

FY 2018-19 Clean Water Fund Watershed-based Funding Pilot Program: Metropolitan Area Specific Questions Frequently Asked Questions (FAQs): Updated 2/16/2018

The Watershed-based funding pilot in the Seven-County Metropolitan Area is being implemented differently than the rest of the state, recognizing that comprehensive watershed management planning has been taking place in this area since 1982. The following questions apply to the Metro Area only.

Q1: Projects identified in Metropolitan Groundwater plans are considered eligible. How will these projects be compared to surface water projects?

A: Prioritization between groundwater and surface water will be decided by the local partnership: funding is intended to be holistic and flexible so priorities and projects for each can be included in the budget request if the partners agree on prioritizing both.

Q2: Are cities and townships within the 7-County Metro Area eligible for this funding, and what if they wish not to participate in the process?

A: Cities and townships with approved local water plans under Minn. Stat. 103B.235 are eligible to receive funds. A city or township may choose not to participate and; therefore, would not be eligible to directly receive watershed-based funding. Cities and townships will be invited to a county-wide convene meeting by a group facilitator. The invitation will include a deadline for responding to the invitation. Lack of response by the deadline will be considered a decision not participate.

Q3: Can cities and townships, or Joint Powers Watershed Management Organizations (JPA WMOs) representing those cities and townships, participate in metro convene meetings?

A: Cities and townships with approved local water plans under Minn. Stat. 103B.235 should be invited to participate; watershed districts, JPA WMOs, counties (with approved groundwater plans), cities, townships and SWCDs are all eligible for these funds and should have an opportunity to participate in the collaborative process.

Q4: Do cities and townships have an unfair advantage in the decision making process if a JPA WMO representing cities is attending meetings as well as city/township representatives themselves?

A: As part of the metro-area pilot, the local governments within a county geographic area are responsible for deciding the decision making structure they will use. Participants are encouraged to select an equitable process.

Q5: What documentation is required by BWSR to demonstrate that a local government is or is not participating in the Watershed-based Funding pilot?

A: The communication or invitation sent by the group facilitator for the convene meetings should include a deadline for responding to the invitation and a statement indicating that no response will be interpreted as declining to participate.

If a local government has decided to participate in the convene meetings, they can accept meeting invitations or provide a written acceptance to the group facilitator stating they wish to participate in the process.

If a local government has decided not to participate in a collaborative process, they can decline invitations to scheduled meetings or provide a written indication to the group facilitator stating they do not wish to participate in the process.

Q6: Who will the invitation to participate be sent to?

A: For cities and townships, the invitation should be sent to the person with responsibility for the local water plan, with the city administrator or township clerk copied. For the watershed districts and JPA WMOs, the invitation should be sent to the organization administrator or the board chair if there is not an administrator. For SWCDs, the invitation should be sent to the district manager.

Q7: What documentation is required by BWSR to demonstrate that a local government is participating in the collaborative process for the Watershed-based Funding pilot?

A: Due to local matching requirement involved, a local government wishing to participate in a collaborative process, should follow their own procedures and policies regarding receiving state grant funding.

This may include a board resolution or motion acknowledging the intent to move forward with identified projects and providing necessary match.

Q8: What documentation is required by BWSR to demonstrate a collaborative partnership amongst multiple local governments within a county geographic area for the Watershed-based Funding pilot?

A: As part of the metro-area pilot, the local governments within a county geographic area need to decide how funds would be allocated amongst the participating partners. If partners will work independently of one another, the local governments that will directly receive funding should have the board's approval per resolution of accepting state funds and providing the necessary matching dollars.

If the partners in the county geographic area will have one fiscal agent responsible for managing and distributing the funds, it may be in the best interest of the partners to have some type of formal agreement. In some cases, existing contracts for services between entities may suffice depending on the terms of the contract. Other options may include Joint Powers Agreements, Memorandums of Agreement (MOA) or Memorandums of Understanding (MOU). Ultimately, it is for the local governments to decide what is necessary.

Q9. Are activities identified in a SWCD Comprehensive Plan or a City Water Plan considered eligible?

A: The policy for this pilot programs requires eligible activities to be identified in the state approved, locally adopted comprehensive watershed management plan developed under Minnesota statutes §103B.101, Subd. 14 or §103B.801, watershed management plan required under §103B.231, or county groundwater plan authorized under §103B.255 and have a primary benefit towards water quality. So, if the activity in the SWCD Comprehensive Plan or City Water Plan is also identified in the plans listed in section 3 of the policy, it is eligible.

It is not expected that implementation activities, programs or projects that are being proposed by a SWCD for the Pilot be identical to those that are in a watershed management or county groundwater plan, but rather they should align with priorities and objectives of these plans. For example, if watershed management plans all identify surface water volume control as a priority goal or objective, then a cover crop or soil health initiative proposed by the SWCD would align well with those objectives and could be brought into the collaborative work request process.

Q10: How does the competitive funding work if multiple counties decide to go to a competitive process?

A: Funding for counties that decide to go to a competitive process will get pooled, and all eligible local governments within those counties will be able to compete for the total pool of funding.

Q11: Do Soil and Water Conservation Districts (SWCD) get the first right of refusal as the group convener?

A: BWSR is acknowledging the Local Government Water Roundtable Policy Paper recommendation that the SWCD, if they so choose, be the organization to convene and facilitate the meetings of local governments within the county. However, the local governments can decide which entity they want to organize the process.

