws of Minnesota 2017, Regular Session, Chapter 91, Article 2, Section 7(e), appropriated fiscal year 2018 and 2019 Buffer Implementation Program funds.
4. The Laws of Minnesota 2017, Regular Session, Chapter 91, Article 2, Section 7(o), appropriated fiscal year 2018 and 2019 Buffer Cost Share funds.
5. There is a to be determined amount of funds to be returned from grants from prior biennia appropriations that can be re-granted consistent with their original purpose.
6. The proposed allocations in this order were developed consistent with these appropriations.
7. The Grants Program and Policy Committee, at their June 25, 2019 Meeting, reviewed the proposed allocations and recommended approval to the Board.

#### ORDER

The Board hereby:

1. Authorizes staff to enter into individual grant agreements with each eligible SWCD, Hennepin and Ramsey counties; meeting statute, policy, or grant program requirements for fiscal year 2020 and 2021 consistent with the attached allocation table and totaling:

Grant	FY 2020	FY 2021
Buffer Program Implementation	\$1,999,000	\$1,999,000 plus returned grant funds from previous years

2. Authorizes fiscal year 2020 Buffer Implementation grants up to \$1,999,000.
3. Authorizes fiscal year 2021 Buffer Implementation grants utilizing the same allocation as FY 2020, plus any available funds returned from previous fiscal years' Buffer Implementation or Buffer Cost Share funds. Final individual allocations to be determined based on demonstrated need for additional funds, recognizing that funds for the fiscal year 2021 grants will not be available until the start of that fiscal year and will be processed only after July 1, 2020.
4. Authorizes staff to enter into grant agreements for these purposes.

5. Establishes that the Buffer Implementation grants awarded pursuant to this resolution will conform to the BWSR SWCD Conservation Delivery and Capacity Policy.

Dated at St. Paul, Minnesota, this June 26, 2019.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

\_\_\_\_\_

Date: \_\_\_\_\_

Gerald Van Amburg, Chair  
Board of Water and Soil Resources

*Attachments: Proposed FY2020 and 2021 Buffer Implementation Grants Allocations*



<b>SWCD</b>	<b>FY20 Buffer Law Implementation</b>	<b>FY21 Buffer Law Implementation</b>
AITKIN	\$10,000	TBD
ANOKA	\$10,000	TBD
BECKER	\$25,000	TBD
BELTRAMI	\$20,000	TBD
BENTON	\$20,000	TBD
BIG STONE	\$25,000	TBD
BLUE EARTH	\$30,000	TBD
BROWN	\$30,000	TBD
CARLTON	\$5,000	TBD
CARVER	\$20,000	TBD
CASS	\$10,000	TBD
CHIPPEWA	\$30,000	TBD
CHISAGO	\$10,000	TBD
CLAY	\$35,000	TBD
CLEARWATER	\$20,000	TBD
COOK	\$3,000	TBD
COTTONWOOD	\$30,000	TBD
CROW WING	\$10,000	TBD
DAKOTA	\$20,000	TBD
DODGE	\$25,000	TBD
DOUGLAS	\$20,000	TBD
FARIBAULT	\$30,000	TBD
FILLMORE	\$30,000	TBD
FREEBORN	\$30,000	TBD
GOODHUE	\$25,000	TBD
GRANT	\$25,000	TBD
HENNEPIN COUNTY	\$10,000	TBD
HUBBARD	\$10,000	TBD
ISANTI	\$10,000	TBD
ITASCA	\$5,000	TBD
JACKSON	\$30,000	TBD
KANABEC	\$10,000	TBD
KANDIYOHI	\$30,000	TBD
KITTSOON	\$35,000	TBD
KOOCHICHING	\$5,000	TBD
LAC QUI PARLE	\$30,000	TBD
LAKE	\$10,000	TBD
LAKE OF THE	\$3,000	TBD
LE SUEUR	\$25,000	TBD
LINCOLN	\$25,000	TBD
LYON	\$30,000	TBD
MAHNOMEN	\$20,000	TBD
MARSHALL	\$45,000	TBD
MARTIN	\$35,000	TBD
MC LEOD	\$20,000	TBD
MEEKER	\$25,000	TBD
MILLE LACS	\$10,000	TBD
MORRISON	\$25,000	TBD
MOWER	\$30,000	TBD

MURRAY	\$30,000	TBD
NICOLLET	\$20,000	TBD
NOBLES	\$35,000	TBD
NORMAN	\$35,000	TBD
OLMSTED	\$25,000	TBD
OTTER TAIL EAST	\$25,000	TBD
OTTER TAIL WEST	\$25,000	TBD
PENNINGTON	\$25,000	TBD
PINE	\$10,000	TBD
PIPESTONE	\$25,000	TBD
POLK EAST	\$25,000	TBD
POLK WEST	\$45,000	TBD
POPE	\$25,000	TBD
RAMSEY	\$3,000	TBD
RED LAKE	\$20,000	TBD
REDWOOD	\$35,000	TBD
RENVILLE	\$45,000	TBD
RICE	\$20,000	TBD
ROCK	\$25,000	TBD
ROOT RIVER	\$20,000	TBD
ROSEAU	\$35,000	TBD
SCOTT	\$10,000	TBD
SHERBURNE	\$10,000	TBD
SIBLEY	\$25,000	TBD
ST. LOUIS NORTH	\$5,000	TBD
ST. LOUIS SOUTH	\$5,000	TBD
STEARNS	\$35,000	TBD
STEELE	\$25,000	TBD
STEVENS	\$30,000	TBD
SWIFT	\$30,000	TBD
TODD	\$20,000	TBD
TRAVERSE	\$30,000	TBD
WABASHA	\$20,000	TBD
WADENA	\$10,000	TBD
WASECA	\$20,000	TBD
WASHINGTON	\$10,000	TBD
WATONWAN	\$25,000	TBD
WILKIN	\$35,000	TBD
WINONA	\$20,000	TBD
WRIGHT	\$20,000	TBD
YELLOW MEDICINE	\$35,000	TBD
<b>ALLOCATED TOTALS</b>	<b>\$1,999,000</b>	

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Wellhead Protection Partner Grants (Pilot)

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**Meeting Date:** June 26, 2019

**Agenda Category:**  Committee Recommendation     New Business     Old Business

**Item Type:**  Decision     Discussion     Information

**Section/Region:** Conservation Easements

**Contact:** Sharon Doucette

**Prepared by:** Sharon Doucette

**Reviewed by:** RIM Reserve and Grants Program and Policy    Committee(s)

**Presented by:** Sharon Doucette

**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 checked="" type="checkbox"/> Clean Water Fund Budget |

**ACTION REQUESTED**

Approval of the Wellhead Protection Partner Grants (Pilot) Policy.

**LINKS TO ADDITIONAL INFORMATION**

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

Three mechanisms for wellhead protection as funded in Minnesota Session Laws 2015 and 2017 have been identified. Two of the three mechanisms, MN Conservation Reserve Enhancement Program (CREP) and Reinvest in Minnesota (RIM) Reserve, are established easement programs that can be implemented for wellhead protection and are previously authorized through Board action. MN CREP will be utilized first and to

the fullest extent possible in the 54 county CREP area for protection of Wellhead Protection Areas (WHPA) where the drinking water supply is designated as very high or high vulnerability. For projects that do not meet CREP requirements, the second option for protection will be to utilize RIM-only easements. The third mechanism, the Wellhead Protection Partner Grants (Pilot) program, is described in the attached policy. The program will provide grants for the purposes of establishing perpetual or long-term protection (20 year minimum) of wellhead protection areas with very high or high vulnerability drinking water supplies where state-held easements are not viable or desirable. The RIM Reserve Committee reviewed the Wellhead Protection Partner Grants (Pilot) Policy at their March 27, 2019 meeting and found it to be consistent with RIM and CREP programs. The Grants Program and Policy Committee reviewed the Wellhead Protection Partner Grants (Pilot) Policy at their June 5, 2019 meeting and recommended Board approval.



## BOARD ORDER

### Wellhead Protection Partner Grants (Pilot)

#### PURPOSE

Authorize Wellhead Protection Partner Grants (Pilot) and delegate approval of payment to the Executive Director.

