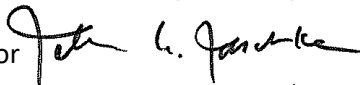




DATE: October 19, 2021

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – October 27, 2021

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, October 27, 2021, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room, at 520 Lafayette Road North, St. Paul and by WebEx. Due to COVID-19, access to the MPCA/BWSR office is limited. Individuals interested in attending the meeting should do so by either 1) logging into WebEx by going to the following website: <https://minnesota.webex.com/minnesota/onstage/g.php?MTID=ee2b8671b14b0be6fad9a33940b6e3e0b> and entering the password: webex, or 2) join by audio only conference call by calling telephone number: 415-655-0003 and entering the access code: 2487 399 3631.

The following information pertains to agenda items:

#### NEW BUSINESS

1. **2022 Proposed BWSR Board Meeting Schedule** – Meeting dates are being proposed for board meetings in 2022. Most meetings are the fourth Wednesday of the month, unless otherwise noted. The proposed calendar has meetings held in the same months as the 2021 calendar. **DECISION ITEM**

#### COMMITTEE RECOMMENDATIONS

##### *Southern Region Committee*

1. **Greater Zumbro Comprehensive Watershed Management Plan** – The Watershed Alliance for the Greater Zumbro (Partnership) was selected by BWSR for a One Watershed, One Plan Planning Grant in August of 2018. The watershed Partnership Policy Committee, Technical Advisory Group, and Planning Work Group members have attended regularly scheduled meetings and submitted the Greater Zumbro Comprehensive Watershed Management Plan (Plan) to BWSR on August 30, 2021 for review and approval. The Southern Regional Committee (Committee) met on October 7, 2021 to review the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board. **DECISION ITEM**

##### *Grants Program and Policy Committee*

1. **Watershed-based Implementation Funding Program** – BWSR staff have met over the past 6 months with an internal staff team (Clean Water Team), BWSR Executive Team, and BWSR Board Committees (Grants Program and Policy and Water Management and Strategic Planning) to discuss the policy, and allocations for the Watershed-based Implementation Funding Program.

The BWSR Grants Program and Policy Committee reviewed the policy and allocation authorizations on October 8, 2021 and made a recommendation to the full Board. The Draft 2022-2023 Clean Water Fund Watershed-based Implementation Funding Program policy and board order are attached based on the recommendations of the Grants Program and Policy Committee. **DECISION ITEM**

2. **Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program** – The Lawns to Legumes Phase 2 Demonstration Neighborhood Grants Program was recently awarded a little over \$2 million dollars by the Environment and Natural Resource Trust Fund.

A few items that are recommended to be new in Phase 2:

- Demonstration Neighborhood grants can also focus on educational and community spaces.
- Definition of “at-risk” pollinators are also included.
- The ranking criteria and point system has changed. In the ranking, we are looking for more geographic distribution by focusing on a wider range of at-risk species (rather than only focusing on currently known Rusty Patch Bumble Bee locations).
- There are two funding appropriations with different end dates. As a result, applicants will be asked if they could use three years instead of two.
- A limit has been established for the cost of equipment.
- A limit on project costs has been established for residential or community space and educational landscapes.

In addition to approving the policy, the board order also authorizes the fiscal year 2022 Lawns to Legumes Phase 2 Demonstration Neighborhood Grants Program and authorizes staff to finalize and issue a Request for Proposals. The Grants Program and Policy Committee reviewed these recommendations on October 8, 2021 and recommends the attached policy and order to the board. **DECISION ITEM**

If you have any questions regarding the agenda, please feel free to call me at 651-297-4290. We look forward to seeing you on October 27th.

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
ST. PAUL, MN 55155  
WEDNESDAY, OCTOBER 27, 2021**

**PRELIMINARY AGENDA**

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

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**MINUTES OF SEPTEMBER 22, 2021 BOARD MEETING**

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

**CONFLICT OF INTEREST DECLARATION**

*A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests, and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today's business. Any member who declares an actual conflict of interest must not vote on that agenda item. All actual, potential, and perceived conflicts of interest will be announced to the board by staff before any vote.*

**REPORTS**

- Chair & Administrative Advisory Committee – Gerald Van Amburg
- Executive Director – John Jaschke
- Audit & Oversight Committee – Joe Collins
- Dispute Resolution and Compliance Report – Travis Germundson/Rich Sve
- Grants Program & Policy Committee – Todd Holman
- RIM Reserve Committee – Jayne Hager Dee
- Water Management & Strategic Planning Committee – Andrea Date
- Wetland Conservation Committee – Jill Crafton
- Buffers, Soils & Drainage Committee – Kathryn Kelly
- Drainage Work Group – Neil Peterson/Tom Gile

**AGENCY REPORTS**

- Minnesota Department of Agriculture – Thom Petersen
- Minnesota Department of Health – Steve Robertson
- Minnesota Department of Natural Resources – Sarah Strommen
- Minnesota Extension – Joel Larson
- Minnesota Pollution Control Agency – Katrina Kessler

**ADVISORY COMMENTS**

- Association of Minnesota Counties – Brian Martinson
- Minnesota Association of Conservation District Employees – Nicole Bernd
- Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck

- Minnesota Association of Townships – Eunice Biel
- Minnesota Association of Watershed Districts – Emily Javens
- Natural Resources Conservation Service – Troy Daniell

#### **NEW BUSINESS**

1. 2022 Proposed BWSR Board Meeting Schedule – John Jaschke and Rachel Mueller – ***DECISION ITEM***

#### **COMMITTEE RECOMMENDATIONS**

##### ***Southern Region Committee***

1. Greater Zumbro Comprehensive Watershed Management Plan – Adam Beilke, Shaina Keseley, and Ed Lenz – ***DECISION ITEM***

##### ***Grants Program and Policy Committee***

1. Watershed-based Implementation Funding Program – Kevin Bigalke and Marcey Westrick – ***DECISION ITEM***
2. Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program – Dan Shaw – ***DECISION ITEM***

#### **UPCOMING MEETINGS**

- Northern Region Committee meeting is scheduled for November 3, 2021 at 2:00 p.m. at the Wild Rice Watershed District in Alda.
- Northern Region Committee meeting is scheduled for November 22, 2021 at 2:00 p.m. at the Community Center Meeting Room in Graceville.
- BWSR Board meeting is scheduled for Thursday, December 16, 2021, at 9:00 a.m. in the Lower Level Conference Rooms at 520 Lafayette Road North, St. Paul and by WebEx.

#### **ADJOURN**

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
LOWER LEVEL BOARD ROOM  
ST. PAUL, MN 55155  
WEDNESDAY, SEPTEMBER 22, 2021**

**BOARD MEMBERS PRESENT:**

Joe Collins, Jill Crafton, Andrea Date, Jayne Hager Dee, Kathryn Kelly, Neil Peterson, Rich Sve, Gerald Van Amburg, Ted Winter, LeRoy Ose, Kelly Kirkpatrick, Eunice Biel, Todd Holman, Ronald Staples, Mark Zabel, Katrina Kessler, MPCA; Joel Larson, University of Minnesota Extension; Jeff Berg, MDA; Steve Robertson, MDH; Sarah Strommen, DNR

**BOARD MEMBERS ABSENT:**

**STAFF PRESENT:**

John Jaschke, Angie Becker Kudelka, Rachel Mueller, Kevin Bigalke, Tom Gile, Travis Germundson, Chad Severts, Brittany Polzin, Rick Ingli, Sharon Doucette, Teressa Pickar, Jeremy Olson, Dave Weirens, Ryan Hughes, John Voz, Ed Lenz, Marcey Westrick

**OTHERS PRESENT:**

Brian Martinson, AMC; Emily Javens, MAWD; Karl-Christian Johannessen, Minnesota Association of Townships; Sheila Vanney, MASWCD; Alex Trunnell, Megan FitzGerald, Zach Gutknecht

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

**PLEDGE OF ALLEGIANCE**

**\*\***  
**21-34** **ADOPTION OF AGENDA** - Moved by Kathryn Kelly, seconded by Jill Crafton, to adopt the agenda as presented. ***Motion passed on a voice vote.***

**\*\***  
**21-35** **MINUTES OF AUGUST 26, 2021 BOARD MEETING** – Moved by Jayne Hager Dee, seconded by Jill Crafton, to approve the minutes of August 26, 2021, as amended. ***Motion passed on a voice vote.***

**PUBLIC ACCESS FORUM**

No members of the public provided comments to the board.

**INTRODUCTION OF NEW BOARD MEMBER**

Chair VanAmburg welcomed new board member Mark Zabel, soil and water conservation district.

**INTRODUCTION OF NEW STAFF**

Jeremy Olson introduced new employee Teresa Pickar Financial Analyst.

Sharon Doucette introduced two new Easement Acquisition Specialists Rick Ingli and Brittany Polzin.

**CONFLICT OF INTEREST DECLARATION**

**Chair Van Amburg read the statement:**

*“A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests, and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today’s business. Any member who declares an actual conflict of interest must not vote on that agenda item. All actual, potential, and perceived conflicts of interest will be announced to the board by staff before any vote.”*

Chair VanAmburg and Executive Director Jaschke stated if a member has a conflict during the vote they may recuse themselves.

**REPORTS**

**Chair & Administrative Advisory Committee** – Chair Gerald Van Amburg reported the committee has not met.

Chair Van Amburg attended the September 15 EQB meeting where approval was given for a resolution to implement a pilot program for integrating climate change information into the Environmental Review Program. Chair Van Amburg stated EQB’s new Chair is Margaret Anderson Kelliher.

**Executive Director’s Report** - John Jaschke reported the Climate Subcabinet is working to engage with the citizens of Minnesota on a framework that is an outline of what the state should or could do going forward. Agencies who are members of the Climate Subcabinet have been starting that effort both together and separately and it will continue over the next few months. There is a website set up with a portal for interested parties to contribute ideas or questions.

John stated there have been more opportunities to attend activities similar to the BWSR Board tour in August. The Soil and Water Conservation Districts are having Area meetings and some have included a tour. The Red River Basin Commission had a meeting and tour of the Fargo Morehead Diversion Project. The Clean Water Council had a tour in southwest Minnesota. The Legislative Bonding Committee is touring this week in northwest Minnesota.

John also stated BWSR is beginning to work on the process of developing ideas to be considered by the Governor and the Legislature in 2022.

John reviewed the day-of-packet that included a board order for FY2022 SWCD Local Capacity Grants Program and FY2021 SWCD Local Capacity Grants Allocation Table. There was a resolution for RIM Reserve Riparian Programs Authorization: OHF Riparian Buffer Conservation Easement Program and CWF Pilot Working Lands Floodplain Program. The packet also included a BWSR staff listing, an updated organizational chart and October SnapShots. The phone list is no longer included in the packet as it can be located on the BWSR website.

**Audit and Oversight Committee** – Joe Collins reported the committee has not met.

**Dispute Resolution and Compliance Report** – Rich Sve reported the committee has not met. Travis Germundson reported there are three new appeals.

File 21-3 This is an appeal of a WCA Restoration Order in Mille Lacs County. The Restoration Order regards the unauthorized wetland impacts associated with the construction of a pole building and building pad. No decision has been made on the appeal.

File 21-2 This is an appeal of a WCA Restoration Order in Polk County. The Restoration Order is for the unauthorized wetland impacts associated with the construction of a ditch and placement of spoil material within a wetland bank easement site. They have met with staff and the LGU and has decided to restore the site. The appeal has been withdrawn and the case dismissed.

File 21-1 This is an appeal of a WCA Notice of Decision involving a no-loss determination in Kittson County. The appeal regards the denial of a no-loss determination for wetland impacts associated with the construction of road, ditch, and additional fill material. The appeal has been placed in abeyance for a submittal of a new application which will include components of restoration and replacement.

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 93 parcels. Currently there are no active Corrective Action Notices (CANs) and 6 Administrative Penalty Orders (APOs) issued by BWSR that are still active. Of the actions being tracked, over 86 of those have been resolved.

Statewide 30 counties are fully compliant, and 51 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 775 CANs and 59 APOs actively in place. Of the actions being tracked over 1,811, have been resolved.

**Grants Program & Policy Committee** – Todd Holman reported they've had three meetings where two of those meetings resulted in an action in the board agenda today. Will be having a committee meeting in October.

**RIM Reserve Committee** – Jayne Hager Dee reported they met on September 8 and have six recommendations for the board to take action on later in the agenda. There is an updated board resolution for one of the items included in the day of packet.

Jayne stated the Committee will be meeting in the future to consider an update in payment rates and will look at revising the formula for working lands, wellheads, and temporary easements. They will also discuss payments to SWCDs for their assistance. The Committee will also look at working lands and temporary easement options that may come out of the Clean Water Fund Buffers Program that will need to be developed.

**Water Management & Strategic Planning Committee** – John Jaschke reported the committee has not met. Staff will work with the Committee on a schedule for updating the agency’s Strategic Plan.

**Wetland Conservation Committee** – Jill Crafton reported the committee has not met.

**Buffers, Soils & Drainage Committee** – Kathryn Kelly reported the committee has not met.

**Drainage Work Group (DWG)** – Tom Gile reported there was an abbreviated Drainage Work Group meeting in September where they talked about the Multi-Purpose Drainage Management Grant Program and discussed potential updates to the Drainage Manual. At the October meeting they will bring back agenda items they didn’t get to at the September meeting and will have an updated draft of the Drainage Manual.

#### **AGENCY REPORTS**

**Minnesota Department of Agriculture** – Jeff Berg reported Commissioner Peterson is at the National Association of State Departments of Agriculture meeting. Jeff stated they are continuing to monitor the drought. They have been visiting farms and continue to update their drought webpage. The Rural Finance Authority Board has issued a Disaster Declaration for the State of Minnesota and now has no-interest loans available for Minnesota farmers. The Governor has waived the hours of service for transporting livestock, storage, water, etc. across the state to allow more transportation options for farmers. Jeff thanked BWSR and DNR for working with MDA to make land available for haying and grazing to those farmers needing it during the drought. Jeff stated there is an expected upcoming special session for workers with COVID and there may be a package to help livestock and specialty growers with drought issues.

The Ag Water Quality Certification Program has 800,000 acres with 1,100 producers. Jeff stated that with this program they can track different resources.

**Minnesota Department of Health** – No report provided.

**Minnesota Department of Natural Resources** – Sarah Strommen reported they are managing the drought conditions across Minnesota and with the rain we’ve received many of the restrictions and permits during the peak time of the drought have been removed. Stated she attended a Greenwood Fire morning briefing and thanked them for their work this fire season. The fire season has lasted longer than normal and the number of fires have been high this year.

Commissioner Strommen stated the DNR Future Funding Initiative will look at funding conservation and outdoor recreation in Minnesota. She also stated they will be celebrating Climate week with a few activities.



Jill Crafton asked with the focus on climate could we come up with some metrics for private landowners. Commissioner Strommen stated the Climate Cabinet has a public engagement experience open to talk about a Draft Climate Plan and some of the metrics that we want to focus on as a state around climate.

**Minnesota Extension** – Joel Larson reported the Minnesota Water Resources conference is October 19 and 20 and will be held virtually.

Joel stated they are working on agreement with Lower Saint Croix Watershed Partnership to provide funding for an extension educator, focusing on agriculture and water management issues. Part of their effort is to implement their comprehensive watershed management plan. Joel stated it will be a potential model to help connect watersheds with the University as they move forward from planning to implementation of their watershed plans.

**Minnesota Pollution Control Agency** – Katrina Kessler reported State Agencies are leading the development of a climate action framework under Governor Walz’s Executive Climate Order and from the direction of the Climate Change Subcabinet. Available on the DNR website, you can read about the topics they have listed, share your ideas, and see ideas proposed by others. The ideas and solutions contributed will help create a platform for climate action.

Katrina stated there is a Climate Conversations Tool Kit also found on the DNR website. It allows anyone to bring a group of people together and host a conversation about climate change.

Katrina attended the DNR emerald ash borer tree planting event on Monday. She stated yesterday they hosted an event with the city of Faribault where they visited local leaders, business representatives, and nonprofits representatives about how they are working as a community to build resilience. They also visited projects in their city.

Katrina stated during the last legislative session they received new money to develop a grant program for local units of government, tribes, watershed districts, and soil and water conservation districts to help them with their resilience planning. They are developing the criteria and will be putting a request for proposals out by the end of the year.

They are anticipating the passing of the Federal Infrastructure Bill at the national level. They are hopeful that the work being done at state and local levels will prepare and help everyone be competitive when the federal infrastructure package is released.

Jill Crafton asked if there is a contact person for the prioritizing of resiliency. Katrina stated she is the lead in the Resilience and Adaptation Action Team where they are primarily focused on building resilience in infrastructure while overlapping with the Natural Working Lands Team.

## **ADVISORY COMMENTS**

**Association of Minnesota Counties** – Brian Martinson thanked BWSR for the great board tour last month. Stated AMC had their fall Policy Conference last week, which marks the beginning of their policy and priority development for next year. Over the coming months they’ll be working with members to update the policy platform where it will be voted on at annual conference in December. They have designated five new priorities for the Environmental Natural Resources Policy Committee that will go out to the districts to be voted on and will also be approved at the annual meeting in December.

AMC continues work to support cleanup of forfeiture sites.

AMC continues to seek a resolution to the DNR Public Waters Inventory work. Brian stated they would like to see a thorough review of changes being made to the inventory and find a resolution with DNR over the coming months.

Brian stated on the agenda today the Board will be considering the Natural Resources Block Grant. One addition to that appropriation is a new investment in grants to address failing septic systems. This is being incorporated in the grant funding and is also administered by BWSR with MPCA grant funds for the same purpose. They have additional requirements that could complicate it but wanted to thank BWSR and MPCA staff for their efforts.

Brian stated the Local Government Water Roundtable met and talked about their work together in support of implementation funding for One Watershed One Plan. They were happy to see an increased investment this past session and are discussing strategies on how to better market the program and the need for continued growth to adequately fund these plans in the future.

**Minnesota Association of Conservation District Employees** – No report was provided.

**Minnesota Association of Soil & Water Conservation Districts** – Sheila Vanney reported their annual convention is planned as an in person meeting December 12th through the 14th in Bloomington. Sheila stated there is an action item on the agenda today for SWCD Capacity Grant Authorization and wanted to thank BWSR staff Marcey Westrick and Kevin Bigalke for their work.

**Minnesota Association of Townships** – Eunice Biel reported Minnesota Association of Township (MAT) staff are offering Township Tuesday virtual calls on the first and third Tuesday of the month. The purpose of these calls to connect MAT staff on updates and ask questions about any topics. In October MAT is offering training around the state and also offer online classes. Eunice stated the American Rescue Plan Act was signed in March of 2021 by President Biden. It provides stimulus to individuals, businesses, and government entities to assist with COVID. MAT will receive a portion of the \$350M to help townships that need it.

**Minnesota Association of Watershed Districts** – Emily Javens reported she testified at the Subcommittee on Minnesota Water Policy on their need to have the Watershed District levy cap lifted or removed. Then they can accelerate implementation of projects identified in One Watershed One Plans. They are asking the legislators to consider capacity of all local water governments when they try to figure out the capacity funding issues of SWCDs.

**Natural Resources Conservation Service** – No report was provided. John Jaschke stated they meet monthly with LeAnn Buck and will include information in the Executive Director report in the future if Troy is unable to join us.

