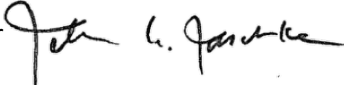




DATE: June 14, 2022

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – June 22, 2022

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, June 22, 2022, 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. 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=e824e6c827eebb08c1a66b19e98812ff1>, 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: 2480 084 0682.

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. **FY2023 CWF Competitive Grants Policy and RFP Criteria** – The Clean Water Fund Competitive Grant Policy is reviewed and approved annually. For FY2023, the policy will apply to Projects and Practices, Projects and Practices Drinking Water, Multi-purpose Drainage Management, and Soil Health funding. In addition to approving the policy, the board order also authorizes the fiscal year 2023 Clean Water Fund Competitive Grants Program and authorizes staff to finalize and issue a Request for Proposals. The Grants Program and Policy Committee reviewed these recommendations on May 23, 2022 and recommends the attached policy and order to the board. **DECISION ITEM**

NEW BUSINESS

1. **One Watershed, One Plan Program Evaluation Report** – BWSR is nearly halfway to achieving the goal of statewide coverage with approved comprehensive watershed management plans developed through the One Watershed, One Plan program. BWSR conducted an evaluation to determine if the program is meeting the original vision and whether any mid-course corrections were needed for this major shift in Minnesota's local water planning. BWSR entered into a contract with Management Analysis and Development (internal consultants for the state of Minnesota) to conduct a formal evaluation of the One Watershed, One Plan program in Spring 2021. In fall 2021, MAD conducted a survey, interviews, and focus groups involving over 350 One Watershed, One Plan participants and stakeholders. MAD completed a final report in May 2022. A summary of findings and recommendations is in the executive summary. BWSR is working with the Local Government Water Roundtable and staff from partner associations to strategically disseminate the report to 1W1P participants and stakeholders. Staff anticipate a detailed discussion about next steps to act on the report's recommendations with BWSR's Water Management and Strategic Planning Committee over the summer of 2022. **INFORMATION ITEM**

2. **Update on the FY22 Water Quality and Storage Pilot Grant Program** – The Board approved the Water Quality and Storage Pilot Grant Program policy in January 2022. This was the first year for the pilot program. We have received, ranked and scored, seven applications and would like to update the board on the program prior to awarding the grants. This presentation will also include some background discussion on how water storage is considered in our planning and our projects. The intent is to help the Board understand the approach to this program and how it fits into our other programs. ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to call me at 651-539-2587. We look forward to seeing you on June 22nd.

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MN 55155
WEDNESDAY, JUNE 22, 2022**

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MAY 25, 2022 BOARD MEETING

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

INTRODUCTION OF NEW STAFF

- James Adkinson, Grants Coordinator
- Peter Jordet, Easement Development Specialist Sr.

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 – Joe Collins
- Wetland Conservation Committee – Jill Crafton
- Buffers, Soils & Drainage Committee – Mark Zabel
- 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

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. FY2023 CWF Competitive Grants Policy and RFP Criteria – Annie Felix-Gerth – ***DECISION ITEM***

NEW BUSINESS

1. One Watershed, One Plan Program Evaluation Report – Lizzie McNamara, Management Analysis and Development – **INFORMATION ITEM**
2. Update on the FY22 Water Quality and Storage Pilot Grant Program – Rita Weaver – **INFORMATION ITEM**

UPCOMING MEETINGS

- Joint summer tour and meeting, August 23-25, 2022.
- Grants Program and Policy Committee is scheduled for Monday, July 25, 2022 at 9:00 a.m., location TBD.

ADJOURN

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER LEVEL BOARD ROOM
ST. PAUL, MN 55155
WEDNESDAY, MAY 25, 2022**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Jayne Hager Dee, Kurt Beckstrom, Rich Sve, Gerald Van Amburg, Neil Peterson, Ted Winter, LeRoy Ose, Kelly Kirkpatrick, Eunice Biel, Todd Holman, Mark Zabel, Katrina Kessler, MPCA; Joel Larson, University of Minnesota Extension; Thom Petersen, MDA; Mark Wettlaufer, MDH; Sarah Strommen, DNR

BOARD MEMBERS ABSENT: Ronald Staples, Carly Johnson

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, Barb Peichel, Patty Sweep, Christa Branham-MacLennan, Dave Weirens, Dusty Van Thuyne, Barbara Radke, John Shea, Melissa King, Sharon Doucette, Suzanne Rhees, Julie Westerlund, Annie Felix-Gerth, Mike Nelson, Justin Hanson

OTHERS PRESENT:

Jeff Berg, MDA; Brian Martinson, AMC; Emily Javens, MAWD; Nicole Bernd, MACD, LeAnn Buck, MASWCD; Troy Daniell, NRCS; Rob Sip, Red River Watershed Management Board; Jan Voit, Tiffany Determan, Alex Trunnell, Julie Blackburn, Kaytlin Bemis

Chair Gerald VanAmburg called the meeting to order at 9:01 AM

PLEDGE OF ALLEGIANCE

22-25 **ADOPTION OF AGENDA** - Moved by Jill Crafton, seconded by Rich Sve, to adopt the agenda as presented. ***Motion passed on a roll call vote.***

22-26 **MINUTES OF APRIL 27, 2022 BOARD MEETING** – Moved by Jayne Hager Dee, seconded by LeRoy Ose, to approve the minutes of April 27, 2022, as amended. ***Motion passed on a roll call vote.***

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

INTRODUCTION OF NEW STAFF

John Jaschke introduced Mike Nelson, Legislative Coordinator; Justin Hanson, Assistant Director of Regional Operations; and Patty Sweep, HR Director. Justin Hanson introduced John Shea, Board Conservationist. Marcey Westrick introduced Melissa King, Water Programs Coordinator and Christa Branham-MacLennan, eLINK Data Specialist.

Board Members welcomed new members.

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.”

REPORTS

Chair & Administrative Advisory Committee – Chair Gerald Van Amburg reported the committee has not met. Stated Carly Johnson has been appointed to the board as a representative for metro cities.

Executive Director’s Report - John Jaschke reviewed the Day of Packet that included a BWSR Legislative Update and Snapshots.

Jayne Hager Dee asked if they know what the near future holds for a Special Session. John stated they do not know at this point.