#### FINDINGS OF FACT / RECITALS

1. The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, 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.
2. The Laws of Minnesota 2015, 1st Special Session, Ch. 2, Art. 2, Sec 7(g), and Laws of Minnesota 2017, Ch. 91, Art. 2, Sec. 7(g) appropriated Clean Water funds to the Board of Water and Soil Resources (Board) for permanent conservation easements on wellhead protection areas or grants to local units of government for long-term wellhead protection.
3. The Board receives requests for wellhead protection assistance that do not meet the program requirements for Conservation Reserve Enhancement Program (CREP) or Reinvest in Minnesota (RIM) Reserve easements.
4. The Board has authorities under Minnesota Statutes §103B.3369 and 103B.101 to award grants and contracts to accomplish water and related land resources management.
5. The RIM Reserve Committee, at their March 27, 2019 meeting, reviewed the Wellhead Protection Partner Grants (Pilot) Policy and found it to be consistent with CREP and RIM programs.
6. The Grants Program and Policy Committee, at their June 5, 2019 meeting, also reviewed the Wellhead Protection Partner Grants (Pilot) Policy and recommended the Board approve this order.

#### ORDER

The Board hereby:

1. Adopts the Wellhead Partner Protection Grants (Pilot) Policy and establishes that grants awarded pursuant to this order will conform to the Policy.
2. Authorizes staff to finalize and issue a Request for Proposals for Wellhead Protection Partner Grants (Pilot).
3. Approves the allocation of Wellhead Protection Partner Grants (Pilot) up to \$1,000,000 to eligible local government partners.
4. Delegates the authority to the Executive Director to approve Wellhead Protection Partner Grants (Pilot) and requires that program awards are reported to the Board after each grant award.
5. Authorizes staff to enter into grant agreements for these purposes.

Dated at St. Paul, Minnesota, this June 26, 2019.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

\_\_\_\_\_

Date: \_\_\_\_\_

Gerald Van Amburg, Chair  
Board of Water and Soil Resources

Attachment: Wellhead Protection Partner Grants (Pilot) Policy

## Wellhead Protection Partner Grants (Pilot) Policy

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

Version: 1.00

Effective Date: 06/26/2019

Approval: Board Order #

### Policy Statement

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The purpose of this policy is to provide expectations for Wellhead Protection Partner Grants to facilitate permanent or long-term protection of wellhead protection areas as authorized by Minnesota Session Laws 2015 and 2017 Clean Water Fund Appropriations (ML 2015, 1<sup>st</sup> Special, Ch. 2, Art. 2, Sec. 7(g) and ML 2017, Ch. 91, Art. 2, Sec. 7(g)) and future similar appropriations.

### Reason for this Policy

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The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, 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.

Minnesota Session Laws 2015 and 2017 appropriated Clean Water funds to BWSR for the following purposes:

*...permanent conservation easements on wellhead protection areas under Minnesota Statutes, section 103F.515, subdivision 2, paragraph (d), or for grants to local units of government for fee title acquisition to permanently protect groundwater supply sources on wellhead protection areas or for otherwise assuring long-term protection of groundwater supply sources as described under alternative management tools in the Department of Agriculture's Nitrogen Fertilizer Management Plan, including low nitrogen cropping systems or implementing nitrogen fertilizer best management practices. Priority must be placed on land that is located where the vulnerability of the drinking water supply is designated as high or very high by the commissioner of health, where drinking water protection plans have identified specific activities that will achieve long-term protection, and on lands with expiring Conservation Reserve Program contracts.*

This policy establishes the mechanisms for use of those funds as Wellhead Protection Partner Grants, consistent with legislative appropriations.

### Wellhead Protection

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Three mechanisms have been identified for wellhead protection as funded in ML 2015 and 2017. Two of the three mechanisms, MN Conservation Reserve Enhancement Program (CREP) and Reinvest in Minnesota (RIM) Reserve are established BWSR easement programs that can be implemented for wellhead protection and have previously been authorized through separate BWSR Board action. MN CREP will be utilized first and to the fullest extent possible in the 54 county CREP area for Wellhead Protection Areas (WHPA) where the drinking

water supply is designated as very high or high vulnerability through wellhead protection planning documents. For projects that do not meet CREP requirements, the second option for protection will be to utilize RIM-only easements. The third mechanism, Wellhead Protection Partner Grants, is described by this policy.

## **Wellhead Protection Partner Grants**

The grants will establish perpetual or long-term protection of wellhead protection areas with very high or high vulnerability drinking water supplies where the first two protection methods (state-held easements) are not viable or desirable. The grants will achieve wellhead protection through a grant to a local government partner to protect the wellhead area by easement, fee acquisition, or other long-term (20 year minimum) protection mechanism. This protection mechanism may allow for alternative land uses to protect groundwater while allowing the partner more flexibility than a state-held easement through the CREP or RIM easement programs.

### **1. Applicant Eligibility**

Local governments including cities, townships, counties, rural water districts, soil and water conservation districts, watershed districts, joint powers authorities or other governmental units with authority sufficient to meet the program's protection requirements and approved by BWSR will be eligible to apply for Wellhead Protection Partner Grants. Priority will be given to entities that have experience with long-term land protection efforts.

### **2. Match Requirements**

A minimum 10% match is required from non-state funds. State funded loans repaid with non-state funds may be used for the match. The anticipated source(s) for the match shall be identified in the grant proposal.

### **3. Funding Priorities**

Priority for funding will be given to projects that meet the following criteria:

- Be within a delineated WHPA mapped in a Minnesota Department of Health (MDH) approved Wellhead Protection Plan.
- Vulnerability of the drinking water supply has been designated as very high or high by the MN Department of Health.
- Well(s) monitoring has shown a nitrate concentration of >5.4 mg/l.
- Lands with expiring Conservation Reserve Program (CRP) contracts.
- A drinking water protection plan has been completed and contains implementation activities that will achieve long-term protection.
- Permanent protection mechanisms are proposed.

### **4. Eligible Activities**

The protection mechanism must be identified in the proposal and address the wellhead concern, achieve protection under local authority and be perpetual or long-term. Potential protection mechanisms include, but are not limited to, alternative uses and land use contracts that protect groundwater; fee acquisition or easements held by the local partner; or other perpetual or long-term groundwater protection mechanism proposed by the local government and approved by BWSR. The protection mechanism proposed by the local government must be identified in the grant proposal.



Eligible activities under the grant are payments for land protection including easement payment, pre-title acquisition payments, property acquisition costs, survey, title, recording fees, and vegetation establishment.

The local government (grantee) must provide assurances that the landowner or land occupier will keep the protection in place for the term of protection including a notice of restrictions recorded on the land title by the grantee to protect the State's interest in the property. Additional assurances may include management plans, enforceable contracts, performance bonds, letters of credit, and termination or performance penalties. See also the Projects Assurances section of the Grants Administration Manual.

## 5. Ineligible Expenses

Ineligible expenses include staff time spent to acquire protection mechanism and improvement costs associated with alternative use proposals that are not directly necessary to meet drinking water protection goals. Staff time can be used to meet the 10% match requirement.

## 6. Grantee Administration of Clean Water Fund Grants

Grant reporting, fiscal management, and administration requirements are the responsibility of the grantee. All grantees must follow the Grants Administration Manual policy and guidance. All grantees are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants.

## 7. BWSR Grant Administration Requirements

BWSR staff is authorized to develop grant agreements, requirements, and processes for work plans, project outcomes reporting, closeouts, and fiscal reconciliations.

In the event there is a violation of the terms of the grant agreement, BWSR will enforce the grant agreement and evaluate appropriate actions, including repayment of grant funds at a rate up to 100% of the grant agreement. Additional programmatic requirements apply, including the BWSR Board Policy on Easement Alterations, if an easement is acquired.

## History

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Version	Description	Date
0.00	Wellhead Protection Partner Grants (Pilot) Policy- new	June 26, 2019

**COMMITTEE RECOMMENDATIONS**  
***Administrative Advisory Committee***

1. Okabena-Ocheda Watershed District Boundary Change – Annie Felix-Gerth – ***DECISION ITEM***
2. Buffalo Creek Watershed District Watershed Management Plan Amendment Hearing Order – Annie Felix-Gerth – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Okabena-Ocheda Watershed District Boundary Change

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**Meeting Date:** June 26, 2019

**Agenda Category:**  Committee Recommendation     New Business     Old Business

**Item Type:**  Decision     Discussion     Information

**Section/Region:** Southern Region

**Contact:** Annie Felix-Gerth

**Prepared by:** Annie Felix-Gerth

**Reviewed by:** Administrative Advisory    Committee(s)

**Presented by:** Annie Felix-Gerth

**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 boundary change between the Okabena-Ocheda Watershed District and the Kanaranzi-Little Rock Watershed District.

