

# One Watershed, One Plan

## Operating Procedures

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

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### Policy Statement

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These are the minimum procedural requirements for developing a comprehensive watershed management plan through the Minnesota Board of Water and Soil Resources' (BWSR) One Watershed, One Plan program. The One Watershed, One Plan vision is to align local water planning on major watershed boundaries with state strategies towards prioritized, targeted, and measurable implementation plans. These procedures are based on the *One Watershed, One Plan Guiding Principles* adopted by BWSR on December 18, 2013.

[Minnesota Statutes §103B.101 Subd. 14](#) permits BWSR to adopt methods to allow comprehensive plans, local water management plans, or watershed management plans to serve as substitutes for one another, or to be replaced with one comprehensive watershed management plan, and requires BWSR to establish a suggested watershed boundary framework for these plans. [Minnesota Statutes §103B.801](#) outlines the purpose of, and requirements for, comprehensive watershed management plans and directs BWSR to establish operating procedures for plan development.

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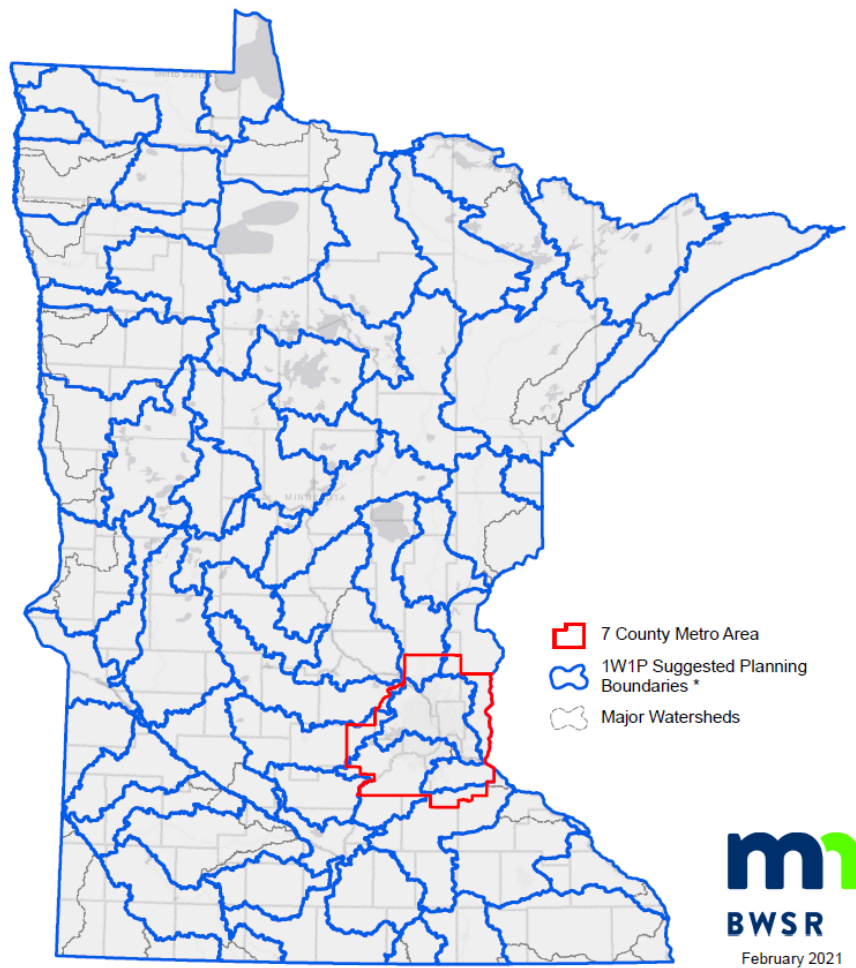
# I. Boundary Framework

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The One Watershed, One Plan Boundary Framework consists of three parts: the suggested boundary map; procedures for establishing boundaries, requesting variances on boundaries, and appealing boundaries; and the criteria used to establish and consider requested variances from the suggested boundary map.

## A. Suggested Boundary Map

Local governments partnering to develop a comprehensive watershed management plan through the One Watershed, One Plan program must begin with the planning boundaries identified in the suggested boundary map adopted by the BWSR Board on April 23, 2014 and as subsequently revised (Figure 1). Boundaries within this map are recommended but not mandated; procedures for establishing and deviating from the boundaries are in this section.



\*Not legal boundaries; intended for planning purposes through One Watershed, One Plan only.

