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RCWD BOARD OF MANAGERS WORKSHOP

Tuesday, November 12, 2024, 1:30 p.m.

Rice Creek Watershed District Conference Room
4325 Pheasant Ridge Drive NE, Suite 611, Blaine, Minnesota

or via Zoom Meeting:

<https://us06web.zoom.us/j/81959264689?pwd=bwpeFAoQrr0WQtB0XoLYH4enbp8egM.1>

Meeting ID: 819 5926 4689

Passcode: 553344

+1 312 626 6799 US (Chicago)

Meeting ID: 819 5926 4689

Passcode: 553344

****Please note start time 1:30 p.m.**

Agenda

ITEMS FOR DISCUSSION (times are estimates only)

- 1:30 RCWD Rule Revision & Response to Comments
- 2:30 District Employment Handbook Updates
- 3:00 2024 MN Watersheds Annual Meeting
- 3:30 Administrator Review

Administrator Updates (If Any)

1:30

RCWD Rule Revision & Response to Comments

MEMORANDUM

Rice Creek Watershed District



Date: November 5th, 2024
To: RCWD Board of Managers
From: Patrick Hughes, Regulatory Manager
Subject: 2024 Rule Revision and Response to Comments

Introduction

RCWD staff are requesting that the Board of Managers consider adopting the revised rule.

Background

Per the 2020 RCWD Watershed Management Plan (WMP), the District reviews the need for rule modification every 2 to 3 years. The current rule set was adopted in 2020 and took effect on January 1, 2021. At the June Workshop, staff presented the proposed rule modifications, and compared the District rules with the minimum state standards (“minimum control measures”) in the general permit issued to “municipal separate storm sewer systems” (MS4s) by the Minnesota Pollution Control Agency. In addition, before the District commenced a formal rulemaking, it offered an informal opportunity for public partners to provide feedback on the rules. The Board discussed staff’s response to comments received at the June 26th Board Meeting, and after that meeting, staff provided written responses to the commenters and invited them to meet and discuss further.

As required by Minnesota Statute §103D.341, the proposed revised rules were transmitted to and made available for review by the District’s municipal and agency partners and by the public on July 24th for a comment period ending on September 20th. In addition, on September 11th, the Board held a noticed public hearing to afford interested parties the opportunity to address the Board directly. All comments received from the informal opportunity in the spring and the formal review period have been compiled into a single document that includes the District’s response to each comment, and whether it resulted in a change in the rule language.

Staff has worked with the District Engineer and legal counsel to address the received comments and finalize the rule language. Staff seeks any final comment from the Board of Managers before considering adoption of the revised rule at the November 13, 2024 Board Meeting.

Staff Recommendation

Staff recommends that the Board of Managers consider adopting the revised rules at the November 13, 2024 Board Meeting.

Attachments (all to be provided for public review)

- Proposed rule with tracked (“redline”) changes
- Proposed rule with changes accepted (“clean”)
- Public comments on proposed rule with RCWD responses

RICE CREEK WATERSHED DISTRICT RULES

BOARD APPROVED: ~~DECEMBER 9, 2020~~XXXX, 2024

EFFECTIVE DATE: JANUARY 1, ~~2021~~2025

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CERTIFICATION OF
REVISED WATERSHED DISTRICT RULES

I, ~~Marcia A. Weinandt~~Jessica Robertson, Secretary of the Rice Creek Watershed District Board of Managers, certify that the attached is a true and correct copy of the Rules of the Rice Creek Watershed District as revised and adopted by the Board of Managers on ~~December 9XXXX~~, 20202024, and effective January 1, 20242025.

Dated: _____

~~Marcia A. Weinandt~~Jessica Robertson,

Secretary

ACKNOWLEDGEMENT

State of Minnesota
County of Anoka

This instrument was acknowledged before me on ~~December 9XXXXX~~, 20202024, by ~~Marcia A. Weinandt~~Jessica Robertson, as secretary of the Rice Creek Watershed District Board of Managers.

Notary Public

GENERAL POLICY STATEMENT

The Rice Creek Watershed District (District) is a political subdivision of the State of Minnesota, established under the Minnesota Watershed Law. The District is also a watershed management organization as defined under the Minnesota Metropolitan Surface Water Management Act, and is subject to the directives and authorizations in that Act. Under the Watershed Law and the Metropolitan Surface Water Management Act, the District exercises a series of powers to accomplish its statutory purposes. The District's general statutory purpose is to conserve natural resources through development planning, flood control, and other conservation projects, based upon sound scientific principles.

As required under the Metropolitan Surface Water Management Act, the District has adopted a Watershed Management Plan, which contains the framework and guiding principles for the District in carrying out its statutory purposes. It is the District's intent to implement the Plan's principles and objectives in these rules.

Land alteration affects the rate, volume, and quality of surface water runoff which ultimately must be accommodated by the existing surface water systems within the District. The watershed is large, 186 square miles, and its outlet, Rice Creek, has limited capacity to carry flows. Flooding problems already occur in urbanized areas along Lower Rice Creek and other localized areas.

Land alteration and utilization also can degrade the quality of runoff entering the streams and waterbodies of the District due to non-point source pollution. Lake and stream sedimentation from ongoing erosion processes and construction activities reduces the hydraulic capacity of waterbodies and degrades water quality. Water quality problems already exist in many of the lakes and streams throughout the District.

Projects which increase the rate or volume of stormwater runoff can aggravate existing flooding problems and contribute to new ones. Projects which degrade runoff quality can aggravate existing water quality problems and contribute to new ones. Projects which fill floodplain or wetland areas can aggravate existing flooding by reducing flood storage and hydraulic capacity of waterbodies, and can degrade water quality by eliminating the filtering capacity of those areas.

In these rules the District seeks to protect the public health and welfare and the natural resources of the District by providing reasonable regulation of the modification or alteration of the District's lands and waters to reduce the severity and frequency of flooding and high water, to preserve floodplain and wetland storage capacity, to improve the chemical, physical and biological quality of surface water, to reduce sedimentation, to preserve waterbodies' hydraulic and navigational capacity, to preserve natural wetland and shoreland features, and to minimize public expenditures to avoid or correct these problems in the future.

The District rules include certain rules adopted to implement area-specific Comprehensive Wetland Protection and Management Plans (CWPMP) as provided under the Wetland Conservation Act (WCA). CWPMPs are designed to achieve identified wetland resource management needs within specific drainage areas of the watershed. These rules (within Rule F) apply to a delineated geographic area. Accordingly, a property owner intending an activity subject to District permitting requirements first should determine whether the activity will be governed by the CWPMP rule.

RELATIONSHIP OF RICE CREEK WATERSHED DISTRICT TO MUNICIPALITIES

The District recognizes that the primary control and determination of appropriate land uses is the responsibility of the municipalities. Accordingly, the District will coordinate permit application reviews involving land development with the municipality where the land is located.

The District intends to be active in the regulatory process to ensure that its water resources are managed in accordance with District goals and policies. Municipalities have the option of assuming a more active role in the permitting process after adoption of a local water management plan approved by the District and adoption and implementation of local ordinances consistent with the approved plan.

The District will also review projects sponsored or undertaken by municipalities and other governmental units, and generally will require permits for governmental projects impacting water resources of the District. These projects include but are not limited to, land development, road, trail, and utility construction and reconstruction.

The District desires to serve as technical advisor to the municipalities in their preparation of local surface water management plans and the review of individual development proposals prior to investment of significant public or private funds. To promote a coordinated review process between the District and the municipalities, the District encourages the municipalities or townships to contact the District early in the planning process.

RULE A: DEFINITIONS

For the purposes of these rules, the following words have the meanings set forth below.

References in these rules to specific sections of the Minnesota Statutes include any amendments, revisions or recodification of those sections.

As Constructed and Subsequently Improved Condition (ACSIC): the legally established geometry of the public drainage system as constructed and subsequently modified through drainage code procedures.

Beds of Protected Waters: all portions of public waters and public waters wetlands located below the ordinary high water level.

Best Management Practices (BMPs): measures taken to minimize the negative effects on water resources and systems as referenced in the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (BWSR, 1988), Protecting Water Quality in Urban Areas (MPCA, 1989) and the Minnesota Stormwater Manual (MPCA, 2006) or similar guidance documents.