Gerald Van Amburg recessed the meeting at 10:33 a.m. and called the meeting back to order at 10:38 a.m.

## **COMMITTEE RECOMMENDATIONS**

### **Grants Program and Policy Committee**

**Fiscal Year 2022 and 2023 Natural Resources Block Grants Authorization** – Kevin Bigalke and Marcey Westrick presented Fiscal Year 2022 and 2023 Natural Resources Block Grants Authorization.

On June 23, 2021, the Fiscal Years 2022 and 2023 Provisional Natural Resources Block Grant Authorization was approved under Board Order 21-17. At the time of this authorization, the appropriation language was not finalized, and additional monies were included for the Natural Resources Block Grants under the Laws of Minnesota 2021, 1st Special Session, Chapter 6, Section 4(a). In addition to the fiscal year 2022 and 2023 LWM, WCA and DNR Shoreland Natural Resources Block Grant funds, BWSR also received \$1,400,000 for the first year to provide grants to rural landowners to replace failing septic systems that inadequately protect groundwater.

The Grants Program & Policy Committee (GP&P) reviewed the recommendations at their September 8th meeting and recommended approval of the order to the board.

Jill asked if the MPCA or someone has a mapping of upstream or downstream issues. Katrina Kessler stated they have maps and are using GIS data provided by counties.

Ted Winter asked how much money is given to an individual to update their septic system from the county? Kevin Bigalke stated there are two components with the new money. The first one BWSR received for SSTS upgrades that go directly to low income homeowners under 300% of the federal poverty guideline limit. There is a limit of \$5,000 or 35% of the cost of the system or whichever number is less. The second is for MPCA funds where they could potentially fund a whole system. BWSR SSTS money and MPCA money can be used together. Ted asked where the LWM Funding for each county goes. Marcey stated that it goes toward their local water management.

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21-36 Moved by Joe Collins, seconded by Kelly Kirkpatrick, to approve the Fiscal Year 2022 and 2023 Natural Resources Block Grants Authorization. ***Motion passed on a roll call vote.***

**FY 2022 SWCD Local Capacity Grant Authorization** – Marcey Westrick presented FY 2022 SWCD Local Capacity Grant Authorization.

The Grants Program and Policy Committee reviewed options for calculating the allocation formula and grants for the FY22 SWCD Local Capacity grants and is recommending approval.

Chair Van Amburg asked how the 2% allocation worked out. Marcey stated in the past for fiscal year 20-21 there was a 1% allocation and that has been increased to a 2%. John Jaschke stated that it's a statutory amount and is consistent with the necessary and direct requirements of other parts of the statute that use Legacy Funding and they also have to follow MMB's policy.

John Jaschke suggested in the board order under number five in the Findings of Fact/Recitals section to update the numbers to letters and add letter d) "an attenuation cap of  $\pm 7.5\%$  as compared to a SWCD's FY21 Capacity grant."

Jill Crafton thought that was a great suggestion and thanked John and Marcey.

Rich Sve stated he sits on the Grants Committee and they had a good discussion yesterday. Stated they will be following up the 25% allocation based on public waters and that the shoreland of Lake Superior is left out of the formula as a public water – will look to address for the next biennium.

\*\*  
21-37 Moved by Kathryn Kelly, seconded by Jill Crafton, to approve the FY 2022 SWCD Local Capacity Grant Authorization. ***Motion passed on a roll call vote.***

**Southern Region Committee**

**Area II Minnesota River Basin Projects Biennial Plan & Area II Floodplain Management Grant** – Ted Winter and Ed Lenz presented Area II Minnesota River Basin Projects Biennial Plan & Area II Floodplain Management Grant.

The funding provided to the Area II Board via specific legislation is targeted at administration of this nine-county joint powers board in the amount of \$140,000 each for fiscal years 2022 and 2023. This grant requires a 25% local match.

\*\*  
21-38 Moved by Todd Holman, seconded by Mark Zabel, to approve the Area II Minnesota River Basin Projects Biennial Plan & Area II Floodplain Management Grant. ***Motion passed on a roll call vote.***

**Northern Region Committee**

**Mississippi River Headwaters Comprehensive Watershed Management Plan** – Rich Sve presented Mississippi River Headwaters Comprehensive Watershed Management Plan.

The Mississippi River Headwaters Comprehensive Watershed Management Plan (Plan) planning area is in north central Minnesota, encompassing portions of Beltrami, Cass, Clearwater, Hubbard, and Itasca counties. The Plan was developed as part of the One Watershed, One Plan program. The Beltrami and Hubbard SWCDs were the lead preparers of the Plan with contributions from Technical Service Area 8 staff, Leech Lake Band of Ojibwe, Minnesota DNR, MPCA and BWSR staff.

On July 8, 2021, BWSR received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review. The planning partnership has responded to all comments received during the 60-day review period and incorporated appropriate revisions to the final Plan.

BWSR staff completed its review and subsequently found the Plan meets the requirements of Minnesota Statutes and BWSR Policy.

On September 1, 2021, the Northern Regional Committee met to review and discuss the Plan. The Committee’s decision was to recommend approval of the Mississippi River Headwaters Comprehensive Watershed Management Plan as submitted to the full Board per the attached draft Order.

Jill Crafton noted their willingness to look at future threats and thanked them for their work on this.

Joe Collins stated it was a well written and easily understood plan.

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21-39 Moved by Rich Sve, seconded by Jill Crafton, to approve the Mississippi River Headwaters Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

**Central Region Committee**

**Mississippi Watershed Management Organization Watershed Management Plan** – Steve Christopher and Joe Collins presented Mississippi Watershed Management Organization Watershed Management Plan.

Background: The Middle Mississippi WMO was established in 1985 and included the University of Minnesota. The first watershed management plan was published in December 1986. In 1997, a Joint and Cooperative Agreement, more commonly entitled “Joint Powers Agreement” across the metropolitan area, was entered into by the Cities of Minneapolis, St. Paul, Lauderdale, Falcon Heights,

St. Anthony, and the Minneapolis Park and Recreation Board. The agreement changed the name to Mississippi WMO and replaced the agreement executed in 1985 that created the original organization. In 1999, the MWMO's legal boundary was redrawn to exclude the City of Falcon Heights, which is now a part of the Capitol Region Watershed District. The second watershed management plan was approved by the Board in 2000. In 2001 the legislature granted MWMO the authority as a "special purpose taxing district" under Minnesota Statutes Section 275.066. In April 2011, the third-generation watershed management plan was approved by the Board. In 2012, following the dissolution of the Six Cities WMO, the Cities of Columbia Heights, Fridley and Hilltop were added.

The MWMO is located in Hennepin, Anoka, and Ramsey Counties in the heart of the Minneapolis – St. Paul seven county metropolitan area. It is bound on the west by the Shingle Creek and West Mississippi Watershed Management Organizations and Bassett Creek Watershed Management Organization, on the south by Minnehaha Creek Watershed District, on the east by the Capitol Region Watershed District, and on the north and east by the Rice Creek Watershed District. The MWMO consists of portions of the Cities of Lauderdale, Minneapolis, Saint Anthony Village, Saint Paul, Fridley, Columbia Heights, and all of Hilltop. An additional member of the MWMO is the Minneapolis Park and Recreation Board.

The current area is approximately 40 square miles with 75% of the area in the City of Minneapolis. The majority of the MWMO has been developed for commercial, industrial, or residential uses and covered in impervious surfaces. The Mississippi River is the primary water resource in the MWMO, however other water resources include Loring Park Pond – an eight acre, annually stocked recreational fishing lake, Mallard Marsh, Kasota Ponds, Sullivan Lake, and Highland Lake.. There are three dams with navigational locks on the Mississippi River within the MWMO. Subwatersheds in the region that were historically defined by topography are now defined by extensive networks of stormwater tunnels and pipes. Bassett Creek flows by way of a tunnel through the MWMO.

Plan Process and Highlights: As required by Minnesota Rules (MR) 8410, a specific process was followed to identify and assess priority issues. In July 2019, stakeholders were identified, and notices were sent to municipal, regional, and state agencies to solicit input for the upcoming Plan. The public input was accepted at the November 2019 MWMO Board meeting plan and staff began drafting the plan which included opportunities for members of the Citizen Advisory Committee to guide the update. The 60-day draft Plan was released in October 2020 which generated 169 comments. All comments on the draft Plan were addressed in writing. The MWMO held a public hearing on the draft Plan on July 13, 2021. Two comments were made during the public hearing which were addressed by the MWMO. The final draft Plan and all required materials were submitted and officially received by the Board on July 22, 2021. No additional comments were received during the 90-day review period.

The Plan has ten focus areas that are directly in-line with that of an urban watershed which include water quality, ecosystem health, and emergency preparedness & response. The Plan identifies a Purpose, Challenges, Target audiences, and Indicators & Measures of Performance for each Focus Area. The MWMO implements its Plan through the following work areas: Capital Projects, Outreach, Stewardship Grants, Communications, Monitoring, Planning, and Watershed Assessment.

The following is an excerpt of their Plan for the Emerging Issues Focus Area:

Purpose Implementation of Emerging Issues initiatives will develop awareness of new issues and address the related changing conditions, in order to protect water and natural resources.

Challenges: MWMO Watershed Management Plan 2021-2031 pg. 158 The MWMO's main challenge is the inherent newness of emerging issues. This compounds the difficulty of anticipating and identifying

potential impacts to water and natural resources, and possible solutions to these impacts. A history of systemic racism coupled with continued present-day land use patterns; infrastructure, operations, and maintenance patterns; have brought to the forefront unresolved social, economic, and environmental issues of climate change. These climate change impacts are generating greater inequity within communities of black, indigenous, and people of color. MWMO staff need to continue to build public and private partnerships with neighborhoods, governmental and private sector partners to engage early on in planning for new redevelopment activities that bolster the watershed's resilience to climate change; regain social and environmental equity neighborhoods have lost; and reduce long term infrastructure debt. Private site by site redevelopment and the separation of public and private infrastructure systems to support it has unwittingly contributed to today's issues of climate change, inequity, and infrastructure debt. The MWMO needs to continue to work with its member cities on new district, regional, and restorative infrastructure patterns that help resolve these issues. Staff need to continue to help partners promote and implement systems based designs that utilize stormwater to re-establish connected habitat corridors that has multiple benefits including: reduced crime rates, improved physical and mental health, cooling of the urban heat island, improved work place productivity, increased access to healthy food sources, improved social cohesion and community resilience; absorption of carbon emissions and other air pollutants; regained environmental and economic equity for neighborhoods; more extensive public spaces, lower public infrastructure debt, and lower long-term maintenance costs.

Target Audiences: The primary target audience for emerging issues implementation initiatives is MWMO staff and stakeholders with input on key emerging issues.

Indicators and Measures of Performance: The performance measure is the retrospective evaluation of how emerging issues were handled, the ability to build awareness and build partnerships and projects that implement corrective actions, the identification of secondary effects avoided, and the perceived preparedness for future changes in conditions.

The Plan acknowledges the benefits of collaboration in avoiding redundancies and expanding off MWMO partners to further leverage resources. This recognition as a key principle has allowed the MWMO to move to a systems-based approach where the interconnectedness of their work with less traditional watershed partners has realized benefits of other systems (e.g., energy, food, transportation, solid waste, cultural, social, and economic) alongside their own.

Jill Crafton stated they took it to a new level by factoring in the social issues that impact water quality and give back. Thought it was inspiring as a plan.

Jayne Hager Dee stated its not only a plan about water, but a plan about people and includes education engagement components. Stated it was a really impressive plan.

Kelly Kirkpatrick stated she appreciates the social component.

\*\*  
21-40 Moved by Joe Collins, seconded by Jill Crafton, to approve the Mississippi Watershed Management Organization Watershed Management Plan. ***Motion passed on a roll call vote.***

### **RIM Committee**

**Resolution Authorizing the Reinvest in Minnesota (RIM) Reserve – Targeted RIM Easement Program to the Individual Parcel: Pine & Leech Watersheds Phases 1 and 2** – Sharon Doucette presented Resolution Authorizing the RIM Reserve – Targeted RIM Easement Program to the Individual Parcel: Pine & Leech Watersheds Phases 1 and 2.

ML 2020, Ch. 104, Art.1, Sec. 2, Subd 5(f) and ML 2021, 1st Special Session, Ch. 1, Art. 1 Sect. 2. Subd. 5(i) designated funds “acquire and restore permanent conservation easements of high-quality forest, wetland, and shoreline habitat” (ML20) and “to acquire and restore land in fee and permanent conservation easements of high-quality forest, wetland, and shoreline habitat. (ML21). This project will utilize RIM easements to protect priority parcels in the Pine and Leech Watersheds which are important and threatened tributaries to the Mississippi River which provides high quality riparian and in-stream habitat and is the source water for numerous Twin City and rural communities. Note that fee title acquisition funds run through DNR to the SWCD and BWSR is not a part of that. This resolution authorizes staff to utilize these funds to develop and implement this program.

Jill asked since it’s Outdoor Heritage funding if easements would be permanent and protected. Sharon stated they are funded through Lessard Sams Outdoor Heritage Council and the council does require permanent easements in their statutory language. If we alter an OHF funded easement we would have to get approved from Lessard Sams Outdoor Heritage Council and stated it’s not a quick or easy process to request an alteration.

\*\*  
21-41 Moved by Kathryn Kelly, seconded by Jill Crafton, to approve the Resolution Authorizing the RIM Reserve – Targeted RIM Easement Program to the Individual Parcel: Pine & Leech Watersheds Phases 1 and 2. ***Motion passed on a roll call vote.***

**Resolution Authorizing the Reinvest in Minnesota (RIM) Reserve - Riparian Habitat Protection in the Kettle and Snake River Watersheds** – Sharon Doucette presented Resolution Authorizing the RIM Reserve - Riparian Habitat Protection in the Kettle and Snake River Watersheds.

ML 2021, 1st Special Session, Ch. 1, Art. 1 Sect. 2. Subd. 5(g) designated funds “to acquire and restore land in permanent conservation easements of high-quality forest, wetland, and shoreline habitat in the Kettle and Snake River watersheds.” This project will utilize RIM easements to protect priority parcels in the Kettle and Snake River Watersheds which are important yet threatened tributaries to the St. Croix River, a high-quality State and nationally designated Wild and Scenic River. This resolution authorizes staff to utilize these funds to develop and implement this program.

\*\*  
21-42 Moved by Mark Zabel, seconded by LeRoy Ose, to approve the Resolution Authorizing the RIM Reserve - Riparian Habitat Protection in the Kettle and Snake River Watersheds. ***Motion passed on a roll call vote.***

**Resolution Reauthorizing the RIM Rum River Watershed Protection Program** – Sharon Doucette presented Resolution Reauthorizing the RIM Rum River Watershed Protection Program.

ML 2021, 1st Special Session, Ch. 2, Art. 2 Sect. 6(l) designated funds “to purchase permanent conservation easements to protect lands adjacent to public waters with good water quality but that are threatened with degradation”. This project will utilize RIM easements to protect priority parcels in the Rum River Watershed, an important and threatened tributary to the Mississippi River and the source water for numerous Twin City and rural communities while providing numerous other benefits. Initial funding for the program was approved by the Board in 2019. Those funds have been allocated and there is a waiting list of landowners who are interested in getting into the program. This resolution authorizes staff to utilize these funds to continue to implement this program.

Ted Winter asked how many miles the Rum River is or where it starts and where it ends. John Jaschke stated it starts at or near Mille Lacs Lake and empties into the Mississippi River in Anoka.

\*\*  
21-43 Moved by Ted Winter, seconded by Jayne Hager Dee, to approve the Resolution Reauthorizing the RIM Rum River Watershed Protection Program. **Motion passed on a roll call vote.**

**Reinvest in Minnesota (RIM) Wetlands Program** – Sharon Doucette presented Reinvest in Minnesota (RIM) Wetlands Program.

This is the first time since 2015 that there has been a RIM (only) Wetlands appropriation and subsequent program. While the 2014 resolution (14-66) remains in effect for all RIM only wetland appropriations, it was deemed necessary to update the resolution for the current program.

ML 2021, 1st Special Session, Ch. 1, Art. 1, Sect. 2. Subd. 4(c) designated funds “to acquire permanent conservation easements and to restore wetlands and native grassland habitat under Minnesota Statutes, section 103F.515.” (OHF)

ML 2021, 1st Special Session, Ch. 1, Art. 2, Sec 6 (o) designated funds “for permanent conservation easements to protect and restore wetlands and associated uplands.” (CWF)

This project will utilize RIM easements to protect priority parcels and restore wetlands. This resolution authorizes staff to utilize these funds to develop and implement this program.

Ted Winter asked when and who will be developing the land rates and how will that determination be made. Sharon stated traditionally RIM easement payment rates for typical programs, not the Northern program, are established using the University of Minnesota’s Land Economics website. They look at the average tillable land value for an entire township, then that average township rate per acres is used for the starting point for the traditional RIM payment rates. They take 90% of that average value for crop land and that is how they establish the crop land rate and 60% for any non-crop areas that are included in an application. They are looking at whether they should continue using that rate or look at a couple other options to replace that process.

\*\*  
21-44 Moved by Mark Zabel, seconded by Eunice Biel, to approve the Reinvest in Minnesota (RIM) Wetlands Program. **Motion passed on a roll call vote.**

**Resolution Authorizing RIM Buffers Program** – Sharon Doucette presented Resolution Authorizing RIM Buffers Program.

ML 2021, First Sp. Session, Ch. 1, Art. 1, Sec. 2, subd. 2(g) (Outdoor Heritage Fund) designated funds to “acquire permanent conservation easements and restore habitat under Minnesota Statutes, section 103F.515, to protect, restore, and enhance habitat, including by expanding the riparian buffer and floodplain program under the clean water fund for wildlife benefits from buffers on private land.”

ML 2021, First Sp. Session, Ch. 1, Art. 2, Sec. 6(f) (Clean Water Fund) designated funds to “to develop a pilot working lands floodplain program and to purchase, restore, or preserve riparian land and floodplains adjacent to lakes, rivers, streams, and tributaries, by conservation easements or contracts to keep water on the land, to decrease sediment, pollutant, and nutrient transport; reduce hydrologic impacts to surface waters; and increase infiltration for groundwater recharge.”

This program will utilize RIM easements to protect priority floodplain parcels along lakes, rivers, streams, and tributaries either through a permanent or limited duration easement, dependent on funding source. Limited duration easements will utilize a modified RIM rate and pilot a working lands aspect. This resolution authorizes staff to utilize these funds to develop and implement this program.



Jill Crafton stated this is a great and has multiple benefits. Ted Winter agreed with Jill's comments.

\*\*  
21-45 Moved by Jill Crafton, seconded by Todd Holman, to approve the Resolution Authorizing RIM Buffers Program. ***Motion passed on a roll call vote.***

**Resolution Authorizing the Reinvest in Minnesota (RIM) Reserve - Lower Otter Tail River Corridor Habitat Restoration** – Sharon Doucette presented Resolution Authorizing the Reinvest in Minnesota (RIM) Reserve - Lower Otter Tail River Corridor Habitat Restoration.

ML 2021, 1st Special Session, Ch. 1, Art. 1 Sect. 2. Subd. 5(c) designated funds “acquire and restore land in permanent conservation easements along the lower Otter Tail River.” This project will utilize RIM easements to protect priority parcels along the Lower Otter Tail River that are critical to implementing the Buffalo Red River Watershed District’s plans for restoration of the lower Otter Tail River. This resolution authorizes staff to utilize these funds to develop and implement this program.