Figure 1. Suggested Boundary Map

## B. Boundary Establishment and Adjustment Procedures

As per Minnesota Statute §103B.101 Subd. 14, BWSR “shall, to the extent practicable, incorporate a watershed approach when adopting the resolutions, policies, or orders, and shall establish a suggested watershed boundary framework for development, approval, adoption, and coordination of plans.” The procedures for determining boundaries will conform to the following:

1. **Planning Boundary Establishment.** BWSR Board adopted the One Watershed, One Plan Suggested Boundary Map on April 23, 2014. This map establishes the suggested planning boundaries for plans developed through One Watershed, One Plan.
  - a. Before commencing planning under Minnesota Statutes §103B.101 Subd. 14, local governments participating in the plan (section II) shall notify the BWSR board conservationist and regional manager of the intent to initiate planning. This notification shall include:
    - i. Local concurrence of all participants that they will use the planning boundary established in the BWSR Board adopted map, or
    - ii. A new map delineating a revised planning boundary with local concurrence of all participants as well as required participants with land in adjacent planning boundaries that would be affected by a deviation from the BWSR Board adopted map. If submitting a new map, participants must provide written documentation of the rationale and justification for deviation from the BWSR Board adopted map.
  - b. BWSR staff shall have 60 days to determine if a proposed plan boundary conforms with the requirements of Minnesota Statutes §103B.101 Subd. 14 and notify the participants of the determination.
  - c. If the participants disagree with the determination, they may submit a request for review to the executive director. The executive director may bring the issue before the BWSR Board if resolution cannot be found.
  - d. The final planning boundary will be approved by the BWSR Board concurrent with plan approval and incorporated into the BWSR Board order and adopted map.
2. **Planning Boundary Amendment or Adjustment.** After a plan has been approved, participants may find adjustments or amendments to the boundary are necessary. Procedures for changing a boundary will follow the establishment procedure above. The final adjusted boundary will be approved by the BWSR Board concurrent with a plan amendment or the next plan approval. BWSR comments on the boundary may include findings that an amendment to the plan is necessary to address the newly included or excluded area(s).
3. **Appeals.** Participants may appeal a BWSR Board decision to deny approval of a plan or the establishment of a plan boundary. Appeals and disputes of decisions follow existing authorities and procedures of the BWSR Board.

## C. Boundary Criteria

The following criteria, based on the criteria used for establishing the suggested boundary map, should be used to justify planning boundary adjustments.

1. **Full Coverage.** The adjustment will not leave small, orphaned watershed areas between planning boundaries or areas that are in more than one planning boundary.
2. **Smaller Boundaries.** For adjusted boundaries smaller than the suggested planning boundary:
  - a. Smaller area does not conflict with the purposes/intent of 1W1P
  - b. Significant dissimilarities or complexities in resource issues and solutions within suggested planning boundary justify the smaller area
  - c. Suggested planning boundary crosses a major river, e.g. on both sides of the Mississippi River
  - d. Existing watershed district in the area
  - e. Suggested planning boundary crosses Metro Water Planning area
  - f. Boundary for the smaller area closely follows a minor watershed, e.g. a 10 or 12-digit hydrologic unit code or watersheds defined by drainage systems managed pursuant to Minnesota Statutes §103E.
3. **Larger boundaries.** For adjusted boundaries larger than a suggested planning boundary, e.g. one boundary plus additional minor or major watershed(s):
  - a. Inclusion of a partial watershed on a state line
  - b. Confluence of major basins
  - c. Efficiencies due to similarity of issues and solutions
  - d. Existing watershed district that includes larger area
  - e. Major watersheds/8-digit hydrologic unit codes already lumped for PCA 10-year watershed approach/WRAPs
  - f. Boundary for the larger area closely follows a minor watershed, e.g. a 10 or 12-digit hydrologic unit code.
4. **Seven County Metro Area.** When a suggested planning boundary crosses into the seven-county metropolitan area, the area within the seven-county metro may or may not be considered for inclusion in the boundary. If included, the area within the seven-county metro is not excluded from Metro Surface Water Management Act.

## II. Participation Requirements

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When the One Watershed, One Plan planning process is initiated within a watershed area, all potentially affected units of government within the planning boundary should be invited to participate.

For the purposes of this section, levels of participation are defined as:

- **Required Participant** - The local government unit must formally agree to a role in plan development and subsequent implementation. “Formally agree” means an in-writing consent to participate (section III).
- **Optional Participant** - The government unit is encouraged to be directly involved in the planning process but is not required to formally agree. All municipalities (cities and townships) and Minnesota Tribal Nations (“tribes” or “tribal governments”) are optional participants.

