

Board Resolution # 23 – 37

UPDATED BOARD OF WATER AND SOIL RESOURCES BYLAWS

WHEREAS, consistent with Minnesota statute section 103B.101, Subd. 8a, the Board of Water and Soil Resources establishes bylaws to conduct its business and perform all of its responsibilities and duties in an orderly, efficient, fair and lawful manner; and

WHEREAS, the most recent version of the Board Bylaws is dated October 24, 2018; and

WHEREAS, board members and staff have proposed updates to the bylaws to ensure that the bylaws clearly state how the board operates; and

WHEREAS, the updated bylaws were reviewed by the Administrative Advisory Committee on May 15, 2023 and reviewed by the board on May 24, 2023.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

1. Rescinds the Board of Water and Soil Resources Bylaws dated October 24, 2018.
2. Adopts the updated Board of Water and Soil Resources Bylaws, dated June 28, 2023.



Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: June 28, 2023

Attachment: Board of Water and Soil Resources Bylaws, dated June 28, 2023.

**BOARD OF WATER AND SOIL RESOURCES
BYLAWS
June 28, 2023 (effective July 1, 2023)**

ARTICLE I. Introduction

1. Purpose
The Board of Water and Soil Resources (BWSR) desires to conduct its business and perform its responsibilities and duties in an orderly, efficient, transparent, fair and lawful manner. These Bylaws are established for that purpose.
2. Application of Bylaws
Unless otherwise specifically indicated, these Bylaws shall apply to the transaction of all BWSR business and the conduct of all BWSR meetings and hearings.
3. Compliance with Applicable Law
It is the specific intent of the BWSR to perform its responsibilities and conduct its hearings and meetings in accordance with all applicable federal law and state statutes and regulations. The provisions of all such applicable law shall have control over anything to the contrary in these Bylaws.

ARTICLE II. Membership, Officers, Duties and Committees

1. Membership
The Board of Water and Soil Resources shall be composed of members appointed according to MN Statutes §103B.101.

Individual members shall not act to represent the Board on any given subject unless specific Board action/position has been determined/ruled and the individual action thus represents the Board as a whole.

MN Statutes §15.0575, subd. 4, provides that “[t]he chair of the board shall inform the appointing authority [i.e., the Governor] of a member missing three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the chair of the board shall notify the member in writing that the member may be removed for missing the next meeting.”
2. Officers Designated
The officers of the BWSR shall be the Chair and the Vice-Chair. The Chair is appointed by the Governor from the members of the Board. The Vice-Chair shall be elected to a two-year term by the members of the Board. The Vice-Chair shall be elected by majority vote at the first regularly scheduled meeting of every EVEN calendar year.

The Board shall employ an Executive Director, who is a salaried officer, consistent with MN Statutes § 103B.101, subd. 4. The Executive Director is responsible for the administrative and general operations of the BWSR. All staff shall report to the Executive Director.

3. Duties of Officers

a) Chair

The Chair shall have the following responsibilities:

- 1) Supervise the affairs of the Board and communicate such affairs to all board members.
- 2) Preside at all Board meetings.
- 3) Preside at Dispute Resolution Committee proceedings or appoint a presiding member.
- 4) May schedule special meetings.
- 5) Approves board meeting agendas.
- 6) Establishes committee structure and appoints committee members.
- 7) Serve on the Environmental Quality Board per MN Statutes Chapter 116C.

b) Vice-Chair

The Vice-Chair shall have the following responsibilities:

- 1) Perform those duties delegated by the Chair.
- 2) Act as Chair in the event of the Chair's illness, disability, absence from a meeting or not being readily able to function as Chair.

c) Executive Director

The Executive Director shall be responsible to the Board and communicate/report regularly to the Chair. The Executive Director or designee shall attend all Board meetings but shall not vote. The Executive Director shall have the following responsibilities:

- 1) To see that all resolutions, rules, regulations and orders of the Board are carried out.
- 2) To present to the Board program plans, studies and reports prepared for Board purposes and action and recommend to the Board for adoption those measures deemed necessary and prudent to carry out the programs and duties of the Board or for the efficient administration of the affairs of the Board. The Executive Director shall have the authority to execute or officially sign on behalf of the Board on all actions approved, ruled or delegated by the Board.
- 3) To communicate and interact with the Governor's office, state and federal agencies, local governments, special districts, joint powers authorities, the legislature, and to participate in relevant meetings as well as provide such meeting knowledge to the Board.
- 4) To keep the Board fully advised as to its financial condition and to prepare and submit Board budgets through the processes established by the Governor's office or Minnesota Management and Budget (MMB).

- 5) To represent and implement the Board's orders, resolutions, and policies.
- 6) To record and maintain a record and minutes of the meetings and process and maintain all information relating to Board business.
- 7) To develop the proposed agenda for Board meetings, provide for meeting notices and handle all other administrative affairs.
- 8) To sign documents as designated by the Board.
- 9) To participate in a regular Personnel Review as directed by the Chair.

4. Vacancies and absences of Officers

- a) Chair: In the absence of the Chair, the Vice-Chair shall preside.
- b) In the event of a Chair vacancy the Vice-Chair will become the acting Chair.
- c) Vice-Chair: If a vacancy occurs in the office of Vice-Chair, the regular members shall elect an acting Vice-Chair to fill the remaining term.
- d) Chair, Vice-Chair: If at a Board meeting, neither the Chair nor Vice-Chair are present but a quorum exists, the members shall elect from within the membership an acting Chair to run the meeting.