Jill Crafton asked if Dan Shaw’s Habitat Enhancement Landscape Pilot Program funding went through. John stated that it’s an item for next year.

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 and there is a meeting scheduled for August 31st.

Travis Germundson welcomed Todd Holman and Mark Zabel to the committee.

Grants Program & Policy Committee – Todd Holman reported they met on Monday and have an action item on the agenda. Next meeting is scheduled for June 13 and will be in person.

RIM Reserve Committee – Jayne Hager Dee reported the committee has not met.

Water Management & Strategic Planning Committee – Joe Collins reported the committee has not met.

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

Buffers, Soils & Drainage Committee – Mark Zabel reported the committee has not met.

Drainage Work Group (DWG) – Neil Peterson and Tom Gile reported the committee has not met. Meeting possibly scheduled for June.

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reported they were able to get the Ag Bill passed that included drought relief, a soil health piece, and dollars for Forever Green. Received a grant from the McKnight foundation for some climate smart agricultural practices that they will be able to cost share with farmers.

Jill Crafton asked if they are able to pull in the Minnesota Soil Health Coalition and regenerative Ag people. Tom stated it's in statute that they'll have to work with a lot of those partners.

Minnesota Department of Health – Mark Wettlaufer reported Tom Hogan Division Director indicated a lot of the environmental health initiatives proposed were dropped in the last part of the legislative session. MDH is working on the wellhead protection rule and stated the committee met yesterday.

Minnesota Department of Natural Resources – Sarah Strommen reported they had a successful Governor's Fishing Opener on Lake Winnie, it was paired with a summit on the importance of investing in infrastructure that supports the fishing industry. Stated they received some drought relief money. Stated that EQB will be holding a pollinator event on June 14 in Hastings in partnership with Dakota County Parks.

Chair Van Amburg stated he saw a video of sturgeon that have been reintroduced to the Red River and are spawning this year.

Minnesota Extension – Joel Larson reported that through partnerships they received funding for two extension educator positions to focus on climate adaptation and resiliency. One will be focusing on agriculture and agriculture communities with the other in forest management. Recently hired Greg Klinger who will be starting in June working on agriculture and Jamie Mosel who will be working on the forestry side of things starting in November.

Todd Holman thanked Joel for his help in routing an RFP through the University.

Minnesota Pollution Control Agency – Katrina Kessler reported state matches will be missed without completing the bonding bill. Stated there are a couple things in LCCMR Bill. They are getting \$2 Million to use as grants to help parts of the state that are challenged by failing or underperforming septic

systems that directly impact water quality. Stated she was in Duluth last week with EPA where they announced \$113 million will be coming through the Federal Infrastructure Law to Minnesota's Area of Concern Projects in the Duluth Harbor. Also stated MPCA is getting \$2 million through the Bipartisan Infrastructure Law to reinvest in Brownfield sites across the state.

Jill Crafton asked if some of the money coming into the Duluth area is through GLRI. Katrina stated it is.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported they had bills that weren't passed during the legislative session. They were advocating for Local Road Wetland Replacement funding and funding to the continue work on 404 Assumption. Stated there were some positive things that came through in the LCCMR bill. The septic system funds were advocated to be directed to MPCA and are hoping to use that to enhance the work that's being done with the Low Income Grant Program that's in place. At the DNR, there's funding for the forest inventory work as well as the aggregate mapping work. Stated there are some funds to establish a task force on the Pig's Eye landfill, which is situated on the Mississippi River. There were a few items that passed in the Ag bill including some adjustments and the lifting of the cap on the Ag BMP Loan Program. It has been helpful for landowners and local governments to do conservation and water protection work. Brian stated he is looking forward to the summer working on the Drainage Workgroup. Stated AMC staff will be visiting each of their 10 districts in the next few weeks.

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

Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck reported the status of the SWCD Aid was their number one priority this session. Looking at a standing statutory appropriation of \$22 million per year, the legislature ran out of time with an agreed upon Omnibus Tax package. In that agreement is \$6 million per year for SWCD Aid and would be in addition to other resources directed to SWCDs.

LeAnn stated there is a new federal cost share program sign up to upgrade irrigation systems and thanked all the partners involved.

Minnesota Association of Townships – Eunice Biel reported they completed the primary election for the First Congressional District and the winners were Jeff Ettinger for DFL and Brad Finstad for GOP. They will then be in a special election August 9 to finish the term and seek to be elected again in November.

Stated during the legislative session, the Association of Townships was advocating for transportation, broadband funding, and annexation fairness. Stated they are offering a town law review and legal short course in Otsego to serve townships with complex issues and activities. Township Tuesday conference call is on the first and third Tuesday of the month and are asking members to join when they can.

Chair Van Amburg announced Eunice has been appointed to Chair the Farm Service Agency State Committee.

Minnesota Association of Watershed Districts – Emily Javens thanked the board for having the option of a hybrid meeting. Welcomed BWSR's new HR Director Patty Sweep and Assistant Director Justin Hanson.

During the legislative session their number one goal was to see if they could get the levy increased. Stated it was stuck in committee and didn't make it into the Omnibus bill. Second priority was the Bonding bill where there was flood hazard reduction money. Stated another one of their priorities was to hold back the bill about the drainage registry.

Chair Van Amburg mentioned the partnering for the tour in the Northwest part of the state at the end of August.

Natural Resources Conservation Service – John Jaschke reported for Troy Daniell that NRCS has set up an EQIP disaster fund pool and currently has just under \$2 million to help with flood recovery primarily in the Red River. They put in a request for another \$2 million but haven't heard if they will receive it. There does not seem to be a need for them to help with the wind damage from last week, most of that was infrastructure on farmsteads but have made themselves available at the local level to help get people to the right programs for assistance.

Chair Van Amburg recessed the meeting at 10:35 a.m. and called the meeting back to order at 10:50 a.m.

COMMITTEE RECOMMENDATIONS

Central Region Committee

Rum River Comprehensive Watershed Management Plan – Joe Collins and Jason Weinerman presented Rum River Comprehensive Watershed Management Plan.

The Rum River Watershed planning boundary encompasses approximately 1,584 square miles including parts of Aitkin, Crow Wing, Mille Lacs, Morrison, Benton, Kanabec, Isanti, Sherburne, and Anoka Counties. The southern part of the watershed drains into the seven-county metropolitan region and includes the Upper and Lower Rum River Watershed Management Organizations within the planning boundary. The Mille Lacs Band of the Ojibwe reservation lies along the shores of the southern part of Lake Mille Lacs.