Better Site Design (BSD): an approach to managing runoff that seeks to attain post development hydrology which mimics the undeveloped condition in terms of volume, rate and timing of runoff. The goals of Better Site Design include reducing the amount of impervious cover, increasing the amount of natural lands set aside for conservation, using pervious areas for more effective stormwater treatment, innovative grading and drainage techniques and through the review of every aspect of the project site planning process. Better Site Design involves techniques applied early in the design process to reduce impervious cover, conserve natural areas and use pervious areas to more effectively treat stormwater runoff and promote a treatment train approach to runoff management.

Bridge: a road, path, railroad or utility crossing over a waterbody, wetland, ditch, ravine, road, railroad, or other obstacle.

Bridge Span: the clear span between the inside surfaces of a bridge's terminal supports.

Channel: a perceptible natural or artificial depression, with a defined bed and banks that confines and conducts water flowing either continuously or periodically.

Common Plan of Development: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

Comprehensive Wetland Protection and Management Plan (CWPMP): a locally developed comprehensive wetland protection and management plan approved by the Minnesota Board of Soil and Water Resources, pursuant to Minnesota Rules 8420.0830.

Conditional Approval Pending Receipt of Changes (CAPROC): approval of a District permit application that requires the applicant to provide further information or plan changes, or meet other stated conditions, prior to District issuance of the permit, See Rule B.5.

Conveyance System: Open channel, pipe or tile that is not a Public Drainage System. A portion of a conveyance system is defined as "regional" if it carries flows from a drainage area of greater than 200 acres.

Criteria: specific details, methods and specifications that apply to all permits and reviews and that guide implementation of the District's goals and policies.

Critical Duration Flood Event: the 100-year precipitation or snow melt event with a duration resulting in the maximum 100-year return period water surface elevation. The critical duration flood event is generally either the 100-year, 24-hour rainfall event as found in NOAA Atlas 14 or the ten-day snow melt event assumed to be 7.2 inches of runoff occurring on frozen ground (CN=100); however, other durations (e.g., 6-hour) may result in the maximum 100 year return period water surface elevation.

CWPMP Contributing Drainage Area: the areas tributary to CWPMP jurisdictional areas from which banked or off-site wetland replacement credits may be used to replace wetland impacts under Rule F.6(c). Figure 4 illustrates the Contributing Drainage Area; however, the precise boundary will be determined on a hydrologic basis at the time of permitting.

Detention Basin: any natural or man-made depression that stores stormwater runoff temporarily.

Development: any land-disturbing activity resulting in creation or reconstruction of impervious surface including, but not limited to, municipal road construction. Normal farming practices part of an ongoing farming operation shall not be considered development.

District: the Rice Creek Watershed District established under the Minnesota Watershed Law, Minnesota Statutes Chapter 103D.

Effectively Drained Wetland: an area whose natural hydrology has been altered to the point that it is no longer considered wetland.

Emergency Overflow (EOF): a primary overflow to pass flows above the design capacity around the principal outlet safely downstream without causing flooding.

Excavation: the displacement or removal of soil, sediment or other material.

Floodplain: the areas adjoining a waterbody that are inundated by the 100-year flood elevation.

Floodway: the channel of a watercourse, the bed of waterbasins and those portions of adjoining floodplains that must be kept free of encroachment to accommodate the 100-year flood.

Floodway Fringe: the area between the floodway and the boundary of the 100-year flood.

Flood Management Zone: land within the Rice Creek Watershed District draining to and entering Rice Creek downstream from the outlets of Baldwin Lake and Golden Lake.

Freeboard: vertical distance between the 100-year flood elevation or emergency overflow elevation of a waterbasin or watercourse and the elevation of the regulatory elevation of a structure.

Governmental Project: projects sponsored or paid for by a governmental agency.

High Quality Wetland: an existing wetland reflecting a score of “high/high” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Impervious Surface: a compacted surface or a surface covered with material (i.e., gravel, asphalt, concrete, Class 5, etc.) that increases the depth of runoff compared to natural soils and land cover. Including but not limited to roads, driveways, parking areas, sidewalks and trails, patios, tennis courts, basketball courts, swimming pools, building roofs, covered decks, and other structures.

Infiltration: water entering the ground through the soil.

Land-Disturbing Activity: any disturbance to the ground surface that, through the action of wind or water, may result in soil erosion or the movement of sediment into waters, wetlands or storm sewers or onto adjacent property. Land-disturbing activity includes but is not limited to the demolition of a structure or surface, soil stripping, clearing, grubbing, grading, excavating, filling and the storage of soil or earth materials. The term does not include normal farming practices as part of an ongoing farming operation.

Landlocked Basin: a waterbasin lacking an outlet at an elevation at or below the water level produced by the critical duration flood event, generally the 10-day snowmelt event.

Local Government Unit (LGU): the public body responsible for implementing the Minnesota Wetland Conservation Act, as defined at Minnesota Statutes §103G.005, subdivision 10e.

Low Entry Elevation: the elevation of the lowest opening in a structure.

Low Floor Elevation: the elevation of the lowest floor of a habitable or uninhabitable structure, which is often the elevation of the basement floor or walk-out level.

Major Watercourse: any watercourse having a tributary area of 200 acres or more.

Marginally Degraded Wetland: an existing wetland reflecting a score of “high/low” or “low/high” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Mill, Reclamation and Overlay: removal of the top layer(s) of an impervious surface (e.g. roadway, parking lot, sport court) by mechanical means, followed by the placement of a new layer of impervious surface, without exposure of the underlying native soil.

Moderately Degraded Wetland: an existing wetland reflecting a score of “medium/medium” or “low/medium” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Municipal Separate Storm Sewer System (MS4): the system of conveyances owned or operated by the District and designed or used to collect or convey storm water, and that is not used to collect or convey sewage.

Municipality: any city or township wholly or partly within the Rice Creek Watershed District.

Native Vegetation: plant species that are indigenous to Minnesota or that expand their range into Minnesota without being intentionally or unintentionally introduced by human activity and that are classified as native in the Minnesota Plant Database.

NPDES Permit: general permit authorization to discharge storm water associated with construction activity under the National Pollutant Discharge Elimination System (NPDES), issued by the Minnesota Pollution Control Agency.

Non-Degraded Wetland: an existing wetland reflecting a score of “high/medium” or “medium/high” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Non-Invasive Vegetation: plant species that do not typically invade or rapidly colonize existing, stable plant communities.

NURP: Nationwide Urban Runoff Program.

100-Year Flood Elevation: the elevation of water resulting from the critical duration flood event, as mapped under the RCWD District Wide Model and as the RCWD may refine on the basis of site-specific data.

Ordinary High Water Level (OHW): the highest water level elevation that has been maintained for a sufficiently long period of time to leave evidence upon the landscape. The OHW is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. If an OHW has been established for a waterbody by the Minnesota Department of Natural Resources, it will constitute the OHW under this definition.

Outlet Control Structure: a permanent structure with rigid overflow designed to control peak flow rates for the two-, 10-, and 100-year events. A riprap-covered berm is not considered a rigid overflow.

Parcel: a lot of record in the office of the county recorder or registrar or that otherwise has a defined legal existence.

Person: any natural person, partnership, unincorporated association, corporation, limited liability company, municipal corporation, state agency, or political subdivision of the State of Minnesota.

Political Subdivision: a municipality, county, town, school district, metropolitan or regional agency, or other special purpose district of Minnesota.

Pollutant: Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. (This definition is for the purpose of Rule H only and is incorporated from the U.S. EPA model ordinance.)

Public Drainage System: Open channel, pipe tile, and appurtenant structures, within a public system as established or delineated under Minnesota Statutes Chapter 103E.

Public Linear Project: a project involving a roadway, sidewalk, trail, or utility not part of an industrial, commercial, institutional or residential development.

Public Waters: waters identified as public waters under Minnesota Statutes section 103G.005, Subdivision 15.

Public Waters Wetlands: all wetlands identified as public waters wetlands under Minnesota Statutes section 103G.005, subdivision 15a.

Reconstruction: removal of an impervious surface such that the underlying structural aggregate base is effectively removed and the underlying native soil exposed.

Resource of Concern (ROC): lakes identified in Figures C1A through C1E. If an area within the jurisdictional boundary of the District drains to a location outside the District without reaching an ROC, the District will identify the receiving water outside of the District that is the ROC for the purpose of the permit.