5. Committees

- a) The Board chair may establish committees. The Board Chair shall appoint committee members and shall be an ex-officio member of all committees to which the Board Chair is not appointed.
- b) Unless otherwise prescribed by statute or rule, committees shall consist of three or more members of the Board for the purpose of gathering information, presiding over public hearings, making findings and bringing recommendations to the Board.
- c) Certain duties may be delegated to committees by a majority vote of the board members.
- d) When a member of the Dispute Resolution Committee or another committee has a conflict of interest or is otherwise unable to fully participate in consideration of a matter, the Board Chair may appoint a substitute to serve in place of that member with respect to that matter.
- e) The Board Chair shall appoint committee chairpersons.
- f) The Executive Director shall assign staff to facilitate and support the work of committees.
- g) The membership of all committees shall be posted on the BWSR website or made available in alternate formats upon request.

ARTICLE III. Meetings and Hearings

1. Notice
Notices of all meetings and hearings of the BWSR shall be made in a manner in accordance with MN Statutes Chapter 13D (*Open Meeting Law*).
2. Open Meetings and Records
All meetings of the Board shall be open to the public as provided by law. The votes of the members shall be recorded by voice vote or by roll call if so called. The minutes shall be available to the public upon request made to the Executive Director. Minutes of Board meetings shall be preserved for at least ten years. Minutes of recent Board meetings shall be posted on the BWSR website once approved by the Board.
3. Closed Meetings
The Chair may call a closed meeting or close a meeting if the closure is authorized by statute or permitted by the attorney-client privilege.

In all cases where a meeting is closed, the Board shall abide by the requirements for closed meetings in Chapter 13D.
4. Hearing Records
 - a) When a public hearing on a matter has been held, whether by delegated committee that is to decide or recommend to the Board or by the Board, and the hearing record has been closed, the hearing record will not be reopened to receive additional written or oral submissions except by majority vote of the body considering the matter.
 - b) All information submitted to BWSR for hearing purposes becomes the property of the BWSR.
 - c) The BWSR shall maintain all records gathered during public hearings. The Executive Director shall not be required to maintain the records for more than three years after the close of a hearing.
5. Quorum
A majority of the Board or the majority of the committee is a quorum.
6. Voting
Each member shall have one (1) vote in the transaction of business of the Board. Agency members may designate an alternate to attend and vote on their behalf by notifying the Chair or Executive Director (or Committee Chair or lead staff for Committee meetings) via electronic communication prior to the meeting. In order to vote, the member or designated alternate must be in attendance for the meeting. A vote will be recorded by voice vote unless a roll call vote is requested. A roll call vote may be requested by any member and a roll call vote will be used for teleconference meetings per MN Statute Chapter 13D.

7. Meeting Arrangements
The Board shall normally meet the fourth Wednesday of the month so designated by action of the Board no earlier than 8:00 AM until agenda business is complete. The Chair may call for recess for appropriate breaks or for purposes of furthering the agenda orders of business.

The chair of the Board shall select a meeting location that is convenient and suitable for the members, staff and general public.

A consent agenda may be developed at the discretion of the Chair. Items on a consent agenda may be removed for individual consideration upon the request of any board member and placed on a logical place on the regular agenda as determined by the chair.
8. Parliamentary Procedure
The most current version of Robert's Rules of Order, Revised, shall govern the conduct of the meeting except when state statute, policies, and these bylaws state otherwise. The Chair shall make all parliamentary rulings. The Executive Director or designee shall serve as the parliamentarian advisor to BWSR.
9. Board Meeting Agenda Development
All matters for preliminary agenda consideration with pertinent information included shall be submitted to the Executive Director and reviewed by the Chair prior to the Board meeting. Placement of items on the proposed agenda will be at the discretion of the Chair and the Executive Director.
10. Conflicts of Interest
Each board member is obligated to determine whether he/she has a perceived, potential, or actual conflict of interest with respect to any matter before the BWSR and to comply with all requirements of law regarding any potential conflict. Board members who disclose an actual conflict of interest will not be allowed to participate in and vote on the agenda item for which they declared an actual conflict.

ARTICLE IV. Adoption and Amendments

1. Adoption
The effective date of bylaw changes shall be no sooner than the next regular meeting of the Board.
2. Amendments
These Bylaws may be amended by a two-thirds vote of the board members. All proposed amendments shall be presented in writing. The Board shall review the proposed changes at least one meeting prior to adoption.



Gerald Van Amburg, Board Chair

June 28, 2023

Date



BOARD ORDER

Rock County Soil and Water Conservation District – Watershed Project Tracking Grant

PURPOSE

Create effective and efficient access to a localized program tracking tool. The program tracking tool will be used to centralize data and projects related to the implementation of watershed plan activity.

RECITALS /FINDINGS OF FACT

- A. In December 2022 the Minnesota Association of Soil and Water Conservation Districts (MASWCD) approved a Resolution stating that MASWCD “Work with Minnesota Board of Water and Soil Resources and interested SWCDs to consider and share tracking tool options for implementing Comprehensive Watershed Management Plans. The tracking tool options should be designed to track projects, pollution reductions and progress reports.”
- B. In response to this resolution, BWSR staff commissioned an ad hoc work group consisting of staff from MASWCD and Minnesota Watersheds to assess tracking tool options and make recommendations to BWSR regarding consistent local needs.
- C. The work group recommended that BWSR support a locally led initiative to develop and support a standardized process for recording projects and tracking activities that could be utilized across the state, regardless of the adopted tool development or subscriptions.
- D. MASWCD membership has requested that BWSR assist with the development of a project tracking prototype tool that may be used by watershed partners that choose to utilize a tool that is already developed.
- E. The Rock County Soil and Water Conservation District has requested funding to support development of a statewide watershed project tracking tool and standardized processes for tracking activity.
- F. A grant to the Rock County SWCD would satisfy the request from the work group, while also addressing the specific project requests for developing a prototype tool. This grant would provide one-time financial resources for Rock SWCD to develop a standardized process for tracking projects.
- G. The Grants Program and Policy Committee reviewed this item at their May 22 and June 26, 2023 meetings.