The Rum River Comprehensive Watershed Management Plan (Plan) was developed as part of the State of Minnesota's One Watershed One Plan (1W1P) program. The State's vision and purpose of the 1W1P program is to align local water planning on major watershed boundaries with state strategies towards prioritized, targeted, and measurable implementation plans. The process results in a comprehensive watershed plan and offers the opportunity for groups and organizations to work together in both planning and implementation across jurisdictional boundaries. While the Plan is comprehensive in that it includes improvements and protection for a variety of natural resources across a large geographic area, it also incorporates detail in its prioritization and targeting actions and outcomes for specific waterbodies.

The Rum River Comprehensive Watershed Management Plan partnership developed a tiered set of priorities to guide their management actions. The top three priorities, identified as Tier A, include outreach and engagement, surface water restoration, and surface water protection. Tiers B and C include priority issues such as surface water quantity, groundwater and drinking water management, and natural resource protection and management.

Overall, the Rum River is not identified as impaired. However, the partnership identified the river as being close to the impairment limit and have set a goal for reducing phosphorous and sediment by 5% at the point where the river joins the Mississippi River. While the overall river is not impaired, there are

several lakes and river segments that are impaired and in need of restoration. The partnership has established a measurable goal of reducing phosphorous levels in these impaired lakes by 2,500 pounds. The estimated overall cost for implementing the plan is \$34,947,325 coming from a variety of funds including, but not exclusively, watershed-based implementation funds.

On March 11, 2022, BWSR received the Plan, a recording of the public hearing, and copies of all written comments pertaining to the Plan for final State review. During the 90-day review period, two items arose during state agency partner review. The partnership failed to respond to the 60-day Minnesota Department of Agriculture comments. This was addressed by the partnership's Policy Committee on April 28, 2022 who approved their responses to the MDA's 60-day comments to the satisfaction of the MDA. In addition, prior to submission of the 90-day comment period, the partnership added language relating to the ownership and management of the Anoka Dam. The Department of Natural Resources expressed a level of concern with this language and requested additional language be added to the Plan recognizing the DNR's statutory authority related to the management of the dam. The Policy Committee also approved including, verbatim, the language recommended by the DNR in Appendix C.

On May 5, 2022, the Central Region Committee met to review and discuss the Plan. The Committee's decision was to recommend approval of the Rum River Comprehensive Watershed Management Plan as submitted to the full Board per the attached draft Order.

Joe Collins commended Jason for his work and thinks it's a good 1W1P that will be successful and was impressed with it.

Jill Crafton stated she was impressed with their process and the value they placed on their natural resources.

Todd Holman thanked them for their work. Stated the plan calls out protection to have within the plan and has a nice cultural recognition section with the working relationships and other cultural values.

Kurt Beckstrom thanked staff for their work and stated outreach is important.

Sarah Strommen stated she appreciates this plan and the work with local partners.

Mark Wettlaufer stated the Rum River is an important watershed and influences drinking water.

**
22-27 Moved by Joe Collins, seconded by Jill Crafton, to approve the Rum River Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Grants Program and Policy Committee

FY23 MN Conservation Reserve Enhancement Program (CREP) Outreach and Implementation Program Continuation Grants – Dusty Van Thuyne presented ML 2015, 2017, and 2019 Clean Water Fund Capacity and ML 2017 Clean Water Fund Buffer Cost Share Reallocation.

Laws of Minnesota 2015, 1st Special Session, Chapter 2, Article 2, Section 7(o), appropriated Clean Water Funds to the Board for the FY 2016 SWCD Local Capacity Services (Board Resolution #15-74).

Laws of Minnesota 2017, 1st Special Session, Chapter 91, Article 2, Section 7(n), appropriated Clean Water Funds to the Board for the FY 2019 SWCD Local Capacity Services (Board Order #18-32).

Laws of Minnesota 2019, 1st Special Session, Chapter 2, Article 2, Section 7(n), appropriated Clean Water Funds to the Board for the FY 2020 SWCD Local Capacity Services (Board Order #19-43).

Laws of Minnesota 2017, Regular Session, Chapter 91, Article 2, Sect. 7(o), appropriated Clean Water Funds to the Board for the FY 2018 Buffer Cost Share Grant (Board Order #17-55).

The Laws of Minnesota 2015, 2017, and 2019, authorize the Board to “shift grant or cost-share funds in this section and may adjust the technical and administrative assistance portion of the funds to leverage federal or other nonstate funds or to address oversight responsibilities or high-priority needs identified in local water management plans.”

The purpose of this agenda item is to reallocate SWCD Capacity and Buffer Cost Share funds through amendments to FY22 CREP Outreach and Implementation Program grants. Senior Management Team reviewed the recommendation on May 10, 2022, and recommended approval to the Grants Program and Policy Committee (GP&P). The GP&P reviewed the recommendation at their May 23, 2022, meeting and recommended approval of the order to the board.

**
22-28 Moved by Rich Sve, seconded by Todd Holman, to approve the FY23 MN Conservation Reserve Enhancement Program (CREP) Outreach and Implementation Program Continuation Grants. ***Motion passed on a roll call vote.***

NEW BUSINESS

Red River Watershed Management Board – Rob Sip presented Red River Watershed Management Board.

Rob Sip provided RRWMB updates including Spring 2022 flooding.

Joe Collins asked when there is that much flooding how long does it take for the land to recoup. Rob Sip stated once the rain stops and you get a window the water recedes fairly quickly, debris also needs to be cleaned up from the floodwaters so some work needs to be done before they can get back out into the fields.

Jill Crafton asked if the ring dikes have vegetation on them, do they erode or asked if they hold up well. Rob stated they are fully vegetated and do a good job. Jill asked if they use cover crops. Rob stated it's something they have seen more recently but stated when harvesting later in the fall there isn't a lot of time to get a cover crop growing.

Katrina Kessler asked about the appropriation for \$250,000 for phosphorus adaptation management and what bill it was in. Rob stated he will check on it and get back to Katrina.