Jill Crafton asked if this is part of a One Watershed One Plan. Gerry Van Amburg stated this falls within the One Watershed One Plan.

Jayne Hager Dee thanked Sharon and her staff for moving these forward.

\*\*  
21-46 Moved by Mark Zabel, seconded by Ted Winter, to approve the Resolution Authorizing the Reinvest in Minnesota (RIM) Reserve - Lower Otter Tail River Corridor Habitat Restoration. ***Motion passed on a roll call vote.***

#### **UPCOMING MEETINGS**

- Southern Region Committee is currently scheduled for October 7, 2021, at 9:00 a.m. Murray Soil & Water Conservation District (SWCD), 2740 22nd Street, Slayton and by phone or virtually.
- Grants Program and Policy Committee meeting is scheduled for October 8, 2021 at 12:30 p.m. 520 Lafayette Road, St. Paul and by WebEx.
- BWSR Board meeting is scheduled for October 27, 2021, at 9:00 a.m. in the Lower Level Conference Rooms at 520 Lafayette Road North, St. Paul and by WebEx.
- Northern Region Committee meeting is scheduled for November 3, 2021 at 2:00 p.m. Wild Rice Watershed District 11 5th Avenue East, Ada and by phone or virtually.

Chair VanAmburg adjourned the meeting at 12:23 PM

Respectfully submitted,

Gerald Van Amburg  
Chair

**BOARD MEETING AGENDA ITEM**

**AGENDA ITEM TITLE:** Dispute Resolution/Compliance Report

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**Meeting Date:** October 27, 2021

**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/Rich Sve DRC Chair

**Time requested:** 5 minutes

**Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:**  Resolution  Order  Map  Other Supporting Information

**Fiscal/Policy Impact**

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

**ACTION REQUESTED**

None

**LINKS TO ADDITIONAL INFORMATION**

See attached report/map.

**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 and buffer compliance status.

## Dispute Resolution and Compliance Report

October 8, 2021

By: Travis Germundson

There are presently **five** appeals pending. All the appeals involve the Wetland Conservation Act (WCA). There have been **no** new appeals filed since the last Board Meeting.

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

File 21-3 (8-31-2021) This is an appeal of a WCA Restoration Order in Mille Lacs County. The Restoration Order regards the unauthorized wetland impacts associated with the construction of a pole building. *The appeal was placed in abeyance and the restoration order stayed for submittal of an after-the-fact wetland restoration and replacement plan application.*

File 21-1 (8-16-2021) This is an appeal of a WCA Notice of Decision involving a no-loss determination in Kittson County. The appeal regards the denial of a no-loss determination for wetland impacts associated with the construction of road, ditch, and additional fill material. *No decision has been made on the appeal.*

File 20-10 (11-12-2020) This is an appeal of duplicated WCA restoration orders in St. Louis County. The appeal regards the placement of approximately 5,000 sq. ft. of fill in a wetland associated an ATV Club trail crossing project that allegedly was approved by the LGU. *The appeal was placed in abeyance and the restoration order stayed for submittal of an after-the-fact wetland application and/or to give additional time to coordinate with the LGU in attempt to resolve the matter. The timeframe on the abeyance was extended by mutual agreement.*

File 19-7 (12-20-19) This is an appeal of a WCA replacement plan decision in Hennepin County. The appeal regards the denial of a replacement plan application associated with wetland impacts described in a restoration order. The restoration order was appealed and placed in abeyance until there is a final decision on the wetland application (File 18-3). The appeal has been placed in abeyance until there is no longer mutual agreement on the viability of proposed actions for restoration. *The LGU has since notified BWSR that there is no longer mutual agreement on continuing to hold the appeal in abeyance. As a result, a decision was made to grant and hear the appeal. The hearing proceedings have been extended by mutual agreement. The parties are currently reviewing/discussing a settlement agreement.*

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 frame on the stay of the restoration order. The LGU decision was appealed (File19-7).*

Summary Table for Appeals

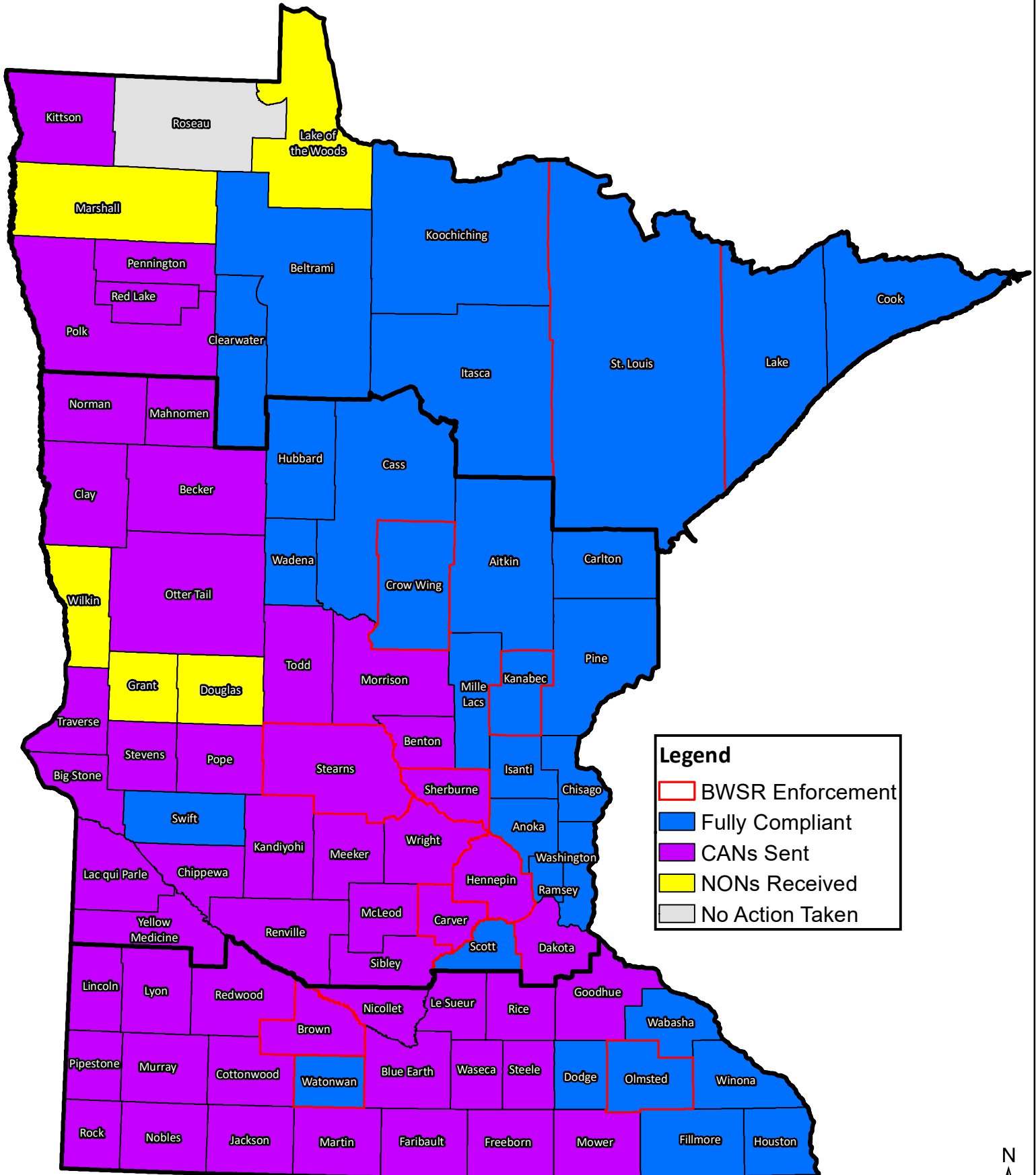
Type of Decision	Total for Calendar Year 2020	Total for Calendar Year 2021
Order in favor of appellant		
Order not in favor of appellant	7	
Order Modified		
Order Remanded	3	
Order Place Appeal in Abeyance	4	1
Negotiated Settlement		
Withdrawn/Dismissed	4	1

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 93 parcels from the 12 counties BWSR is responsible for enforcement. Currently there are no active Corrective Action Notices (CANs) and 6 Administrative Penalty Orders (APOs) issued by BWSR that are still active. Of the actions being tracked over 86 of those have been resolved.

\*Statewide 30 counties are fully compliant, and 51 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 694 CANs and 74 APOs actively in place. Of the actions being tracked over 1,902 of those have been resolved.

*\*Disclaimer: These numbers are generated monthly from BWSR's Access database. The information is obtained through notifications from LGUs on actions taken to bring about compliance and may not reflect the current status of compliance numbers.*

# STATEWIDE COUNTY BUFFER ENFORCEMENT



**Legend**

- BWSR Enforcement
- Fully Compliant
- CANs Sent
- NONs Received
- No Action Taken



**NEW BUSINESS**

1. 2022 BWSR Board Meeting Schedule –John Jaschke/Rachel Mueller – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** 2022 Proposed BWSR Board Meeting Schedule

**Meeting Date:** October 27, 2021

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

**Item Type:**                 Decision                                 Discussion                 Information

**Section/Region:** \_\_\_\_\_

**Contact:** Rachel Mueller

**Prepared by:** Rachel Mueller

**Reviewed by:** John Jaschke                                Committee(s)

**Presented by:** John Jaschke/Rachel Mueller

**Time requested:** 5 minutes

**Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:**     Resolution     Order     Map     Other Supporting Information

**Fiscal/Policy Impact**

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

**ACTION REQUESTED**

Approve the 2022 board meeting dates.

**LINKS TO ADDITIONAL INFORMATION**

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

Meeting dates are being proposed for board meetings in 2022. Most meetings are the fourth Wednesday of the month, unless otherwise noted. The proposed calendar has meetings held in the same months as the 2021 calendar.



Board Resolution # \_\_\_\_\_

**Board of Water and Soil Resources**

*Proposed 2022 meeting dates*

January 26

February – no meeting

March 23

April 27

May 25

June 22

July – no meeting

August 24-25 (Wed-Thurs) – Tour and meeting

September 28

October 26

November – no meeting

December 15 (third Thursday)

\_\_\_\_\_  
Gerald Van Amburg, Chair  
Board of Water and Soil Resources

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



## **COMMITTEE RECOMMENDATIONS**

### ***Southern Region Committee***

1. Greater Zumbro Comprehensive Watershed Management Plan – Adam Beilke, Shaina Keseley, and Ed Lenz – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Greater Zumbro Comprehensive Watershed Management Plan

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**Meeting Date:** October 27, 2021

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

**Item Type:**             Decision                                     Discussion             Information

**Keywords for Electronic Searchability:** Zumbro; Lake Pepin; Rochester; Watershed; Olmsted

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**Section/Region:** Southern Region

**Contact:** Ed Lenz

**Prepared by:** Adam Beilke

**Reviewed by:** Southern Regional                                    Committee(s)

**Presented by:** Adam Beilke, Shaina Keseley, Ed Lenz

**Time requested:** 15 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 Greater Zumbro Comprehensive Watershed Management Plan as recommended by the Southern Regional Committee.

**LINKS TO ADDITIONAL INFORMATION**

**Plan is on the Olmsted County website:**

- Plan Weblink: [https://www.olmstedcounty.gov/sites/default/files/2021-09/WAGZ\\_CWMP\\_draft\\_90\\_day\\_08252021\\_clean.pdf](https://www.olmstedcounty.gov/sites/default/files/2021-09/WAGZ_CWMP_draft_90_day_08252021_clean.pdf)
- Plan Appendices Weblink: [https://www.olmstedcounty.gov/sites/default/files/2021-08/WAGZ\\_CWMP\\_draft\\_90\\_day\\_08252021\\_Appendices.pdf](https://www.olmstedcounty.gov/sites/default/files/2021-08/WAGZ_CWMP_draft_90_day_08252021_Appendices.pdf)

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

**Greater Zumbro Comprehensive Watershed Management Plan (Plan)** – The Watershed Alliance for the Greater Zumbro (Partnership) was selected by BWSR for a One Watershed, One Plan Planning Grant in August of 2018. The Partnership established a Memorandum of Agreement on June 25, 2018 for the purposes of watershed planning. Planning was initiated on March 1, 2019 via notification to designated plan review authorities. The Partnership has followed One Watershed, One Plan Operating Procedures and the Policy Committee, Technical Advisory Group, and Planning Work Group members have attended regularly scheduled meetings and kept open communication throughout Plan development. The Partnership submitted the Greater Zumbro Comprehensive Watershed Management Plan (Plan) to BWSR on August 30, 2021 for review and approval. The Southern Regional Committee (Committee) met on October 7, 2021 to review the planning process, the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board.

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

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**In the Matter** of the review of the Greater Zumbro Comprehensive Watershed Management Plan, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801.

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**ORDER  
APPROVING  
COMPREHENSIVE  
WATERSHED  
MANAGEMENT PLAN**

**Whereas**, the Policy Committee of the Watershed Alliance for the Greater Zumbro (Partnership) submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on August 31, 2021 pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801 and Board Resolution #16-17, and;

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

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

**FINDINGS OF FACT**

1. **Partnership Establishment.** The Partnership was established in 2018 through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes: Dodge County, Dodge Soil and Water Conservation District (SWCD), Goodhue County, Goodhue SWCD, Olmsted County, Olmsted SWCD, Rice County, Rice SWCD, Wabasha County, Wabasha SWCD, Bear Valley Watershed District (WD), and the City of Rochester.
2. **Authority to Plan.** Minnesota Statutes, Sections 103B.101, Subdivision 14 allows the Board to adopt resolutions, policies or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan. Minnesota Statutes, Sections 103B.801 established the Comprehensive Watershed Management Planning Program; also known as One Watershed, One Plan. And Board Resolution #16-17 adopted the One Watershed, One Plan Operating Procedures and Plan Content Requirements policies.

3. **Nature of the Watershed.** The Greater Zumbro planning area includes the Zumbro River HUC8 watershed (1,421 square miles) and a portion of the Mississippi River-Lake Pepin HUC8 watershed (233 square miles). Six counties are located within the planning area: Dodge, Goodhue, Olmsted, Rice, Steele, and Wabasha. The area includes agricultural land, pastureland, and natural forest. Growing urban areas are centered around the City of Rochester, as well as the cities of Red Wing and Lake City. The terrain of the planning area is gently rolling in the western and central portions, transitioning to hills, bluffs, and ravines in the north and east where karst geology is more prevalent. A major hydrologic feature in the planning area is the Zumbro River, which collects inflow from four major forks and numerous smaller tributaries as it flows from west to east to the Mississippi River. In the Mississippi River-Lake Pepin watershed, the land generally drains from south to north via several small streams.
  
4. **Plan Development.** The Partnership initiated Plan development on March 1, 2019 by notifying designated Plan review authorities (State agencies, counties, cities, SWCDs, watershed districts, etc.) and other watershed stakeholders. The notification included an invitation to submit priority issues and Plan expectations by May 1, 2019. Seven letters were received. Additional public input and prioritization of issues was collected at the Public Kickoff held on June 13, 2019. A survey was posted online and mailed to approximately 1,000 watershed residents within the planning area. A series of three “Waterside Chats” were held throughout the planning area to receive input and feedback. Combined, the letters, comments, and survey responses were used to develop and prioritize a list of watershed issues and resource concerns to be addressed in the Plan. A Technical Advisory Group (TAG) was established by the partnership to assist in finalizing the priority issues and development of measurable goals for each. Measurable goals were based on the Zumbro River and Mississippi River-Lake Pepin Watershed Restoration and Protection Strategies (WRAPS) reports, the Zumbro River Groundwater Restoration and Protection Strategies (GRAPS) report, the Zumbro River Watershed Landscape Stewardship Plan, Total Maximum Daily Loads (TMDLs), local water plans, other studies and reports, and local expertise. Rational for goals was provided in part by results from modeling through the Hydrological Simulation Program-FORTRAN (HSPF)-Scenario Application Manager (SAM). Digital terrain analysis was used to identify the magnitude and distribution of potential pollution sources across the planning area and allowed for targeting of locations for implementing practices to address issues impacting the resources of concern. This was utilized for each of the 16 planning subwatersheds. The reduction estimates from the planning subwatersheds along with the measurable goals established for each subwatershed provide an estimated pace of progress that can be expected through the 10-year planning period. Additionally, implementation projects, programs, and strategies were detailed to identify where funds will be utilized to accomplish the measurable goals within the targeted implementation schedule. The partnership held a 60-day review process that ended on July 3, 2021, and the required public hearing on August 12, 2021.
  
5. **Plan Review.** On August 31, 2021, the Board received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review pursuant to Board #16-17. State agency representatives attended and provided input at TAG meetings during development of the Plan. The following State review comments were received during the final comment period.
  - A. Minnesota Department of Agriculture (MDA): MDA stated that their submitted 60-day comments had been addressed and that they have no further comments. They recommend approval of the Plan.

- B. Minnesota Department of Health (MDH): MDH found that their 60-day review comments had been addressed. They provided no further comments and recommend the Plan for BWSR approval.
- C. Minnesota Department of Natural Resources (DNR): DNR stated all their 60-day review comments were considered and adequately addressed in the final Plan. They believe the Plan is indeed comprehensive and will lead to improvements throughout the watershed. They recommend approval of the Plan.
- D. Minnesota Pollution Control Agency (MPCA): MPCA submitted suggestions and comments to the partnership throughout the planning process and during the 60-day review period. MPCA found that the partnership had incorporated the suggestions and considered and addressed the comments adequately. They recommend approval of the Plan.
- E. Minnesota Environmental Quality Board (EQB): No comments were received.
- F. Minnesota Board of Water and Soil Resources regional staff: Plan development followed Operating Procedures and the Plan meets Plan Content Requirements. No additional suggestions or required changes are needed. BWSR staff recommend Plan approval.
6. **Plan Summary and Highlights.** The highlights of the Plan include:
- Section 1 – Executive Summary provides a high-level overview of the watershed and planning partners, a summary of the issue identification and prioritization process, a description of the processes used to develop the measurable goals and target projects and practices, an overview of the targeted implementation schedule programs and actions and the estimated funding needed, and the anticipated roles and responsibilities of Partnership members in the implementation process.
  - Section 2 – Introduction describes the planning process and, along with Appendix C, serves as the Land and Water Resources Narrative to give a summary of watershed characteristics and issues. Information was included on geology, precipitation, surface water, groundwater, stormwater, drainage, recreation, habitat, land use, and socioeconomics.
  - Section 3 – Identification and Prioritization of Issues and Resources describes the information and process used to develop watershed resources and issues. Particularly important resources included the WRAPS, GRAPS, TMDLs, existing water plans, other management plans, studies and reports, and local expertise. Public input was utilized via invitation to comment, a public kickoff meeting, an online and mailed survey, a series of Waterside Chats, and the development of the TAG. The following were identified as Level 1 Priority Issues which will receive the most resources to address within the implementation schedule: Groundwater/Drinking Water Contamination, Excessive Flooding, Surface Water Quality Degradation, and Accelerated Erosion and Sedimentation. Level 2 Priority Issues include: Degraded Soil Health, Landscape Resiliency and Altered Hydrology, and Threats to Fish, Wildlife, and Habitat. Level 3 Priority Issues will be addressed through implementation actions that provide multiple benefits and include: Threatened Groundwater Supply, and Reduced Livability and Recreation. Spatial prioritization at a subwatershed scale was also completed for issues related to surface water quality. Priority areas were delineated for deep groundwater and shallow groundwater issues separately.
  - Section 4 – Targeting of Field Practices details the digital terrain analysis that was completed to identify potential project locations throughout the planning area. Outputs from this analysis along with the HSPF modeling were used to estimate pollutant reduction values and project costs.