As planning partnerships come together, required participants must extend an invitation to Minnesota Tribal Nations with reserved lands or rights within the proposed planning boundary.

Table 1. Participation Requirements by Government Type

Government Type	Participation Requirement
Soil & Water Conservation District	Required (Metro* SWCDs optional)
County	Required (Metro* counties optional)
103D Watershed District	Required
103B (Metro*) Watershed District or Watershed Management Organization	Optional
Municipality (city or township)**	Optional**
Minnesota Tribal Nations	Optional ***

\*Metro refers to the seven-county metropolitan area.

\*\* See “Guidance for Committees and Getting Ready to Plan” for considerations for municipal participation.

\*\*\*Required participants must invite these groups to participate.

## A. Participation by Land Area

All local governments with land area in the watershed have the opportunity to participate in planning and implementation. It may not be practical for local governments with a small portion of their land area in the watershed to participate in plan development, especially if that area will not play an important role in implementing the plan. If less than 10% of the jurisdictional land area of the local government is within the One Watershed, One Plan planning boundary, participation by that local government is optional unless the area will be important to the success of the plan. Important areas are those identified in a Watershed Restoration and Protection Strategies (WRAPS) report, a completed TMDL, a local diagnostic study, and/or another study or plan as being important places to take watershed management actions and include those areas in close proximity to the watershed outlet.

## B. Participation Requirements Procedure

Participation requirements will be discussed as part of the plan initiation process with final determinations made by the board conservationist in consultation with the participants and BWSR regional manager. Disputes of staff decisions will be reviewed by the executive director and brought before the BWSR Board if resolution cannot be found.

Lack of willingness or interest of one required participant should not be used as an initial basis for denying participation of the majority in One Watershed, One Plan. Additional factors or criteria may be considered, including the anticipated impact to the planning process or perceived challenges with implementation of the resulting plan if certain critical stakeholders are unwilling to participate. At the request of the majority of participants, BWSR may conduct an assessment of the potential impact of the nonparticipation and make a determination as to if the remaining participants should be able to proceed. This assessment and the final

recommendation will be reviewed by the executive director and brought before the BWSR Board if resolution cannot be found. In some situations, a watershed planning group may not be able to proceed until One Watershed, One Plan participation requirements are met.

### **C. Participation by Minnesota Tribal Nations**

Executive Order 19-24 affirms the government-to-government relationship between the State of Minnesota and Minnesota Tribal Nations. BWSR is committed to promoting consultation, coordination, and cooperation among tribes, state agencies, and local governments via the One Watershed, One Plan process.

Minnesota Tribal Nations have natural resource management authorities (including those delegated under the Clean Water Act), responsibilities, programs and information for lands within reservation boundaries and ceded territories. Each tribal government has a unique structure; the nature of tribal participation in a planning effort will be determined by the tribe(s). See “Guidance for Committees and Getting Ready to Plan” for more information.

### **D. Participation Requirements and Plan Adoption**

After a plan has been completed by participants and approved by the BWSR Board, it will need to be formally adopted within 120 days by all parties. Whether the plan is adopted individually by each county, soil and water conservation district, and/or watershed district, or by an established joint powers board on behalf of the participants, is a decision of the participants as outlined in the formal agreement and the authorities provided therein (section III).

In the case that a required participant decides not to formally adopt the plan after it has been approved by BWSR, the remaining local governments will need to reassess whether the plan can be successfully implemented without adoption by the particular local government. If it is possible the plan will work to a degree without the participant, the plan may need to be amended to function without the participant, and/or the remaining participants may need to work with the non-participant to address issues or concerns. BWSR staff may be available to assist in assessment or mediation at the request of the local governments involved. The decision to adopt the plan or not is an individual government decision. Any repercussions, such as ineligibility for state grants, will be specific to the individual participant(s) who chose not to adopt the plan.

See section IV for more detailed and specific plan adoption information.

## **III. Planning Agreement and Organizational Structures for Implementation**

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A formal agreement for planning describes the relationships, responsibilities, and structure of the partners during the development of comprehensive watershed management plan. It is not intended to address or mandate consolidation or changes to existing authorities of local or tribal governments.

### **A. Planning Agreement**

Prior to initiating plan development, participating partners must enter into a Memorandum of Agreement (MOA) or other type of formal agreement. Planning agreements must include the following:

1. **Purpose.** The purpose statement of the agreement must include participation in developing a watershed plan.