Resource of Concern Drainage Area: Land draining to a Resource of Concern. The Resource of

Concern drainage area excludes lands draining first to an upstream Resource of Concern.

Seasonal High Water Table: The highest known seasonal elevation of groundwater as indicated by redoximorphic features such as mottling within the soil.

Severely Degraded Wetland: an existing wetland reflecting a score of “medium/low” or “low/low” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Site: All contiguous lots of record on which activity subject to any District rule is proposed to occur or occurs, as well as all other lots of record contiguous to any such lot under common ownership at the time of the permitted activity. Linear right of way does not disturb contiguity. For public linear projects not occurring in conjunction with land development, the term means the portion of right-of-way defined by the project work limits.

Single Family Residential ConstructionDevelopment: Construction of one or more single-family homes on individual lots of record.

Storm Sewer: a pipe system for stormwater conveyance.

Stormwater Pond: Constructed basins placed in the landscape to capture stormwater runoff.

Structure: a building with walls and a roof, excluding structures such as pavilions, playgrounds, gazebos, and garbage enclosures.

Subdivision, Subdivide: the legal separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots.

Technical Evaluation Panel (TEP): The body described in Minnesota Rules 8420.0240.

Total Phosphorus (TP): A measure of all forms of phosphorus, dissolved or particulate, in a given sample or flow.

Upland Habitat Area: A non-wetland area that is contiguous with an existing, restored, or created wetland and scores “C” or better using the Natural Heritage Ranking methodology.

Volume Control Practice: A stormwater infiltration practice or stormwater reuse system.

Waterbasin: an enclosed natural depression with definable banks capable of containing water.

Waterbody: a waterbasin, watercourse or wetland as defined in these Rules.

Watercourse: a channel that has definable beds and banks capable of conducting confined runoff from adjacent land.

Wetland: area identified as wetland under Minnesota Statutes section 103G.005, subdivision 19.

Wetland Management Corridor (WMC): A contiguous corridor encompassing high priority wetland resources identified at a landscape scale in Figure F1 and refined at the time of individual project permitting at a site level as provided for in Rule F, section 6.

RULE B: PROCEDURAL REQUIREMENTS

1. **APPLICATION AND NOTICE OF INTENT REQUIRED.** Any person undertaking an activity for which a permit is required by these rules must obtain the required permit prior to commencing the activity that is subject to District regulation. Applications for permit must be submitted to the District in accordance with the procedures described in this rule. Required exhibits are specified for each substantive rule below. Applicants are encouraged to contact District staff before submission of an application to review and discuss application requirements and the applicability of specific rules to a proposed project. When the rules require a criterion to be met, or a technical or other finding to be made, the District makes the determination except where the rule explicitly states otherwise. The landowner or, in the District's judgment, easement holder, must sign the permit application and will be the permittee or a co-permittee. Where a public applicant must acquire land, a signed notice from the landowner acknowledging the application may be provided in lieu of the landowner's signature as a co-applicant.
2. **FORMS.** A District permit application or notice of intent, and District checklist of permit submittal requirements, must be submitted on the forms provided by the District. Applicants may obtain forms from the District office or website at <http://www.ricecreek.org/permits/permit-application/s>.
3. **ACTION BY DISTRICT.** The District shall act on applications in accordance with Minnesota Statutes 15.99. A complete permit application includes all required information, exhibits, and fees. An application will not be ready for Board consideration unless all substantial technical questions have been addressed and all substantial plan revisions resulting from staff review have been accomplished. Permit decisions will be made by the Board except as delegated to the Administrator by written resolution.
4. **ISSUANCE OF PERMITS.** The permit will be issued only after applicant has satisfied all requirements and conditions for the permit, has paid all required District fees, and the District has received any required surety. Any outstanding Water Management District charges are due prior to permit issuance.
5. **CONDITIONAL APPROVAL PENDING RECEIPT OF CHANGES (CAPROC).** The District may conditionally approve an application, but a permit will not issue, and work may not begin, until all conditions precedent to issuance are fulfilled. All conditions must be satisfied within twelve (12) months of the date of conditional approval, but if the work commenced before permit issuance, conditions must be satisfied within the period stated in the conditional approval. If conditions are not satisfied within the specified period, the conditional approval will lapse and the applicant will be required to reapply for a permit and pay applicable permit fees.
6. **PERMIT TERM.** Permits are valid for an eighteen-month period from the date of issuance unless otherwise stated within the permit, suspended or revoked. To extend a permit, the permittee must apply to the District in writing, stating the reasons for the extension. Any plan changes, and related project documents must also be included in the extension application. The District must receive this application at least thirty (30) days prior to the permit expiration date. The District may impose different or additional conditions on a renewal or deny the renewal in the event of a material change in circumstances. On the first renewal, a permit will not be subject to change because of a change in District rules. An extended stormwater management permit for phased development may be [issued pursuant to Rule C.13 requested](#).

7. **PERMIT ASSIGNMENT.** A permittee must be assigned when title to the property is transferred or, if the permittee is an easement holder, in conjunction with an assignment of the easement. The District must approve a permit assignment and will do so if the following conditions have been met:
- (a) The proposed assignee in writing agrees to assume all the terms, conditions and obligations of the permit as originally issued to the permittee;
 - (b) The proposed assignee has the ability to satisfy the terms and conditions of the permit as originally issued;
 - (c) The proposed assignee is not changing the project as originally permitted;
 - (d) There are no violations of the permit conditions as originally issued; and
 - (e) The District has received from the proposed assignee a substitute surety to secure performance of the assigned permit.

Until assignment is approved, the permittee of record as well as the current title owner will be responsible for permit compliance.

8. **PERMIT FEES.** The District will charge applicants permit fees in accordance with a schedule that will be maintained and revised from time to time by the Board of Managers to ensure that permit fees cover the District's actual costs of administrating and enforcing permits. The current fee schedule may be obtained from the District office or the District website at <http://www.ricecreek.org/permits/permitting-information>. An applicant must submit the required permit fee to the District at the time it submits its permit application. No permit fee will be charged to the federal government, the State of Minnesota or a political subdivision of the State of Minnesota.

9. **PERFORMANCE SURETY.**

- (a) **POLICY.** It is the policy of the Board of Managers to conserve the District's water resources by assuring compliance with its rules. The District ensures compliance by requiring a bond or other surety to secure performance of permit conditions and compliance with District rules, as well as protection of District water resources in the event of noncompliance with permit conditions and/or rules. A project for which the applicant is the federal government, the State of Minnesota or a political subdivision of the State of Minnesota is exempt from surety requirements.
- (b) **PERFORMANCE SURETY REQUIREMENT.** A surety or sureties, when required, must be submitted in a form acceptable to the District. When a cash escrow is used, it will be accompanied by an escrow agreement bearing the original signature of the permittee and the party providing the escrow, if not the permittee. The District will require applicants to submit a surety or sureties in accordance with a schedule of types and amounts that will be maintained and revised from time to time by the Board of Managers. The current schedule of surety amounts and acceptable forms and sources as well as surety agreement may be obtained from the District office or the District website at <http://www.ricecreek.org/permits/permitting-information>.

An applicant may submit a bond or an irrevocable letter of credit to the District to secure performance of permit conditions for activities for which the required surety amount as determined above is in excess of \$5,000; however, the first \$5,000 of any performance surety must be submitted to the District as a cash escrow. The bond or letter of credit must be submitted before the permit is issued.

(c) **FORM AND CONTENT OF BOND OR LETTER OF CREDIT.**

- (1) The bond or irrevocable letter of credit must be in a form acceptable to the District and from a surety licensed to do business in Minnesota.
- (2) The bond or irrevocable letter of credit must be in favor of the District and conditioned upon the performance of the party obtaining the bond or letter of credit of the activities authorized in the permit, and compliance with all applicable laws, including the District's rules, the terms and conditions of the permit and payment when due of any fees or other charges required by law, including the District's rules. The bond or irrevocable letter of credit must provide that if the bond conditions are not met, the District may make a claim against the bond or letter of credit.