**LINKS TO ADDITIONAL INFORMATION**

None

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

The purpose of the boundary change between the Okabena-Ocheda Watershed District and the Kanaranzi-Little Rock Watershed District is to achieve more accurate alignment between the hydrologic and legal boundaries of the two districts.

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

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**In the Matter** of the Boundary Change between the Okabena-Ocheda Watershed District and the Kanaranzi-Little Rock Watershed District, pursuant to Minnesota Statutes, Section 103D.251.

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**ORDER  
BOUNDRY  
CHANGE**

**Whereas**, the Board of Managers of the Okabena-Ocheda Watershed District (OOWD) and the Kanaranzi-Little Rock Watershed District (KLRWD) filed a Petition dated February 6, 2019 with the Board of Water and Soil Resources (Board), to change the boundaries of the two watershed districts pursuant to Minnesota Statutes, Section 103D.251, and;

**Whereas**, the Board has completed its review of the Petition;

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions, and Order.

**FINDINGS OF FACT**

1. **Petition.** The Petition to change the boundaries of the OOWD and KLRWD was filed by the two watershed districts with the Board on February 6, 2019.
2. **Property Description.** The territory included in the boundary change, the Petitioned Area, is located in Nobles County. The proposed boundary change involves approximately 6.4 square miles of land in Nobles County. The petition proposes actions at various locations along the boundaries of the two watershed districts. The Petitioned Area is depicted on a map attached to the petition and further identified as property identification tables.
3. **Reasons for Boundary Change.** The proposed boundary change would achieve a more accurate alignment between the hydrologic and legal boundaries of the OOWD and KLRWD. The requested boundary change is consistent with the purposes and requirements of Minnesota Statutes, Section 103D.251.
4. **Board of Managers Authorization.** Motions authorizing the boundary change and managers to sign a joint Petition were adopted by the Board of Managers of the OOWD on February 5, 2019 and the KLRWD on January 17, 2019.
5. **Notice of Filing.** Legal Notice of Filing of the proposed boundary change, pursuant to Minnesota Statutes, Section 103D.105 Subd. 2., was published in the Nobles County Review and the Worthington Globe on the weeks of March 18 and 25, 2019. Further, a copy of the notice of filing was mailed to several addressees including the affected county and watershed districts.

6. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes, Section 103D.105, Subd.2, which requires within 30 days of the last date of publication of the Notice of Filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period of time and no hearing was held.
7. **Board Staff Review.** The Petition is valid and the Board has proper jurisdiction regarding ordering watershed district boundary change. A public hearing was not requested and therefore not required. The proposed boundary more accurately aligns with hydrology than the current legal boundary. The proposed boundary change would be for the public welfare and public interest and would advance the purpose of Minnesota Statutes, Section 103D.
8. **Administrative Advisory Committee.** The Committee met on June 26, 2019 at the St Paul BWSR office. Committee members present were Gerald Van Amberg, Tom Schulz, Tom Loveall, Steve Sunderland, Kathryn Kelly, and Jack Ditmore. Board staff present were John Jaschke. The Committee members reviewed the pertinent information and materials presented by Board staff. Board staff recommended the boundary changes should proceed. The Committee unanimously decided to recommend approval of the proposed boundary changes to the full Board.

### **CONCLUSIONS**

1. The Petition for boundary change of the OOWD and KLRWD is valid in accordance with Minnesota Statutes, Section 103D.251.
2. Proper notice was given and public hearing was not held in accordance with applicable laws.
3. All relevant substantive and procedural requirements of law and rule have been fulfilled.
4. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.
5. The requested boundary change is consistent with the purpose and the requirements of Minnesota Statutes, Section 103D.251.
6. The boundary change as proposed in the Petition would be for the public welfare and public interest and would advance the purpose of Minnesota Statutes, Section 103D.
7. The boundaries of the OOWD and the KLRWD as proposed in the Petition are more accurately based on the hydrology of the subject area than the present boundaries.
8. The proposed boundary change should be approved per the Petition.

### **ORDER**

The Board hereby orders that the boundaries of the OOWD and the KLRWD are changed per the Petition as depicted on the map attached to this Order and made a part hereof, including the data sets the map was created from.

Dated at St. Paul, Minnesota this 26<sup>th</sup> day of June, 2019.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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By: Gerald Van Amburg, Chair

**Joint petition to the Minnesota Board of Soil and Water Resources from the Okabena-Ocheda Watershed District and Kanaranzi-Little Rock Watershed District for an order changing the Districts' common boundary**

1. Names of Districts: Kanaranzi-Little Rock Watershed District and Okabena-Ocheda Watershed District
2. Description of affected area: The lands affected by this proposed boundary change are in Elk, Dewald, Summit Lake and Worthington townships of Nobles County as described hereinafter on exhibits B, C and D.
3. Reasons for benefit: The proposed boundary change will remove approximately 6.4 square miles of land from the Okabena-Ocheda Watershed District and add it to the Kanaranzi-Little Rock Watershed District. During 2014, the Minnesota Department of Natural Resources permanently closed the ditch that diverted water from a wetland in the Herlein-Boote Wildlife Management Area into the Okabena-Ocheda Watershed District. Closing the diversion restored the original flow direction from the wetland's drainage basin toward the Little Rock River in Kanaranzi-Little Rock Watershed District. Changing the boundaries will benefit the watershed districts by allowing them to provide incentives to landowners in the area based on downstream benefits. Taxation will be fairer since property owners will only pay for flood reduction, water quality incentive programs and projects providing benefits downstream in their watershed districts.
4. Map of Boundary Change: The map in exhibits B and C show the boundary change agreed upon by both watershed districts and shows the area to be removed from the Okabena-Ocheda Watershed District and added to the Kanaranzi-Little Rock Watershed District. Exhibit D describes the property to be transferred to the Kanaranzi-Little Rock Watershed District.
5. Request to Establish the Boundary Change: The Okabena-Ocheda Watershed District and Kanaranzi-Little Rock Watershed District boards of managers request the Board of Water and Soil Resources to order the boundary change illustrated in Exhibits B and and described in Exhibit D.
6. Resolutions of Support: Both watershed districts adopted resolutions requesting an order changing the common boundary of the Okabena-Ocheda Watershed District and Kanaranzi-Little Rock Watershed District. The resolutions are included in Exhibit A.

  
Okabena-Ocheda Watershed District President

2-5-19  
Date

  
Kanaranzi-Little Rock Watershed District President

1/17/19  
Date

**Exhibit A**

**Okabena-Ocheda Watershed District Board of Managers**

**Resolution**

**Petition for an order changing the boundary between the Okabena-Ocheda Watershed District and the Kanaranzi-Little Rock Watershed District**

**Whereas**, The Okabena-Ocheda Watershed District was established under M.S. 103 D; and

**Whereas**, It is the intention of the Okabena-Ocheda Watershed District to manage water on a watershed basis as defined in 103B.205 subd.11; and

**Whereas**, A diversion draining water from a 6.4 square mile area into the Okabena-Ocheda Watershed District was recently permanently closed, restoring the area's original drainage into the Kanaranzi-Little Rock Watershed District; and

**Whereas**, Landowners whose drainage was affected by the diversion closure have requested a change in watershed district boundaries so they are regulated, taxed and receive benefits from the watershed district where their property drains

**Now, Therefore be it Resolved**, The Okabena-Ocheda Watershed District Board of Managers supports the joint petition between the Okabena-Ocheda Watershed District and Kanaranzi-Little Rock Watershed District to the Minnesota Board of Water and Soil Resources pursuant to M.S. 103D.251 to issue an order changing the common boundary of the Okabena-Ocheda Watershed District and Kanaranzi-Little Rock Watershed District as described in the joint petition.

The motion to adopt this resolution was made by manager Jeff Rogers and seconded by manager Casey Ingenthron. Affirmative: Bousema, Ingenthron, Mahlberg, Rogers. Opposed none. Motion carried.