2. **Participants.** The agreement must include all required participants (section II; agreement may include more than the required participants, e.g. a regional agreement that encompasses multiple One Watershed, One Plan planning boundaries or one or more cities).
3. **Procedures.** The agreement must include or refer to operating procedures and/or bylaws that outline a method for decision-making that gives each participant equal status in the planning partnership and include procedures for plan submittal (section IV.C). Bylaws may also include procedures for stakeholder processes, committees, etc.
4. **Fiscal Agent.** The agreement must identify a fiscal agent and/or requirement for an audit meeting the provisions of Minnesota Statutes §6.756 if the agreement creates an entity or organization that will be receiving funds directly.

Partners may use an existing formal agreement (e.g. a Joint Powers Agreement) if it includes the required elements listed above.

## B. Organizational Structures for Implementation

During the planning process, partners will identify programs essential to achieving goals and implementing the projects for the watershed. The partners must determine and identify in the plan the organizational structures, whether existing or new, that will most effectively and efficiently implement the plan (section IV.B.3).

## IV. Plan Development Procedures

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The intent of the One Watershed, One Plan program is to develop a high quality, long-term comprehensive watershed management plan that builds off of existing local, state, and tribal plans and data as well as existing services and capacity, emphasizes watershed management and implementation through shorter-term work plans and budgeting, and can be updated via a streamlined process to incorporate or reference new data, trend analysis, changes in land use, and watershed priorities.

These procedures reflect the vision that the procedures for developing a plan through One Watershed, One Plan should not be any less rigorous than those of the implementation plans that are being substituted for or replaced.

### A. Committees, Notifications, and Initial Planning Meeting

The following steps assume the formal agreement and/or bylaws establishing the planning partnership and outlining the process and procedures for committee involvement and decision-making are in place.

1. **Establish committees and workgroups.** The following committees and workgroups are all critical to successful development and implementation of the plan.
  - a. **Steering Team** – A small group of local and tribal government (if applicable) staff {typically local water planners and lead staff from participating local governments, tribal natural resources staff (if applicable), BWSR board conservationist, and possibly consultants} is strongly recommended for the purposes of **logistical** and process (not policy) decision-making in the plan development process.
  - b. **Policy Committee** – This is a required committee of local plan authorities and tribal governments (if applicable) for the purposes of **making final decisions** about the content of the plan and its submittal and regarding expenditure of funds allocated for plan development. The committee



membership and the committee's decision-making process must clearly be a part of the formal agreement for planning and associated bylaws (section III). This committee may or may not continue after plan adoption.

- c. **Advisory Committee(s)** – An advisory committee is required to meet public and stakeholder participation goals and requirements identified in rule and statute for existing local water plans. The purpose of an advisory committee is to **make recommendations** on the plan content and plan implementation to the policy committee. Full establishment of the advisory committee may not be finalized until after Steps 2 and 4 (below).
  - i. More than one advisory committee may be formed (e.g. regional committees, and/or separate citizen and technical advisory subcommittees).
  - ii. Advisory committee members should include members of the steering team, drainage authority representatives, county highway and planning and zoning staff, and potentially other stakeholders as noted in Step 2 below.
  - iii. Advisory committee membership must include state agency representatives. The state's main water agencies, or plan review agencies, are committed to bringing state resources to the planning process. Each agency will designate a lead contact for their agency to participate on the advisory committee; however, specific participation may vary depending on local needs. Consideration should also be given to including tribal representatives (if they choose not to participate at the policy committee level) and federal agency representatives.
  - iv. In the initial meeting of the advisory committee(s), a basic set of ground rules should be adopted that identify a decision-making process and a chair should be appointed. The position of chair can be rotating.
2. **Notify plan review authorities, other government entities, and other stakeholders.** Prior to the development of the plan, notification must be sent to the plan review authorities of plan initiation. The notification must include an invitation to submit priority issues and plan expectations and must allow 60 days for response to the notification. The notification may also be sent to other groups or alternative methods for receiving input may be used for these interested parties.
  - a. Government entities such as drainage authorities, federal agencies, and tribal governments.
  - b. Stakeholders such as lake or river associations, citizen-based environmental group(s), sporting organization(s), farm organization(s) and agricultural groups, other interested and technical persons such as current and former county water plan taskforce members.
  - c. Additional methods for public input should also be considered along with the formal notification process, such as web surveys, workshops with specific interest groups, and other citizen surveys.
3. **Start to aggregate watershed information.** Make use of existing water plans, input received from agencies, TMDL studies, WRAPS, and other local, agency, and tribal (if applicable) or other natural resource plans. Information to be aggregated includes land and water resources inventories, data, issues, goals, strategies, actions, etc. This aggregation of plan information is not intended to be exhaustive, but rather a compilation for the purposes of understanding current priorities and goals for the watershed and orientation to the watershed. This step and the previous step generally occur concurrently.