- (d) **RELEASE OF PERFORMANCE SURETY.** Upon written notification from permittee of completion of the permitted project, the District will inspect the project to determine if it is constructed in accordance with the terms of the permit and District rules. If the project is completed in accordance with the terms of the permit and District rules and the party providing the performance surety does not have an outstanding balance of money owed to the District for the project, including but not limited to unpaid permit fees, the District will release the bond or letter of credit, or return the cash surety if applicable. Final inspection compliance includes, but is not limited to, confirmation that all erosion and sediment control BMPs and stormwater management features have been constructed or installed as designed and are functioning properly, and completion of all required monitoring of wetland mitigation areas. The District may return a portion of the surety if it finds that a portion of the surety is no longer warranted to assure compliance with District rules.

RULE C: STORMWATER MANAGEMENT

1. **POLICY.** It is the policy of the Board of Managers to manage stormwater and snowmelt runoff on a local, regional and watershed basis; to promote natural infiltration of runoff throughout the District to preserve flood storage and enhance water quality; and to address the unique nature of flooding issues within the Flood Management Zone, through the following principles:
 - (a) Maximize water quality and flood control on individual project sites through Better Site Design practices and stormwater management.
 - (b) Minimize land use impacts and improve operational and maintenance efficiency by siting stormwater BMPs, when needed, regionally unless local resources would be adversely affected.
 - (c) Treat stormwater runoff before discharge to surface waterbodies and wetlands, while considering the historic use of District water features.
 - (d) Ensure that future peak rates of runoff are less than or equal to existing rates.
 - (e) Reduce the existing conditions peak rate of discharge along Lower Rice Creek and the rate of discharge and volume of runoff reaching Long Lake, to preserve the remaining floodplain storage volume within Long Lake and mitigate the historic loss of floodplain storage.
 - (f) Preserve remaining floodplain storage volume within the Rice Creek Watershed to minimize flood potential throughout the District.
2. **REGULATION.** A permit incorporating an approved stormwater management plan is required under this rule for development, consistent with the following:
 - (a) A permit is required for subdivision of an area exceeding one acre. This includes subdivision for single-family residential, multi-unit residential, commercial, industrial, or institutional development.
 - (b) A permit is required for development, other than Public Linear Projects, that creates or reconstructs 10,000 square feet or more of impervious surface. This threshold is cumulative of all impervious surface created or reconstructed ~~through multiple phases or connected actions of a single complete project, as defined by the District, on a single parcel or contiguous parcels of land under common ownership, development or use as a part of a~~ Common Plan of Development.
 - (c) For Public Linear Projects, a permit is required when ~~one acre or more of impervious surface will be created or reconstructed through multiple phases or connected actions of a single complete project, as defined by the District~~ the sum of new and reconstructed impervious surface equals or exceeds one acre as a part of a Common Plan of Development.
3. **STORMWATER MANAGEMENT PLAN REQUIRED.** A stormwater management plan shall be submitted with the permit application for a project equaling or exceeding the threshold of Section 2. The stormwater management plan shall fully address the design and function of the project proposal and the effects of altering the landscape relative to the direction, rate of discharge, volume of discharge and timing of runoff.
4. **MODELING REQUIREMENTS FOR STORMWATER MANAGEMENT PLANS.**

- (a) A hydrograph method or computer program based on NRCS Technical Release #20 (TR-20) and subsequent guidance must be used to analyze stormwater runoff for the design or analysis of discharge and water levels within and off the project site. The runoff from pervious and impervious areas within the model shall be modeled separately.
- (b) In determining Curve Numbers for the post-development condition, the Hydrologic Soil Group (HSG) of areas within construction limits shall be shifted down one classification for HSG C (Curve Number 80) and HSG B (Curve Number 74) and ½ classification for HSG A (Curve Number 49) to account for the impacts of grading on soil structure unless the project specifications incorporate soil amendments in accordance with District Soil Amendment Guidelines. This requirement only applies to that part of a site that has not been disturbed or compacted prior to the proposed project.
- (c) The analysis of flood levels, storage volumes, and discharge rates for waterbodies and stormwater management basins must include the NOAA Atlas 14 values, as amended, using a nested rainfall distribution (e.g. MSE 3), for the 2 year, 10 year and 100 year return period, 24-hour rainfall events and the 10-day snowmelt event (Curve Number 100), in order to identify the critical duration flood event. The District Engineer may require analysis of additional precipitation durations to determine the critical duration flood event. Analysis of the 10-day snowmelt event is not required for stormwater management detention basins with a defined outlet elevation at or below the 100 year return period, 24-hour rainfall event elevation.

5. STORMWATER MANAGEMENT PLAN FRAMEWORK.

- (a) When an existing regional BMP is proposed to manage stormwater runoff, the applicant must demonstrate the BMP is subject to maintenance obligations enforceable by the District. ~~†The project's~~ proposed total impervious surface area must be equal to or less than the impervious surface allocated within the original approved stormwater plan for that site. If an impervious surface area was not specified within the original approved stormwater plan for the site, the applicant shall show that the BMP was designed and constructed to manage the stormwater runoff from the project site and, the applicant has permission to utilize the required portion of BMP any remaining capacity in the BMP. ~~the BMP is subject to maintenance obligations enforceable by the District, and it is being maintained to its original design.~~
- (b) Stormwater management plans, with the exception of those for single family residential developments, must specify the proposed impervious surface area draining to each BMP for each land parcel
- (c) A combination of Stormwater BMPs may be used to meet the requirements of section(s) 6, 7, and 8.
- (d) A local surface water management plan or ordinance of the local land use authority may contain standards or requirements more restrictive than these rules. The stormwater management plan must conform to the local surface water management plan or ordinance of the local land use authority.
- (e) The proposed project must not adversely affect off-site water levels or resources supported by local recharge, or increase the potential for off-site flooding, during or after construction.
- (f) A landlocked basin may be provided an outlet only if ~~it~~:

- (1) ~~It~~ It conforms with District Rule F, as applicable.
 - (2) ~~Provides sufficient dead storage volume to retain the runoff resulting from back-to-back 100-year, 24-hour rainfall events. The outlet is above the critical duration flood event~~
 - (3) ~~It~~ It does not create adverse downstream flooding or water quality conditions as a result of the change in the rate, volume or timing of runoff or a change in drainage patterns.
- (g) A municipality or public road authority may prepare a comprehensive stormwater management plan setting forth an alternative means of meeting the standards of sections 6 and 7 within a defined subwatershed. Once approved by the District and subject to any stated conditions, the plan will apply in place of those sections.

6. WATER QUALITY TREATMENT.

- (a) Development creating or reconstructing impervious surface shall apply Better Site Design (BSD) techniques as outlined in the MPCA Minnesota Stormwater Manual as amended (www.stormwater.pca.mn.us). A BSD guidance document and checklist is available on the District's website.
- (b) Sediment shall be managed on-site to the maximum extent practicable before runoff resulting from new or reconstructed impervious surface enters a waterbody or flows off-site.

(c) **WATER QUALITY TREATMENT STANDARD.**

- (1) The required water quality treatment volume standard for all projects, except Public Linear Projects, is determined as follows:

$$\text{Required Water Quality Treatment Volume (ft}^3\text{)} = \text{Area of New or Reconstructed Impervious Surface (ft}^2\text{)} \times 1.1 \text{ (in)} \div \text{TP Removal Factor from Table C1} \div 12 \text{ (in/ft)}$$

- (2) The required water quality treatment volume standard for Public Linear Projects is determined as follows:

$$\text{Required Water Quality Treatment Volume (ft}^3\text{)} = \begin{matrix} \text{\{Greater of\}} \\ \text{Area of New Impervious Surface (ft}^2\text{)} \times 1.0 \text{ (in)} \div 12 \text{ (in/ft)} \\ \text{\{OR\}} \\ \text{Sum Area of New and Reconstructed Impervious Surface (ft}^2\text{)} \times 0.5 \text{ (in)} \div 12 \text{ (in/ft)} \end{matrix}$$

- (3) For alternative Stormwater BMPs not found in Table C1 or to deviate from TP Removal Factors found in Table C1, the applicant may submit a TP Removal Factor, expressed as annual percentage removal efficiency, based on supporting technical data, for District approval.
- (4) Stormwater runoff treated by the BMP during a rain event will not be credited towards the treatment requirement.

TABLE C1. TP REMOVAL FACTORS FOR PROPERLY DESIGNED BMPS.