ORDER

The Board hereby:

1. Approves the allocation of currently unallocated FY2022/2023 general funds for an amount up to \$110,000 to financially support and execute the “Watershed Tracking Tool Grant” project.
2. Authorizes staff to execute new grant agreements or amend existing grant agreements and associated workplans to provide funding to execute the “Watershed Tracking Tool Grant” project.

Dated at St. Paul, Minnesota, this 28th day of June, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: June 28, 2023



BOARD ORDER

Fiscal Year 2023 Water Quality and Storage Pilot Grant Program Awards

PURPOSE

Authorize the FY23 grant awards for the Water Quality and Storage Pilot Grant Program.

RECITALS /FINDINGS OF FACT

- A. Laws of Minnesota 2021, 1st Special Session, Chapter 6, Article 1, Sec. 4(l), appropriated \$2 million in Fiscal Years 22-23 to a water quality and storage program. The remaining funds in the FY22-23 appropriation at an approximate amount of \$1,143,854.
- B. Laws of Minnesota 2023, Regular Session, Chapter 60, Article 1, Sec. 4(p), appropriated \$17 million in Fiscal Years 24-25 to a water quality and storage program.
- C. Laws of Minnesota 2021, 1st Special Session, Chapter 6, Article 2, Sec. 80 provides the statutory authority for the Water Quality and Storage Program (Minn. Stat. 103F.05), and includes the purposes of the Program that are “to control water volume and rates to protect infrastructure, improve water quality and related public benefits, and mitigate climate change impacts”, identifies eligible practices, and establishes that the priority areas for the program are the Minnesota River basin and the lower Mississippi River basin.
- D. Based on board order #23-05, staff opened the application period for the Water Quality and Storage Pilot Grant Program in April 2023. The application period closed May 4, 2023.
- E. Six (6) applications were received requesting \$3,075,027. Board Staff reviewed the applications for eligibility and determined that five (5) applications are eligible. After ranking and scoring the applications Board staff recommend that two (2) projects be fully funded and one (1) project be partially funded, which will utilize the remaining funds in the FY22-23 appropriation. Board staff further recommend that the project partially funded by the FY22-23 appropriation be fully funded using the FY24-25 appropriation.
- F. The BWSR Senior Management Team, at their June 13, 2023 meeting, reviewed the proposed grant awards and recommended approval to the Grants Program and Policy Committee.
- G. The Grants Program and Policy Committee, at their June 26, 2023 meeting, reviewed the proposed grant awards and recommended approval to the Board.

ORDER

The Board hereby:

1. Approves the allocation of funds to three applicants in the amounts listed as follows:
 - Area II (C23-0019): \$140,214.00 – FY22-23 appropriation
 - Area II (C23-0018): \$584,813.00 – FY22-23 appropriation
 - Bois de Sioux Watershed District (C23-0011): \$1,000,000 – partial funding with the remaining FY22-23 funds and remaining funding from the FY24-25 funds
2. Authorizes staff to enter into grant agreements for these funds.

Dated at St. Paul, Minnesota, June 28, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: June 28, 2023

BOARD ORDER

Fiscal Year 2024 Clean Water Fund Competitive Grants Program

PURPOSE

Authorize the fiscal year 2024 Clean Water Fund Competitive Grants Program and adopt fiscal year 2024 Clean Water Fund Competitive Grant Policy

FINDINGS OF FACT / RECITALS

1. The Laws of Minnesota 2023, Chapter 40, Article 2, Section 6 (b) appropriated \$8,500,000 for the fiscal year 2024 Clean Water Fund Projects and Practices Competitive Grants Program with up to 20 percent available for land-treatment projects and practices that benefit drinking water.
2. BWSR has received prior appropriations consistent with the criteria for this competitive grant program.
3. The Board has authorities under Minnesota Statutes §103B.3369 and 103B.101 to award grants and contracts to accomplish water and related land resources management.
4. On May 22 and June 26, 2024, the Grants Program and Policy Committee reviewed the proposed fiscal year 2024 Clean Water Fund Competitive Grants Request for Proposals criteria and Competitive Grant Policy, and recommended approval to the Board.

ORDER

The Board hereby:

1. Adopts the attached fiscal year 2024 Clean Water Fund Competitive Grant Policy.
2. Authorizes the fiscal year 2024 Clean Water Fund Competitive Grants Program according to the attached ranking criteria for the FY 2024 Clean Water Fund Competitive Grants Request for Proposal. The program consists of Projects and Practices and the Projects and Practices – Drinking Water Subgrant.
3. Authorizes staff to shift and otherwise utilize unallocated funds from prior Clean Water Fund fiscal years to the fiscal year 2024 Clean Water Fund Projects and Practices Competitive Grant Program.
4. Authorizes staff to finalize and issue a Request for Proposals based on the amounts available for each of the programs listed including any remaining funds that have not been allocated from prior fiscal years.