Date: January 9, 2018

By: *Daie m. Ziano*

Okabena-Ocheda Watershed District

Its: Administrator



**Exhibit A**

**Kanaranzi-Little Rock Watershed District Board of Managers**

**Resolution 2019 - 01**

**Petition for an order changing the boundary between the Okabena-Ocheda Watershed District and the Kanaranzi-Little Rock Watershed District**

**Whereas,** The Kanaranzi-Little Rock Watershed District was established under M.S. 103 D; and

**Whereas,** It is the intention of the Kanaranzi-Little Rock Watershed District to manage water on a watershed basis as defined in 103B.205 subd.11; and

**Whereas,** A diversion draining water from a 6.4 square mile area into the Okabena-Ocheda Watershed District was recently permanently closed, restoring the area's original drainage into the Kanaranzi-Little Rock Watershed District; and

**Whereas,** Landowners whose drainage was affected by the diversion closure have requested a change in watershed district boundaries so they are regulated, taxed and receive benefits from the watershed district where their property drains

**Now, Therefore be it Resolved,** The Kanaranzi-Little Rock Watershed District Board of Managers supports the joint petition between the Okabena-Ocheda Watershed District and Kanaranzi-Little Rock Watershed District to the Minnesota Board of Water and Soil Resources pursuant to M.S. 103D.251 to issue an order changing the common boundary of the Okabena-Ocheda Watershed District and Kanaranzi-Little Rock Watershed District as described in the joint petition.

The motion to adopt this resolution was made by Manager  Layton Gruis  and seconded by Manager  Tim Taylor . Affirmative: L. Gruis, J. Brake and T. Taylor.

Opposed: C. Gruis.

Date:  1/17/2019

By: 

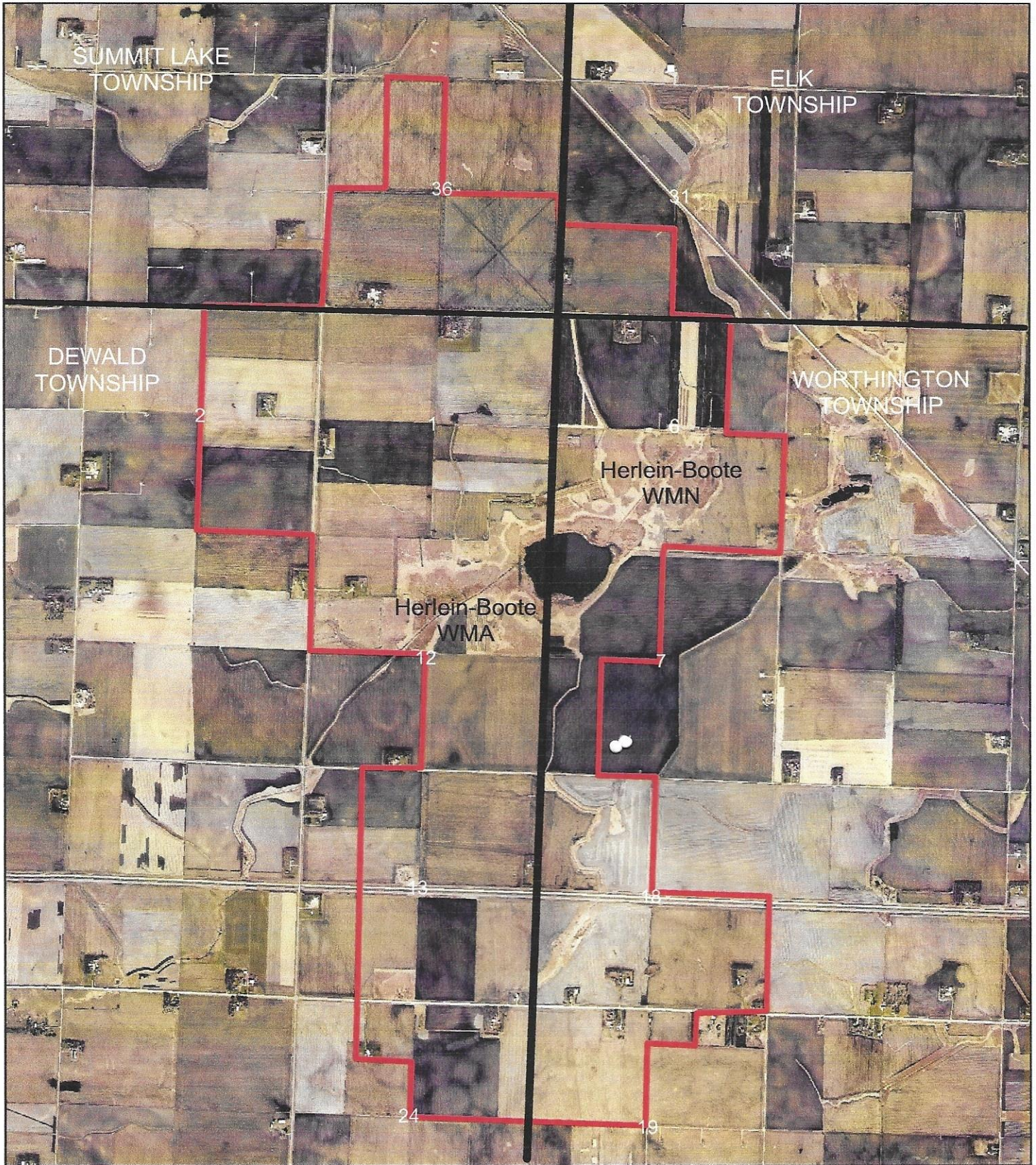
Kanaranzi-Little Rock Watershed District

Its: Administrator

Exhibit B

Map illustrating area to be transferred to the Kanarnazi-Little Rock WD

Okabena-Ocheda and Kanaranzi-Little Rock  
Watershed Districts Boundary Change



- Township Boundary
- ▭ Area To Be Tranferred to the Kanaranzi-Little Rock Watershed District

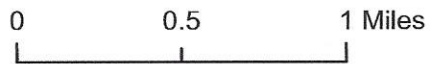
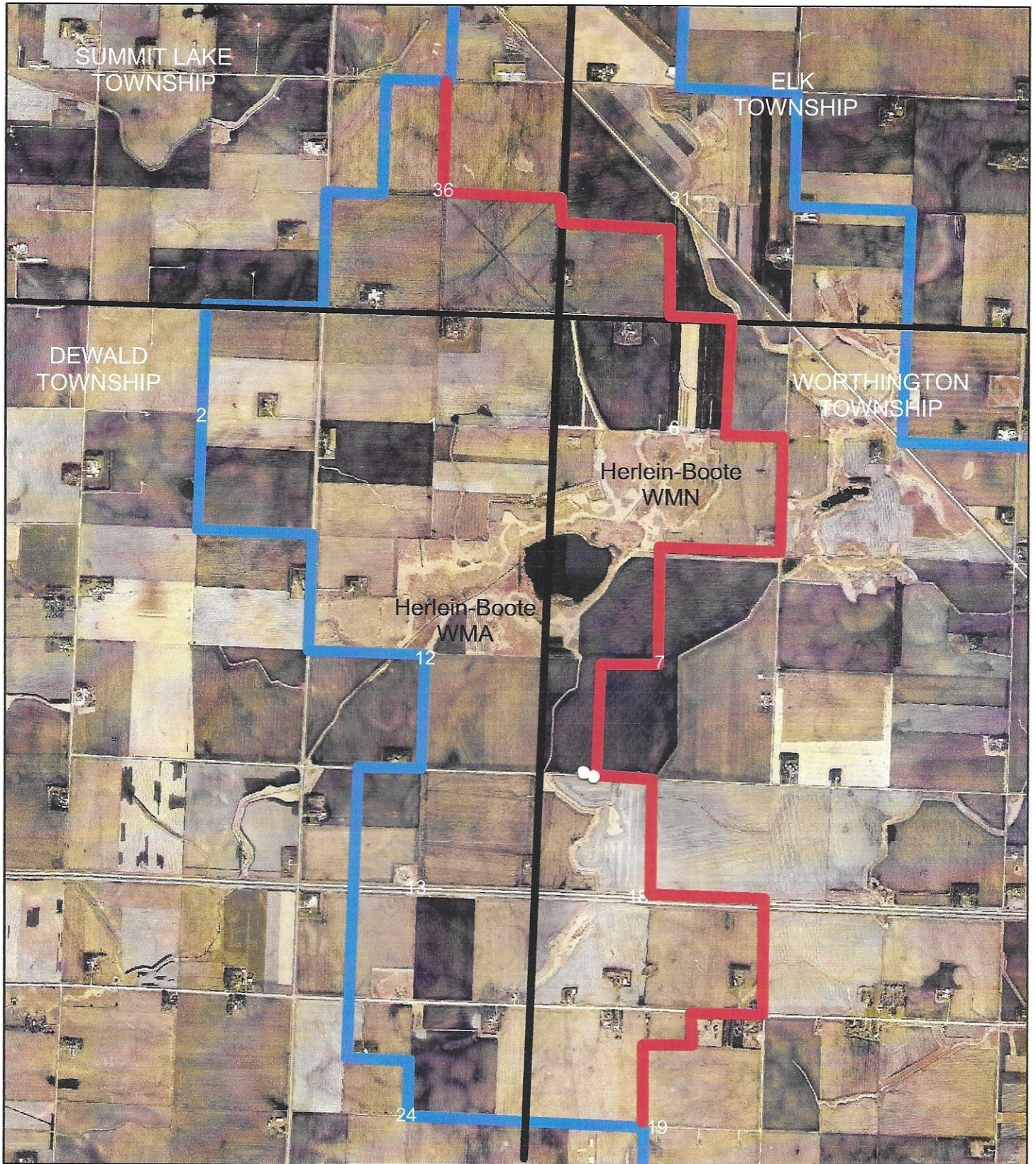