4. **Hold initial planning meeting.** The meeting is often referred to as the public information meeting for county water planning or a kickoff meeting in watershed district planning after the priority issues of stakeholders have been gathered and should be held after steps 2 and 3 above.
  - a. The planning meeting must be legally noticed to meet the requirements of MN Statutes §103B.313, Subd. 3 (county water planning).
  - b. In consideration of the size of the watersheds, participants may want to consider more than one initial planning meeting and/or options for participating through video conference. Be sure to thoroughly document this participation.
  - c. Talk to BWSR staff about potential resources available to assist in planning and facilitating this initial planning meeting in order to achieve effective participation.

## B. Draft Plan

This section outlines the high-level steps for drafting the plan. Specifics on the plan content requirements can be found in the *One Watershed, One Plan – Plan Content Requirements* document. Steps are not always linear; some steps may be repeated more than once throughout the planning process and others may occur concurrently.

1. **Review information.** Review and assess aggregated watershed information for commonalities, conflicts, and gaps, and to better support understanding, discussion, and prioritization. Make use of input received at the initial planning meeting, existing water plans, input received from agencies, TMDL studies, WRAPS, and other natural resource plans.
2. **Draft the plan.** Analyze gathered information and draft the plan using available tools for prioritizing, targeting, and assessing measurability. Refer to the *One Watershed, One Plan – Plan Content Requirements* document for required elements and to the *One Watershed, One Plan Guidebook* for more information on the requirements and suggestions for planning.
3. **Determine organizational structure for implementation.** Determine the most effective and efficient organizational structure(s), existing and/or new, to implement the actions identified in the plan, such as shared services or collaborative grant-making. Modifications to an existing agreement and/or a new agreement may or may not be necessary depending on the implementation plan and needs of the participating governments. Partners may request help from the Minnesota Counties Intergovernmental Trust (MCIT) and/or the legal counsel of the participating organizations.

## C. Formal Review and Public Hearing

After the plan has been drafted, the policy committee submits the plan on behalf of the local plan authorities to the plan review authorities (see definitions) and Minnesota Tribal Nations with reserved lands or rights (see definitions) within the planning boundary for formal review. Depending on the decision-making outlined in the formal agreement for plan development, the participating local governments may need to approve the draft prior to submittal.

1. **Submit the draft plan.** The draft plan may be submitted to the plan review authorities electronically via email attachment, website link, or digital storage device. BWSR must receive a paper copy, email attachment or digital storage device of all submitted documents (website link not acceptable) in order

to maintain a record of the submittal. If paper copies are requested, they must be provided.

Partnerships are encouraged to make a copy of the draft plan available online with a clear process for stakeholder comments.

2. **60 day review.** Plan review authorities have 60 days to provide comment on the plan. Comments must be submitted to both the policy committee (can be via a staff or consultant contact - does not mean submitting to each member of the policy committee) and BWSR (board conservationist).
3. **Public hearing(s).** The policy committee will schedule and hold a public hearing(s) on the draft plan no sooner than 14 days after the 60-day review period of the draft plan. Responses to comments received during the review period must be provided to BWSR, the state review agencies, and anyone who provided comments 10 days before the public hearing.
  - a. Depending on the formal agreement, the participating local governments may need to hold individual public hearings.
  - b. If the formal agreement allows the policy committee to ‘host’ the public hearing, the committee may want to consider more than one hearing in a large watershed.

#### D. Approval by BWSR

After the public hearing, the policy committee submits the final draft plan to the plan review agencies for final review on behalf of the local plan authorities according to the process outlined in IV.C.1. Submittal must include: a copy of all written comments received on the draft plan, a record of the public hearing(s), and a summary of responses to comments including comments not addressed and changes incorporated as a result of the review process. The revised responses to comments will be published to the BWSR website. Depending on the decision-making outlined in the formal agreement, the participating local governments may need to approve the final draft prior to submittal.