Jayne Hager Dee thanked Rob for his presentation and asked about the challenges of working with other states and countries. Rob stated they partner with the Red River Joint Water Resource District and there is also a joint powers board called the Red River Retention Authority where they are set up to receive federal funding to work with them and coordinate on both sides of the river. The Red River Basin Commission helps with water quality offsets and they are coordinating at a higher level with North Dakota, Minnesota, South Dakota and Canada. The International Joint Commission also has several international boards. Stated they have good conversation, interaction, and coordination on both sides of the river.

LeRoy Ose stated when the land is flooded it dries up quick with the longer days in that part of the state.

Chair Van Amburg stated Rob has done a great job.

UPCOMING MEETINGS

- Next Grants Program and Policy Committee is scheduled for Monday, June 13, 2022 at 9:00 a.m., location TBD.
- BWSR Board meeting is scheduled for Wednesday, June 22, 2022, at 9:00 a.m. in the Lower Level Conference Rooms at 520 Lafayette Road North, St. Paul and by WebEx.

Jayne Hager Dee stated there will be an EQB pollinator event held in Dakota County at Spring Lake Park on June 16th.

Chair VanAmburg adjourned the meeting at 12:07 PM.

Respectfully submitted,

Gerald Van Amburg
Chair

Dispute Resolution and Compliance Report

June 3, 2022

By: Travis Germundson

There are presently eight appeals pending. All the appeals involve the Wetland Conservation Act (WCA). There has been one new appeal 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 22-3 (6-1-22) This is an appeal of a WCA Restoration Order in Benton County. The appeal regards the alleged wetland impacts associated with the excavation of two drainage ditches. *No decision has been made on the appeal.*

File-22-2 (2-16-22) This is an appeal of a WCA Restoration Order in Kanabec County. The appeal regards the excavation of a ditch and placement of spoil material in a wetland. The project and alleged wetland impacts affects multiple property owners. *The appeal was placed in abeyance and the Restoration Order stayed for submittal of additional documentation in support of the appeal and for Kanabec County to make a final decision on the after-the-fact exemption applications that are associated with the project.*

File 22-1(1-7-2022) This is an appeal of a WCA Restoration Order in Steele County. The appeal regards the alleged placement of agricultural drain tile through multiple wetlands. *The appeal was placed in abeyance and the Restoration Order stayed for submittal of an after-the-fact wetland application.*

File 21-9 (12-17-2021) This is an appeal of a WCA notice of decision involving a no-loss determination in Pope County. The appeal regards the approval of a 36' inlet structure/tile to reduce inundation and saturated soil on agricultural fields. At issue is the elevation that was approved (to high). The petition request that the appeal be placed in abeyance until technical data can be gathered. Note, this involves the same notice of decision being appealed under File 21-07. *The appeal has been combined with file 21-7 and placed in abeyance to allow the Technical Evaluation Panel to develop written finding of fact following the submission of additional technical analyses.*

File 21-8 (12-17-21) This is an appeal of a WCA Restoration Order in Rock County. The appeal regards the alleged placement of tile lines through wetlands. The petition request that the appeal be placed in abeyance for the submittal of an after-the-fact wetland application. *The appeal was placed in abeyance and the Restoration Order stayed for further investigation and submittal of an after-the-fact wetland application.*

File 21-7 (12-14-2021) This is an appeal of a WCA notice of decision involving a no-loss determination in Pope County. The appeal regards approval of a 36" inlet structure/tile that allegedly rout water around U.S. Fish and Wildlife Service property and impact wetlands. At issue is the elevation that was approved (to low). *The appeal has been combined with file 21-9 and placed in abeyance to allow the Technical Evaluation Panel to develop written finding of fact following the submission of additional technical analyses.*

File 21-4 (10-26-2021) This is an appeal of a WCA restoration order in Morrison County. The appeal regards alterations to a private ditch and excavation of wildlife ponds. The project allegedly exceeded the project scope and authorization granted by the local unit of government for ditch maintenance under a no-loss determination. *The appeal was placed in abeyance and the restoration order stayed to determine viability of proposed actions for restoration.*

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. *The appeal was placed in abeyance and the restoration order stayed for submittal of an after-the-fact wetland restoration and replacement plan application. The appellant’s legal counsel notified BWSR that there they are no longer interested in pursuing a new application. As a result, a decision was made on November 3, 2021 to grant and hear the appeal. A hearing on the appeal before the DRC is scheduled for August 31, 2022.*

Summary Table for Appeals

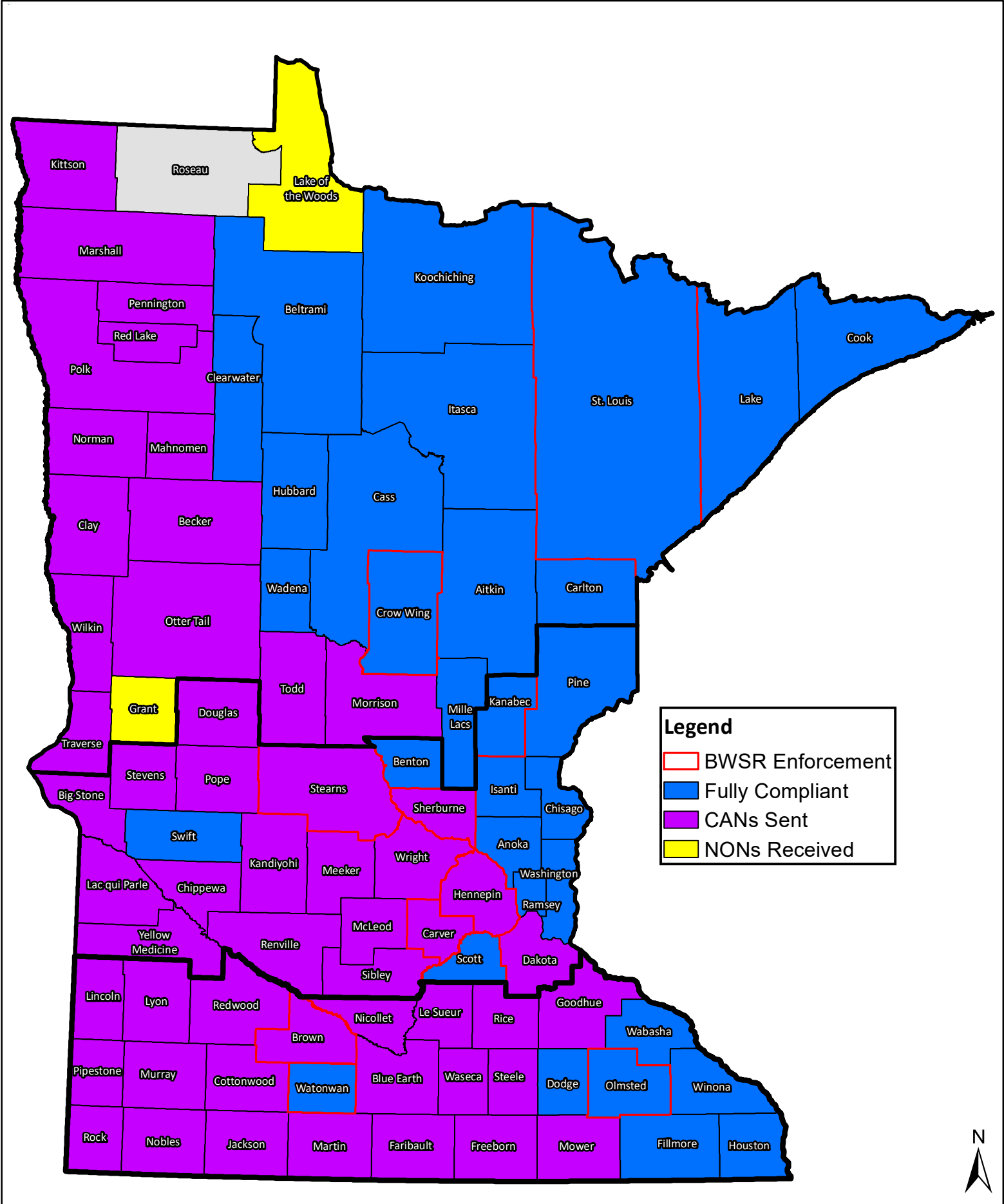
Type of Decision	Total for Calendar Year 2021	Total for Calendar Year 2022
Order in favor of appellant		
Order not in favor of appellant	2	
Order Modified		
Order Remanded		
Order Place Appeal in Abeyance	5	2
Negotiated Settlement		
Withdrawn/Dismissed	2	