- Section 5 – Establishment of Measurable Goals explains how both 10-year and long-term goals were developed for each of the priority issues. This was done primarily through WRAPS data, TMDL data, GRAPS data, HSPF-SAM results, TAG and Policy Committee input, and local expertise provided by Planning Work Group members.
  - Section 6 – Targeted Implementation Program describes the combination of projects, studies, programs, and practices intended to achieve the measurable goals. The implementation schedule is organized by priority issue and included activities that fall within four categories: Projects and project support, Monitoring and studies, Education and public involvement, and Regulation and administration. Each activity is cross-referenced to one or more goal(s) and includes targeted areas, issues addressed, measurable outputs, timeframe, estimate costs, and lead/supporting entities. The implementation schedule has a total estimated cost of approximately \$19,100,000 under the base funding scenario and approximately \$25,000,000 for the additional funding scenario. This section also provides some details on how the Partnership will administer and coordinate the implementation of the Plan. The Partnership has entered into a Joint Powers Agreement to work under a Joint Powers Collaboration for Plan implementation.
7. **Southern Regional Committee.** On October 7, 2021, the Southern Regional Committee met to review and discuss the Plan. Those in attendance from the Board’s Committee were Ted Winter, Kathryn Kelly, Eunice Biel, Jeffrey Berg, and Scott Roemhildt. Board staff in attendance were Southern Region Manager Ed Lenz, Board Conservationist Adam Beilke, and Clean Water Specialist Shaina Keseley. The representatives from the Partnership were Caitlin Brady, Skip Langer, Aaron Gamm, Adam King, Brad Behrens, Jackson Miller, Melissa DeVetter, Terri Peters, Beau Kennedy, Chad Hildebrand, and Mark Thein. Board regional staff provided its recommendation of Plan approval to the Committee. After discussion, the Committee’s decision was to present a recommendation of approval of the Plan to the full Board.
  8. This Plan will be in effect for a ten-year period until October 27, 2031.

## CONCLUSIONS

1. All relevant substantive and procedural requirements of law have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Comprehensive Watershed Management Plan for the Watershed Alliance for the Greater Zumbro pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and 103B.801 and Board Resolution #16-17.
3. The Greater Zumbro Comprehensive Watershed Management Plan of the Watershed Alliance for the Greater Zumbro attached to this Order states water and water-related problems within the planning area; priority resource issues and possible solutions thereto; goals, objectives, and actions of the Partnership; and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103B.101, Subd. 14 and 103B.801 and Board Resolution #16-17.

5. The attached Plan when adopted through local resolution by the members of the Partnership will serve as a replacement for the comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D, but only to the geographic area of the Plan and consistent with the One Watershed, One Plan Suggested Boundary Map.

### **ORDER**

The Board hereby approves the attached Greater Zumbro Comprehensive Watershed Management Plan of the Watershed Alliance for the Greater Zumbro, dated October 27, 2021.

Dated at St. Paul, Minnesota, this 27th of October 2021.

### **MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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BY: Gerald Van Amburg, Chair



October 27, 2021

Watershed Alliance for the Greater Zumbro  
c/o Caitlin Brady, Water Resources Coordinator  
2122 Campus Drive SE, Suite 200  
Rochester, MN 55904

**RE: Approval of the Greater Zumbro Comprehensive Watershed Management Plan**

Dear Watershed Alliance for the Greater Zumbro (Partnership):

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you the Greater Zumbro Comprehensive Watershed Management Plan (Plan) developed through the One Watershed, One Plan Program was approved at its regular meeting held on October 27, 2021. Attached is the signed Board Order that documents approval of the Plan and indicates the Plan meets all relevant requirements of law, rule, and policy.

This Plan is effective for a ten-year period until October 27, 2031. Please be advised, the partners must adopt and begin implementing the Plan within 120 days of the date of the Order in accordance with Minnesota Statutes §103B.101, Subd. 14, and the One Watershed, One Plan Operating Procedures.

The members of the Partnership and participants in the Plan development process are to be commended for writing a plan that clearly presents water management goals, actions, and priorities of the Partnership. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Please contact Board Conservationist Adam Beilke of our staff at 507-766-9820 or [adam.beilke@state.mn.us](mailto:adam.beilke@state.mn.us) for further assistance in this matter.

Sincerely,

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

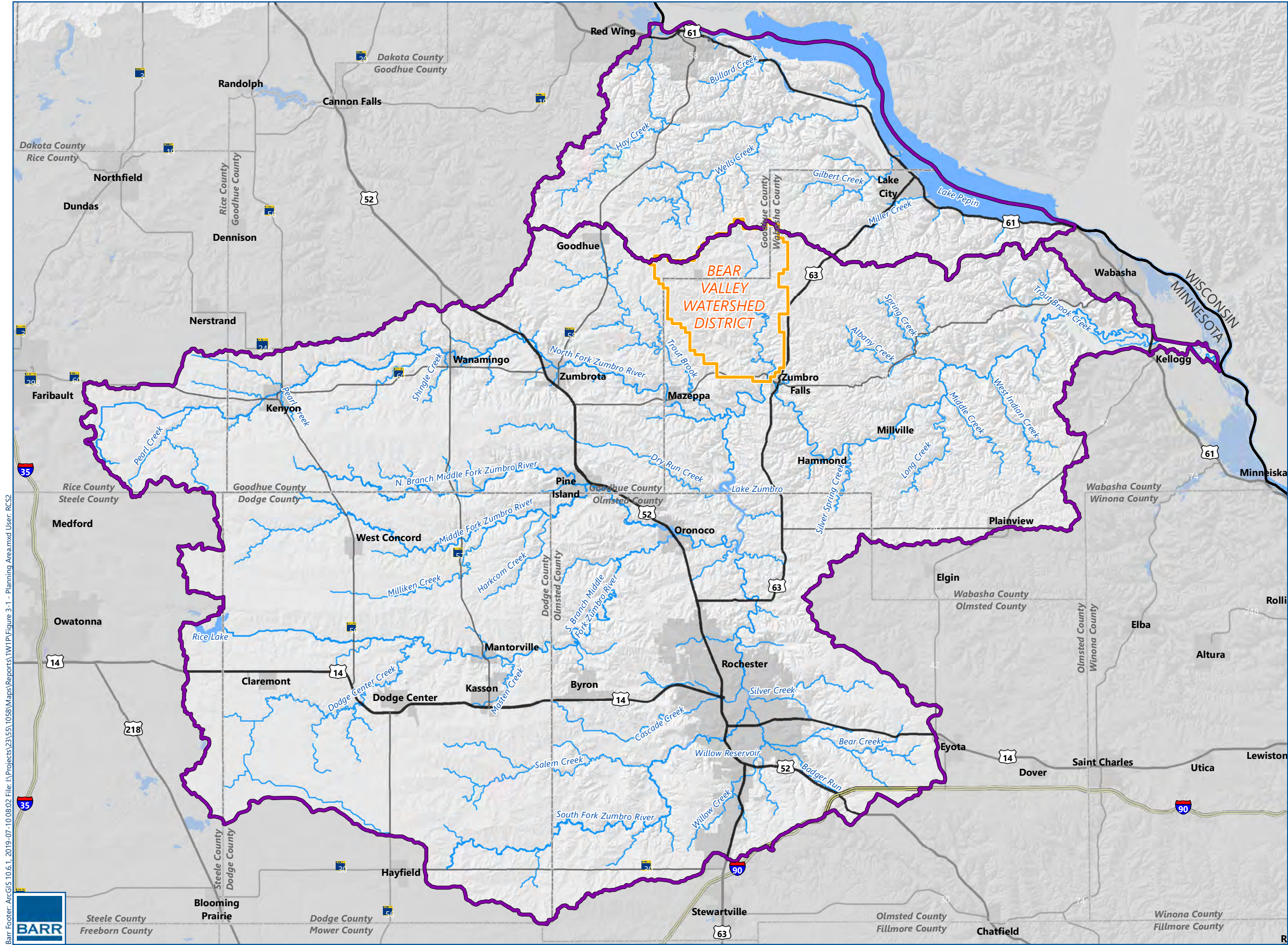
Enclosure: BWSR Board Order








CC: Dawn Bernau, MDA (via email)	Margaret Wagner, MDA (via email)
Jennifer Ronnenberg, MDH (via email)	Carrie Raber, MDH (via email)
Dan Lais, DNR (via email)	Jeff Weiss, DNR (via email)
Barbara Weisman, DNR (via email)	Kristen Dieterman, MPCA (via email)
Jeff Risberg, MPCA (via email)	Erik Dahl, EQB (via email)
Ed Lenz, BWSR (via email)	Adam Beilke, BWSR (via email)
Shaina Keseley, BWSR (via email)	Julie Westerlund, BWSR (via email)
Rachel Mueller, BWSR (file copy)	

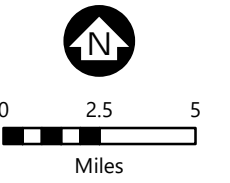
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403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	1601 Minnesota Drive Brainerd, MN 56401 (218) 203-4470	26624 N. Tower Road Detroit Lakes, MN 56501 (218) 846-8400	394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	11 Civic Center Plaza Suite 300 Mankato, MN 56001 (507) 344-2826	1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	3555 9 <sup>th</sup> Street NW Suite 350 Rochester, MN 55901 (507) 206-2889	110 Second St. South Suite 307 Waite Park, MN 56387

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-  Study Area
-  Watershed District Boundary
-  Watercourses
-  Pond or Lake
-  Municipal Boundary
-  County Boundary
-  State Boundary



**PLANNING AREA OF THE WAGZ COMPREHENSIVE WATERSHED MANAGEMENT PLAN**  
 WAGZ Comprehensive Watershed Management Plan

FIGURE 2-1



# Comprehensive Watershed Management Plan: 2022–2031

Prepared for the  
Watershed Alliance for the Greater Zumbro



Prepared through the  
One Watershed, One Plan Program  
August 2021, 90-Day Review DRAFT



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# 1 Executive Summary

The Watershed Alliance for the Greater Zumbro (WAGZ) Partnership (Partnership) is a group of Counties, Soil and Water Conservation Districts (SWCDs), Bear Valley Watershed District, and the City of Rochester (Partners) located in southeastern Minnesota. The Partnership covers an area including the Zumbro River watershed and a portion of the Mississippi River-Lake Pepin watershed herein referred to as the “Greater Zumbro watershed” or “planning area.” The Partnership was formed to develop a Comprehensive Watershed Management Plan (Plan) through the One Watershed, One Plan (1W1P) program detailed in Minnesota Statutes 103B.101. Through the 1W1P program, the local governments (Partners) prepared this document to guide cooperative water and natural resource management actions over the next 10 years.

## 1.1 Introduction

This Plan outlines a cooperative and coordinated strategy by which the Partners will work together to protect, maintain, and restore the water and natural resources within the planning area. Through prioritized and targeted actions, the Partners will make progress towards measurable, common goals. This Plan provides a framework for the Partners to operate as a local, coordinated partnership while effectively leveraging the resources of local governments (i.e., the Partners) and supporting organizations (e.g., State and Federal agencies). The Plan is a local plan emphasizing the interests of local water managers, policy makers, and affected stakeholders consulted during Plan development (see Section 2.5). The Plan was developed through the efforts of:

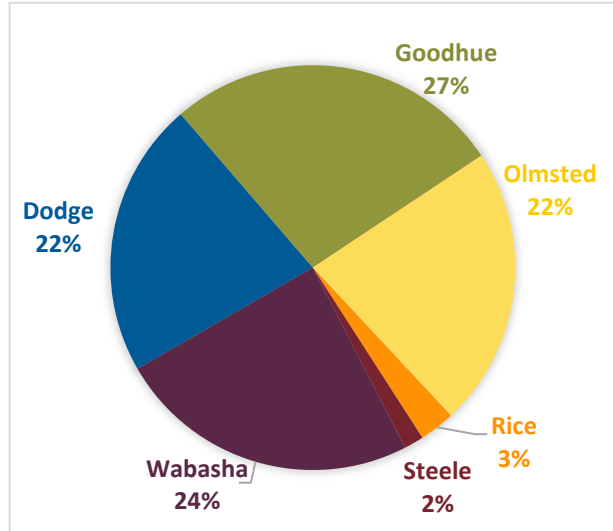
- Planning Work Group – comprised of technical staff of the Partners organizations
- Advisory Committee – including staff from state and local cooperators and invited stakeholders
- Policy Committee – comprised of elected officials representing the Partner organizations

This Plan will be executed through a Joint Powers Agreement (JPA) between the Partners (see Appendix A). The JPA recognizes the importance of partnerships to implement protection and restoration efforts for the Greater Zumbro planning area on a cooperative and collaborative basis pursuant to the authority contained in Minnesota Statutes Section 471.59.

## 1.2 Planning Boundary and Subwatersheds

The “Greater Zumbro” planning area includes the Zumbro River 8-digit HUC watershed (07040004) and a portion of the Mississippi River-Lake Pepin 8-digit HUC watershed (07040001). Approximately 86% of the planning area (1,421 square miles) drains to the Zumbro River, while the remaining 14% (233 square miles) is tributary to the Mississippi River-Lake Pepin. The planning area has been subdivided into eight subwatersheds as approximately the 10-digit HUC level for planning purposes.

Six counties are located within the planning area (see inset figure). The area includes agricultural land, pasture land, and natural forest. Growing urban areas are centered around the City of Rochester, as well as the Cities of Red Wing and Lake City. The terrain of the planning area is gently rolling in the western and central portions, transitioning to hills, bluffs, and ravines in the north and east where karst geology is more prevalent. A major hydrologic feature in the planning area is the Zumbro River, which collects inflow from four major forks and numerous smaller tributaries as it flows from west to east to the Mississippi River. In the Mississippi River-Lake Pepin watershed, the land general drains from south to north via several smaller streams.



**Table 1-1 Summary of Land Use/Land Cover within the Planning Area**

Land Cover	Zumbro River Watershed	Mississippi River Lake Pepin Watershed
Barren Land	0.1%	0.1%
Cultivated Crops	56.2%	33.2%
Deciduous Forest	9.6%	25.4%
Developed, High Intensity	0.3%	0.2%
Developed, Low Intensity	2.5%	2.1%
Developed, Medium Intensity	0.9%	0.6%
Developed, Open Space	5.3%	4.5%
Emergent Herbaceous Wetlands	0.3%	0.2%
Evergreen Forest	0.1%	0.2%
Hay/Pasture	11.6%	12.7%
Herbaceous (grassland)	11.5%	10.9%
Mixed Forest	0.0%	0.0%
Open Water	0.5%	8.9% <sup>1</sup>
Shrub/Scrub	0.0%	0.1%
Woody Wetlands	1.1%	0.8%

Source: Minnesota Land Cover Classification Dataset (MLCCD)

(1) Includes a portion of the Lake Pepin water surface within Minnesota

Additional information about the physical and environmental characteristics of the planning area are presented in Appendix C.

### 1.3 Issue and Resource Prioritization

Section 3 of the Plan summarizes the issue identification and prioritization process used by the Partners and documents the resulting issue priorities. Section 3 also details the delineation of priority areas for focusing implementation activities related to surface water quality and groundwater quality issues. The Partnership implemented an iterative process to identify and prioritize watershed issues with consideration of existing data and input from the Technical Advisory Group and other stakeholders.

The Partners ultimately established a three-tiered issue prioritization, with four major issues categorized as Level 1 (top priority), three major issue categorized as Level 2 (medium priority), and two major issues categorized as Level 3 (lower priority) (see inset figure). Emphasis for implementation has been placed on Level 1 issues, although many of these activities have direct or indirect benefits for Level 2 and Level 3 issues.



The Partners used existing geospatial data, modeling results, and watershed assessments to identify areas that are a higher priority for the implementation of surface water quality and groundwater quality protection and restoration efforts. Priority implementation areas for surface water quality and groundwater quality are presented in Figure 3-6, Figure 3-7, and Figure 3-8.

### 1.4 Targeting of Projects and Practices

The Partners used digital terrain analysis to identify likely locations to implement best management practices (BMPs) to address accelerated erosion and sedimentation and surface water quality degradation issues. Potential BMPs include vegetated buffers, water and sediment control basins, cover crops, and others. Potential project locations were identified throughout the planning area, regardless of

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subwatershed priority level including over 200 sites in the Zumbro River watershed and approximately 80 sites in the Mississippi River-Lake Pepin watershed (see Figure 4-1). The Partners used existing HSPF-SAM models to estimate pollutant reductions anticipated from implementing projects at these locations (see Section 4.2).

Groundwater priority areas presented in Figure 3-7 and Figure 3-8, are used to target projects, studies, and education efforts to achieve groundwater goals, as well as evaluate multi-benefit practices. Some activities are targeted to more specific geographics applicable to the specific need or outcome (e.g., educational materials targeting DWSMAs, stormwater reuse targeted in urban areas).

## 1.5 Measurable Goals

Section 5 describes the development of measurable goals. The Partners considered a range of available information, including:

- Goals from existing management plans, studies, reports, data, and information, including:
  - County Water Management Plans
  - Mississippi River-Lake Pepin WRAPS report
  - Mississippi River-Lake Pepin TMDL report
  - Rochester Comprehensive Plan and Surface Water Management Plan
  - Zumbro River WRAPS report
  - Zumbro River TMDL report
  - Zumbro River Watershed Landscape Stewardship Plan
  - Zumbro River GRAPS report
- Results from previous modeling/analysis efforts:
  - Zumbro River priority project identification
  - Mississippi River-Lake Pepin Scenarios Report
- Existing implementation programs and schedules
- Input received during Waterside Chats (see Section 2.5 and Appendix B)
- Input from the Planning Work Group
- Input from Technical Advisory Group members
- Input from Policy Committee members

Generally, goals were developed first at a qualitative level and refined to include quantifiable elements where supported by data availability. In situations where existing data is not sufficient to develop a quantitative goal, the goals focus on collecting and interpreting information to support developing more quantitative future goals. Measurable outputs for each goal were selected appropriate to the level of quantification. Emphasis was given to goals that address Level 1 priority issues, although goals were developed to address all nine priority issues.

Goals are established both for long-term (i.e., desired future condition) and for short-term (i.e., 10-year, or Plan goals). Long-term goals consider state and regional planning efforts (e.g., WRAPS and TMDL goals, Minnesota Nutrient Reduction Strategy). Plan goals represent achievable steps towards long-term goals

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vetted by the Planning Work Group, Advisory Group. Specific pollutant reduction goals were estimated using HSPF-SAM.

A complete list of measurable goals developed by the Partners are presented in Table 5-2 and Table 5-3.

## 1.6 Implementation

The Plan includes a targeted and measurable implementation schedule that outlines the projects, programs, and strategies the Partners will implement over the next 10 years (see Section 6 and Table 6-4). The implementation schedule was established by the Partners with input from the Advisory Group (which represents many of the entities identified as cooperators in Table 6-4).