Dated at St. Paul, Minnesota, this June 28, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: June 28, 2023

Attachments: FY 2024 Clean Water Fund Competitive Grants Request for Proposal Criteria
FY 2024 Clean Water Fund Competitive Grant Program Policy

FY 2024 Clean Water Fund Competitive Grants Request for Proposal Criteria

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

Drinking Water Protection Ranking Criteria

Ranking Criteria	Maximum Points Possible
<u>Project Abstract</u> : The project abstract succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.	5
<u>Prioritization (Relationship to Plans)</u> : The proposal is based on priority actions listed in an approved local water management plan or a state approved plan (Minnesota Department of Health approved drinking water (source water) protection plan such as a wellhead protection plan, wellhead protection action plan and surface water intake plan.	20
<u>Targeting</u> : The proposed project addresses pollution sources or risks directly impacting drinking water sources. The project is either in an area designated as a Drinking Water Supply Management Area, vulnerable to groundwater contamination, high groundwater sensitivity, or in an area with elevated levels of contamination that pose a risk to human health.	35
<u>Project Impact</u> : The proposed project reduces pollution sources posing the greatest risk to drinking water sources.	30
<u>Project Readiness</u> : The application has a set of specific activities that can be implemented soon after grant award.	10
Total Points Available	100

FY 2024 Clean Water Fund Competitive Grant Policy

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

Effective Date: June 28, 2023
Approval: Board Order #23-40



Policy Statement

This policy provides expectations for implementation activities conducted via the Board of Water and Soil Resources (BWSR) competitive grants program as defined by the Clean Water Fund appropriation under Laws of Minnesota 2023, Chapter 40, Article 2, Section 6 (b).

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.

Reason for the policy

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

BWSR will use grant agreements for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties or future sanctions on the grant recipient.

The Clean Water Fund Grants Request for Proposals (RFPs) may identify more specific requirements or criteria when specified by statute, rule or appropriation language. BWSR's Grants Administration Manual (<http://www.bwsr.state.mn.us/grants/manual/>) provides the primary framework for local management of all state grants administered by BWSR.

Program Requirements

1. Eligible Applicants

Eligible applicants for competitive grants include:

- a) Local governments (counties, watershed districts, watershed management organizations, and soil and water conservation districts or local government joint power boards) working under a current State approved and locally adopted local water management plan, comprehensive watershed management plan or soil and water conservation district comprehensive plan.
- b) Municipalities are eligible if they: 1) have a water plan that has been approved by a watershed district or a watershed management organization as provided under Minn. Stat. 103B.235; or 2) adopted an approved comprehensive watershed management plan developed under Minn. Stat. 103B.801
- c) Counties in the seven-county metropolitan area are eligible if they have adopted a county groundwater plan under Minn Stat. 103B.255 or county comprehensive plan that has been approved by the Metropolitan Council under Minn. Stat. Chapter 473.
- d) DRINKING WATER GRANT ONLY: Eligible entities include those listed in a) and c) above, as well as, municipalities if they have a state approved Minnesota Department of Health approved source water (drinking water) protection plan such as a wellhead protection plan, wellhead protection action plan or surface water intake protection plan (public water suppliers and rural water systems defined by Minn. Stat. 116A.01 Public Water Systems).

Applicable plans must be current when the Board approves awards to be eligible to receive grant funds as defined under the Board's *Local Water Plan Status and Grant Eligibility Policy*. Applicants must also be in compliance with all applicable federal, State, and local laws, policies, ordinances, rules, and regulations.

2. Match Requirements

All grants require a non-state match equal to at least 10 % of the amount of Clean Water Funds requested and/or received, unless specified otherwise by Board action. Activities listed as ineligible under Section 4 (Ineligible Activities) may not be counted towards match. Match can be provided by a landowner, land occupier, private organization, local government or other non-state source and can be in the form of cash or the cash value of services or materials contributed to the accomplishment of grant objectives.

3. Eligible Activities

The primary purpose of activities funded through this program is to restore, protect, and enhance water quality in lakes, rivers and streams; protect groundwater from degradation; and protect drinking water sources. Eligible activities must be consistent with a comprehensive watershed management plan, county comprehensive local water management plan, soil and water conservation district comprehensive plan, metropolitan local water plan or metropolitan groundwater plan that has been State approved and locally adopted or an approved total maximum daily load study (TMDL), watershed restoration and protection strategy (WRAPS) document,

groundwater restoration and protection strategy (GRAPS) document, surface water intake plan, or wellhead protection plan. Local governments may include programs and projects in their grant application that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government submitting the grant application and the local government that has adopted the plan.

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

Structural and Non-Structural Activities

The BWSR website provides a list of the practices available for users to select within eLINK, see <https://bwsr.state.mn.us/elink-guidance-practices>. It is not an inclusive list. The following activities have specific definitions and specifications.

Non-structural Activities: Non-structural activities that supplement or exceed current minimum state standards or procedures for protection, enhancement, and restoration of water quality in lakes, rivers, and streams and to protect groundwater and drinking water sources from degradation are eligible. Any projects proposing to provide financial assistance for installing or adopting non-structural land management practices for a duration longer than three years must be reviewed by BWSR staff and approved by the Assistant Director of Regional Operations prior to workplan approval. Non-structural vegetative practices must follow the Native Vegetation Establishment and Enhancement Guidelines, see <https://bwsr.state.mn.us/node/8806>.

Drinking Water: Both surface water (streams, rivers, and lakes) and ground water (aquifers) can serve as sources of drinking water. Drinking water projects must be consistent with wellhead protection plans, protection plans for surface water intakes, groundwater restoration and protection strategies (GRAPS), or local water management plans or their equivalents.