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 31 counties are fully compliant, and 53 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 603 CANs and 66 APOs actively in place. Of the actions being tracked over 2,221 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 BUFFER ENFORCEMENT



COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. FY2023 CWF Competitive Grants Policy and RFP Criteria – Annie Felix-Gerth – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY2023 CWF Competitive Grants Policy and RFP Criteria

Meeting Date: June 22, 2022

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Competitive, grants, policy, request for proposals, RFP, clean water fund, 2023

Section/Region: Land and Water, Central Region

Contact: Annie Felix-Gerth

Prepared by: Annie Felix-Gerth

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Annie Felix-Gerth

Time requested: 15 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

In June, the BWSR Board will make a decision to authorize the FY23 CWF Competitive Grants, including the associated policy and RFP criteria. The RFP will open on June 27 and close August 22. The Board will be asked to make a funding decision on eligible applications on December 15, 2022.

LINKS TO ADDITIONAL INFORMATION

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

The Clean Water Fund Competitive Grant Policy is reviewed and approved annually. For FY2023, the policy will apply to Projects and Practices, Projects and Practices Drinking Water, Multi-purpose Drainage Management, and Soil Health funding.

The changes in this policy from the previous year include:

- Change in terminology: “Livestock Waste Management Practice” is now “Feedlots” in the Eligible Activities section. The term change and associated information has been changed to be consistent with the FY22-23 Watershed Based Implementation policy.
- Addition of the Soil Health grant.

In addition to approving the policy, the board order also authorizes the fiscal year 2023 Clean Water Fund Competitive Grants Program and authorizes staff to finalize and issue a Request for Proposals. The Grants Program and Policy Committee reviewed these recommendations on May 23, 2022 and recommends the attached policy and order to the board.

BOARD ORDER

Fiscal Year 2023 Clean Water Fund Competitive Grants Program

PURPOSE

Authorize the fiscal year 2023 Clean Water Fund Competitive Grants Program and adopt fiscal year 2023 Clean Water Fund Competitive Grant Policy

FINDINGS OF FACT / RECITALS

1. The Laws of Minnesota 2021, 1st Special Session, Chapter 1, Article 2:
 - a. Sec. 6(b) appropriated \$11,504,000 for the fiscal year 2023 Clean Water Fund Projects and Practices Competitive Grants Program with up to 20 percent available for land-treatment projects and practices that benefit drinking water, and
 - b. Sec. 6(j) appropriated \$850,000 for the fiscal year 2023 Clean Water Fund Multipurpose Drainage Management Competitive Grants Program, and
 - c. Sec. 6(p) appropriated \$4,000,000 for the fiscal year 2022 and 2023 Clean Water Fund Soil Health Program.
2. The Board has authorities under Minnesota Statutes §103B.3369 and 103B.101 to award grants and contracts to accomplish water and related land resources management.
3. This policy and associated competitive grant program request for proposal criteria were created to provide expectations for application to the fiscal year 2023 Clean Water Fund Competitive Grants Program, and subsequent implementation activities conducted with these funds.
4. The Grants Program and Policy Committee, at their May 23, 2022 meeting, reviewed the proposed fiscal year 2023 Clean Water Fund Competitive Grants and Request for Proposals criteria and Competitive Grant Policy, and recommended approval to the Board.

ORDER

The Board hereby:

1. Adopts the attached fiscal year 2023 Clean Water Fund Competitive Grant Policy.
2. Authorizes the fiscal year 2023 Clean Water Fund Competitive Grants Program according to the attached ranking criteria for the *FY 2023 Clean Water Fund Competitive Grants Request for Proposal*. The program consists of Projects and Practices, Projects and Practices – Drinking Water Subgrant, Multipurpose Drainage Management, and Soil Health.
3. 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 awarded under Board Order #22-11.