BMP	BMP Design Variation	TP Removal Factor *
Infiltration **	Infiltration Feature	1.00
Water Reuse **	Irrigation	1.00
Biofiltration	Underdrain	0.65
Filtration	Sand or Rock Filter	0.50
Stormwater Wetlands	Shallow Wetland	0.40
	Pond/Wetland	0.55
Stormwater Ponds ***	Wet Pond	0.50N/A ***
	Multiple Pond	0.60

Source: Adapted from Table 7.4 from the Minnesota Stormwater Manual, MPCA.

* Refer to MPCA Stormwater Manual for additional information on BMP performance.

Removal factors shown are average annual TP percentage removal efficiencies intended solely for use in comparing the performance equivalence of various BMPs.

** These BMPs reduce runoff volume.

*** Stormwater ponds must ~~also~~ provide 2.5" of dead storage as required by Section 9(d)(2).

(d) BMP TYPE AND LOCATIONAL SITING.

- (1) ~~For a public linear project, BMPs shall~~ must be located ~~either on-site and the required water quality volume must be achieved to the extent feasible to treat runoff at the point of generation, or regionally within the Resource of Concern Drainage Area. The road authority must obtain right-of-way or adjacent land for treatment, if reasonable. For other projects, the water quality volume must be treated on-site to the extent it is cost-effective, and otherwise may be treated off-site in accordance with subsection 6(d)(3), below.~~
- (2) If infiltration is feasible on site (see Table C2), ~~on-site or regional~~ BMPs, whether on- or off-site, must provide ~~volume control for infiltration~~ to meet the standard of subsections 6(c) and 6(d)(1). ~~If~~ To the extent infiltration is not feasible on-site, any BMP may be used to meet the standard.
- (3) Off-site and/or regional BMPs must be sited in the following priority order:
 - (i) In a downstream location that intercepts the runoff volume leaving the project site prior to the Resource of Concern.
 - (ii) Anywhere within the same Resource of Concern Drainage Area (see Figures

C1A-C1E) that results in no greater mass of Total Phosphorus reaching the resource of concern than on-site BMPs.

TABLE C2. SPECIFIC CONDITIONS THAT MAY RESTRICT INFILTRATION.

Type	Specific Project Site Conditions	Required Submittals
Potential Contamination	Potential Stormwater Hotspots (PSH)	PSH Locations and Flow Paths
	Contaminated Soils	Documentation of Contamination Soil Borings
Physical Limitations	Low Permeability Soils (HSG C & D)	Soil Borings
	Bedrock within three vertical feet of bottom of infiltration area	Soil Borings
	Seasonal High Water Table within three vertical feet of bottom of infiltration area	Soil Borings High Water Table
	Karst Areas	Geological Mapping or Report
Land Use Limitations	Utility Locations	Site Map
	Nearby Wells (Private and/or Municipal) *	Well Locations

* Refer to Minnesota Stormwater Manual or the Minnesota Department of Health for setback requirements.

(e) ~~To the extent feasible, all s~~Stormwater runoff from ~~all~~ new and reconstructed impervious surface must be captured and directed to a water quality BMP to the extent feasible. ~~treated for total phosphorus if feasible. Notwithstanding, runoff from undisturbed impervious surface not otherwise being treated prior to the Resource of Concern may be treated in lieu of treating new or reconstructed impervious surface, provided the runoff from that surface drains to the same Resource of Concern as the new/reconstructed surface not being treated. Except for Public Linear projects, the area not treated for phosphorus may not exceed 15 percent of all the new or reconstructed impervious surface. For runoff not captured all untreated surface,~~ TSS must be removed to the maximum extent practicable. ~~Total water quality treatment volume for the project must be provided in aggregate pursuant to subsections 6(c) and 6(d), except that f~~

For a Ppublic Llinear pProject:

- Runoff from undisturbed impervious surface within the right-of-way that is not otherwise being treated may be treated in lieu of treating new or reconstructed impervious surface; and
- Water quality treatment volume for reconstructed impervious surface, if required by subsection 2(c), must be provided only to the extent feasible.

For a non-public linear other projects:

- Runoff from undisturbed impervious surface on site may be treated in lieu of treating new or reconstructed impervious surface, provided the runoff from that surface drains to the same Resource of Concern as the new/reconstructed surface not being treated; and
- The area not treated for phosphorus may not exceed 15 percent of all new or reconstructed impervious surface. Total water quality treatment volume for the project must be provided in aggregate pursuant to subsections 6(c) and 6(d).

~~(e)~~(f) For single-family residential development, the runoff from impervious surface other than parking or driving surface that, in the District’s judgment, cannot reasonably be routed to a stormwater BMP is considered effectively treated for water quality to meet the standard of subsection 6(c) by infiltration if:

- (1) The length of the flow path across the impervious surface is less than the length of the flow path across the pervious surface to which it discharges; and
- ~~(2)~~ The pervious surface is vegetated and has an average slope of five percent or less; and
- ~~(2)~~(3) The District finds, on the basis of land use, that loss of the pervious surface is highly unlikely, or the permit is conditioned on a recorded covenant protecting the pervious surface.-

~~(f)~~(g) Banked “volume control” credits and debits established by public entities for Public Linear Projects with the RCWD prior to July 1, 2013 will continue to be recognized and enforced until all credits are used or all debits are fulfilled. Existing credits and debits may be used and fulfilled, respectively, anywhere within the applicant’s jurisdiction on any public project.

7. PEAK STORMWATER RUNOFF CONTROL.

- (a) Peak stormwater runoff rates for the proposed project at the project site boundary, in aggregate, must not exceed existing peak runoff rates for the 2-year, 10-year and 100-year, 24-hour rainfall events, or a different critical event duration at the discretion of the District Engineer. Notwithstanding, peak runoff may be controlled to this standard in a regional facility consistent with paragraph 7(b). Aggregate compliance for all site boundary discharge will be determined with respect to runoff not managed in a regional facility.
- (b) Any increase in a critical duration flood event rate at a specific point of discharge from the project site must be limited and cause no adverse downstream impact. Table C3 shows the maximum curve numbers that may be utilized for existing condition modeling of those project site areas not covered by impervious surface.
- (c) Within the Flood Management Zone only (see Figure C2), peak runoff rates for the 2, 10 and 100 year 24-hour rainfall events shall be reduced to ≤80% of the existing condition. This requirement does not apply if the project is a Public Linear Project.

TABLE C3. CURVE NUMBERS FOR EXISTING CONDITION PERVIOUS AREAS.

Hydrologic Soil Group	Runoff Curve Number *
A	39
B	61
C	74

D	80
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* Curve numbers from NRCS Technical Release #55 (TR-55).

TABLE C4. HYDROPERIOD STANDARDS.

Wetland Susceptibility Class	Permitted Storm Bounce for 2-Year and 10-Year Event *	Inundation Period for 2-Year Event *	Inundation Period for 10-Year Event *
Highly susceptible	Existing	Existing	Existing
Moderately susceptible	Existing plus 0.5 ft	Existing plus 1 day	Existing plus 7 days
Slightly susceptible	Existing plus 1.0 ft	Existing plus 2 days	Existing plus 14 days
Least susceptible	No limit	Existing plus 7 days	Existing plus 21 days

Source: Adapted from: Stormwater and Wetlands Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Stormwater and Snowmelt Runoff on Wetlands.

* Duration of 24-hours for the return periods utilizing NOAA Atlas 14.

8. BOUNCE AND INUNDATION PERIOD.

- (a) The project must meet the hydroperiod standards found in Table C4 with respect to all down-gradient wetlands.
- (b) Wetland Susceptibility Class is determined based on wetland type, as follows:
 - (1) Highly susceptible wetland types include: sedge meadows, bogs, coniferous bogs, open bogs, calcareous fens, low prairies, coniferous swamps, lowland hardwood forests, and seasonally flooded waterbasins.
 - (2) Moderately susceptible wetland types include: shrub-carrs, alder thickets, fresh (wet) meadows, and shallow & deep marshes.
 - (3) Slightly susceptible wetland types include: floodplain forests and fresh wet meadows or shallow marshes dominated by cattail giant reed, reed canary grass or purple loosestrife.
 - (4) Least susceptible wetland includes severely degraded wetlands. Examples of this condition include cultivated hydric soils, dredge/fill disposal sites and some gravel pits.