Exhibit C  
Map illustrating existing and proposed new watershed district boundary

Okabena-Ocheda and Kanaranzi-Little Rock  
Watershed Districts Boundary Change



-  Watershed District Boundary
-  Proposed New Boundary

0 0.5 1 Miles



**Exhibit D**

**Parcel Changes**

**Transfer From the Okabena-Ocheda Watershed District to the Kanaranzi-Little Rock Watershed District**

<b>Elk Township</b>				
<b>Twp</b>	<b>Range</b>	<b>Section</b>	<b>Description</b>	<b>Notes</b>
103	40	31	South 120 acres of the SW 1/4	includes parcels 04-0182-000 and 04-0183-000
<b>Summit Lake Township</b>				
<b>Twp</b>	<b>Range</b>	<b>Section</b>	<b>Description</b>	<b>Notes</b>
103	41	36	E 1/2, NW 1/4	
103	41	36	S 1/2	
<b>Dewald Township</b>				
<b>Twp</b>	<b>Range</b>	<b>Section</b>	<b>Description</b>	<b>Notes</b>
102	41	1		
102	41	2	E 1/2	
102	41	12	N 1/2	
102	41	12	SE 1/4	
102	41	13	E 1/2	
102	41	13	E 1/2, NW 1/4	
102	41	13	E 1/2, SW 1/4	
102	41	24	NE 1/4, NW 1/4	
102	41	24	NE 1/4	
<b>Worthington Township</b>				
<b>Twp</b>	<b>Range</b>	<b>Section</b>	<b>Description</b>	<b>Notes</b>
102	40	6	W 1/2, NE 1/4	
102	40	6	NW 1/4	
102	40	6	S 1/2	
102	40	7	NW 1/4	EXCEPT portion in parcel 20-0044-500
102	40	7	W 1/2, SW 1/4	
102	40	18	NW 1/4	
102	40	18	S 1/2	
102	40	19	19.96 acres in the NW 1/4, NE1/4	includes only parcel 20-0133-000
102	40	19	NW 1/4	

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Buffalo Creek Watershed District Watershed Management Plan Amendment Hearing Order

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**Meeting Date:** June 26, 2019

**Agenda Category:**  Committee Recommendation     New Business     Old Business

**Item Type:**  Decision     Discussion     Information

**Section/Region:** South

**Contact:** Annie Felix-Gerth

**Prepared by:** Annie Felix-Gerth

**Reviewed by:** Administrative Advisory    Committee(s)

**Presented by:** Annie Felix-Gerth

**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**

Contingent on the Administrative Committee recommendation, Board authorization is needed to schedule and hold a public hearing regarding the proposed watershed management plan amendment for the Buffalo Creek Watershed District (BCWD).

**LINKS TO ADDITIONAL INFORMATION**

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

On March 26, 2019, BWSR received a petition from BCWD to amend their watershed district watershed management plan in order to establish a water management district for the Glencoe Central-East Stormwater Basic Water Management Project, pursuant to MINN. STAT. 103D.411 and 103D.729.

The proposed amendment is to establish water management district for the Glencoe Central-East Stormwater Basic Water Management Project, which will allow BCWD to create a funding mechanism to implement a comprehensive stormwater management project for the City of Glencoe.

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**In the Matter** a petition for an Amendment of  
Watershed Management Plan for the Buffalo Creek  
Watershed District pursuant to Minnesota Statutes 103D.411

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**ORDER  
WATERSHED  
MANAGEMENT PLAN  
AMENDMENT HEARING**

**Whereas**, the Buffalo Creek Watershed District (BCWD) filed a petition for an Amendment to their Watershed Management (Plan) dated and received on March 26, 2019 with the Board of Water and Soil Resources (Board), pursuant to Minn. Stat. § 103D.411, and §103D.729, and;

**Whereas**, the Board has completed its review of the Petition;

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions, and Order.

**FINDINGS OF FACT**

1. **Petition.** On March 26, 2019 the Board received a petition from BCWD for an amendment to their watershed management plan pursuant to Minn. Stat. §103D.411 and §103D.729. BCWD submitted additional attachments to the petition on April 5, 2019 to the Board. On May 9, 2019, BCWD submitted an addendum to the proposed amendment to the Board. The proposed Amendment is to establish a water management district for the Glencoe Central-East Stormwater Basic Water Management Project.
2. **District Establishment.** The District was established on January 30, 1969 by Order of the Minnesota Water Resource Board. The District is located in south-central Minnesota and includes parts of Carver, Kandiyohi, McLeod, Renville, and Sibley Counties.
3. **Amendment of Plan.** The purpose of the proposed Amendment is to establish a water management district for the Glencoe Central-East Stormwater Basic Water Management Project pursuant to Minn. Stat. §103D.729.
4. **Nature of the Watershed.** The BCWD is approximately 422 square miles in size and is located in south-central Minnesota. Lands within the District are distributed in Carver (<1%), Kandiyohi (2%), McLeod (38%), Renville (55%), and Sibley (4%). Majority of the land cover falls within cultivated land, and grass land or deciduous forest. BCWD is located in the southern-most portion of the South Fork of the Crow River Watershed which is a part of the larger Upper Mississippi River Drainage Basin.

5. **Public Hearing.** The Board must give notice and hold a hearing on the Petition pursuant to Minn. Stat. § 103D.411 and §103D.401 Subd. 4(a).
6. **Hearing Panel.** Board members of the South Region Committee should preside over the hearing and bring a recommendation to the Board.
7. **Hearing Time.** The Executive Director should determine the date of the hearing after coordinating with the appropriate parties.
8. **Hearing Location.** The Executive Director should determine the location of the hearing after coordinating with the appropriate parties.

## CONCLUSIONS

1. The petition for an Amendment to the BCWD Plan is valid in accordance with Minn. Stat. § 103D.411.
2. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a watershed district Plan Amendment hearing.
4. The hearing on the Plan Amendment for the BCWD should be presided over by the South Region Committee.
5. The Executive Director shall make a decision on the date, time, and location of the public hearing after coordinating with the appropriate parties.
6. If scheduling conflicts arise the Executive Director shall choose another suitable location.



**ORDER**

The Board hereby orders a public hearing be held on the Plan Amendment for the BCWD to be presided over by the South Region Committee at a date and location to be determined by the Executive Director.