Dated at St. Paul, Minnesota, this June 22, 2022.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: _____

Attachments: FY 2023 Clean Water Fund Competitive Grants Request for Proposal Criteria
FY 2023 Clean Water Fund Competitive Grant Program Policy

FY 2023 Clean Water Fund Competitive Grants Request for Proposal Criteria

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

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

Multipurpose Drainage Management Ranking Criteria	
Ranking Criteria	Maximum Points Possible
<u>Project Description:</u> The project description succinctly describes the project purpose, the results the applicant is trying to achieve and how they intend to achieve those results.	5
<u>Prioritization:</u> The proposal is based on priority protection or restoration actions associated with a “Priority Chapter 103E Drainage System” (as defined in this RFP) and is consistent with a watershed management plan locally adopted and approved by the state or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy (WRAPS), Surface Water Intake Plan, or Wellhead Protection Plan.	30
<u>Targeting:</u> The proposed project targets practices or combinations of practices to the identified critical pollution sources or risks impacting the water resource identified in the application.	20
<u>Measurable Outcomes:</u> The proposed project reduction is directly quantifiable and in pollution has been qualified and directly addresses the identified water quality concern.	20
<u>Project Readiness:</u> The proposed project has a set of specific activities that can be implemented soon after grant award.	5
<u>Cost Effectiveness:</u> The application identifies a cost effective solution to address the non-point pollution concern(s).	20
Total Points Available	100

Soil Health Ranking Criteria	Maximum Points Possible
<u>Prioritization and connection to public water supply:</u> Has the applicant clearly and concisely identified the specific resource and resource concern(s)? Are these items connected via local plan reference(s).	25
<u>Targeting:</u> Are the proposed activities ones which would efficiently and effectively address Primary pollutant(s) or resource concerns.	25
<u>Measurable Outcomes and Project Impact:</u> Goals/Trends and progress made.	15
<u>New Adoption:</u> How do the applicants define this and what efforts are made to emphasize new adopters?	10
<u>Long Term Adoption:</u> What steps is the applicant taking to support successful adoption and encourage long term adoption of practices by the implementers?	10
<u>Education and Outreach:</u> What specific efforts are proposed to enhance local understanding and knowledge around the practices proposed? What efforts are being made to enhance or expand non-traditional partnerships for these purposes?	10
<u>Local Cost Share Policy:</u> Does the applicant have, or have they described the need for a local cost share policy for implementation of the practices which details the appropriate policies and procedures to implement these practices in an efficient and effective manner.	5
Total Points Available	100



FY 2023 Clean Water Fund Competitive Grant Policy

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

Version: FY2023
Effective Date: 06/22/2022
Approval: Board Order #22-xx

Policy Statement

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, and Minnesota Statutes §114D with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams and to protect groundwater and drinking water sources from degradation.

Applicable Clean Water Fund Programs and Grants

- Projects and Practices including Drinking Water
- Multi-purpose Drainage Management
- Soil Health

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 FY 2023 Clean Water Fund Competitive Grants Request for Proposal (RFP) may identify more specific requirements or criteria when specified by statute, rule or appropriation language. BWSR's Grants Administration Manual (<http://www.bwsr.state.mn.us/grants/manual/>) provides the primary framework for local management of all state grants administered by BWSR.

Program Requirements

1. Local Governmental Unit Eligibility Criteria

Eligible applicants for competitive grants include:

- Local governments (counties, watershed districts, watershed management organizations, 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 (SWCD) comprehensive plan.
- 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.
- 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.

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

A non-State match equal to at least 25% of the amount of Clean Water Funds requested and/or received is required, unless specified otherwise by Board action and/or included in a Request for Proposals. Activities listed as ineligible under Section 4 (Ineligible Activities) may not be counted towards match. Match can be provided by a landowner, land occupier, local government or other non-State source and can be in the form of cash or the cash value of services or materials contributed to the accomplishment of grant objectives.

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.

- 3.1 **Effective Life.** All structural practices must be designed and maintained for a minimum effective life of ten years for best management practices and 25 years for capital improvement practices. The beginning date for a practice's effective life is the same date final payment is approved and the project is considered complete. Where questions arise under this section, the effective lifespan of structural practices and projects shall be defined by current and acceptable design standards or criteria as defined in Section 3.8.
- 3.2 **Project Assurances.** The grantee must provide assurances that the landowner or land occupier will keep the practice in place for its intended use for the expected lifespan of the practice. Such assurances may include easements, deed recordings, enforceable contracts, performance bonds, letters of credit, and termination or performance penalties. BWSR may allow replacement of a practice or project that does not comply with expected lifespan requirements with a practice or project that provides equivalent water quality benefits. See also the Projects Assurances section of the Grants Administration Manual.
- 3.3 **Operation, Maintenance and Inspections.** Identifying operation and maintenance activities specific to the installed practices is critical to ongoing performance of installed practices as well as to planning and scheduling those activities. An operation and maintenance plan must be prepared by designated technical staff for the life of the practice and be included with the design standards. An inspection schedule, procedure, and assured access to the practice site shall be included as a component of maintaining the effectiveness of the practice.
- 3.4 **Technical and Administrative Expenses.** Clean Water Funds may be used for actual technical and administrative expenses to advance project implementation. Eligible expenses include the following activities: grant administration, site investigations and assessments, design and cost estimates, construction supervision, and construction inspections. Technical and administrative expenditures must be appropriately documented according to the Grants Administration Manual.
- 3.5 **Project Support.** Eligible activities include 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.
- 3.6 **Grant Management and Reporting.** All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the project or activity. Applicants who have previously received a grant from BWSR must be in compliance with BWSR requirements for grantee website and eLINK reporting before grant execution and payment.
- 3.7 **Drinking Water.** Both surface water (streams, rivers, and lakes) and ground water (aquifers) can serve as sources of drinking water. Drinking water projects must be consistent with wellhead protection plans,

protection plans for surface water intakes, groundwater restoration and protection strategies (GRAPS), or local water management plans or their equivalents.

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

a. Livestock Waste Management Practices—Feedlots. ~~Funding for application of conservation practice components to improve water quality~~ Eligible activities are ~~is~~ limited to: livestock management systems that were constructed before October 23, 2000, and livestock operations registered with the Minnesota Pollution Control Agency Database or its equivalent, and that are not classified as a Concentrated Animal Feeding Operation (CAFO) and have less than 500 animal units (AUs), in accordance with Minnesota Rule Chapter 7020. BWSR reserves the right to deny, postpone or cancel funding where financial penalties related to livestock waste management violations have been imposed on the operator.

a. ~~Funded projects must be in compliance with standards in MN Rule Chapter 7020 upon completion.~~

a.

b. ~~Eligible practices are limited to best management practices listed by the Minnesota NRCS~~ Eligible practices and project components must meet all applicable local, state, and federal standards and permitting requirements.

b.

c. Eligible practices and project components must meet all applicable local, State, and federal standards and permitting requirements.

d. Feedlot roof structures are ~~is an eligible practice with the following payment limitation: The maximum grant for a feedlot roof structure is not to exceed~~ up to \$100,000 per project with state grant funds and not to exceed 100% of construction costs.

e. Feedlot relocations are ~~is eligible practice, with the following conditions: 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.