Feedlots: Eligible practices 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, and that are not classified as a Concentrated Animal Feeding Operation (CAFO) and have less than 500 animal units (AUs), in accordance with Minnesota Rule Chapter 7020. BWSR reserves the right to deny, postpone or cancel funding where financial penalties related to livestock waste management violations have been imposed on the operator.

- a. Funded projects must be in compliance with standards in MN Rule Chapter 7020 upon completion.
- b. Eligible practices are limited to best management practices listed by the Minnesota NRCS and permitting requirements.
- 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 (SSTS)

- a. Local governments should first exhaust primary source of 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 systems involving multiple landowners are eligible for funding but must be listed on the MPCA's Project Priority List (PPL) and have a Community Assessment Report (CAR) or facilities plan [Minn. Rule 7077.0272] developed prior to the application deadline. For community wastewater system applications that include ITPHS, systems that fail to protect groundwater are also eligible.
- d. In an unsewered area that is connecting into a sewer line to a municipal 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.

In-lake or in-channel treatment: Best management practices such as rough fish management, vegetation management, lake draw-down and alum treatments that have been identified as an implementation activity are eligible. A feasibility study that meets minimal requirements as defined by BWSR must be completed prior to applying for funding and the report uploaded to eLINK as part of the grant application. Eligible costs apply only to initial costs for design and implementation. All subsequent applications and treatments under this subsection are considered to be Operations and Maintenance expenses that are a local responsibility.

Conditions that apply to all structural and non-structural activities

Practice Standards: The grantee must use methods and practices consistent with the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG), Minnesota Stormwater Manual, or be a professionally accepted engineering or ecological practice that have a demonstrated effectiveness and provide the greatest long-term positive impact on water quality. Innovative approaches may be incorporated on a case-by-case basis. 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.

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 three 3 years with a goal of ongoing landowner adoption unless otherwise approved by the Assistant Director of Regional Operations prior to work plan approval.

Effective Life: All structural practices must be designed and maintained for a minimum effective life of ten years for best management practices and 25 years for capital improvement practices. The beginning date for a practice's effective life is the same date final payment is approved and the project is considered complete. Where questions arise under this section, the effective lifespan of structural practices and projects shall be defined by current and acceptable design standards or criteria as defined in Section 3.8.

Project Assurances: The grantee must provide assurances that the landowner or land occupier will keep the practice in place for its intended use for the expected lifespan of the practice. Such assurances may include easements, deed recordings, enforceable contracts, performance bonds, letters of credit, and termination or performance penalties. BWSR may allow replacement of a practice or project that does not comply with expected lifespan requirements with a practice or project that provides equivalent water quality benefits. See also the Projects Assurances section of the Grants Administration Manual.

Operation, Maintenance and Inspections: Identifying operation and maintenance activities specific to the installed practices is critical to ongoing performance of installed practices as well as to planning and scheduling those activities. An operation and maintenance plan must be prepared by designated technical staff for the life of the practice and be included with the design standards. An inspection schedule, procedure, and assured access to the practice site shall be included as a component of maintaining the effectiveness of the practice.

Technical and Administrative Assistance

Clean Water Funds may be used for actual technical and administrative expenses to advance project implementation. Eligible expenses include the following activities: grant administration, site investigations and assessments, design and cost estimates, construction supervision, and construction inspections. Technical and administrative expenditures must be appropriately documented according to the Grants Administration Manual.

Project Support

Eligible activities include public participation and engagement, equipment, and other activities necessary for the implementation of water quality practices consistent with the purposes of these funds. Refer to guidance within the Grants Administration Manual for Capital Equipment Purchases.

Grant Management and Reporting

All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the project or activity. Applicants who have previously received a grant from BWSR must be in compliance with BWSR requirements for grantee website and eLINK reporting before grant execution and payment.

4. Ineligible Activities

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

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

- 4.2 Water quality monitoring such as, but not limited to, routine, baseline, diagnostic, or effectiveness monitoring. This includes both surface and groundwater monitoring activities.
- 4.3 Household water conservation appliances and water fixtures.
- 4.4 Wastewater treatment with the exception of Subsurface Sewage Treatment Systems (SSTS).
- 4.5 Municipal drinking water supply facilities or individual drinking water treatment systems.
- 4.6 Storm water conveyances that collect and move runoff, but do not provide water quality treatment benefit.
- 4.7 Activities that outlet landlocked basins.
- 4.8 Development and delivery of educational activities and curriculum that do not support or lead to the implementation of prioritized and targeted water quality practices.
- 4.9 Replacement, realignment or creation of bridges, trails or roads.
- 4.10 Aquatic plant harvesting.
- 4.11 Routine maintenance or repair of best management practices, capital equipment and infrastructure within the effective life of existing practices or projects.
- 4.12 Feedlots: a). Feedlot expansions beyond state registered number of animal units, and b). Slats placed on top of manure storage structures.
- 4.13 Subsurface Sewage Treatment Systems (SSTS): a. Small community wastewater treatment systems serving over 10,000 gallons per day with a soil treatment system, and b. A small community wastewater treatment system that discharges treated sewage effluent directly to surface waters without land treatment.
- 4.14 Any project that contributes to, or otherwise is used to replace wetlands impacted under the Wetland Conservation Act (per Minn. Rules. 8420).
- 4.15 Fee title land acquisition or easement costs, unless specifically allowed. If not specifically allowed, land acquisition and easement costs can count toward the required match if directly associated with the project and incurred within the grant period.
- 4.16 Buffers that are required by law (including Drainage Law and Buffer Law).
- 4.17 Activities required under the Groundwater Protection Rule.
- 4.18 Components required by 103E Drainage Law.
- 4.19 Permanent stormwater treatment activities required to only meet the minimum requirements in Section 15 (Permanent Stormwater Treatment System) of the NPDES Construction Stormwater Permit, which addresses development projects that creates a net increase of one or more acres of cumulative impervious surface.