9. DESIGN CRITERIA.

- (a) Infiltration BMPs must be designed to provide:
 - (1) Adequate pretreatment measures to remove sediment before runoff enters the primary infiltration area;
 - (2) Drawdown within 48-hours from the end of a storm event. Soil infiltration rates shall be based on the appropriate HSG classification and associated infiltration rates (see Table C5). The least permeable layer of the soil boring column must be utilized in BMP calculations (see Design Criteria (e)). Alternate infiltration rates based on a recommendation and certified measurement testing from a licensed geotechnical engineer or licensed soil scientist will be considered. Infiltration area will be limited to horizontal areas subject to prolonged wetting;
 - (3) A minimum of three feet of separation from the Seasonal High Water Table; and

- (4) An outlet control structure to convey the 2-year, 10-year & 100-year frequency events if the BMP is intended to provide rate control; and
- ~~(3)~~(5) Consideration of the Minnesota Department of Health guidance document Evaluating Proposed Stormwater Infiltration Projects in Vulnerable Wellhead Protection Areas. Documentation shall be submitted to support implementation of this guidance document and will be accepted at the discretion of the District Engineer.
- (b) Water Reuse BMPs must conform to the following:
- (1) Design for no increase in stormwater runoff from the irrigated area or project site.
 - (2) Required design submittal packages for water reuse BMPs must include:
 - (i) An analysis using ~~the RCWD's Stormwater Reuse Spreadsheet~~Metropolitan Council Stormwater Reuse Guide 'Water Balance Tool Irrigation Constant Demand' spreadsheet for irrigation practices or 'Water Balance Tool Non-Irrigation Constant Demand' spreadsheet for non-irrigation practices. The tools are available download at: [http://www.metrocouncil.org/wastewater/planning/water-supply-planning/studies-projects-workgroups-\(1\)/completed-studies-projects/stormwater-reuse-guide.aspx](http://www.metrocouncil.org/wastewater/planning/water-supply-planning/studies-projects-workgroups-(1)/completed-studies-projects/stormwater-reuse-guide.aspx);
 - (ii) Documentation demonstrating adequacy of soils, storage system, and delivery system; and
 - (iii) Operations plan.
 - (3) Approved capacity of an irrigation practice will be based on:
 - (i) An irrigation rate of 0.5 inches per week over the irrigated pervious area(s) or the rate identified through the completion of the Metropolitan Council Stormwater Reuse Guide 'Water Balance Tool Irrigation Constant Demand' Spreadsheet (whichever is less); or as approved by the District; and
 - (ii) No greater than a 26 week (April 15th to October 15th) growing season.
 An additional water quality treatment capacity beyond 0.5 inches per week may be recognized under a subsection C.5(f) plan or a C.13 phased development permit based on an average of three consecutive years of monitoring records of volume irrigated and pursuant to a monitoring plan approved by the District.
 - (4) Approved capacity of a non-irrigation practice shall be based on the rate identified through the completion of the Metropolitan Council Stormwater Reuse Guide 'Water Balance Tool Non-Irrigation Constant Demand' spreadsheet, or as approved by the District.
- (c) Biofiltration/filtration BMPs must be designed to provide:
- (1) Adequate pretreatment measures to remove sediment before runoff enters the primary biofiltration area;
 - (2) Drawdown within 48-hours from the end of a storm event;
 - (3) A minimum of 12-inches of organic material or sand above the rock trench or drain tile system; and
 - (4) Drain tile system must be designed above the Seasonal High Water Table.
 - (5) An outlet control structure to convey the 2-year, 10-year & 100-year frequency events if the biofiltration/filtration BMP is intended to provide rate control.

TABLE C5. SOIL TYPE AND INFILTRATION RATES.

Hydrologic Soil Group	Soil Textures	Corresponding Unified Soil Classification		Infiltration Rate (in/hr)
A	Gravel Sandy Gravel Silty Gravels	GW	Well-graded gravels, sandy gravels	1.63
		GP	Gap-graded or uniform gravels, sandy gravels	
		GM	Silty gravels, silty sandy gravels	
		SW	Well-graded gravelly sands	
	Sand Loamy Sand Sandy Loam	SP	Gap-graded or uniform sands, gravelly sands	0.8
B	Loam Silt Loam	SM	Silty sands, silty gravelly sands	0.45
		MH	Micaceous silts, diatomaceous silts, volcanic ash	0.3
C	Sandy Clay Loam	ML	Silts, very fine sands, silty or clayey fine sands	0.2
D	Clay Loam Silty Clay Loam Sandy Clay Silty Clay Clay	GC	Clayey gravels, clayey sandy gravels	0.06
		SC	Clayey sands, clayey gravelly sands	
		CL	Low plasticity clays, sandy or silty clays	
		OL	Organic silts and clays of low plasticity	
		CH	Highly plastic clays and sandy clays	
		OH	Organic silts and clays of high plasticity	

Source: Adapted from the “Design infiltration rates” table from the Minnesota Stormwater Manual, MPCA, (January 2014).

- (d) Stormwater ponds must be designed to provide:
- (1) Water quality features consistent with NURP criteria and accepted design standards for average and maximum depth;
 - (2) A permanent wet pool with dead storage at least equal to the runoff volume from a 2.5-inch rainfall over the area tributary to the pond;
 - (3) An outlet structure capable of preventing migration of floating debris and oils for at least the one-year storm;
 - (4) An identified emergency overflow spillway sufficiently stabilized to convey flows greater than the 100-year critical storm event; and
 - (5) An outlet control structure to ~~control~~ convey the 2-year, 10-year & 100-year frequency events.

Underground stormsewer systems must be designed to provide:
inspection and access ports sufficient to inspect and maintain the system;

(e) Soil borings (utilizing ASTM D5921 and D2488, as amended) shall be considered for design purposes, and provided to the District, for each proposed BMP. The soil borings must be taken to a depth of at least 5 feet below the bottom of the proposed feature. For an application proposing an infiltration area, the applicant will identify, describe and delineate group, texture and redoximorphic features of site soils to assess percolation of stormwater runoff from impervious areas. Field evaluation of soil permeability in accordance with ASTM 3385 procedure for double ring infiltrometer testing or other approved method is encouraged.

~~(e)~~ —

(f) An outfall structure discharging directly to a wetland, public water or public water wetland must incorporate a stilling-basin, surge-basin, energy dissipater, placement of ungrouted natural rock riprap or other feature to minimize disturbance and erosion of natural shoreline and bed resulting from stormwater discharges. Where feasible, outfall structures are to be located outside of the natural feature.

TABLE C6. LOW FLOOR AND LOW ENTRY FREEBOARD REQUIREMENTS.

Freeboard	100-Year Flood Elevations		Detention Basins, Wetlands & Stormwater Ponds		Infiltration and Biofiltration Basins			Rain Gardens*
	100-yr	EOF	100-yr	EOF	Bottom	100-yr	EOF	EOF
Low Floor	2.0 ft	1.0 ft	0.0 ft	NA	0.0 ft	NA	NA	NA
Low Entry	NA	NA	2.0 ft	1.0 ft	NA	2.0 ft	1.0 ft	0.5 ft

* Rain gardens are “off-line” infiltration or bio-filtration basins.

(g) All new residential, commercial, industrial and other habitable or non-habitable structures, and all stormwater BMPs, must be constructed so that the lowest floor and lowest entry elevations comply with Table C6. A structure on residential property not intended for human habitation and not attached to a habitable structure is exempt from this requirement, if the District finds it impractical and the landowner files a notation on the property title that the structure does not meet the requirement.

The low entry freeboard criterion of Table C6 may be deemed met when the structure does not have the required vertical separation, but is protected from surface flooding to the required elevation by a berm or other natural or constructed topographic feature capable of providing flood protection.

Within a landlocked basin, minimum low floor elevations must be at least one foot above the surveyed basin run out elevation. Where a structure is proposed below the run out elevation of a land-locked basin, the low floor elevation will be a minimum of two feet above the highest water level of either the 10-day snowmelt event or back-to-back 1 00-year, 24-hour rainfalls. Aerial photos, vegetation, soils, and topography may be used to derive a "normal" water elevation for the purpose of computing the basin's 100-year elevation.

- (h) All stormwater management structures and facilities must be designed for maintenance access and be properly operated and maintained in perpetuity to assure that they continue to function as designed. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District. Regional ponds owned by public entities that are only used to meet the runoff rate requirements of the District rule do not need a maintenance agreement with the District.
- (i) The permittee must use construction best practices so that the facility as constructed will conform to design specifications and the soil and surrounding conditions are not altered in a way adverse to facility performance.
- (j) Before work under the permit is deemed complete, the permittee must submit as-built plans demonstrating that at the time of final stabilization, stormwater facilities conform to design specifications. If at any time the District finds that the stormwater facility is not performing as designed, on District request the permittee must undertake reasonable investigation to determine the cause of inadequate performance.