Dated at Saint Paul, Minnesota this 26<sup>th</sup> day of June, 2019.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: \_\_\_\_\_  
Gerald Van Amburg, Chair

**STATE OF MINNESOTA  
BUFFALO CREEK WATERSHED DISTRICT**

The matter of the Petition of the City of Glencoe for the establishment of the Glencoe Central-East Stormwater Basic Water Management Project

**Petition to the Board of Water and Soil Resources for Amendment to Watershed Management Plan (Statutes Sections 103D.411 and .729)**

The Board of Managers of the Buffalo Creek Watershed District, at its regular meeting on January 22, 2019, considered the attached proposed amendments to its Watershed Management Plan to support the Glencoe Central-East Stormwater Basic Water Management Project (Project Number 16-01). Based on a review of the proposed amendments and the project proceedings, Manager Henke moved, seconded by Manager Phillips to adopt the following Findings and Petition for amendment of the Watershed Management Plan:

**FINDINGS**

1. By petition dated July 19, 2016, the City of Glencoe petitioned the BCWD to establish a Basic Water Project under Minnesota Statutes, section 103D.605 as a comprehensive and integrated approach to stormwater management, flood damage reduction, and water quality enhancement within the Central-East stormwater management area of the City. The petition recommended the project be broken into the following phases:
  - a. Phase 1: Identifying and analyzing current conditions, challenges and opportunities related to stormwater management and flood damage and making recommendations of actions likely to address comprehensive stormwater management and flood damage issues within those downstream areas affected by stormwater runoff;
  - b. Phase 2: Developing a regional, comprehensive stormwater management and flood damage reduction plan, to include water quality features, which identifies capital improvements and other actions to be undertaken by the City and the Buffalo Creek Watershed District;
  - c. Phase 3: Developing implementation timelines and priorities, cost allocations and revenue generation methods for both implementation and long term maintenance of capital improvements and water quality features;

- d. Phase 4: Implementing one or more of the project components identified in Phase 2 as a coordinated series of capital improvements by the City and the Buffalo Creek Watershed District.
2. Upon the petition and review thereof, the Board adopted findings and issued an order initiating the project.
3. Phase 3, above, of the project development process is completed.
4. Based on coordination between the District and the City, both parties agree that establishment of a water management district and development of water management district charges are appropriate steps to ensure successful establishment and implementation of the project.
5. The Board's consulting engineer has developed the attached, proposed amendments to the District's Watershed Management Plan to provide for the establishment of a water management district and charges to support the project.
6. The Board approves the proposed amendments and petitions the Board of Water and Soil Resources for a plan amendment as contained herein.

Based on the foregoing Findings, the Board of Managers of the Buffalo Creek Watershed District petitions as follows:

#### PETITION

- a. Pursuant to statutes sections 103D.411 and .729, the Board of Managers of the Buffalo Creek Watershed District petitions the Board of Water and Soil Resources to approve the attached amendments to its Watershed Management Plan.
- b. The Board authorizes its engineer to transmit this petition and the proposed amendments to the Board of Water and Soil Resources for action pursuant to statutes section 103E.411.

After discussion, the President called the question. The question was on the adoption of the foregoing Findings and Petition and there were 5 yeas, 0 nays as follows:

	Yea	Nay	Absent	Abstain
Donald Belter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Phillips	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corey Henke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Kramer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matt Melberg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the President declared the motion passed.

Donald Belter  
Donald Belter, President

Dated: January 22, 2019

\* \* \* \* \*

I, Matt Melberg, Secretary of the Buffalo Creek Watershed District, do hereby certify that I have compared the above Resolution with the original thereof as the same appears of record and on file with the Board of Managers and find the same to be a true and correct transcript thereof. The above action was filed with me, Secretary of the Board of Managers, on January 22, 2019.

IN TESTIMONY WHEREOF, I hereunto set my hand this 22<sup>nd</sup> day of January, 2019.

Matt Melberg  
Matt Melberg

# Buffalo Creek Watershed District Overall Plan (2014-2023)

## Appendix D: Water Management Districts

A. Use of Water Management Districts

B. Establishment of Marsh Water Management District

B.C. Establishment of Glencoe Central Water Management District

***Attachment 1*** – City of Glencoe’s Petition for Marsh Water Project (4/8/14)

***Attachment 2*** – Marsh Water Project Addendum to the Engineering Report (10/8/2014)

***Attachment 3*** – Marsh Water Project Implementation Preliminary Charge Analysis and Timeline

***Attachment 4*** – City of Glencoe’s Petition for Glencoe Central-East Stormwater Basic Water Management Project (7/19/16)

***Attachment 5*** – Glencoe East and Central Basic Water Management Project – Phase 1: Existing Conditions and Conceptualization of Potential Projects (6/21/17)

**Attachment 6 – Glencoe East and Central Basic Water Management Project - Phase 2: Regional Comprehensive Stormwater and Flood Management Plan (7/17/18)**

**Attachment 7 – Glencoe Central-East Stormwater Basic Water Management Plan – Priorities, Cost Allocation, and Schedule (1/15/19)**

# Water Management Districts

## A. Use of Water Management Districts

The Buffalo Creek Watershed District (BCWD) plans on using Water Management Districts (WMD) as one of several funding mechanisms for the implementation of activities to solve local and regional problems and issues. The provision for collection of charges found under Minnesota Statutes (MS) 103D.729 and 444.075) allows a watershed district, through the amendment of its plan or during an update to the Water Management Plan (WMP), the authority to establish one or more water management districts for the purpose of collecting revenues and paying the costs of projects initiated under MS 103B.231, 103D.601, 103D.605, 103D.611, or 103D.730.

To establish a water management district, the WMP update, or an amendment to the WMP, must describe the area to be included, the amount of the necessary charges, the methods used to determine the charges, and the length of time the water management district will remain in effect. After adoption, the amendment or WMP must be filed with the county auditor and county recorder of each county affected by the water management district. The water management district may be dissolved by the same procedures as prescribed for the establishment of the water management district.

A distinguishing element of the water management district over an assessment, or ad valorem tax is that the watershed district assumes the authority similar to that of a municipality; the ability to establish a system of charges based a prescribed method, such as a property's contribution of storm water and/or pollutants to a receiving body of water. Thus, funds generated by utilizing a water management district can be based upon a mechanism related to a property's contribution to a problem rather than the value of the property. Ultimately the water management district provides a supplemental financing tool for the BCWD and is especially useful in situations where project components are required to address a locally generated need or problem.

Through this amendment to the WMP (the addition of Appendix D in the Buffalo Creek Watershed District Overall Plan 2014-2023), the BCWD intends to establish the Marsh Water Management District (Marsh WMD) and the framework for creating and implementing additional water management districts by amendment to this Plan.

### Local Appeal Procedures for Water Management Districts

Subpart 1. Applicability. This part applies when an owner of land in a water management district disputes the charges to be collected for their land in the water management district. This part does not apply to the validity of a water management district being in place.

Subpart. 2. Petition. A petition may be made by an owner of land in a water management district to appeal the charges to be collected for their land in the water management district. A petition must be made in writing to the Buffalo Creek Watershed District. The petition must state the reasons the water management district charges are calculated improperly for their land.

### Subpart 3. Petition review process.

A. Within ten working days of receiving a petition, the watershed district, its staff, legal counsel or consultants (District), are required to acknowledge in writing to the petitioner receipt of the petition.

B. The District must complete an assessment of the reasons stated in the petition to revise the charges. The District may request further information from the petitioner, have discussions with the petitioner or their legal counsel, view the property that is the subject of the petition, conduct onsite investigations, and such other fact finding as the District deems necessary to evaluate the petition.

C. The results of the assessment shall be reviewed by the Board of Managers and a decision made on the findings and recommendations in the assessment.

D. Upon the Board of Managers approval of an assessment, the assessment must be provided to the petitioner or their legal counsel accompanied with notification of the deadline for the petitioner to submit evidence to the District refuting the assessment.

#### **Subpart 4. Decisions.**

A. The District must notify the petitioner or their legal counsel in writing at least ten working days before the meeting in item B takes place.

B. On receipt of any information from, or lapse of the time period in, subpart 3, item D, the Board of Managers must:

1. Advise staff to conduct additional fact finding it considers necessary and report back to the managers accordingly;
2. Direct staff to attempt to resolve the matter and to advise the managers further; or
3. Issue findings of fact and conclusions of its investigation on the petition.

C. The District shall provide written notice of the decision in item B to the petitioner or their legal counsel within five working days of the decision.