5. Technical Expertise

The grantee has the responsibility to ensure that the designated technical staff have the appropriate technical expertise, skills and training for their assigned role(s). See also the Technical Quality Assurances section of the Grants Administration Manual.

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.

BWSR reserves the right to review the qualifications of all persons providing technical assistance and review the technical project design if a recognized standard is not available.

6. Practice or Project Construction and Sign-off

Grant recipients shall verify that the practice or project was properly installed and completed according to the plans and specifications, including technically approved modifications, prior to authorization for payment.

7. BWSR Grant Work Plan, Reporting and Reconciliation Requirements

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

Important information below:

- All grantees must follow the Grants Administration Manual policy and guidance.
- 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.
- The grantee board is the authority and has the responsibility to approve the expenditure of funds within their own organization. The approval or denial of expenditures of funds must be documented in the Grantee Board's meeting minutes.
- BWSR recommends all contracts be reviewed by the grant recipient's legal counsel.
- Grant reporting, fiscal management, and administration requirements are the responsibility of the grant recipient.

History

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

Contact

For Clean Water Programs: Annie Felix-Gerth, Clean Water Coordinator



BOARD ORDER

Fiscal Year 2024 and Fiscal Year 2025 Natural Resources Block Grant Grants Authorization

PURPOSE

Provide fiscal years 2024 and 2025 Natural Resources Block Grants to MN Counties.

FINDINGS OF FACT / RECITALS

- A. The Natural Resources Block Grant (NRBG) program provides assistance to local governments to implement statutory natural resource programs of Comprehensive Local Water Management (LWM), the Wetland Conservation Act (WCA), the Minnesota Department of Natural Resources (DNR) Shoreland Management.
- B. The Laws of Minnesota 2023, Regular Session, Chapter 60 Article 1, Section 4 appropriated fiscal year (FY) 2024 and 2025 LWM, WCA and DNR Shoreland Natural Resources Block Grant funds to BWSR.
- C. The proposed allocations in this order were developed consistent with this appropriation. Proposed distributions represent a one-time biennium increase of 36.5% from the previous biennium distributions and have been applied uniformly across all for FY 2024 and 2025.
- D. The Grants Program and Policy Committee, at their May 22, 2023 meeting, reviewed the proposed allocations and recommended approval to the Board.

ORDER

The Board hereby:

1. Authorizes staff to enter into individual grant agreements with counties meeting the NRBG Program requirements and consistent with the attached table *Proposed FY2024 and 2025 Natural Resources Block Grant allocations*, for grant programs funded by BWSR appropriations, as determined by the BWSR and DNR, and totaling:

<u>Grant</u>	<u>FY 2024</u>	<u>FY 2025</u>
LWM	\$1,555,144	\$1,555,144
WCA	\$2,602,681	\$2,602,681
DNR Shoreland	\$515,175	\$515,175

2. Resolves that for LWM, WCA and DNR Shoreland programs, grantees have the flexibility to shift the amount of grant funds between these three programs consistent with local program needs.
3. Authorizes staff to enter into grant agreements for these purposes and to coordinate with MPCA to deliver SSTS implementation funding that may be available through other appropriations.

Dated at St. Paul, Minnesota, this June 28, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: June 28, 2023

Attachments: *Proposed FY2024 and 2025 Natural Resources Block Grant allocation*

Proposed FY2024 and 2025 Natural Resources Block Grants			
COUNTY	LWM	WCA	SHORELAND
AITKIN	\$18,960	\$45,378	\$14,725
ANOKA SWCD	\$11,050	\$86,267	\$3,570
BECKER	\$17,844	\$33,088	\$14,661
BELTRAMI	\$18,687	\$88,190	\$7,515
BENTON	\$18,117	\$43,137	\$4,486
BIG STONE	\$21,448	\$11,982	\$3,672
BLUE EARTH	\$13,683	\$24,816	\$4,427
BROWN	\$18,611	\$11,984	\$3,652
CARLTON	\$18,224	\$30,726	\$5,361
CARVER	\$11,050	\$43,138	\$3,570
CASS	\$14,337	\$61,113	\$14,606
CHIPPEWA	\$20,315	\$11,984	\$3,584
CHISAGO	\$15,349	\$37,815	\$6,748
CLAY	\$17,301	\$22,453	\$4,019
CLEARWATER	\$20,827	\$27,179	\$4,318
COOK	\$20,248	\$17,727	\$5,728
COTTONWOOD	\$20,265	\$11,984	\$3,784
CROW WING	\$11,050	\$51,997	\$26,113
DAKOTA	\$11,050	\$72,087	\$3,570
DODGE	\$19,773	\$22,449	\$3,652
DOUGLAS	\$16,487	\$29,544	\$11,664
FARIBAULT	\$19,863	\$11,984	\$3,734
FILLMORE	\$19,492	\$11,984	\$3,675
FREEBORN	\$17,911	\$11,984	\$4,285
GOODHUE	\$12,878	\$22,453	\$3,784
GRANT	\$21,164	\$18,908	\$4,172
HENNEPIN	\$11,050	\$77,997	\$0
HOUSTON	\$20,067	\$17,727	\$3,720
HUBBARD	\$18,082	\$34,270	\$11,514
ISANTI	\$18,090	\$34,270	\$5,466
ITASCA	\$14,262	\$60,270	\$13,798
JACKSON	\$20,091	\$11,984	\$4,111
KANABEC	\$20,575	\$34,270	\$5,584