Q12: Does a WD, WMO or city or township whose boundary spans more than one county need to participate in multiple county meetings if they wish to access funds in each area?

A: Yes.

Q13: Does funding from one county only go to projects within that county, or can it be spent outside the county border by a participating partner who boundary spans multiple counties?

A: A situation of this type would have to be reviewed by BWSR staff.

Q14: What is included in the eLINK budget request and work plans?

A: If a Collaborative Work Request is developed within a county geographic area, the written document must contain 1) a description of the partnership and decision-making process used to select projects and programs, 2) the timeframe of the Collaborative PTM Implementation plan (For FY18-19 Funding only or extended beyond that) and 3) implementation actions, responsible party, watershed or groundwater plan reference, timeframe, and costs for activities that will be implemented with the available Pilot Funds and, if applicable, any activities that have been prioritized by the group beyond available funding. This can be a simple spreadsheet.

The eLINK budget request and work plan would reflect the budget and proposed measurable outcomes of those programs and projects proposed to be being funded with Watershed-based Funding dollars.

Q15. How is the decision made within the county to go collaborative or competitive?

A: The convened group of local governments within each county geographic area needs to come up with a mechanism for making this decision.

Q16. If a simple majority is decided on and the group goes with the collaborative option, can the minority opt out?

A: Yes, but they would be ineligible to be recipients of Watershed-based funds.

Q17. Why isn't the metro funding anticipated to grow over the next 8-10 years like the non-metro funding is anticipated to grow?

A: The metro area is fully planned. It is recognized that the non-metro will need more funding as more 1W1P planning areas become eligible for watershed-based funding. However, amounts will be impacted by appropriations to watershed-based funding and the rate of comprehensive watershed management plan completion across the state.

Q18. How often to do we have to get together to make a collaborative work request document?

A: Every two years, per biennium. However, local governments could create a document that extends beyond 2 years if they so choose.

Q19. How should priorities be split within a county when there is more than one major hydrological system?

A: The local governments will have to decide and agree upon priorities within the county. They could go competitive if an agreement can't be reached.

Q20. Could a county go competitive for the first biennium and choose to do a collaborative process two or four years later?

A: Yes, although given that this is a pilot, things could change by that time.

Q21. If a WMO or WD has a current plan that is expired, is the local government able to receive funding?

A: No.

Q22. How are the different plans defined as current?

A: Watershed management organizations and metro watershed districts plans are not current if the management plan is more than 10 years beyond the BWSR plan approval date unless the plan states a lesser period of time.

Q23. Can Watershed-based funding pay for staff time?

A: Yes. Eligible activities can consist of structural practices and projects; non-structural practices and measures, program and project support, and grant management and reporting.

Q24. When does a feasibility study have to be completed if implementing an in-lake management project with Watershed-based funds?

A: A feasibility study must be completed, reviewed and approved by BWSR staff prior to funds being spent on the in-lake management activities.

Q25. Is there a deadline by which a local water plan need to be approved by water management organizations for a municipality to be eligible to receive funding?

A: If a watershed management plan does not specify a timeline or date by which the local water plan must be approved, and recent plan updates have no substantial modifications that would affect the local controls of the municipality, then the local water plan is considered current and the municipality eligible if the local water plan was previously approved.

If a watershed management plan has specified a timeline or date by which a local plan needs to be updated and a municipality has not met that deadline or had their local water plan approved by June 30, 2018, then the municipality is not eligible to receive funding. The partnership should take the status of the local water plan and requirements in the watershed management plan into consideration when developing the collaborative request.

If there are questions about specific situations, please contact BWSR.

Q26. Can Watershed-based funding allocated in the metro be used for activities outside of the 7 County Metro Area?

A: Maybe. The Watershed-based funding policy requires that eligible activities be identified in the state approved, locally adopted comprehensive watershed management plan developed under Minnesota statutes §103B.101, Subd. 14 or §103B.801, watershed management plan required under §103B.231, or county groundwater plan authorized under §103B.255, but does not specify that the activity must occur within the 7 County Metro.

Q27. If a partnership uses one fiscal agent and a project identified in the work plan falls through, can funds be redistributed?

A: Yes, this is an advantage of using one fiscal agent. Please refer to the "[Grant Agreement Amendments and Work Plan Revisions](#)" section of the BWSR Grants Administration Manual for procedures for revising a work plan or amending the grant agreement to redistribute funds.

Q28. What happens if the partnership decides to do multiple grant agreements and one local government is not able to use the funds allocated to them?

A: It depends. If the grantee has an additional project(s) that is similar in nature or has been included in the collaborative work request, the work plan could be revised or the grant agreement amended. Please refer to the "[Grant Agreement Amendments and Work Plan Revisions](#)" section of the BWSR Grants Administration Manual.

If a local government has no additional projects, then the funds would need to be returned to BWSR. BWSR would then consult with the partners who submitted a Collaborative Request regarding redistribution of the funds.

Q29. If a city is not eligible to receive funds, could a watershed management organization receive project funds and contract with the city to implement the project on their behalf?

A: Yes, the watershed management organization can contract with city as per the Grants Administration Manual but cannot assign or transfer any rights or obligations of the grant agreement to the city without prior approval from BWSR.