**Subpart 6. Limitations.** A petition may not be filed more than once in five years for a specific parcel of land unless significant land alterations or land use changes have occurred since the charges were calculated or since a previous petition was filed with the watershed district.

**Subpart 7. Withdrawal of petition.** If agreement is reached at any time before the above procedures are completed, the petitioner may withdraw their petition and the District may revise the charges if needed.

## **B. Establishment of the Marsh Water Management District**

***Establishment Purpose:*** Marsh Ditch is a privately constructed and owned ditch which conveys runoff from the west side of the City of Glencoe and portions of Glencoe Township, into Buffalo Creek. The drainage system is necessary for stormwater management. Because the drainage system is privately owned and not managed by a public entity, little or no coordinated efforts have been taken to repair the drainage system, and thus its condition and function has deteriorated throughout the system. To address this deterioration and provide an opportunity to address nutrient loading to Buffalo Creek, the BCWD initiated a watershed project called the "Marsh Water Project" which would provide a comprehensive stormwater management project over the entire contributing drainage area to Marsh Ditch.

On April 8, 2014 the City of Glencoe petitioned the BCWD to re-establish the Marsh Water Project under MS 103D.605 as a phased Basic Water Management Project. The petition, included as **Appendix D Attachment 1**, described the following four project phases:



- 1) Identifying existing conditions and opportunities for stormwater management;
- 2) Regional comprehensive stormwater management planning;
- 3) Development of implementation timelines and cost allocation; and
- 4) Project implementation.

The goals of Phase 1 were addressed through an August 13, 2012 report entitled, *Marsh Water Project – Engineering Report* (refer to Appendix C of the BCWD Overall Plan). Phase 2 was completed via a subsequent report, *Marsh Water Project - Addendum to the Engineering Report* dated October 8, 2014 (included as **Appendix D Attachment 2**). This addendum recommended five project components as a first phase to the Marsh Water Project, including:

- 1) Construction of a stormwater wetland;
- 2) Completion of repairs to the Main Trunk stormsewer system ;
- 3) Acquisition of easements for access and maintenance;
- 4) Replacement of culverts; and
- 5) Creation of buffer strips.

Funds collected through the Marsh WMD will be used to construct specific project features. The specific project features to be planned for, designed, constructed and maintained using the WMD are described with a May 15, 2015, memorandum entitled *Marsh Water Project Implementation Preliminary Charge Analysis and Timeline* (included as **Appendix D Attachment 3**) which concludes Phase 3 of the City of Glencoe's petition.

**Estimated Costs:** Charges will be based on properties that contribute runoff to Marsh Ditch. The charge collected will be used for the implementation of those features providing benefit to properties located within the boundary of the Marsh WMD. These features yield direct benefit by providing predictable drainage to largely agricultural lands now and urban stormwater conveyance as development proceeds. The Engineer's Opinion of Probable Cost for the project is an estimated \$941,800 of which an estimated \$402,200 will be paid by the charge collected through the Marsh WMD. The remaining portion of the Opinion of Probable Cost, primarily for all or portions of those features which provide water quality benefit, will be paid for through the district-wide Ad valorem levy. The initial charge will be used to repay the capital construction cost. Continued maintenance and repairs to the system, as necessary, shall not exceed an average of \$25,000 annually with a public hearing and providing notice to the Board of Water and Soil Resources. In addition, Marsh WMD issues and charges will be readdressed in future revisions to the Buffalo Creek Watershed District Overall Plan.

**Area for Inclusion:** The hydrological boundary of the Marsh Ditch drainage system will comprise the area for the Marsh WMD as shown in **Map 1. Methods for Determining Charges:** The method to determine the per-acre charge will generally consist of evaluating the runoff amount by land use type. Specifics of the method of determining the stormwater charge are expected to include:

- Use soils and land use data to determine the existing curve numbers or runoff coefficients for each current land use within the Marsh WMD;
- Use the curve number or runoff coefficients for each current land use and the annual average precipitation depth to compute the annual runoff volume for each land use;

- Sum the annual runoff volumes for all land uses within the Marsh WMD to determine the total annual runoff volumes for current conditions. Divide the sum of the annual runoff volumes by the total annual runoff volume for each land use, respectively, within the Marsh WMD. This represents a “charge ratio” for each land use.
- Apply the charge ratio to the total amount of revenue needed for the Marsh WMD to carry out the projects, programs and activities of the BCWD within the Marsh WMD.
- The charge for a specific parcel will be determined by area-weighting the per acre charges based on the land use within a parcel.

This approach may be further defined or revised once the BCWD develops the necessary data required to determine the charge.

**Duration:** This Marsh WMD is intended to be a permanent WMD. Initial charges will be effective for a duration consistent with the time necessary to repay the capital cost for the project, which currently is estimated at 10 years. Thereafter, the Marsh WMD charges may be reinitiated to generate revenue to pay for project maintenance.

### **Local Appeal Procedures for Water Management Districts**

~~**Subpart 1. Applicability.** This part applies when an owner of land in a water management district disputes the charges to be collected for their land in the water management district. This part does not apply to the validity of a water management district being in place.~~

~~**Subpart 2. Petition.** A petition may be made by an owner of land in a water management district to appeal the charges to be collected for their land in the water management district. A petition must be made in writing to the Buffalo Creek Watershed District. The petition must state the reasons the water management district charges are calculated improperly for their land.~~

#### ~~**Subpart 3. Petition review process.**~~

~~A. Within ten working days of receiving a petition, the watershed district, its staff, legal counsel or consultants (District), are required to acknowledge in writing to the petitioner receipt of the petition.~~

~~B. The District must complete an assessment of the reasons stated in the petition to revise the charges. The District may request further information from the petitioner, have discussions with the petitioner or their legal counsel, view the property that is the subject of the petition, conduct onsite investigations, and such other fact finding as the District deems necessary to evaluate the petition.~~

~~C. The results of the assessment shall be reviewed by the Board of Managers and a decision made on the findings and recommendations in the assessment.~~

~~D. Upon the Board of Managers approval of an assessment, the assessment must be provided to the petitioner or their legal counsel accompanied with notification of the deadline for the petitioner to submit evidence to the District refuting the assessment.~~

#### ~~**Subpart 4. Decisions.**~~

~~A. The District must notify the petitioner or their legal counsel in writing at least ten working days before the meeting in item B takes place.~~

~~B. On receipt of any information from, or lapse of the time period in, subpart 3, item D, the Board of Managers must:~~

- ~~1. Advise staff to conduct additional fact finding it considers necessary and report back to the managers accordingly;~~
- ~~2. Direct staff to attempt to resolve the matter and to advise the managers further; or~~
- ~~3. Issue findings of fact and conclusions of its investigation on the petition.~~

~~C. The District shall provide written notice of the decision in item B to the petitioner or their legal counsel within five working days of the decision.~~

~~**Subpart 6. Limitations.** A petition may not be filed more than once in five years for a specific parcel of land unless significant land alterations or land use changes have occurred since the charges were calculated or since a previous petition was filed with the watershed district.~~

~~**Subpart 7. Withdrawal of petition.** If agreement is reached at any time before the above procedures are completed, the petitioner may withdraw their petition and the District may revise the charges if needed.~~

### **C. Establishment of the Glencoe Central Water Management District**

Establishment Purpose: The Glencoe Central Ditch and East Ditch are private drainage systems which convey runoff from the north and east sides of the City of Glencoe and portions of Glencoe Township, into Buffalo Creek. In 2013 and 2014 the area experienced two large rainfall events which caused significant flooding and damages. Subsequent coordination between the City of Glencoe, the District, and local stakeholders and local stakeholders made apparent the need for comprehensive water management planning in the Central and East Ditch subwatersheds.

On July 19, 2016 the City of Glencoe petitioned the Watershed District to establish the Glencoe Central-East Stormwater Basic Water Management Project ([Project Number 16-01](#)) under MS 103D.605 as a phased Basic Water Management Project (see [Appendix D, Attachment 4](#)). The petition described four project phases:

- 1) Identifying existing conditions and opportunities for stormwater management; 2) Regional comprehensive stormwater management planning; 3) Development of implementation timelines and cost allocation; and 4) Project implementation.