KANDIYOHI	\$16,414	\$29,544	\$9,219
KITTSOON	\$20,859	\$22,453	\$3,614
KOOCHICHING	\$20,512	\$39,471	\$3,716
LAC QUI PARLE	\$21,096	\$11,984	\$3,589
LAKE	\$20,117	\$22,453	\$6,299
LAKE OF THE WOODS	\$21,582	\$46,088	\$4,767
LE SUEUR	\$18,431	\$22,453	\$6,714
LINCOLN	\$21,144	\$11,984	\$3,779
LYON	\$18,688	\$11,984	\$3,738
MAHNOMEN	\$21,622	\$17,727	\$4,587
MARSHALL	\$20,468	\$27,724	\$3,570
MARTIN	\$18,699	\$11,984	\$4,128
MCLEOD	\$17,259	\$22,453	\$4,079
MEEKER	\$19,099	\$25,998	\$6,464
MILLE LACS	\$19,605	\$30,726	\$6,564
MORRISON	\$18,579	\$41,362	\$5,386
MOWER	\$17,811	\$17,727	\$4,456
MURRAY	\$20,546	\$11,984	\$4,397
NICOLLET	\$17,960	\$22,453	\$3,661
NOBLES	\$19,661	\$11,984	\$3,633
NORMAN	\$21,216	\$17,727	\$3,582
OLMSTED	\$11,050	\$34,270	\$4,299
OTTER TAIL	\$13,411	\$81,541	\$24,228
PENNINGTON	\$20,943	\$22,453	\$3,868
PINE	\$18,915	\$47,271	\$8,053
PIPESTONE	\$20,815	\$11,984	\$3,570
POLK	\$18,386	\$29,544	\$4,719
POPE	\$20,607	\$21,271	\$5,802
RAMSEY	\$11,050	\$22,767	\$0
RED LAKE	\$21,648	\$17,727	\$3,922
REDWOOD	\$19,757	\$14,180	\$3,570
RENVILLE	\$19,177	\$11,984	\$3,634
RICE	\$14,276	\$33,089	\$5,719
ROCK	\$20,717	\$11,984	\$3,570
ROSEAU	\$20,656	\$33,089	\$3,682

SCOTT	\$11,050	\$56,724	\$3,570
SHERBURNE	\$11,050	\$43,138	\$6,651
SIBLEY	\$19,952	\$18,364	\$3,686
ST. LOUIS	\$11,050	\$103,285	\$27,216
STEARNS	\$11,050	\$62,633	\$12,291
STEELE	\$17,010	\$16,543	\$3,914
STEVENS	\$20,894	\$11,984	\$3,724
SWIFT	\$20,547	\$16,543	\$3,746
TODD	\$20,035	\$29,544	\$6,734
TRAVERSE	\$21,276	\$11,984	\$3,828
WABASHA	\$19,354	\$16,543	\$4,803
WADENA	\$21,010	\$27,179	\$4,210
WASECA	\$19,482	\$16,543	\$4,104
WASHINGTON	\$11,050	\$56,724	\$3,570
WATONWAN	\$20,625	\$11,984	\$3,731
WILKIN	\$20,794	\$11,984	\$3,593
WINONA	\$16,173	\$16,543	\$3,620
WRIGHT	\$11,050	\$57,905	\$12,749
YELLOW MEDICINE	\$20,717	\$11,984	\$3,589
TOTALS	\$1,555,144	\$2,602,681	\$515,175



BOARD ORDER

Fiscal Year 2024 and Fiscal Year 2025 Technical Service Area Grants Authorization

PURPOSE

Provide Fiscal Year 2024 and Fiscal Year 2025 Technical Service Area Program Grants to the eight SWCD Technical Service Areas.

FINDINGS OF FACT / RECITALS

- A. The Laws of Minnesota 2023, Regular Session, Chapter 60, Article 1, Section 4 appropriated fiscal year (FY) 2024 and 2025 funding for Nonpoint Engineering Assistance grants.
- B. The Laws of Minnesota 2023, Regular Session, Chapter 40, Article 2, Section 6 appropriated funding for Accelerated Implementation and Enhancement Grants.
- C. The allocations in this order were developed in combination consistent with these appropriations.
- D. The Grants Program and Policy Committee, at their May 22, 2023 meeting, reviewed the provisional allocations and recommended approval to the Board.

ORDER

The Board hereby:

1. Approves the provisional allocation of TSA Program Grants to eligible TSAs in the amounts listed in the attached table.
2. Authorizes both fiscal year 2024 and fiscal year 2025 Enhanced Technical Assistance grant allocations, recognizing that funds for the fiscal year 2025 grants will not be available until the start of that fiscal year and will be processed only after July 1, 2024.
3. Establishes that the grants awarded pursuant to this resolution will conform to the Technical Service Area Grants Program Policy effective on July 1, 2017.
4. Authorizes staff to enter into grant agreements for this purpose.