10. EASEMENTS.

- (a) Before permit issuance, the permittee must, submit a copy of any plat or easement required by the local land use authority establishing drainage or flowage over stormwater management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year flood elevation, or any other hydrologic feature.
- (b) Before permit issuance, the permittee must convey to the District an easement to the public drainage system specifying a District right of maintenance access over the right of way of the public drainage system as identified within the public drainage system record. If the right of way of the public drainage system is not described within the record, then the easement shall be conveyed with the following widths:
 - For tiled/piped systems, 40 feet wide perpendicular to the direction of flow, centered on the tile line or pipe;
 - For open channel systems, a width that includes the channel and the area on each side of the channel within 20 feet of top of bank. For adequate and safe access, where top of bank is irregular or obstruction exists, the District may specify added width.
- (c) Public Linear Projects and public property are exempt from the public drainage system easement requirement of Section 10(b).
- (d) For projects within the District's Comprehensive Wetland Protection and Management Plan (CWPMP) areas, the Wetland Management Corridor (WMC) boundary delineation, buffer and easement requirements found at Rule F.6 apply. As stated in Rule F.5(e), Public Linear Projects are not subject to the requirements of Rule F.6.

- 11. REQUIRED EXHIBITS.** The following exhibits must accompany the permit application. The vertical datum must clearly be labeled on each plan set.

- (a) An erosion & sediment control plan and, for projects that require an NPDES permit, a Storm Water Pollution Prevention Plan.
- (b) Property lines and delineation of lands under ownership of the applicant.
- (c) Delineation of the subwatershed contributing runoff from off-site, proposed and existing subwatersheds onsite, emergency overflows, and drainageways.
- (d) Geotechnical analysis including soil borings at all proposed stormwater management facility locations utilizing ASTM D5921 and D2488, as amended.
- (e) Proposed and existing stormwater facilities' location, alignment and elevation.
- (f) Delineation of existing on-site wetland, marshes and floodplain areas.
- (g) Identification of existing and proposed normal, ordinary high and 100-year water elevations on-site.
- (h) Identification of existing and proposed contour elevations within the project site .
- (i) Construction plans and specifications of all proposed stormwater management facilities, including design details for outlet control structures.
- (j) Stormwater runoff volume and rate analyses for the 2- 10- and 100-year critical events, existing and proposed conditions utilizing NOAA Atlas 14.
- (k) All hydrologic, water quality and hydraulic computations completed to design the proposed stormwater management facilities.
- (l) Narrative including a project description, discussion of BMP selection, and revegetation plan for the project site.
- (m) Other project site-specific submittal requirements as may be required by the District.

12. EXCEPTIONS.

- (a) A permit is not required for single-family residential construction on an individual lot of record, if the proposed impervious surface of the lot is less than 10,000 square feet, excluding the driveway. If the lot is within a development previously approved by the District, the construction must conform to the previous approval.
- (b) Rule C requirements do not apply to sidewalks and trails 10 feet wide or less that are bordered down-gradient by vegetated open space or vegetated filter strip with a minimum width of 5 feet.
- (c) Rule C requirements do not apply to Bridge Spans and Mill, Reclamation & Overlay projects.
- (d) Rule C.6 and C.7 requirements do not apply to single family residential subdivisions creating seven or fewer lots that:
 - (1) Establish no new public roadway; and
 - (2) Include no private roadway/driveway serving three or more lots.
- ~~(e) Requirements of subsections 10(b) and 10(d) to not apply to the retained part of a~~

privately owned tract that is subdivided to convey land to a public agency for a public purpose.

~~(f)(e)~~

~~(g)(f)~~ Criteria of Section 7 may be waived if the project site discharges directly to a water body with large storage capacity (such as a public water), the volume discharged from the project site does not contribute to a downstream flood peak, and there are no downstream locations susceptible to flooding.

~~(h)(g)~~ Section 6 and Section 7 are waived for a portion of a project that paves a gravel roadway if the right-of-way ditch is maintained and does not discharge a concentrated flow directly to a wetland or another sensitive water body.

~~13. EXTENDED PERMIT TERM AND REGIONAL FACILITIES FOR NON-RESIDENTIAL PHASED DEVELOPMENT.~~

~~(a)~~ The following definitions apply to this section:

~~(1)~~ “Area Development Permit” (ADP) means a District stormwater management permit for non-residential development that includes construction of a stormwater management facility explicitly intended to serve compliance requirements for a parcel other than that on which the facility is located.

~~(2)~~ “Phased Development Permit” (PDP) means a District stormwater management permit for non-residential development that includes construction of a stormwater management facility explicitly intended to serve compliance requirements not just for development under the permit, but also for subsequent development on that parcel or a contiguous parcel under common ownership.

~~(b)~~ If an off-site stormwater management facility approved under a prior ADP cannot be used for compliance due to a rule change occurring since the date of ADP approval, the District nevertheless by permit will approve its use, subject to the following:

~~(1)~~ The applicant must demonstrate that the facility was built in compliance with the ADP, that the ADP identified the development site as one that may use the facility, and that the requirements of subsection 5(a), above, are met.

~~(2)~~ If the current rule requires a level of peak flow or volume control, or of water quality treatment, beyond that provided by the off-site facility, the applicant must provide for the additional treatment. This does not disallow use of an existing facility on the ground that it does not meet a sequencing requirement with respect to the BMP location or type.

The protection against rule change provided by this subsection 13(b) does not apply if the District makes written findings, on the basis of new knowledge or information, that use of the facility would have a material adverse impact on a water quality, flood management or other specific public interest, or if the approval date of the development permit is more than 10 years after the date of ADP approval.

~~(c)~~ The District may issue a PDP with a permit term of up to 10 years.

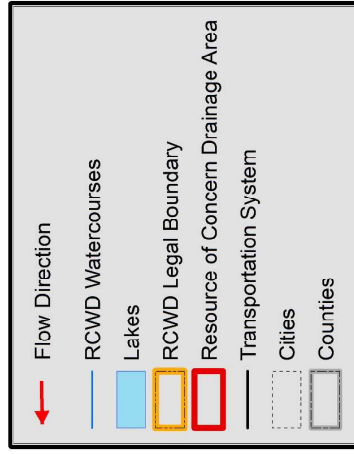
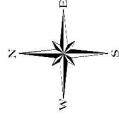
~~(1)~~ During the permit term, development using the stormwater management facilities approved under the PDP will not be subject to a rule change occurring after the

~~date of PDP approval, provided the PDP states the design criteria to which subsequent development will conform and the proposed development meets those criteria.~~

- ~~(2) If a PDP is in effect as of December 1, 2014, on request the District will extend the permit expiration date in accordance with this subsection 13(c). In such a case, the requirement that the permit state design criteria is relaxed. However, the applicant must demonstrate the design and constructed capacity of the facilities and the capacity allocated to the proposed development.~~
- ~~(3) If a PDP was approved after December 1, 2004 but has expired, an application for a subsequent development phase may be considered under the terms of subsection 13(b), above.~~