The implementation schedule provides sufficient direction and milestones while maintaining flexibility to adapt to developing opportunities. The targeted implementation schedule includes a range of strategies and tools, including capital improvements, cost-share projects, local controls, and new and expanded programs necessary to achieve the goals of the Plan.

The Plan implementation schedule is presented in Table 6-4. The activities included in the implementation program are intended to leverage the existing roles, capacities, and expertise of the Partners while providing a framework for the Partners to perform expanded roles. The activities and projects described in this Plan will be implemented through existing, new, and expanded programs of the Partners. Programs and activities may be adjusted based on the associated funding source.

Activities included in Table 6-4 are assigned to the following categories:

- Administration of the Partnership
- Projects and project support
- Monitoring and studies
- Education and public involvement
- Regulatory oversight

The proposed timeframe, estimated cost (local and non-local contributions), measurable outputs, and lead and cooperating entities are identified for each implementation activity. Estimates of costs, measurable outputs, and timeframes were developed based in HSPF-SAM documentation, Partner estimates of local capacity, consideration of future WBIF. The current implementation schedule (Table 6-4) was derived from iteration with the Partners and will be revised, as needed, during Plan implementation.

### 1.6.1 Implementation Costs

The implementation schedule includes planning level cost estimates for individual activities. Planning level costs are split between local funding sources and external funding sources. Local funding sources include funding borne by the Partners, while external funding sources include all other funding sources (e.g., cost-share with non-Partner entities, State grants). Costs are subtotaled by category and funding source as presented in Table 1-2 and Figure 1-1.

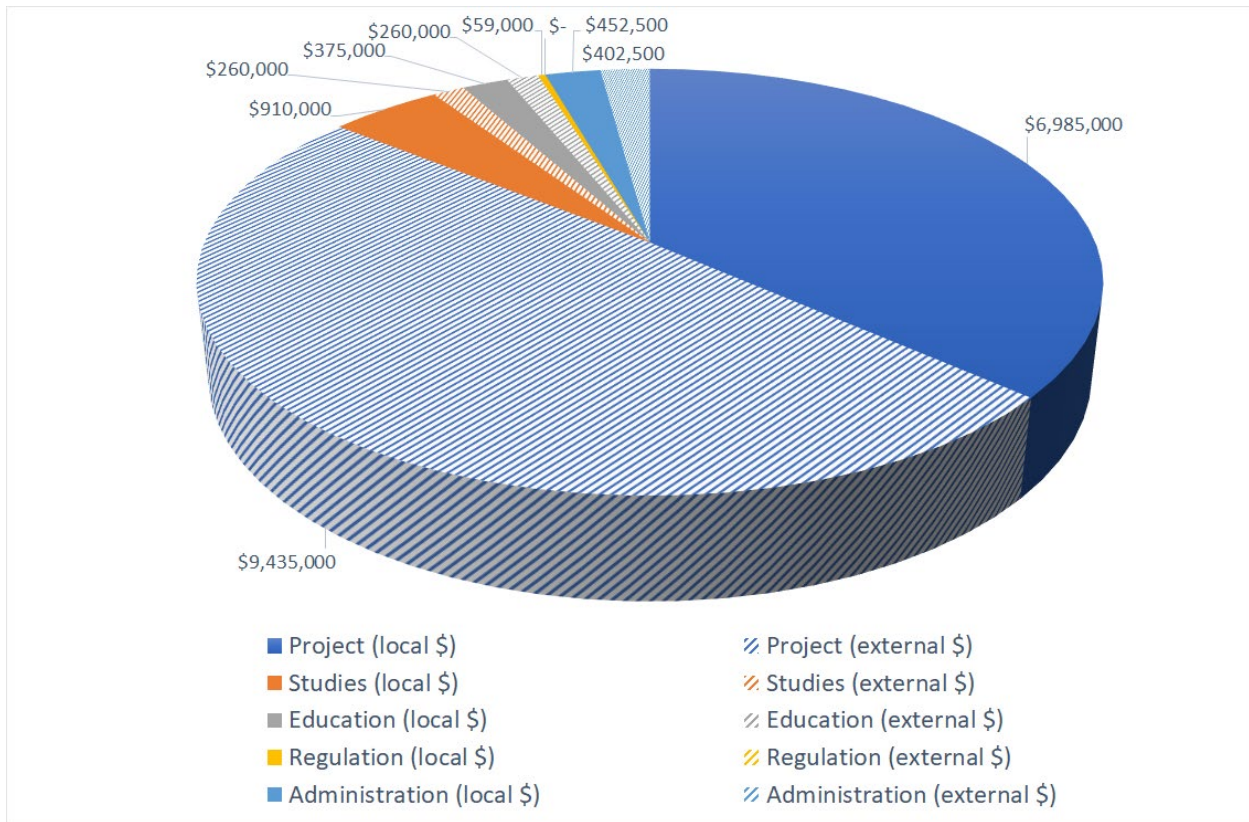


This Plan includes an ambitious implementation schedule. Total estimated annual costs (approximately \$1.7M) exceed current local funding allocated to existing and similar programs within the planning area. Thus, additional funding provided from watershed-based implementation funding (WBIF), other State funds, Federal funding, and/or private funding sources will be necessary to accomplish Plan goals.

**Table 1-2 Summary of Estimated Plan Funding**

Type of Activity	Partner Local Funds	Estimated Landowner Contribution	Watershed Based Implementation Funds (WBIF)	Other state/ federal funding sources	Total
Partnership Administration	\$452,500 \$452,500	-- --	\$402,500 \$402,500	-- --	\$855,000 \$855,000
Project and Project Support	\$6,235,000 \$7,111,000	\$750,000 \$900,000	\$5,600,000 \$5,600,000	\$3,835,000 \$8,592,000	\$16,420,000 \$22,203,000
Studies and Monitoring	\$910,000 \$910,000	-- --	-- --	\$260,000 \$310,000	\$1,170,000 \$1,220,000
Education and Outreach	\$375,000 \$375,000	--	\$110,000 \$110,000	\$150,000 \$225,000	\$635,000 \$710,000
Regulatory Review/ Oversight	\$59,000 \$59,000	--	--	--	\$59,000 \$59,000
<b>Total (base funding)</b>	\$8,031,500	\$750,000	\$6,112,500	\$4,245,000	\$19,139,000
<b>Total (additional funding)</b>	\$8,907,500	\$900,000	\$6,112,500	\$9,127,000	\$25,047,000

**Notes:** black text indicates base funding scenario; red text indicates additional funding scenario



**Figure 1-1 Estimated Plan Implementation Costs (Local and External Funds)**

Additional non-governmental funding sources may be used to fund Plan implementation. The Partners will coordinate with NGOs to explore potential cost-share opportunities surrounding shared goals. The Partners will seek additional partnerships with private sector businesses as such opportunities arise. Future opportunities may include working with agri-business on incentives that provide opportunity for water resources improvements. Incentives may not be implemented through the Partnership but are instigated through Partnership actions.

Additional information about Plan costs and funding sources is included in Section 6.3.

### 1.6.2 Implementation Roles and Responsibilities

The Parties will implement this Plan according to the governance structure established in the implementation Joint Powers Agreement (JPA, see Appendix A). The JPA does not create a new entity. Instead, the JPA is a formal and outward commitment to work together as a partnership and specifies mutually accepted expectations and guidelines between partners. Per the JPA, the Partners will establish committees to carry out the coordinated implementation of this Plan. During implementation, the Plan will be executed through the coordinated effort of the following committees:

- Policy Advisory Committee
- Technical Advisory Committee
- Local Implementation Work Group

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These groups are described in greater detail in Section 6.4. Annual work planning will be performed by the Local Implementation Work Group. Planning will be based on prioritized implementation activities, the availability of funds, and the roles and responsibilities for implementation. Coordination and communication are critical for a partnership operating under a JPA. The Partners will continue to coordinate with BWSR, MDA, MDH, MDNR, and MPCA as required through State-legislated programs and to accomplish the many Plan activities that identify State agencies as cooperating entities. The Partners will also coordinate with Federal partners where appropriate, including NRCS, FSA, USACE, EPA, and USFWS. Similarly, continued coordination and communication with local governmental units, such as cities, township boards, county boards, joint powers boards, drainage authorities, and other water management authorities is necessary to facilitate watershed wide activities. The Partners will also collaborate with non-governmental organizations where mutual benefit may be achieved.

## **COMMITTEE RECOMMENDATIONS**

### ***Grants Program and Policy Committee***

1. Watershed-based Implementation Funding Program – Kevin Bigalke and Marcey Westrick – ***DECISION ITEM***
2. Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program – Dan Shaw – ***DECISION ITEM***

**BOARD MEETING AGENDA ITEM**

**AGENDA ITEM TITLE:** Watershed-based Implementation Funding Program

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**Meeting Date:** October 27, 2021

**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 and Policy Committee(s)

**Presented by:** Kevin Bigalke/Westrick

**Time requested:** 20 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**

Authorization of the FY22-23 Clean Water Fund Watershed-based Implementation Funding Program

**LINKS TO ADDITIONAL INFORMATION**

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

BWSR staff have met over the past 6 months with an internal staff team (Clean Water Team), BWSR Executive Team, and BWSR Board Committees (Grants Program and Policy and Water Management and Strategic Planning) to discuss the policy, and allocations for the Watershed-based Implementation Funding Program.

The BWSR Grants Program and Policy Committee reviewed the policy and allocation authorizations on October 8, 2021 and made a recommendation to the full Board. The Draft 2022-2023 Clean Water Fund Watershed-based Implementation Funding Program policy and board order are attached based on the recommendations of the Grants Program and Policy Committee.

**DRAFT BOARD ORDER****Clean Water Fund Watershed-based Implementation Funding Program****PURPOSE**

Authorize the fiscal years 2022-2023 Clean Water Fund Watershed-based Implementation Funding Program (Program) and adopt the Program Policy.

**FINDINGS OF FACT / RECITALS**

1. The Laws of Minnesota 2021, 1<sup>st</sup> Special Session, Chapter 1, Article 2, Sec. 6(a) appropriated \$21,197,000 for fiscal year 2022 and \$22,367,000 for fiscal year 2023 for performance-based grants with multiyear implementation plans to local government units.
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 Board has authorities under Minnesota Statutes §103B.101, Subd. 14 and 103B.801 to approve comprehensive watershed management plans, Minnesota Statutes §103B.255 to approve county groundwater plans, Minnesota Statutes §103C.401 to approve soil and water conservation district plans, and Minnesota Statutes §103B.231 to approved watershed management plans.
4. The fiscal years 2022-2023 Clean Water Fund Watershed-based Implementation Funding (WBIF) Program policy was created to provide expectations for subsequent implementation activities conducted with these funds.
5. The Board staff participated in several listening sessions each with Twin Cities Metro (Metro) members of the Minnesota Association of Watershed Districts (MAWD) and Metro members of the Minnesota Association of Soil and Water Conservation Districts (MASWCD).
6. The Board staff sent a survey on April 12, 2021 to the local governments that participated in Metro WBIF FY20-21 convene meetings.
7. The Grants Program and Policy Committee and the Water Management and Strategic Planning Committees met jointly on June 30 and August 11, 2021 regarding stakeholder input regarding Metro WBIF.
8. The Grants Program and Policy Committee, at their October 8, 2021 meeting discussed and recommended allocations of fiscal years 2022-2023 Clean Water Fund Watershed-based Implementation Fund that includes: a) a \$250,000 minimum per watershed planning area outside of the Metro, b) a \$75,000 minimum per watershed planning area inside of the Metro, and c) a distribution of funds based on a weighting of 90% private land and 10% on public waters to all eligible areas.
9. The Grants Program and Policy Committee, at their October 8, 2021 meeting, reviewed the fiscal year 2022-2023 Clean Water Fund Watershed-based Implementation Funding Program policy, and proposed funding allocations, and recommended approval to the Board.

## ORDER

The Board hereby:

1. Adopts the attached fiscal years *2022-2023 Clean Water Fund Watershed-based Implementation Funding Program Policy*.
2. Establishes the content and process for Metro Soil and Water Conservation Districts to develop an enhanced comprehensive plan consistent with Minnesota Statutes §103C.331 if the SWCD determines that an eligible 103B plan does not sufficiently and comprehensively include their activities. The plan content must include priority issues, measurable goals, and a targeted implementation action table. The process must include stakeholder input, establishment of an advisory committee, a public notice and comment period, a public hearing, and BWSR Board approval.
3. Authorizes staff to enter into grant agreements consistent with statutory appropriations and the attached *Table 1: FY2022 and FY2023 Watershed-based Implementation Funding Statewide Grant Allocations and Table 2 : FY2022 and FY2023 Watershed-based Implementation Funding Metro Grant Allocations*. Note: Fiscal 2023 funds will not be available until July 1, 2022 and some recipients may not receive funds until after this date.
4. Authorizes staff to redistribute the timing of funding availability identified in Table 1 based on timing of plan approval, readiness to proceed, commitment of nonstate match, or expenditure of previously awarded Watershed-based Implementation Funds.
5. Authorizes staff to adjust the allocation of funds identified in Table 1 and Table 2 that become available if a work plan cannot be approved by March 30, 2023 - unless extended for cause - to watershed planning areas identified in Table 3: 2021 One Watershed, One Plan (1W1P) Planning Grant Recipients unless superseded by a future Board action. Watershed planning areas identified in Table 1 and Table 2 that do not meet this deadline – unless extended for cause – are not eligible for Clean Water Fund Watershed-based Implementation Funding this biennium. Watershed planning areas identified in Table 3 must have plans approved by the Board, locally adopted and have implementation workplans approved by May 1, 2023.
6. Adopts the attached *Figure 1: Twin Cities Metropolitan Area Allocation Boundaries* for describing the Metro allocations in Table 2.
7. Requires local governments to convene within the Metro area for the purpose of collaboratively selecting projects consistent with this order and directs staff to assist local governments as necessary.

Dated at St. Paul, Minnesota, this 27<sup>th</sup> day of October 2021.

### MINNESOTA BOARD OF WATER AND SOIL RESOURCES

\_\_\_\_\_

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

Gerald Van Amburg, Chair  
Board of Water and Soil Resources

Attachments:

- FY 2022-2023 Clean Water Fund Watershed-based Funding Program Policy

**Table 1: FY2022 and FY2023 Watershed-based Implementation Funding Grant Statewide Allocations**

<b>1W1P Planning Area #</b>	<b>1W1P Planning Grant Year*</b>	<b>1W1P Name</b>	<b>FY22/23 Allocation</b>	<b>Fiscal Year Funding</b>
1	Pilot (approved)	Lake Superior North	\$599,767	2022
12	Pilot (approved)	North Fork Crow River	\$1,120,477	2022
32	Pilot (approved)	Root River	\$1,469,595	2022
41	Pilot (approved)	Red Lake River	\$1,071,149	2022
19	Pilot (approved)	Yellow Medicine River	\$814,603	2022
4	2016 (approved)	Leech Lake River	\$598,115	2022
51	2016 (approved)	Lake of the Woods	\$621,173	2022
42	2016 (approved)	Thief River	\$529,892	2022
17	2016 (approved)	Pomme de Terre River	\$717,428	2023
54	2016 (approved)	Cannon River (non-metro)	\$1,028,658	2023
33	2016 (approved)	Cedar River	\$593,987	2022
52	2016 (approved)	Missouri River Basin	\$1,320,445	2022
35	2016 (approved)	Mustinka/Bois de Sioux	\$1,064,522	2023
6	2017 (approved)	Pine River	\$482,142	2022
10	2017 (approved)	Sauk River	\$832,550	2022
37	2017 (approved)	Buffalo-Red River	\$1,296,838	2023
29	2017 (approved)	Lower St. Croix River (non-metro)	\$471,070	2023
25	2017 (approved)	Watonwan River	\$700,477	2023
38	2018 (approved)	Wild Rice - Marsh River	\$1,371,259	2023
45	2018 (approved)	Two Rivers Plus	\$1,062,253	2022
8	2018 (approved)	Leaf, Wing, Redeye River	\$706,488	2023
64	2018 (approved)	Nemadji River	\$250,000	2023
30	2018	Greater Zumbro River	\$1,216,243	2022
3	2018 (approved)	Mississippi River Headwaters	\$861,581	2022
53	2018	Hawk Creek – Middle Minnesota	\$942,433	2022
63	2018	Shell Rock River/Winnebago	\$322,128	2022
15	2018	Rum River (non-metro)	\$1,011,327	2022
55	2019	Lower Minnesota River West	\$596,617	2023
28	2019	Snake River	\$636,684	2022
2	2019	St. Louis River	\$1,475,535	2023
44	2020	Middle Snake Tamarac Rivers	\$1,099,173	2023
43	2020	Clearwater River	\$974,726	2023
36	2020	Ottertail	\$1,265,049	2023
9	2020	Long Prairie River	\$714,854	2023
18	2020	Lac qui Parle/Yellow Bank	\$623,429	2022
34	2020	Des Moines River	\$1,414,031	2022
26	2020	Le Sueur River	\$860,588	2023
31	2020	Winona/ La Crescent	\$577,696	2022
		<b>Statewide Subtotal</b>	<b>\$33,314,982</b>	



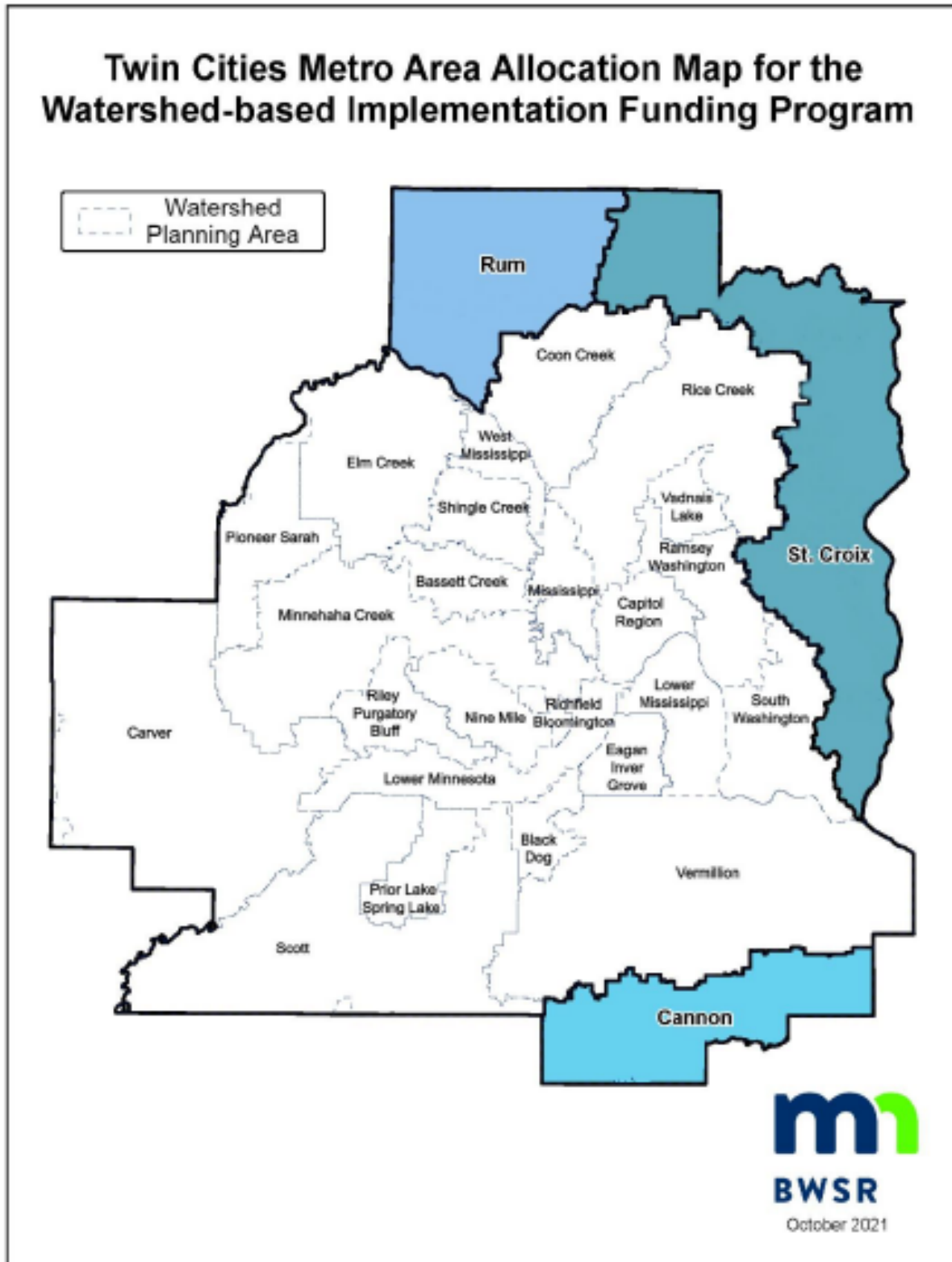
**Table 2: FY2022 and FY2023 Watershed-based Implementation Funding Grant Metro Allocations**