1. **BWSR Board Review.** The BWSR Board shall review the plan for conformance with the requirements of Minnesota Statutes §103B.101, Subd. 14 and §103B.801, final input from the state review agencies, this policy, and the *One Watershed, One Plan – Plan Content Requirements* document. The review process includes BWSR staff review and recommendation to a regional BWSR committee where the plan will be presented to the committee by representatives of the planning partnership. The regional BWSR committee makes a recommendation to the BWSR Board where final decision is made.
2. **BWSR Board Decision.** The BWSR Board may approve or disapprove a plan which it determines is not in conformance. The BWSR Board shall complete its review and approval within 90 days or the next scheduled BWSR Board meeting.
3. **Appeals and Disputes.** Appeals and dispute of plan decision follow existing authorities and procedures of BWSR Board.

#### E. Local Adoption and Implementation

1. **Local Adoption.** Local adoption by the local plan authority is required within 120 days of BWSR Board approval. If so granted through a joint powers agreement, the adoption may be by a watershed joint powers entity. If no joint powers entity with the authorities of the local plan authority was created, each

local government unit shall adopt the plan individually. A copy of resolution(s) to adopt the plan must be sent to BWSR in order to be eligible for grants.

2. **Implementation.** Implementation may occur individually or cooperatively for all or parts of the plan depending on ongoing agreement(s) between the planning partners.

## F. Assessment, Evaluation, Reporting, and Plan Amendments and Updates

Assessment, evaluation and reporting should be completed according to the approach described in the plan (see the *One Watershed, One Plan – Plan Content Requirements*).

Updates to the plan are required every ten years. The extent of the required update (or amendments) will depend on evidence that implementation is occurring. BWSR can issue “findings” when a complete update is not required based on the strength of the plan and amendments that have occurred since the plan was last approved.

## V. Definitions

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- **Local plan authority.** A local plan authority is a county, soil and water conservation district, or watershed organization with authority to write and implement a local plan. County local water planning may be delegated with restrictions as per Minnesota statutes §103B.311.
- **Local water plan.** A local water plan is a county water plan authorized under Minnesota statutes §103B.311, a watershed management plan required under §103B.231, a watershed management plan required under §103D.401 or 103D.405, a county groundwater plan authorized under §103B.255, or a soil and water conservation district “comprehensive plan” under Minnesota statutes §103C.331, Subd. 11.
- **Metropolitan Council.** The Metropolitan Council was created by Minnesota Statutes, section 473.123.
- **Plan review agencies.** Plan review agencies are: the Department of Agriculture, the Department of Health, the Department of Natural Resources, the Pollution Control Agency and the Board of Water and Soil Resources, and the Metropolitan Council if substituting for or replacing a plan under MN Statutes §103B.231. The Environmental Quality Board must also receive final submittal.
- **Plan review authorities.** Plan review authorities are: the Department of Agriculture, the Department of Health, the Department of Natural Resources, the Pollution Control Agency, the Board of Water and Soil Resources, counties, cities, towns, soil and water conservation districts, watershed districts, and watershed management organizations partially or wholly within the watershed, and the Metropolitan Council if substituting for or replacing a plan under MN Statutes §103B.231.
- **Reserved lands or rights.** Land reserved for a tribe or tribes under treaty or other agreement with the United States, executive order, or federal statute or administrative action as permanent tribal homelands, and where the federal government holds title to the land in trust on behalf of a tribe. Tribal nations with rights, whether inherent or in treaty, may also have a participation interest in One Watershed, One Plan.

## History

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Version	Description	Date
2.1	<ul style="list-style-type: none"><li>■ Clarified requirements for tribal participation</li><li>■ Updated Suggested Boundary Map to reflect approved boundary changes to date</li><li>■ Minor edits to improve clarity and readability</li></ul>	March 24, 2021
2.0	<ul style="list-style-type: none"><li>■ Formatted with new policy template and logo; edited to improve clarity and readability</li><li>■ Removed background information not directly relevant to the policy (in addition to minor text modifications, the following sections from Version 1.00 were removed: Introduction, Overview, and Table 3 – Formal Agreement Types and Recommended Uses)</li><li>■ Simplified and clarified participation requirements and planning agreements (II.A and III.A.3, respectively)</li><li>■ Added requirements for sharing public comments during the plan review and approval process (IV.C.3 and IV.D)</li></ul>	March 28, 2018
1.0	<ul style="list-style-type: none"><li>■ Pilot Program Operating Procedures modified to reflect transition to program</li></ul>	March 23, 2016
0.0	<ul style="list-style-type: none"><li>■ Pilot Program Operating Procedures</li></ul>	June 25, 2014