Dated at St. Paul, Minnesota, this June 28, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: June 28, 2023

Attachments: *Provisional FY2024 and 2025 Technical Service Area Program Grant Allocation*

FY2024 and 2025 Technical Service Area Program Grant Allocation Table

TSA	Nonpoint Engineering Assistance Program				Clean Water Fund Supplement		FY 2024 Total	FY 2025 Total
	FY24 Equipment	FY25 Equipment	FY 2024 Total NPEA Grant	FY 2025 Total NPEA Grant	FY24 Enhanced Technical Assistance	FY25 Enhanced Technical Assistance		
1	\$20,000	\$0	\$127,500	\$127,500	\$242,500	\$242,500	\$390,000	\$370,000
2	\$0	\$20,000	\$127,500	\$127,500	\$242,500	\$242,500	\$370,000	\$390,000
3	\$0	\$0	\$127,500	\$127,500	\$242,500	\$242,500	\$370,000	\$370,000
4	\$0	\$0	\$127,500	\$127,500	\$242,500	\$242,500	\$370,000	\$370,000
5	\$0	\$20,000	\$127,500	\$127,500	\$242,500	\$242,500	\$370,000	\$390,000
6	\$20,000	\$0	\$127,500	\$127,500	\$242,500	\$242,500	\$390,000	\$370,000
7	\$0	\$0	\$127,500	\$127,500	\$242,500	\$242,500	\$370,000	\$370,000
8	\$0	\$0	\$127,500	\$127,500	\$242,500	\$242,500	\$370,000	\$370,000
	\$40,000	\$40,000	\$1,020,000	\$1,020,000	\$1,940,000	\$1,940,000	\$3,000,000	\$3,000,000

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

In the Matter of the review of the Comprehensive Watershed Management Plan Amendment for the North Fork Crow Watershed, pursuant to Minnesota Statutes Sections 103B.101, Subdivision 14 and 103B.801.

**ORDER
APPROVING
COMPREHENSIVE
WATERSHED
MANAGEMENT PLAN
AMENDMENT**

Whereas, on June 27, 2018, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the North Fork Crow River Comprehensive Watershed Management Plan (Plan); and

Whereas, the North Fork Crow River Watershed Planning Partnership (NFCRWPP) submitted a Comprehensive Watershed Management Plan Amendment (Amendment) to the Board on May 11, 2023, pursuant to Minnesota Statutes Sections 103B.101, Subdivision 14 and 103B.801 and Board Resolution #21-08; and

Whereas, the Board has completed its review of the Amendment;

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

FINDINGS OF FACT

- A. On February 22, 2023, the NFCRWPP submitted the proposed Amendment to the plan review authorities for a 60-day review process that ended on April 23, 2023, pursuant to Minnesota Statutes Sections 103B.101, Subdivision 14 and 103B.801 and Board Resolution #21-08.
- B. On May 8, 2023, the NFCRWPP held the required public hearing in Buffalo, Minnesota as part of the Wright Soil and Water Conservation District Board Meeting.
- C. On May 11, 2023, the Board received the Amendment, a record of the public hearing, copies of all written comments pertaining to the Amendment, and a summary of changes incorporated as a result for final State review pursuant to Board Resolution #18-14. The following state review comments were received during the comment period.

Local Review: The City of Otsego requested clarification on several items as well as recommended opportunities for partnership. The Plan Amendment was updated to include all recommended changes.

Minnesota Department of Agriculture (MDA): MDA did not comment on the Amendment.

Minnesota Department of Health (MDH): MDH raised concern about the existing levels of arsenic in portions of the watershed and recommended adding an education activity. The Amendment has been updated to include the watershed-wide activity.

Minnesota Department of Natural Resources (DNR): DNR commented that the Amendment will streamline and focus the implementation efforts. DNR also suggested reviewing information provided within the ditch systems referenced with possible corrections needed as well as suggested revisions to multiple Action Descriptions. Changes to the Amendment were made as necessary.

Minnesota Pollution Control Agency (MPCA): MPCA did not comment on the Amendment.

Minnesota Environmental Quality Board (EQB): EQB confirmed receipt of the Amendment and had no comments.

Metropolitan Council: Metropolitan Council made several recommendations including adding the Upper Mississippi River Source Water Protection Project as a partner. Metropolitan Council recommended changes to add detail on irrigation management as well as adjustments to the Plan goals. Metropolitan Council acknowledged that this Amendment would strengthen the work of the NFCRWPP. The NFCRWPP made clarifications and additions as needed. They also noted that some of the changes recommended will be addressed when the plan undergoes the 10-year update.

Minnesota Board of Water and Soil Resources (BWSR): BWSR staff provided numerous comments regarding typographical corrections and requests for clarifications and additions. BWSR staff worked with local staff to address all the comments and the necessary changes were made to the Amendment prior to final submittal.

D. **Central Region Committee.** On June 1, 2023, the Board’s Central Region Committee and staff met in St. Paul and via teleconference to review and discuss the final Plan. Those in attendance from the Board’s committee were Joe Collins (chair), Jill Crafton, Jayne Hager Dee, Mark Zabel, Steve Robertson, and Grant Wilson. Board staff in attendance were Marcey Westrick and Steve Christopher. Board staff provided a summary of the Plan Amendment and recommended approval of the Plan Amendment. After presentation and discussion, the committee unanimously voted to recommend the approval of the Amendment to the full board.

E. This Amendment will be in effect until June 27, 2028.

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 Amendment pursuant to Minnesota Statutes Sections 103B.101, Subdivision 14 and 103B.801 and Board Resolution #21-08.
3. The Amendment attached to this Order is in conformance with the requirements of Minnesota Statutes Sections 103B.101, Subdivision 14 and 103B.801 and Board Resolution #21-08.

ORDER

The Board hereby approves the attached Amendment of the North Fork Crow River Comprehensive Watershed Management Plan. The Amendment will be in effect until June 27, 2028.

Dated at St. Paul, Minnesota, this 28th day of June 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


BY: Gerald Van Amburg, Chair