<b>1W1P Planning Area #</b>	<b>1W1P Planning Grant Year*</b>	<b>1W1P Name or Metro Watershed Planning Area (WPA)</b>	<b>FY22/23 Allocation</b>	<b>Fiscal Year Funding</b>
15	2018	Rum River (Metro)	\$371,157	FY23
29	2017 (approved)	Lower St. Croix River (Metro)	\$807,509	FY23
54	2016 (approved)	Cannon River (Metro)	\$304,886	FY23
Metro	NA	Richfield-Bloomington WPA	\$75,000	FY23
Metro	NA	West Mississippi WPA	\$75,000	FY23
Metro	NA	Black Dog WPA	\$75,000	FY23
Metro	NA	Vadnais Lake Area WPA	\$75,000	FY23
Metro	NA	Eagan-Inver Grove WPA	\$75,000	FY23
Metro	NA	Mississippi WPA	\$75,504	FY23
Metro	NA	Capitol Region WPA	\$77,618	FY23
Metro	NA	Prior Lake-Spring WPA	\$82,806	FY23
Metro	NA	Bassett Creek WPA	\$87,887	FY23
Metro	NA	Shingle Creek WPA	\$95,501	FY23
Metro	NA	Nine Mile Creek WPA	\$101,582	FY23
Metro	NA	Riley-Purgatory-Bluff Creek WPA	\$104,576	FY23
Metro	NA	Lower Mississippi River WPA	\$118,385	FY23
Metro	NA	Lower Minnesota River WPA	\$127,068	FY23
Metro	NA	Ramsey-Washington Metro WPA	\$140,295	FY23
Metro	NA	Pioneer-Sarah Creek WPA	\$159,223	FY23
Metro	NA	Coon Creek WPA	\$216,377	FY23
Metro	NA	Elm Creek WPA	\$297,774	FY23
Metro	NA	Rice Creek WPA	\$407,796	FY23
Metro	NA	Minnehaha Creek WPA	\$418,140	FY23
Metro	NA	Scott County WPA	\$601,647	FY23
Metro	NA	Vermillion River WPA	\$673,331	FY23
Metro	NA	Carver County WPA	\$691,991	FY23
Metro	MA	South Washington WPA	\$163,947	FY23
		<b>Metro Subtotal</b>	<b>\$6,500,000</b>	
		<b>Total FY22-23 Allocation</b>	<b>\$39,814,982</b>	

**Table 3: 2021 One Watershed, One Plan (1W1P) Planning Grant Recipients**

<b>1W1P Planning Area #</b>	<b>1W1P Planning Grant Year*</b>	<b>1W1P Name</b>
56	2021	Lower Minnesota East
13	2021	South Fork of the Crow
16	2021	Upper Minnesota
20	2021	Chippewa River
11	2021	Mississippi River St. Cloud
27	2021	Kettle - Upper St. Croix
61	2021	Mississippi River-Brainerd
39	2021	Sand Hill River
46	2021	Roseau River
50	2021	Rainy-Rapid River
47	2021	Rainy River- Headwaters/Vermilion River

Figure 1. Twin Cities Metropolitan Area Allocation Boundaries



# Watershed-Based Implementation Funding Policy – FY22-23

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

**Effective Date:** 10/27/21

**Approval:** Board Decision #21-XX

**Duration:** Availability and use of funds appropriated by Laws of Minnesota 2021, 1<sup>st</sup> Special Session, Chapter 1, Article 2, Section 6 (a).

## Policy Statement

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This policy provides expectations for implementation activities conducted via the Board of Water and Soil Resources (BWSR) Clean Water Fund (CWF) Watershed-based Implementation Funding program as defined by the Clean Water Fund appropriation under Laws of Minnesota 2021, 1<sup>st</sup> Special Session, Chapter 1, Article 2, Section 6 (a).

## Reason for the policy

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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.

These funds are specifically to be used to advance Minnesota's water resource goals through prioritized and targeted cost-effective actions with measurable water quality results.

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.

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

**For areas outside of the seven-county Twin Cities Metropolitan Area:** ~~To be eligible, counties, soil and water conservation districts, watershed management organizations, watershed districts and other~~ local governments ~~that must~~ have a current state approved and locally adopted comprehensive watershed management plan authorized under Minnesota statutes §103B.101, Subd. 14 or §103B.801. ~~To be eligible, local governments must and~~ have entered into an implementation agreement with other members of the planning partnership. If a local government within the geographic area of the plan has not adopted the plan, these funds can still be spent on implementation in that area by another eligible local government.

**In the seven-county Twin Cities Metropolitan (Metro) Area:** ~~To be eligible,~~ counties, watershed districts, watershed management organizations, soil and water conservation districts, and municipalities<sup>1</sup> ~~having must~~ ~~have~~ a current state approved and locally adopted watershed management plan as required under §103B.231, county groundwater plan authorized under §103B.255, or soil and water conservation district comprehensive plan under Minnesota statutes §103C.331, Subd. 11. Participants, including one representative from each watershed district, watershed management organization, soil and water conservation district<sup>2</sup>, county with a county groundwater plan, and ~~at least up to~~ two municipalities, must coordinate within the designated ~~watershed-based funding boundaries watershed planning areas to develop before submitting~~ a watershed-based ~~implementation~~ funding budget request that is prioritized, targeted and measurable. BWSR reserves the right for the Executive Director to determine if sufficient coordination exists to meet the goals of the program. Appeals of an Executive Director decision may be made to the BWSR Central Region Committee.

All recipients must be in compliance with applicable federal, State, and local laws, policies, ordinances, rules, and regulations. Recipients 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.

## 2. Match Requirements

A non-State match equal to at least 10% of the amount of the Watershed-Based Implementation Funding received is required. Match can be provided by landowners, land occupiers, private organizations, local governments or other non-State sources and can be in the form of cash or the cash value of services or materials contributed to the accomplishment of grant objectives.

## 3. Eligible Activities

The primary purpose of activities funded through this program is to implement projects and programs that protect, enhance, and restore surface water quality in lakes, rivers, and streams; protect groundwater from

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<sup>1</sup> Municipalities (cities and townships) 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.

<sup>2</sup> Including Hennepin and Ramsey Counties if they have an ~~annual work~~ ~~enhanced comprehensive~~ plan authorized under Minn. Statute 103C.331.

degradation; and protect drinking water sources. Eligible activities must be identified in the implementation section of a state approved, locally adopted comprehensive watershed management plan developed under Minnesota statutes §103B.101, Subd. 14 or §103B.801, watershed management plan required under §103B.231, county groundwater plan authorized under §103B.255, or a Metro soil and water conservation district ~~annual work enhanced~~ plan as identified in the “Metro Enhanced SWCD Comprehensive Plan Options Guidance Document”-(<https://bwsr.state.mn.us/watershed-based-implementation-funding-program>) and authorized under §103C.331. ~~and t~~The activity must have a primary benefit towards water quality. Activities must be first submitted through a budget request and work plan that will be reviewed by BWSR. The work plan must be approved by BWSR prior to funds being distributed.

Eligible activities can consist of structural practices and projects; non-structural practices and programs; program and project support, including staffing; and grant management and reporting. Technical and engineering assistance necessary to implement these activities are considered essential and are eligible to be included. Activities that result in multiple benefits are strongly encouraged.

- 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 3.7.
- 3.2 **Project Assurances.** The grantee must provide assurances that ~~land owners~~landowners or land occupiers receiving this funding 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 and Practices Assurances chapter of the Grants Administration Manual.
- 3.3 **Operation, Maintenance and Inspections.** All practice designs must include identification of operation and maintenance activities specific to the installed practices. An operation and maintenance plan is critical to ongoing performance of installed practices as well as to planning and scheduling those activities and must be prepared by designated technical staff for the life of the practice. 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.** Eligible activities include actual technical and administrative expenses to advance plan implementation, site investigations and assessments, design and cost estimates, construction or installation supervision, and inspections. Technical and administrative expenditures must be documented according to the Grants Administration Manual.
- 3.5 **Project Support.** Eligible activities include ~~community engagement, education and outreach~~public participation and engagement, equipment, and other activities, ~~which directly support or supplement~~

~~the goals and outcomes expected with the necessary for the~~ implementation of water quality practices and programs items identified in the plan consistent with the purposes of these funds. Project support expenditures must be appropriately documented according to the Grants Administration Manual. Refer to guidance within the Grants Administration Manual for Capital Equipment Purchases.

**3.6 Grant Management and Reporting.** Eligible activities include local grant administration, management, and reporting that are directly related to and necessary for implementing the project or activity. All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. Grant management and reporting expenditures must be documented according to the Grants Administration Manual.

**3.7 Practice Standards.** All practices must be consistent with the Natural Resource Conservation Service (NRCS) Field Office Technical Guide (FOTG), Minnesota Stormwater Manual, or be professionally accepted engineering or ecological practices. Design standards for all practices must include specifications for operation and maintenance for the effective life of the given practice, including an inspection schedule and procedure.

~~**Feedlots Livestock Waste Management Practices.**~~ Eligible activities are 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, not classified as a Concentrated Animal Feeding Operation (CAFO), and with 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. ~~Eligible practices and project components must meet all applicable local, State, and federal standards and permitting requirements.~~

- a. Funded projects must ~~comply~~be in compliance with standards in MN Rule Chapter 7020 upon completion.
- b. Eligible practices are limited to best management practices listed by the Minnesota NRCS.
- c. Eligible practices and project components must meet all applicable local, State, and federal standards and permitting requirements.
- d. Feedlot roof structures are eligible up to \$100,000 per project with state grant funds and not to exceed 100% of construction costs. ~~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 relocations are eligible, up to \$100,000 per project with state grant funds and not to exceed 100% of the construction costs. ~~Funding is not eligible for projects already receiving flat rate payment equaling or exceeding this amount from the NRCS or other State grant funds.~~ The existing eligible feedlot must be permanently closed in accordance with local and State requirements. The existing and relocated livestock waste management systems sites are considered one project for grant funding.

### ***Subsurface Sewage Treatment Systems***

a. Local governments should first exhaust SSTS grant funding from the Minnesota Pollution Control Agency.

~~a-b.~~ Eligible activities are limited to identified imminent threat to public health systems (ITPHS) and systems that fail to protect groundwater. Project landowners must meet low-income thresholds. Low-income guidelines from U.S Rural Development are strongly encouraged as the basis for the definition of low income.

c. Proposed community wastewater treatment solutions 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 work plan submittal. For community wastewater system applications that include ITPHS, systems that fail to protect groundwater are also eligible.

~~b-d.~~ In an unsewered area that is connecting into a sewer line to a municipal wastewater 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.

~~c.~~ Connecting a home to a sewer line and/or municipal waste waterwastewater treatment plant (WWTP) in an unsewered area is eligible, if the criteria in a. or b. above are met.

**Multipurpose-Drainage-Management Systems.** Funds can be used as an external source of funding for Minnesota Statutes §103E.011 Subd 5 to facilitate multi-purpose drainage management practices with a primary purpose of improving water quality to reduce erosion and sedimentation, and provide secondary benefits of ~~reducing~~ peak flows and flooding, ~~and improve water quality,~~ while protecting drainage system efficiency and reducing drainage system maintenance ~~for priority Chapter 103E drainage systems.~~

~~Eligible activities must be conducted on, adjacent to, or within the watershed of a priority Minnesota Statutes Chapter 103E Drainage System(s), defined as an established system that has priority sediment and/or water quality concerns, and may include structural practices meeting the primary purpose to protect or improve water quality under Minnesota Statutes 103E.015.~~

~~Any storage and treatment wetland restoration requires a perpetual easement for storage and treatment and associated benefits to be held by the Chapter 103E drainage system. Easements must be approved by BWSR and the total state easement payment, shall not exceed current standard Reinvest in-3.8 Non-Structural Practices and Measures.~~ Eligible practices include 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 or that protect groundwater from degradation. Non-structural vegetative practices must follow the Native Vegetation Establishment and Enhancement Guidelines: <https://bwsr.state.mn.us/sites/default/files/2019-07/Updated%20guidelines%20Final%2007-01-19.pdf>

a. ***In-lake or in-channel treatment.*** Eligible practices include management practices such as rough fish management, vegetation management, lake drawdown, and alum treatments that have been identified as an implementation activity in a TMDL study or Watershed Restoration and Protection Strategies report and/or in a comprehensive watershed management plan or metro watershed management plan. Eligible expenses include only initial costs for design and implementation. All subsequent applications



and treatments under this subsection are considered to be a local operation and maintenance expense responsibility. A feasibility study must be completed, reviewed and approved by BWSR staff prior to these activities being proposed in a grant work plan. The feasibility study must include:

- Lake and watershed information (at minimum, include lake morphology and depth, summary of water quality information, and the assessment of aquatic invasive species);
- Description of internal load vs. external load nutrient reductions;
- History of projects completed in the watershed, as well as other in-lake ~~treatments-activities~~ if applicable;
- Cost benefit analysis of ~~treatment~~ options considered;
- Projected effective life of the proposed ~~treatment~~activities;
- Expected water quality outcome;
- Plan for monitoring surface water quality to assure the project's total phosphorus goal will be achieved during the project's effective life, and
- For activities related to rough fish (example carp), the feasibility study must also include:
  - Methods used to estimate adult and juvenile carp populations;
  - Description of the known interconnectedness of waterbodies (lakes, ponds, streams, wetlands, etc.);
  - Identifi~~ed~~ication of nursery areas;
  - Methods used to track carp movement;
  - Proposed actions to limit recruitment and movement; and
  - Proposed actions to reduce adult carp populations.

b. **Duration.** ~~Incentives~~ Projects proposing to install or adopt non-structural 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-a duration~~ other than 3 years must be reviewed by BWSR staff and approved by the Assistant Director of Regional Operations prior to work plan approval.

c. **Easements.** Eligible practices include easements. Easements and payment amounts must be reviewed and approved by BWSR staff prior to expenditure of grant funds to acquire an easement. When implementing perpetual easements, state easement payments shall not exceed current standard Reinvest in Minnesota (RIM) rates.

d. **Ordinance Development.** Eligible practices include development of ordinances to protect water quality (example: Minimal Impact Design Standards) that supplement existing federal/state/local requirements.

3.9 **Incentives.** ~~Eligible practices may include incentives to help landowners mitigate risk~~ Incentives to install or adopt ~~land-best~~ management practices that improve or protect water quality are an eligible use of funds. 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. Incentives to install or adopt ~~land~~best management practices can have a maximum duration of 3 years with a goal

of ongoing landowner adoption unless otherwise approved by the Assistant Director of Regional Operations prior to work plan approval.

#### 4. Ineligible Activities

The following activities will not be considered:

- a. Activities that do not have a primary benefit of groundwater and/or surface water quality.
- b. Water quality monitoring such as, but not limited to, routine, baseline, diagnostic, or effectiveness monitoring. This includes both surface and groundwater monitoring activities.~~Water quality monitoring (such as, but not limited, to: diagnostic, effectiveness, routine and/or baseline).~~
- c. Household water conservation appliances and water fixtures.
- d. Wastewater treatment systems with the exception of certain Subsurface Sewage Treatment Systems (see 3.7).
- e. Municipal drinking water supply facilities or individual drinking water treatment systems.
- f. Stormwater conveyances that collect and move runoff, but do not provide water quality treatment benefit.
- g. Replacement, realignment or creation of bridges, trails or roads.
- h. Aquatic plant harvesting.
- i. Routine maintenance activities or repair of capital equipment and infrastructure within the effective life of existing practices or projects.
- j. Feedlots (see 3.7)
  - 1) Feedlot expansions beyond state registered number of animal units.
  - 2) Slats placed on top of manure storage structures.
- k. Subsurface Sewage Treatment Systems (SSTS)
  - 1) Small community wastewater treatment systems serving over 10,000 gallons per day with a soil treatment system, and
  - 2) A small community wastewater treatment system that discharges treated sewage effluent directly to surface waters without land treatment.
- l. Drainage management
  - 1) Drain tile, except for tile outlets required for water and sediment control basins, tile required to make eligible drainage water management practices function, tile required to collect and move runoff to treatment system, and dense pattern tile to replace open tile inlet(s).
  - 2) Ditching except if needed for the creation of a storage and treatment wetland restoration.
  - 3) Back-flow preventing flap gates on side inlet structure pipes where a system-wide analysis has not been completed.
  - 4) Continuous berms greater than an average of 3 feet high (above existing ground) along Chapter 103E drainage ditches.
- m. Fee title land acquisition (costs may count towards match).
- n. Buffers or other alternative practices that are required by law (e.g., Buffer Law, Drainage Law, Shoreland Law).
- o. Contribution to a contingency or reserve fund or payment(s) to an equipment replacement fund that extends beyond the grant agreement period.

- p. Activities that outlet landlocked basins.
- q. Development and delivery of educational activities and curriculum that do not support or lead to the implementation of water quality practices.
- r. Components of projects needed to meet the statutory requirements of 103E Drainage Law.
- s. Any project that contributes to, or otherwise is used to replace wetlands impacted under the Wetland Conservation Act (per Minn. Rules 8420).
- t. Activities required under the Groundwater Protection Rule.

## 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 chapter 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 **Practice or Project Construction and Sign-off.** Local governments receiving these funds shall have the assigned technical assistance provider(s) certify 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.
- 5.3 **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. Grant Administration

- 6.1 **Work Plans, Reporting, and Reconciliation.** BWSR staff is authorized to develop grant agreements and requirements and processes for work plans, project outcomes reporting, fiscal reconciliations, and grant closeouts. All grantees must follow the Grants Administration Manual policy and guidance including requirements for proposed work plan revisions and grant amendments. BWSR reserves the right to:
  - 1. Consider the extent of direct implementation activities and proposed outcomes in the approval of grant work plan;
  - 2. Not approve all or a portion of a work plan if proposed work is not consistent with the purposes of these funds;
  - 3. Modify, suspend, or cancel the grant agreement at any time if work under the grant agreement is found by BWSR to be unsatisfactory.