~~i.—The existing eligible feedlot must be permanently closed in accordance with local and state requirements,~~

~~ii.—Payment limitation: The maximum grant for a feedlot relocation is not to exceed \$100,000 with state grant funds and not to exceed 100% of the construction costs.~~

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.

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.

3.10 Non-structural Practices and Measures Non-structural practices and activities that supplement or exceed current minimum state standards or procedures for protection, enhancement, and restoration of water quality in lakes, rivers, and streams and to protect groundwater and drinking water sources from degradation are eligible. Non-structural vegetative practices must follow the Native Vegetation Establishment and Enhancement Guidelines.

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

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

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.
 - 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 of projects needed to meet the statutory requirements of 103E Drainage Law.

5. Technical Expertise

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

5.1 **Technical Assistance Provider.** Grantees must identify the technical assistance provider(s) for the practice or project and their credentials for providing this assistance. The technical assistance provider(s) must have appropriate credentials for practice investigation, design, and construction. Credentials can include conservation partnership Job Approval Authority (JAA), also known as technical approval authority; applicable professional licensure; reputable vendor with applicable expertise and liability coverage; or other applicable credentials, training, and/or experience.

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

6. Practice or Project Construction and Sign-off

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

7. BWSR Grant Work Plan, Reporting and Reconciliation Requirements

BWSR staff is authorized to develop grant agreements, requirements and processes for work plans and project outcomes reporting, closeouts, and fiscal reconciliations. All grantees must follow the Grants Administration Manual policy and guidance. In the event there is a violation of the terms of the grant agreement, BWSR will enforce the grant agreement and evaluate appropriate actions, up to and including repayment of grant funds at a rate up to 100% of the grant agreement.

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

Ranking Criteria – Projects and Practices

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 an approved local water management plan <u>from the current state approved and locally adopted plan for the project area (see plans listed in 'Applicant Eligibility' of this RFP)</u> and is linked to statewide Clean Water Fund priorities and public benefits.	20
<u>Targeting</u> : The proposed project addresses identified critical pollution sources or risks impacting the water resource(s).	25
<u>Measurable Outcomes and Project Impact</u> : The proposed project has a quantifiable reduction in pollution for restoration projects or measurable outputs for protection projects and directly addresses the water quality concern identified in the application.	25
<u>Cost Effectiveness and Feasibility</u> : The application identifies a cost effective and feasible solution to address the non-point pollution concern(s).	15
<u>Project Readiness</u> : The application has a set of specific activities that can be implemented soon after grant award.	10
Total Points Available	100

Ranking Criteria – Drinking Water

Table 1: Drinking Water 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</u> : The proposal is based on priority actions listed in an approved local water management plan from a current state approved and locally adopted plan (see plans listed in 'Applicant Eligibility' of this RFP), or 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 plan.	20
<u>Targeting</u> : The proposed project addresses contaminant sources or risks directly impacting drinking water sources. The project is either in an area designated as a Drinking Water Supply Management Area, vulnerable to groundwater contamination, high groundwater sensitivity, or in an area with elevated levels of contamination that pose a risk to human health such as Level 1 or Level 2 areas identified by the Groundwater Protection Rule and/or townships showing high nitrate level through the Minnesota Department of Agriculture township testing. Project fits with complementary work and multiple strategies aimed at drinking water protection.	35
<u>Project Impact</u> : The proposed project reduces an identified contaminant source posing the greatest risk to drinking water sources. Project will have measurable outputs, justifiable costs, and may have secondary benefits.	30
<u>Project Readiness</u> : The application has a set of specific activities that can be implemented soon after grant award. Community and/or citizen engagement will occur to share project information with the local community.	10
Total Points Available	100

Ranking Criteria – Multipurpose Drainage Management

Multipurpose Drainage Management Ranking Criteria	
Ranking Criteria	Maximum Points Possible
<u>Project Description:</u> The project description succinctly describes the project purpose, the results the applicant is trying to achieve and how they intend to achieve those results.	5
<u>Prioritization:</u> The proposal is based on priority protection or restoration actions associated with a “Priority Chapter 103E Drainage System” (as defined in this RFP) and is consistent with a watershed management plan locally adopted and approved by the state or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy (WRAPS), Surface Water Intake Plan, or Wellhead Protection Plan.	30
<u>Targeting:</u> The proposed project targets practices or combinations of practices to the identified critical pollution sources or risks impacting the water resource identified in the application.	20
<u>Measurable Outcomes:</u> The proposed project reduction in pollution has been quantified and directly addresses the identified water quality concern.	20
<u>Project Readiness:</u> The proposed project has a set of specific activities that can be implemented soon after grant award.	5
<u>Cost Effectiveness:</u> The application identifies a cost-effective solution to address the non-point pollution concern(s).	20
Total Points Available	100

NEW BUSINESS

1. One Watershed, One Plan Program Evaluation Report – Lizzie McNamara, Management Analysis and Development – ***INFORMATION ITEM***
2. Update on the FY22 Water Quality and Storage Program – Rita Weaver – ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: One Watershed, One Plan Program Evaluation Report

Meeting Date: _____

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: One Watershed, One Plan; program evaluation; Regional Operations/ Local Water Management

Section/Region: _____

Contact: Julie Westerlund

Prepared by: Julie Westerlund

Reviewed by: (none) _____ Committee(s)

Presented by: Lizzie McNamara, Management Analysis and Development

Time requested: 40 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

This is an informational item. The Water Management and Strategic Planning Committee will be asked to have a follow-up discussion to develop and prioritize action items based on the recommendations in the report.

LINKS TO ADDITIONAL INFORMATION

No links available at this time. An Executive Summary of the report will be provided for the Board packet.