The goals of Phase 1 were addressed through a June 21, 2017 report entitled, *Glencoe East and Central Basic Water Management Project – Phase 1: Existing Conditions and Conceptualization of Potential Projects* (see [Appendix D, Attachment 5](#)). Phase 2 was completed via a subsequent report, *Glencoe East and Central Basic Water Management Project - Phase 2: Regional Comprehensive Stormwater and Flood Management Plan* dated July 17, 2018 (see [Appendix D, Attachment 6](#)). The stakeholders used this second report to identify four project components as a first phase to the Glencoe Central-East Stormwater Basic Water Management Project, including:

- Construction of an outlet at Morningside Drive [from the School Wetland to the 14<sup>th</sup> St. Pond](#);
- Expansion of the 14<sup>th</sup> St. Pond to accommodate the increase in discharge;
- Improvement of the Glencoe Regional Health Service (GRHS) and County Office Outlet; and
- Ditch Maintenance along the entire length of Central Ditch from just upstream of the North-Central Ponds to Garden Avenue (including establishment of easements and buffers).

Funds collected through a WMD will be used to construct specific project features. The specific project features to be planned for, designed, constructed and maintained using the WMD are described with a memorandum entitled *Glencoe Central-East Stormwater Basic Water Management Plan – Priorities, Cost Allocation, and Schedule*, as amended January 15, 2019, which concludes Phase 3 of the City of Glencoe’s petition.

Estimated Costs: The charge collected will be used for the implementation of those features providing benefit to properties located within the boundary of the Glencoe Central WMD. These features yield direct benefit by providing predictable drainage to largely agricultural lands now and urban stormwater conveyance as development proceeds. The Engineer’s Opinion of Probable Cost for the project is an estimated \$575,067, of which an estimated \$450,965 will be paid by the charge collected through the Glencoe Central WMD. The remaining portion of the Opinion of Probable Cost, primarily for all or portions of those features which provide water quality benefit, will be paid for through the district-wide Ad valorem levy and by the City of Glencoe. WMD charges will include an additional 20% (\$115,000) to be placed in a dedicated maintenance fund for project facilities. The total of WMD charges is capped at \$565,965 for the 10-year recovery period indicated below. The WMD charges will be used to repay the capital construction costs of project facilities and for the establishment of a maintenance fund as indicated above.

Area for Inclusion: The area of the Glencoe Central WMD, approximately 1,132 acres in size, is generally described as the portion of the watershed to Glencoe North Central Ponds and School wetlands that is outside of the City of Glencoe, as shown in **Map 2**.

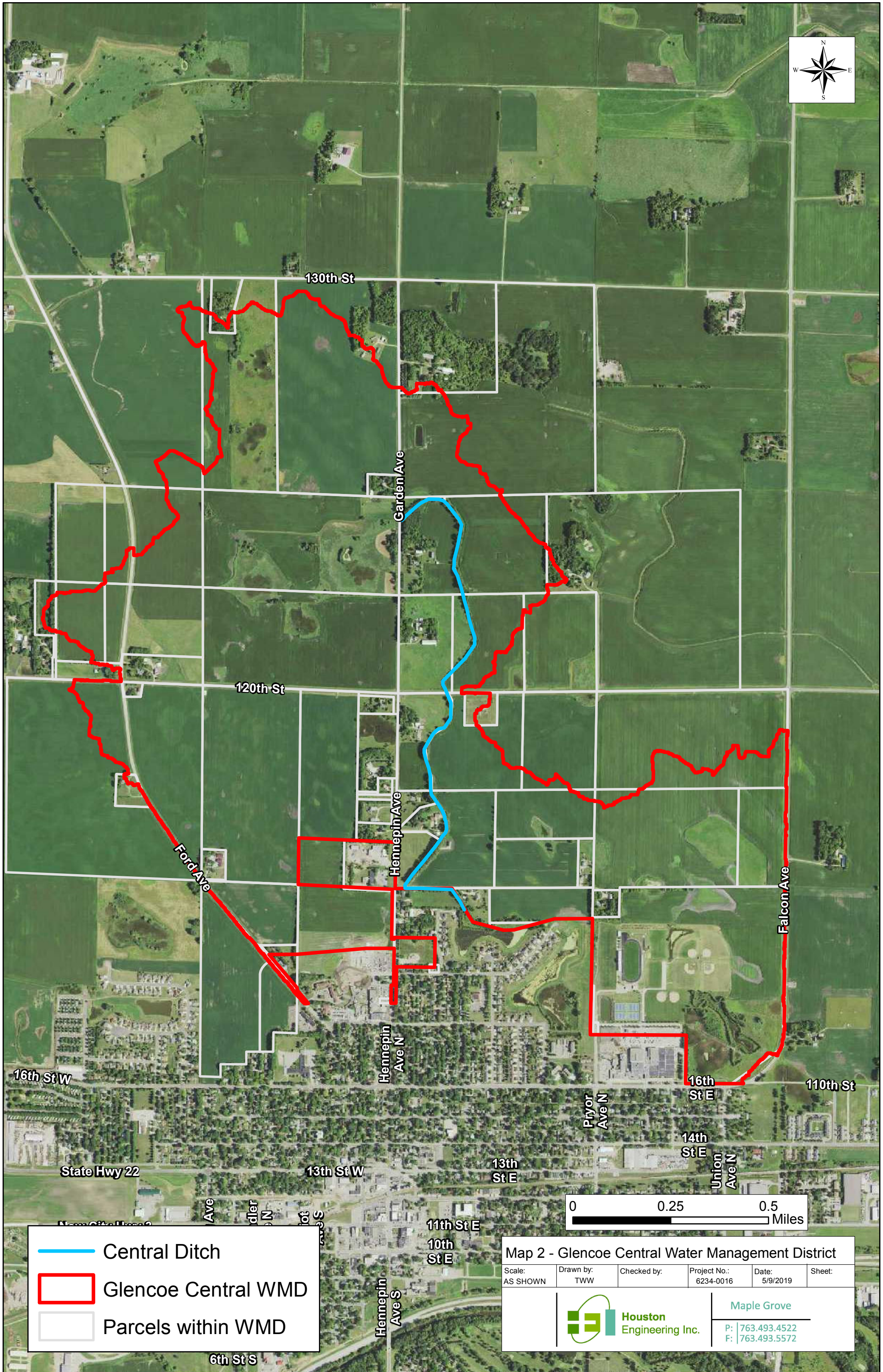
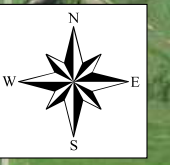
Methods for Determining Charges: The method to determine the per-acre charge will generally consist of evaluating the runoff amount by land use type. Specifics of the method of determining the stormwater charge are expected to include:




- Use soils and land use data to determine the existing curve numbers or runoff coefficients for each current land use within the Glencoe Central WMD;
- Use the curve number or runoff coefficients for each current land use and the annual average precipitation depth to compute the annual runoff volume for each land use;
- Sum the annual runoff volumes for all land uses within the Glencoe Central WMD to determine the total annual runoff volumes for current conditions. Divide the sum of the annual runoff volumes by the total annual runoff volume for each land use, respectively, within the Glencoe Central WMD. This represents a “charge ratio” for each land use.
- Apply the charge ratio to the total amount of revenue needed for the Glencoe Central WMD to carry out the projects, programs and activities of the BCWD within the Glencoe Central WMD.
- The charge for a specific parcel will be determined by area-weighting the per acre charges based on the land use within a parcel.

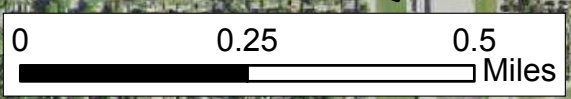
This approach may be further defined or revised once the BCWD develops the necessary data required to determine the charge and will be subject to review in the hearings process for both project establishment and charge establishment/implementation under statutes chapter 103D.

Duration: This Glencoe Central WMD will be effective for the duration consistent with the time necessary to repay the capital cost for the project, which currently is estimated at 10-years. The WMD may be renewed in subsequent revisions, update or amendments to the watershed management plan to support charges for other programs or projects within the WMD.

Map 2. Glencoe Central WMD



-  Central Ditch
-  Glencoe Central WMD
-  Parcels within WMD



Map 2 - Glencoe Central Water Management District

Scale: AS SHOWN	Drawn by: TWW	Checked by:	Project No.: 6234-0016	Date: 5/9/2019	Sheet:
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