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 100% of grant funds.

6.2. **Approval of Expenditures.** The grantee board has the authority and responsibility to approve the expenditure of funds within their own organization. The approval or denial of individual expenditures of funds must be documented in the grantee board’s meeting minutes.

6.3 Failure to Maintain Practices. Funds repaid to a grantee from a landowner or other land occupier who has failed to maintain a practice for its effective life must be reallocated to a local cost share program or project account consistent with MN Statutes Chapter 114D.50, less the administrative cost of the grantee.

## 7. Assurance Measures

Watershed-based Implementation Funding Assurance Measures are based upon fiscal integrity and accountability for achieving measurable progress towards water quality elements of eligible watershed management or comprehensive watershed management plans. Assurance measures will be used as a means to help grantees meaningfully assess, track, and describe the use of these grant funds to achieve clean water goals through prioritized, targeted, and measurable implementation. The following assurance measures are supplemental to existing reporting and on-going grant monitoring efforts.

1. Prioritized, targeted, and measurable work is making progress toward achieving clean water goals.
2. Programs, projects, and practices are being implemented in priority areas.
3. Grant work is on-schedule and on-budget.
4. Leverage of non-state funds.

## History

This policy may be reviewed annually and updated as needed.

<u>Description</u>	<u>Date</u>
<u>This policy was originally created in 2019.</u>	<u>9/25/19</u>
<u>This policy was updated in 2021 to add a few ineligible activities and clarify language related to eligible activities and entities and change Metro soil and water conservation district annual work plans to enhanced plans under eligible activities.;</u>	<u>10/27/2021</u>

## **Draft Watershed-Based Implementation Funding Policy –FY22-23**

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

**Effective Date:** 10/27/21

**Approval:** Board Decision #21-XX

**Duration:** Availability and use of funds appropriated by Laws of Minnesota 2021, 1<sup>st</sup> Special Session, Chapter 1, Article 2, Section 6 (a).

### **Policy Statement**

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- 3.3 **Operation, Maintenance and Inspections.** All practice designs must include identification of operation and maintenance activities specific to the installed practices. An operation and maintenance plan is critical to ongoing performance of installed practices as well as to planning and scheduling those activities and must be prepared by designated technical staff for the life of the practice. 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.** Eligible activities include actual technical and administrative expenses to advance plan implementation, site investigations and assessments, design and cost estimates, construction or installation supervision, and inspections. Technical and administrative expenditures must be documented according to the Grants Administration Manual.
- 3.5 **Project Support.** Eligible activities include public participation and engagement, equipment, and other activities necessary for the implementation of water quality practices and programs consistent with the purposes of these funds. Project support expenditures must be appropriately documented according to

the Grants Administration Manual. Refer to guidance within the Grants Administration Manual for Capital Equipment Purchases.

**3.6 Grant Management and Reporting.** Eligible activities include local grant administration, management, and reporting that are directly related to and necessary for implementing the project or activity. All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. Grant management and reporting expenditures must be documented according to the Grants Administration Manual.

**3.7 Practice Standards.** All practices must be consistent with the Natural Resource Conservation Service (NRCS) Field Office Technical Guide (FOTG), Minnesota Stormwater Manual, or be professionally accepted engineering or ecological practices. Design standards for all practices must include specifications for operation and maintenance for the effective life of the given practice, including an inspection schedule and procedure.

**Feedlots.** Eligible activities are limited to facilities that were constructed before **October 23, 2000**; and livestock operations registered with the Minnesota Pollution Control Agency Database or its equivalent, not classified as a Concentrated Animal Feeding Operation (CAFO), and with 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 violations have been imposed on the operator.

- a. Funded projects must comply with standards in MN Rule Chapter 7020 upon completion.
- b. Eligible practices are limited to best management practices listed by the Minnesota NRCS.
- c. Eligible practices and project components must meet all applicable local, State, and federal standards and permitting requirements.
- d. Feedlot roof structures are eligible up to \$100,000 per project with state grant funds and not to exceed 100% of construction costs.
- e. Feedlot relocations are eligible, up to \$100,000 per project with state grant funds and not to exceed 100% of the construction costs. The existing eligible feedlot must be permanently closed in accordance with local and State requirements. The existing and relocated livestock waste management systems sites are considered one project for grant funding.

#### ***Subsurface Sewage Treatment Systems***

- a. Local governments should first exhaust SSTS grant funding from the Minnesota Pollution Control Agency.
- b. Eligible activities are limited to identified imminent threat to public health systems (ITPHS) and systems that fail to protect groundwater. Project landowners must meet low-income thresholds. Low-income guidelines from U.S Rural Development are strongly encouraged as the basis for the definition of low income.
- c. Proposed community wastewater treatment solutions 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 work plan submittal. 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 wastewater 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.

**Drainage Systems.** Funds can be used as an external source of funding for Minnesota Statutes §103E.011 Subd 5 to facilitate multi-purpose drainage management practices with a primary purpose of improving water quality to reduce erosion and sedimentation and provide secondary benefits of reducing peak flows and flooding while protecting drainage system efficiency and reducing drainage system maintenance.

**3.8 Non-Structural Practices and Measures.** Eligible practices include 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 or that protect groundwater from degradation. Non-structural vegetative practices must follow the Native Vegetation Establishment and Enhancement Guidelines: <https://bwsr.state.mn.us/sites/default/files/2019-07/Updated%20guidelines%20Final%2007-01-19.pdf>

a. **In-lake or in-channel treatment.** Eligible practices include management practices such as rough fish management, vegetation management, lake drawdown, and alum treatments that have been identified as an implementation activity in a TMDL study or Watershed Restoration and Protection Strategies report and/or in a comprehensive watershed management plan or metro watershed management plan. Eligible expenses include only initial costs for design and implementation. All subsequent applications and treatments under this subsection are considered to be a local operation and maintenance expense responsibility. A feasibility study must be completed, reviewed and approved by BWSR staff prior to these activities being proposed in a grant work plan. The feasibility study must include:

- Lake and watershed information (at minimum, include lake morphology and depth, summary of water quality information, and the assessment of aquatic invasive species);
- Description of internal load vs. external load nutrient reductions;
- History of projects completed in the watershed, as well as other in-lake activities if applicable;
- Cost benefit analysis of options considered;
- Projected effective life of the proposed activities;
- Expected water quality outcome;
- Plan for monitoring surface water quality to assure the project's total phosphorus goal will be achieved during the project's effective life, and
- For activities related to rough fish (example carp), the feasibility study must also include:
  - Methods used to estimate adult and juvenile carp populations;
  - Description of the known interconnectedness of waterbodies (lakes, ponds, streams, wetlands, etc.);
  - Identified nursery areas;
  - Methods used to track carp movement;
  - Proposed actions to limit recruitment and movement; and
  - Proposed actions to reduce adult carp populations.

b. **Duration.** Projects proposing to install or adopt non-structural 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 a duration other than 3 years must be reviewed by BWSR staff and approved by the Assistant Director of Regional Operations prior to work plan approval.

c. **Easements.** Eligible practices include easements. Easements and payment amounts must be reviewed and approved by BWSR staff prior to expenditure of grant funds to acquire an easement. When implementing perpetual easements, state easement payments shall not exceed current standard Reinvest in Minnesota (RIM) rates.

d. **Ordinance Development.** Eligible practices include development of ordinances to protect water quality (example: Minimal Impact Design Standards) that supplement existing federal/state/local requirements.

3.9 **Incentives.** Incentives to install or adopt best management practices that improve or protect water quality are an eligible use of funds. 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. Incentives to install or adopt best management practices can have a maximum duration of 3 years with a goal of ongoing landowner adoption unless otherwise approved by the Assistant Director of Regional Operations prior to work plan approval.

#### 4. Ineligible Activities

The following activities will not be considered:

- a. Activities that do not have a primary benefit of groundwater and/or surface water quality.
- b. Water quality monitoring such as, but not limited to, routine, baseline, diagnostic, or effectiveness monitoring. This includes both surface and groundwater monitoring activities.
- c. Household water conservation appliances and water fixtures.
- d. Wastewater treatment systems with the exception of certain Subsurface Sewage Treatment Systems (see 3.7).
- e. Municipal drinking water supply facilities or individual drinking water treatment systems.
- f. Stormwater conveyances that collect and move runoff, but do not provide water quality treatment benefit.
- g. Replacement, realignment or creation of bridges, trails or roads.
- h. Aquatic plant harvesting.
- i. Routine maintenance activities or repair of capital equipment and infrastructure within the effective life of existing practices or projects.
- j. Feedlots (see 3.7)
  - 1) Feedlot expansions beyond state registered number of animal units.
  - 2) Slats placed on top of manure storage structures.
- k. Subsurface Sewage Treatment Systems (SSTS)

- 1) Small community wastewater treatment systems serving over 10,000 gallons per day with a soil treatment system, and
  - 2) A small community wastewater treatment system that discharges treated sewage effluent directly to surface waters without land treatment.
- l. Drainage management
    - 1) Drain tile, except for tile outlets required for water and sediment control basins, tile required to make eligible drainage water management practices function, tile required to collect and move runoff to treatment system, and dense pattern tile to replace open tile inlet(s).
    - 2) Ditching except if needed for the creation of a storage and treatment wetland restoration.
    - 3) Back-flow preventing flap gates on side inlet structure pipes where a system-wide analysis has not been completed.
    - 4) Continuous berms greater than an average of 3 feet high (above existing ground) along Chapter 103E drainage ditches.
  - m. Fee title land acquisition (costs may count towards match).
  - n. Buffers or other alternative practices that are required by law (e.g., Buffer Law, Drainage Law, Shoreland Law).
  - o. Contribution to a contingency or reserve fund or payment(s) to an equipment replacement fund that extends beyond the grant agreement period.
  - p. Activities that outlet landlocked basins.
  - q. Development and delivery of educational activities and curriculum that do not support or lead to the implementation of water quality practices.
  - r. Components of projects needed to meet the statutory requirements of 103E Drainage Law.
  - s. Any project that contributes to, or otherwise is used to replace wetlands impacted under the Wetland Conservation Act (per Minn. Rules 8420).
  - t. Activities required under the Groundwater Protection Rule.

## 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 chapter 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 Practice or Project Construction and Sign-off.** Local governments receiving these funds shall have the assigned technical assistance provider(s) certify 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.

5.3 **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. Grant Administration

6.1 **Work Plans, Reporting, and Reconciliation.** BWSR staff is authorized to develop grant agreements and requirements and processes for work plans, project outcomes reporting, fiscal reconciliations, and grant closeouts. All grantees must follow the Grants Administration Manual policy and guidance including requirements for proposed work plan revisions and grant amendments. BWSR reserves the right to:

1. Consider the extent of direct implementation activities and proposed outcomes in the approval of grant work plan;
2. Not approve all or a portion of a work plan if proposed work is not consistent with the purposes of these funds;
3. Modify, suspend, or cancel the grant agreement at any time if work under the grant agreement is found by BWSR to be unsatisfactory.

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 100% of grant funds.

6.2. **Approval of Expenditures.** The grantee board has the authority and responsibility to approve the expenditure of funds within their own organization. The approval or denial of individual expenditures of funds must be documented in the grantee board's meeting minutes.

6.3 **Failure to Maintain Practices.** Funds repaid to a grantee from a landowner or other land occupier who has failed to maintain a practice for its effective life must be reallocated to a local cost share program or project account consistent with MN Statutes Chapter 114D.50, less the administrative cost of the grantee.

## 7. Assurance Measures

Watershed-based Implementation Funding Assurance Measures are based upon fiscal integrity and accountability for achieving measurable progress towards water quality elements of eligible watershed management or comprehensive watershed management plans. Assurance measures will be used as a means to help grantees meaningfully assess, track, and describe the use of these grant funds to achieve clean water goals through prioritized, targeted, and measurable implementation. The following assurance measures are supplemental to existing reporting and on-going grant monitoring efforts.

1. Prioritized, targeted, and measurable work is making progress toward achieving clean water goals.
2. Programs, projects, and practices are being implemented in priority areas.
3. Grant work is on-schedule and on-budget.
4. Leverage of non-state funds.

# History

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This policy may be reviewed annually and updated as needed.

Description	Date
This policy was originally created in 2019.	9/25/19
This policy was updated in 2021 to add a few ineligible activities and clarify language related to eligible activities and entities and change Metro soil and water conservation district annual work plans to enhanced plans under eligible activities.	10/27/2021

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program

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**Meeting Date:** October 27, 2021

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

**Item Type:**  Decision     Discussion     Information

**Keywords for Electronic Searchability:** Lawns to Legumes, Grants, Environment and Natural Resources Trust Fund

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**Section/Region:** Resource Conservation Section

**Contact:** Dan Shaw, Tara Perriello

**Prepared by:** Marcey Westrick

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

**Presented by:** Dan Shaw

**Time requested:** 20 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 checked="" type="checkbox"/> Other:<br>Environment and Natural Resource Trust<br>Fund Budget | <input type="checkbox"/> Clean Water Fund Budget      |

**ACTION REQUESTED**

Approve the Lawns to Legumes Phase 2 Demonstration Neighborhood Grants Program Policy and authorize staff to develop a Request for Proposal.

**LINKS TO ADDITIONAL INFORMATION**

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

The Lawns to Legumes Phase 2 Demonstration Neighborhood Grants Program was recently awarded a little over \$2 million dollars by the Environment and Natural Resource Trust Fund.

A few items that are recommended to be new in Phase 2:

- Demonstration Neighborhood grants can also focus on educational and community spaces.
- Definition of “at-risk” pollinators are also included.

- The ranking criteria and point system has changed. In the ranking, we are looking for more geographic distribution by focusing on a wider range of at-risk species (rather than only focusing on currently known Rusty Patch Bumble Bee locations).
- There are two funding appropriations with different end dates. As a result, applicants will be asked if they could use three years instead of two.
- A limit has been established for the cost of equipment.
- A limit on project costs has been established for residential or community space and educational landscapes.

In addition to approving the policy, the board order also authorizes the fiscal year 2022 Lawns to Legumes Phase 2 Demonstration Neighborhood Grants Program and authorizes staff to finalize and issue a Request for Proposals. The Grants Program and Policy Committee reviewed these recommendations on October 8, 2021 and recommends the attached policy and order to the board.

## BOARD ORDER

### Fiscal Year 2022 Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program Policy

#### PURPOSE

Authorize a fiscal year 2022 Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program and adopt fiscal year 2022 Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program Policy.

#### FINDINGS OF FACT / RECITALS

1. The Laws of Minnesota 2021, 1<sup>st</sup> Special Session, Chapter 6, Article 6, Section 2, Subd. 8(p) appropriated \$993,000 from the Environment and Natural Resources Trust Fund to the Board for demonstration projects that provide grants or payments to plant residential lawns with native vegetation and pollinator-friendly forbs and legumes to protect a diversity of pollinators.
2. The Laws of Minnesota 2021, 1<sup>st</sup> Special Session, Chapter 6, Article 5, Section 2, Subd. 8(m) appropriated \$118,000 from the Environment and Natural Resources Trust Fund to the Board for demonstration projects that provide grants or payments to plant residential lawns with native vegetation and pollinator-friendly forbs and legumes to protect a diversity of pollinators.
3. The Laws of Minnesota 2021, 1<sup>st</sup> Special Session, Chapter 6, Article 5, Section 2, Subd. 20(b) transferred \$922,000 to the Board for demonstration projects that provide grants or payments to plant residential lawns with native vegetation and pollinator-friendly forbs and legumes to protect a diversity of pollinators.
4. On October 8<sup>th</sup>, 2021 the Legislative-Citizen Commission on Minnesota Resources (LCCMR) approved the workplan for this program, which included key goals of involving a wide range of conservation partners in the program including; cities, counties, watershed districts, soil and water conservation districts, tribes and nongovernmental organizations.
5. On January 28, 2010, the Board adopted resolution 10-05 regarding policies adopted by the Office of Grants Management relating to conflicts of interest and financial review of nongovernmental organizations. This resolution requires nongovernmental organizations to have a local government unit as a fiscal agent to receive BWSR grant funds.
6. This policy and the associated request for proposal were created to provide expectations for application to the fiscal year 2022 Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program and subsequent activities conducted with these funds.
7. The Grants Program and Policy Committee, at their October 8, 2021 Meeting, reviewed the proposed Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program Policy and recommended approval to the Board.



**ORDER**

The Board hereby:

1. Authorizes that nongovernmental organizations are eligible to directly receive grants for the Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program, notwithstanding Board Resolution 10-05.
2. Adopts the attached Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program Policy, dated October 27, 2021.
3. Authorizes staff to finalize and issue a Request for Proposals for Lawns to Legumes Phase 2 Demonstration Neighborhood grants.

Dated at St. Paul, Minnesota, this October 27, 2021.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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Gerald Van Amburg, Chair  
Board of Water and Soil Resources

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

# Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program Policy - **DRAFT**

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

Version: 1.00

Effective Date: October 27, 2021

Approval: Board Order #21\_XX

## Policy Statement

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The Lawns to Legumes program was established to provide demonstration projects to plant residential lawns with native vegetation and pollinator-friendly forbs and legumes to protect a diversity of pollinators, as authorized by Minnesota Session Laws 2021, First Special Session, Chapter 6, Section 2, Subd. 8(M) and Subd. 20(B), and Article 6, Section 2, Subd. 8(P); and future similar appropriations.

## Reason for this Policy

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The purpose of this policy is to provide clear expectations for the implementation of grants delivered through this program. More specific requirements or criteria may apply when specified by statute, rule, funding source, or appropriation language.

Grantees are responsible for the administration and decisions concerning the use of these funds in accordance with applicable Minnesota Statutes, state agency policies, and other applicable laws. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with applicable laws and program policies.

**The BWSR Grants Administration Manual provides the primary framework for management of these funds.**  
<https://bwsr.state.mn.us/gam>

## Lawns to Legumes Program

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### 1. Applicant Eligibility

Eligible applicants include any of the following entities from across the State of Minnesota:

- Cities
- Counties
- Watershed Districts
- Soil and Water Conservation Districts
- Nongovernmental organizations
- Tribal Governments

Notwithstanding Minnesota Statutes, 103B.3369, grants for this program are exempt from the Local Water Plan requirements outlined in the Grants Administration Manual Local Water Plan Status and Grant Eligibility Policy.

Definition of non-governmental organization follows the Office of Grants Management definition as outlined in [Policy 08-06](#) on Financial Review of Nongovernmental Organizations.

## 2. Match Requirements

A minimum non-state match equal to at least 25% is required, except in areas identified by the United States Fish and Wildlife Service as areas where there is a high potential for rusty patched bumble bees to be present, where only a 10% match is required. The linked [map](#) from BWSR provides locations for high potential for rusty patched bumble bees and shows other key habitat corridors in the state. The match must be cash or in-kind cash value of goods, materials, and services directly attributed to project accomplishments.