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

BWSR is nearly halfway to achieving the goal of statewide coverage with approved comprehensive watershed management plans developed through the One Watershed, One Plan program. BWSR conducted an evaluation to determine if the program is meeting the original vision and whether any mid-course corrections were needed for this major shift in Minnesota’s local water planning. BWSR entered into a contract with Management Analysis and

Development (internal consultants for the state of Minnesota) to conduct a formal evaluation of the One Watershed, One Plan program in Spring 2021. In fall 2021, MAD conducted a survey, interviews, and focus groups involving over 350 One Watershed, One Plan participants and stakeholders. MAD completed a final report in May 2022. A summary of findings and recommendations is in the executive summary. BWSR is working with the Local Government Water Roundtable and staff from partner associations to strategically disseminate the report to 1W1P participants and stakeholders. Staff anticipate a detailed discussion about next steps to act on the report's recommendations with BWSR's Water Management and Strategic Planning Committee over the summer of 2022.

One Watershed, One Plan Program Evaluation: Executive Summary

Board of Water and Soil Resources
May 4, 2022

Project Team

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Management Analysis and Development

Management Analysis and Development is Minnesota government's in-house fee-for-service management consulting group. We have over 35 years of experience helping public managers increase their organizations' effectiveness and efficiency. We provide quality management consultation services to local, regional, state, and federal government agencies and public institutions.

Alternative Formats

To request a reasonable accommodation and/or alternative format of this document contact us at 651-259-3800, Management.Analysis@state.mn.us, or accessibility.mmb@state.mn.us.

Executive Summary

Background

Board of Water and Soil Resources (BWSR) asked Management Analysis and Development (MAD) to evaluate administration of the One Watershed, One Plan program to date. Specifically, MAD explored four evaluation questions:

- How well is the One Watershed, One Plan program achieving the vision of the Local Government Water Roundtable recommendations?
- What value do planning participants derive from the One Watershed, One Plan program?
- What are BWSR's contributions to the successes of the One Watershed, One Plan program?
- How can BWSR improve its support for the One Watershed, One Plan program?

To get answers to the evaluation questions, MAD administered a survey of One Watershed, One Plan participants from local government units (LGUs) and conducted interviews and focus groups with a wide group of stakeholders, including LGU staff and officials, BWSR staff and leadership, state agency staff, LGU association leadership, non-LGU staff who served on Advisory Committees, and consultants who have worked on One Watershed, One Plan projects. MAD collected data throughout fall 2021 and received input from over 350 participants.

Although the focus of the evaluation was BWSR's contributions and areas for improvement, it was difficult for evaluation participants to remain within that scope, resulting in some findings and recommendations that are beyond BWSR's programmatic control.

Findings

Although there was variability in evaluation participants' perspectives depending on which watershed effort(s) they participated in, MAD found that participants generally:

- Have positive perceptions of the One Watershed, One Plan program.
- Feel the program is achieving the Local Government Water Roundtable's vision.
- Appreciate and agree that watershed-level planning is the right thing to do and find value in their plans, despite challenges and the time-consuming planning process.
- Were driven to participate by the availability of planning grant funding and non-competitive implementation funding.
- Feel like the right stakeholders were present for planning efforts, but that plans would benefit from more public participation and involvement of parties beyond local government.
- Have been able to maintain local control over their plans.
- Gained value from building or strengthening relationships and having to prioritize across political boundaries and individual interests.
- Feel their plans are driving the actions of their organizations.

- Found BWSR staff support to be helpful and a key resource in their planning efforts, and mostly relied on BWSR staff, despite access to helpful guidance and planning resources provided by BWSR.
- Found support from other state agencies to be at least somewhat coordinated and useful, but opinions differed depending on the state agency in question.

When MAD asked how the One Watershed, One Plan program can be improved, participants generally want:

- Increased BWSR staff capacity.
- Increased consistency and clarity in the guidance from BWSR across staff and written resources.
- Increased alignment of support from other state agencies.
- To see more examples and hear about best practices from other watersheds.
- Help making the significant shift from planning to implementation.
- Additional or improved guidance, guidelines, and expectations.
- A reduction in the complexity and burden of the planning process.
- More funding for implementation and flexibility with implementation funding.
- Clear guidelines and expectations for the plan evaluation process and continued BWSR support with plan assessments and evaluation, including staff support and funding.

Recommendations

Based on the most common themes from the evaluation findings, MAD offers the following recommendations for ways that BWSR could make the One Watershed, One Plan program even more effective.

- **Build capacity of BWSR staff:** BWSR staff are an essential support for local planning partners. Their capacity and impact could be increased by hiring more staff, increasing consistency across staff and resources, and providing additional professional development.
- **Help decrease the burden on planning partners:** Participants find the planning process valuable, but said it takes significant time and effort. The planning process could be easier and simpler by providing more support and encouragement for pre-planning preparation; offering a menu of best practices based on existing plans; ensuring planning partners and consultants understand what is necessary and how to simplify plans; and helping reconcile the comprehensiveness of plans with the need to prioritize.
- **Support successful plan maintenance:** Participants want to know ahead of time what the guidance and expectations will be for assessing and evaluating approved plans. They would also benefit from support and resources to address capacity issues when it comes to these processes.

MAD also offers additional considerations that would address less-common themes, which are also more likely to be beyond the scope of the One Watershed, One Plan program. The additional considerations are related to:

- Helping manage expectations when it comes to anticipating positive improvements in water quality.
- Further aligning support from state agency staff.
- Helping planning partnership select and manage consultants.
- Encouraging more public engagement and diverse representation.
- Supporting the transition from planning to implementation.
- Increasing funding and offering additional funding flexibility.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Update on the FY22 Water Quality and Storage Pilot Grant Program

Meeting Date: June 22, 2022

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Water Quality and Storage Pilot Grant Program

Section/Region: Engineering

Contact: Rita Weaver

Prepared by: Rita Weaver

Reviewed by: _____ Committee(s)

Presented by: Rita Weaver

Time requested: 40 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 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 – information only

LINKS TO ADDITIONAL INFORMATION

[Water Storage and Climate Resilience | MN Board of Water, Soil Resources \(state.mn.us\)](https://www.state.mn.us/bwsr/water-storage)
(water storage site on the BWSR website)

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

The Board passed the first Water Quality and Storage Program policy in January 2022. Since then, BWSR staff have put out the RFP, received applications, and ranked and scored the projects. The intent of this presentation is to discuss the FY22 Water Quality and Storage Pilot Grant Program evolution and also give an overview of how water storage is considered in our watershed planning and projects.