## 3. Eligible Activities

The primary purpose of activities funded through this program is to increase the populations of rusty patched bumble bees and other at-risk pollinators through planting residential lawns with native vegetation and pollinator-friendly forbs. Eligible activities include the following categories:

- 3.1. **Technical Assistance.** Eligible activities include but are not limited to: development of project plans and specifications.
- 3.2. **Grant Management and Reporting.** Grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the program.
- 3.3. **Conservation Practice Cost Share and Incentives.** Eligible expenses include site preparation, planting and management costs including but not limited to, tilling, burning, sod removal, temporary weed barriers, seeds, containerized plants, flowering trees, flowering shrubs, seeding, inter-seeding, weed removal, in accordance with the approved grant work plan.
  - 3.3.1. Non-herbicide methods of site preparation and management are preferred, see Xerces Society guide to [“Organic Site Preparation Methods.”](#)
- 3.4. **Maintenance through grant period.** It is important that plantings that are funded through this program are maintained. All landowners receiving funding will be asked to sign a BWSR provided landowner agreement that summarizes the expected lifespan of the project and provides information about project maintenance. Maintenance must focus both on maintaining the habitat value and aesthetics of projects.

## 4. Ineligible Expenses

- 4.1. Large labor expenses such as excavation or grading costs for large scale best management practices such as raingardens, lakeshore buffers or boulevards.
- 4.2. Environment and Natural Resources Trust Fund (ENRTF) funding cannot be used to pay for space and other associated overhead costs. Billing rates charged to these grants may include the employee’s base hourly rate plus benefits. Required match can be provided through other facilities and administration costs such as space, vehicle, computers, and other associated overhead costs. Lawns to Legumes Demonstration Neighborhood grants can only be used for the Lawns to Legumes Demonstration Neighborhood program and not for other Federal or State programs.
- 4.3. See the unallowable costs as defined in the Grant Administration Manual – [Allowable and Unallowable Cost](#) section.

## 5. Technical Quality Assurance

Technical advisors working with landowners on project design and implementation must have experience working on residential habitat, native vegetation projects, and be able to successfully guide project design and maintenance. In some cases, planting templates or pollinator lawn guidance developed by BWSR or Blue Thumb can be used as guidance for plantings. More complex plantings may need a planting plan. Applicants that do not have staff with sufficient technical knowledge can partner with Soil and Water Conservation Districts, other local governments, non-profits or consultants that have sufficient expertise.

## 6. Grant Work Plan and Reporting Requirements

To ensure the success of the program, development of grant work plans, regular reporting of expenditures, and technical assistance and accomplishments are required.

- 6.1. **Grant Execution.** Grant agreement must be executed ( signed by grantee and BWSR) before work can begin on this grant and all work must occur within the grant period.
- 6.2. **Grant Work Plan.** Work plans shall be developed in eLINK and must be approved before work can begin on this grant. Work plans shall reflect each eligible activity, a description of the anticipated activity accomplishments, and grant and match funding amounts to accomplish each of the activities.
- 6.3. **Grant Reporting.** Descriptions of actual results and financial expenditures for each work plan activity must be reported in eLINK by February 1 of each year.
- 6.4. **Grant Closeout.** Within thirty (30) calendar days of the expiration of each grant agreement or expenditure of all grant funds, whichever occurs first, grantees are required to:
  - a. Provide a summary of all work plan accomplishments with grant funding in eLINK; and
  - b. Submit a signed eLINK Financial Report to BWSR.
- 6.5. **Grant Agreement.** Read through signed agreement for further directions and reimbursement request deadlines.

## 7. BWSR Grant Administration Requirements

BWSR staff is authorized to review grant applicant's financial records to establish capacity to successfully manage state grant funds, develop grant agreements, including requirements and processes for work plans, project outcomes reporting, closeouts, and fiscal reconciliations. All grantees must follow the grant agreement and applicable 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.

# History

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Version	Description	Date
1.00	Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program Policy	October 27, 2021

# **DRAFT** Lawns to Legumes Demonstration Neighborhood Grants Program Phase 2

(FY 2022)

## Request for Proposals

### General Information

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This grant program is made possible through an appropriation from the Environment and Natural Resources Trust Fund (ENRTF), aimed at increasing the populations of rusty patched bumble bees and other at-risk pollinators. This will be achieved through efforts to establish residential pollinator habitat within neighborhoods in important pollinator corridors/pathways and building overall interest in ecological landscaping. \$1,066,000 is available.

Funding for this program is from the two ENRTF appropriations that have different grant end dates summarized below. Through the application process applicants will be asked if they can complete their projects by May 1 2023 or if they would benefit from an extra year and final decisions about grant periods will be made by the program's advisory team.

- There is \$540,000 available for **new** Demonstration Neighborhood grantees and grant awards will be for a minimum of \$20,000 and a maximum of \$40,000. These appropriations are from Minnesota Session Laws 2021, First Special Session, Chapter 6, Article 6, Section 2, Subd. 8(P). Minnesota Session Laws 2021, First Special Session, Chapter 6, Article 5, Section 2, Subd. 8(M). The end date for projects through this appropriation is May 1<sup>st</sup>, 2024
- There is \$526,000 available for **new or past** Demonstration Neighborhood grant recipients who are eligible for a maximum of \$20,000 - \$40,000 (**a maximum of \$20,000 for past grantees**) and will be ranked along with other applications. Minnesota Session Laws 2021, First Special Session, Chapter 6, Article 5, Section 2, Subd. 20(B) This end date is May 1<sup>st</sup>, 2023.

Smaller grant awards may be considered if combined with other sources of verifiable funds that creates a total project size that is at least \$20,000.

A maximum project cost of \$1,500 per residential project is allowed. Or a maximum project cost of \$5,000 per community space or educational landscapes is allowed. The grant funds will not cover the cost of large construction costs for Raingardens or Shoreline installation. Also review the Lawns to Legumes Phase 2 Demonstration Neighborhood Grant Program Policy for additional grant requirements.

## Who May Apply

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- Cities
- Counties
- Watershed Districts
- Soil and Water Conservation Districts
- Non-governmental Organizations
- Tribal Governments

Applicants must be able to comply with the Lawns to Legumes Demonstration Neighborhood Program Policy.

## Eligibility Criteria

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Eligible landscapes must be residential yards, educational landscapes or community spaces but the scale and density of “neighborhoods” can be determined by the applicant.

- **New or past** Demonstration Neighborhood grant recipients are eligible for a maximum of \$20,000 - \$40,000 (**a maximum of \$20,000 for past grantees**) and will be ranked along with other applications.
- Demonstration Neighborhood projects must include multiple parcels (residential, educational landscapes and community spaces) to the extent possible and help build habitat corridor/pathways.
- Residential is defined as land or parcels associated with residential occupancy including single family homes, apartments and similar types of multifamily dwellings, as well as community spaces that are apart of or adjacent to these residences. This includes rural residences. Excluded from this definition are agricultural, commercial, industrial or natural lands not associated with a residence.
- Projects in educational landscapes (daycare; elementary, middle or high school; college) will work to provide environmental education, stewardship skills to youth and partners.
- Community spaces (parks, community living spaces, public golf courses, libraries) are somewhere for local people to build social networks and work together on shared interests or activities. Commercial landscapes are not eligible.
- A plant or animal is considered “at-risk” when:
  - It is proposed for listing as threatened or endangered under the Endangered Species Act
  - It is a candidate species for listing; or
  - It has been petitioned by a third party for listing; or
  - It’s populations are rare, declining, or may be vulnerable to decline.
  - Find a list of [At-Risk Pollinator Species](#) on the Lawns to Legumes Partners webpage.
- All projects will require a landowner agreement with the property owner and plan for maintenance.

A minimum non-state match equal to at least 25% of the amount requested and/or received is required, except in areas identified by the United State Fish and Wildlife Service as areas where there is a high potential for rusty patched bumble bees to be present, where only a 10% match is required. The BWSR Lawns to Legumes [map](#) provides locations for high potential for Rusty Patched Bumble Bees and shows other key habitat corridors in the state. The match must be cash or in-kind cash value of goods, materials, and services directly attributed to project accomplishments.

## To Apply

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Applications need to be submitted via eLINK. Eligible applicants without a current eLINK user account must submit a request at <https://apps.bwsr.state.mn.us/elink/Account/Register> to establish an eLINK account **no**

**later than 7 days prior to the application deadline** in order to ensure sufficient time to create an account. As part of the application, eLINK will require applicants to map the location of the proposed project area(s).

The following are the application questions to be filled out in eLINK:

- Describe if and how your project’s location will benefit the Rusty Patched Bumble Bee and/or other at-risk pollinators.
- Discuss your projects connection to statewide and local habitat corridors/pathways or areas mapped as important for pollinator habitat.
- How will partnerships be established or strengthened as part of the demonstration neighborhood and how is equity considered for the project?
- Discuss the technical expertise of applicants and partners that will be involved with assisting landowners.
- What are your plans for the long-term planning/maintenance/sustainability of projects, including protection from pesticide exposure?
- Discuss the potential to incorporate several project types into the demonstration neighborhood such as pollinator beneficial trees and shrubs, pollinator lawns, pollinator meadows and native pocket plantings that are encouraged for the program.
- Explain the anticipated outcomes upon completion of the project and how these outcomes will be obtained. If you are a past grant recipient please summarize your past outcomes.
- Are you interested in your project timeframe extending an additional year from May 1<sup>st</sup>, 2023 to May 1<sup>st</sup>, 2024? If so, which close date and amount requested? BWSR has two appropriations with two different end dates as noted at the beginning of the RFP. Past grant recipients for Demonstration Neighborhoods are not eligible for the extended grant timeline.

**Proposals must include one image file** of the project area in relation to the priority zones (.jpg, .tiff, .png) which will be one of several considerations of how at-risk pollinators will be benefitted by the program, as an Application Image in eLINK. General attachments will not show up as a part of the application report in eLINK.

Applicants will be required to fill out a project budget summarizing proposed activities and expenditures including technical and administrative costs.

*When applying over \$25,000 non-governmental applicants will be required to submit an internal financial statement, a certified financial audit, or an IRS Form 990, if such documentation is not already on file with the Board. Prior to ranking grants the documentations will be reviewed by BWSR Staff.*

## Evaluation and Selection

**Table 1: Lawns to Legumes Demonstration Neighborhood Program Ranking Criteria**

Ranking Criteria	Maximum Points
<u>Potential benefits for the Rusty Patch Bumble Bee and other at-risk pollinators.</u>	25
<u>Connection to habitat corridors/pathways or areas mapped as important for pollinator plantings and benefiting at-risk species</u>	15



<u>Partnerships established or strengthened as part of the demonstration neighborhoods and equity considerations</u>	10
<u>Sufficient technical capacity of applicant and partners</u>	10
<u>Long-term planning/maintenance/sustainability of projects, including protection from pesticide exposure</u>	10
<u>Potential to incorporate several project types (i.e. flowering trees and shrubs, pollinator lawns, etc.) into the demonstration neighborhood</u>	10
<u>Anticipated Outcomes and Project Value:</u> The outcomes expected upon completion of the project initiatives are identified, consistent with project goals, and it is clear how these outcomes will be obtained.	20
<b>Total Points Available</b>	<b>100</b>

\*For grant ranking, BWSR reserves the right to make selections based on geography, equity in consideration of the Office of Grants Management Policy 08-02 Rating Criteria for Competitive Grant Review.

## Eligible Activities

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- Project and plan development
- Site preparation, planting and management costs (tilling, burning, sod removal, temporary weed barriers, containerized plants, seeding, inter-seeding, weed removal, etc.)
- Tool purchases (Hand sod kicker, hand shovels, hand rakes, hand trowels, watering tree gator.) must not exceed \$600.00. All tools purchased shall be used as a shared landowner resource and remain with grantee.
- Non-herbicide methods of site preparation and management are preferred, see the Xerces Society guide to [“Organic Site Preparation Methods.”](#)
- Flowering trees and shrubs that are pollinated are eligible for funding, as they often provide early season floral resources and nesting resources. Native plants with few cultivar exceptions are eligible for funding. See [BWSR Grant Programs page](#) for exceptions and further eligible expenses.
- It is encouraged to use this program in combination with other non-state funding sources and practices.

## Additional Information

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Grantees will be required to comply with prevailing wage provisions and other assurance and administrative requirements via a grant agreement and workplan as approved by BWSR consistent with appropriations and state grants administration policies. Additional information on prevailing wage requirements is available on the Department of Labor and Industry (DOLI) website <https://www.dli.mn.gov/business/employment-practices/prevailing-wage-information> . Questions about the application of prevailing wage rates should be directed to DOLI at 651-284-5091.

BWSR recognizes that not all participating landowners will be signed onto the program at the time of application, but some documented interest should be identified at the time of application.

BWSR has left the definition of “neighborhood” open-ended to allow applicants to determine how to most effectively establish demonstration projects and benefit pollinators.

Projects must be sustained for a minimum of 5 years and have a focus on long-term care of ecological functions and aesthetics.

Grantees must follow project planning and design requirements using project planning information as provided below:

- See [BWSR's Pollinator and Biodiversity Toolbox, Lawns to Legumes Program Guide](#) , as well as [Xerces Society resources](#), and Metro Blooms turf alternative resources for additional design guidance.

Projects must include plans for long-term maintenance, inspection monitoring and site access for the duration of the life of a project as part of their project files. Work plans developed for funded applications will rely on this information for operation, maintenance and inspection requirements after the project is completed.

Project size up to three acres with no minimum size.

Pollinator signage is required for all completed projects funded through this program. Signage will be provided by BWSR.

Projects are strongly encouraged to be located in areas protected from pesticides (at least 200 feet away from pesticide application). See the BWSR/Xerces Society fact sheet on [Protecting Conservation Lands from Pesticides](#) for additional protection strategies.

There is also an emphasis on incorporating different types of habitat as part of the demonstrations including native pocket plantings, pollinator beneficial trees and shrubs, pollinator lawns and pollinator meadows (all discussed in the Lawns to Legumes [Planting for Pollinators Habitat Guide](#)). It is also encouraged to combine the demonstration neighborhoods with public and commercial pollinator plantings to strengthen the overall demonstration value of the efforts. Plantings can be conducted in city boulevards, but approval must be given by the city for the project.

When practical, projects must have at least three blooming species during, spring, summer and fall, with higher diversity strongly encouraged. Use of milkweeds is encouraged to provide monarch habitat.

- Seed and plant source requirements are summarized in BWSR's [Native Vegetation Establishment and Enhancement Guidelines](#). Additional details about species for pollinator plantings are included in the Lawns to Legumes Habitat Guide and BWSR's Pollinator Toolbox. See the [Lawns to Legumes Grant Program page](#) for information about non-native species that can be funded as part of the establishment of Trees/Shrubs and Pollinator Lawns. Any plants installed must be neonicotinoid (systemic pesticide) free. This [Wild Ones website](#) shows many nurseries in Minnesota that have plants that meet this criteria. The Minnesota DNR also has a [list of native plant vendors](#) (it is important to check with any vendor to ensure that their plants are neonicotinoid free).

All projects are encouraged to register with the Xerces Society Pollinator Pledge

<https://www.xerces.org/pollinator-conservation/pollinator-protection-pledge>

For additional public outreach tools see resources on BWSR's Lawns to Legumes Page, BWSR's brochure on "[Protecting Minnesota's Pollinators](#)," Fact Sheet on "[How You Can Help Pollinators](#)," and [Featured Plant Articles](#) that include over seventy species for benefitting pollinators. USFWS information on plants for Rusty Patch Bumblebee.

## Timeline

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October 27 <sup>th</sup> , 2021	Application period begins
February 1 <sup>st</sup> , 2022	Application deadline at 4:30 PM
March 2022	BWSR Board authorizes grant awards
March or April 2022	BWSR grant agreements sent to recipients (proposed)
May 1 <sup>st</sup> , 2022	Work plan submittal deadline
May 1 <sup>st</sup> , 2023 or May 1 <sup>st</sup> , 2024	Grant Execution deadline

## Project Period

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The project period starts when the grant agreement is executed, meaning all required signatures have been obtained from BWSR and the Grantee. Work that occurs before this date is not eligible for reimbursement with grant funds.

All grants must be completed by May 1<sup>st</sup>, 2023 for projects selected for this timeline

All grants must be completed by May 1<sup>st</sup>, 2024 for projects selected for this timeline

A question will be included as part of the application about whether new grantees are able to complete their project in 2023 or are interested in having an additional year (2024) for their projects. The programs advisory team will recommend projects for the longer grant timeline.

## Submittal

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Applications will be submitted via eLINK. Eligible applicants without a current eLINK user account must submit a request to establish an eLINK account no later than 7 days prior to the application deadline. As part of the application, eLINK will require applicants to map the location of the proposed project(s). If registering for a new eLINK user account training will be provided for application and grant management.

## Incomplete Applications

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Applications that do not comply with all requirements, including incomplete or missing application components, will not be considered for funding.

## BWSR Grant Administration

BWSR reserves the right to partially fund any and all proposals based on the amount of funding available. Proposals that are deemed complete may be considered for future available funds.

## Grant Execution

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Successful applicants will be required to develop and submit a work plan in eLINK prior to execution of the grant agreement.

## Payment Schedule

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Grant payments will be made on a quarterly reimbursement schedule after submission of documentation of eligible expenditures and approval by the program manager, provided the grant applicant is in compliance with all BWSR reporting requirements for previously awarded BWSR grants. Upon award, see contact agreement for exact dates of quarterly reimbursement submittal.

## Project Reporting Requirements

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- All grantees are required to report on the outcomes, activities, and accomplishments of Lawns to Legumes Demonstration Neighborhood grants. All BWSR funded projects will be required to develop a work plan, including detail of each eligible activity, a description of the anticipated activity accomplishments, and grant and match funding amounts to accomplish each of the activities. All activities will be reported via the BWSR eLINK reporting system. For more information about eLINK, go to: <http://www.bwsr.state.mn.us/elink>.
- BWSR Lawns to Legumes Demonstration Neighborhood Program funds will be administered via a standard grant agreement. BWSR will use grant agreements as contracts 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 on the grant recipient.
- Grant recipients must display program logo, their program goals and major program activities on a fact sheet (or a separate webpage) that is linked to their website. This website link needs to be placed in eLINK as an attachment and provided to BWSR grant staff to include on the BWSR Demonstration Neighborhood webpage. These links will help connect the public to see further efforts underway by Demonstration Neighborhood grantees.
- Reporting deadlines will be 30 days after quarter end to submit reimbursement receipts.

## Grants and Public Information

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Under Minnesota Statute 13.599, responses to a Request for Proposals are nonpublic until the application deadline is reached. At that time, the name and address of the applicant, and the amount requested becomes public. All other data is nonpublic until the negotiation of the grant agreement with the selected grantee is completed. After the application evaluation process is completed, all data (except trade secret data) becomes public. Data created during the evaluation process is nonpublic until the negotiation of the grant agreement with the selected grantee(s) is completed.

## Conflict of Interest

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State Grant Policy 08-01 (see [http://www.admin.state.mn.us/ogm\\_policies\\_and\\_statute.html](http://www.admin.state.mn.us/ogm_policies_and_statute.html)) Conflict of Interest for State Grant-Making, also applies to BWSR grantees. Grantees' conflicts of interest are generally considered organizational conflicts of interest. Organizational conflicts of interest occur when:

1. A grantee is unable or potentially unable to render impartial assistance or advice due to competing duties or loyalties,
2. A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties, or
3. A grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

## Questions

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For more information concerning the request for proposal, contact BWSR's Lawns to Legumes Demonstration Neighborhood Program Coordinator:

Technical program questions contact: Dan Shaw at [dan.shaw@state.mn.us](mailto:dan.shaw@state.mn.us) or at 612-236-6291