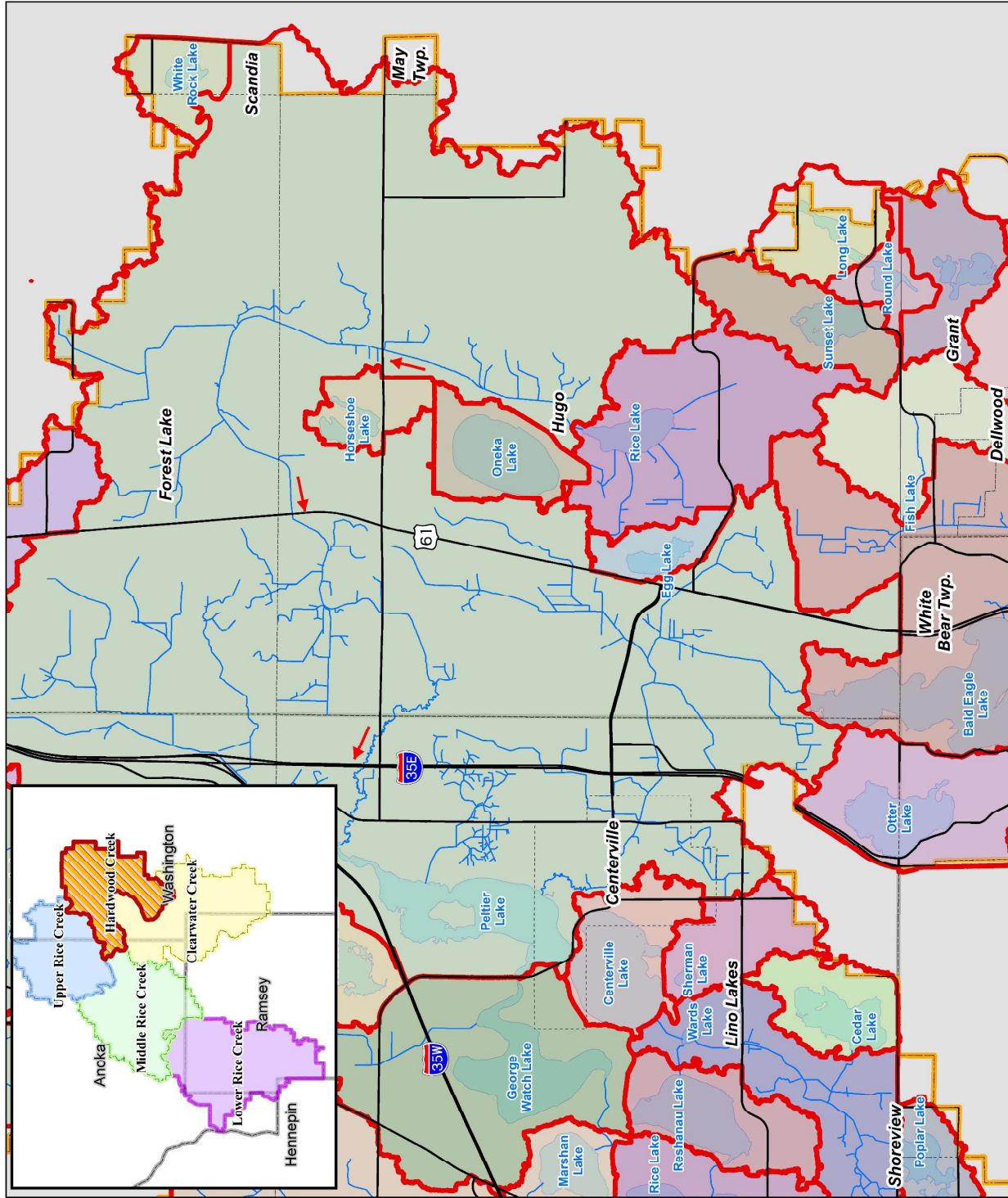
~~(d)(h) This section does not apply to an ADP or a PDP approved before December 1, 2004.~~

Rice Creek Watershed District

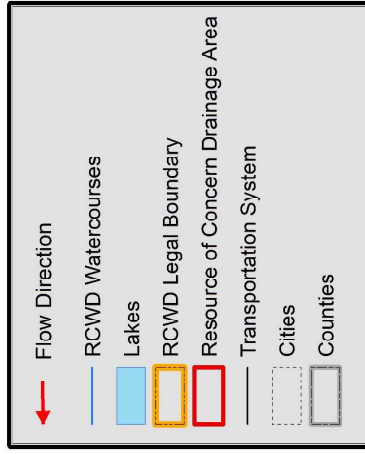
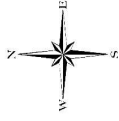


Sources: RCWD, TLG, MN DOT

C1A: Resources of Concern Drainage Area of Hardwood Creek

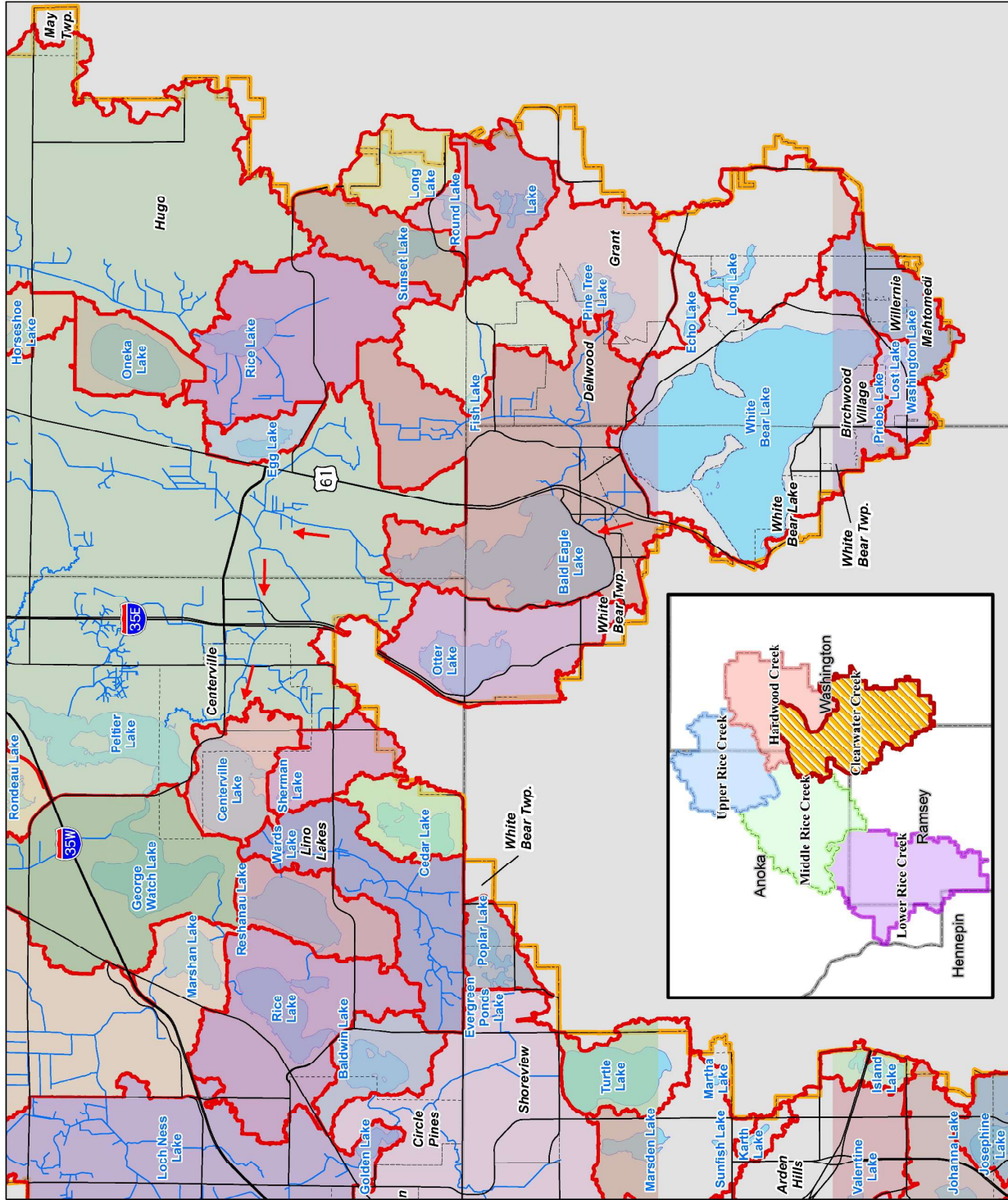


Rice Creek Watershed District

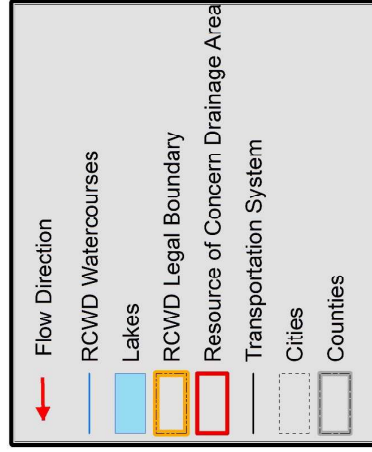
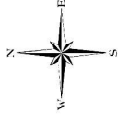


Sources: RCWD, TLG, MN DOT

C1B: Resources of Concern Drainage Area of Clearwater Creek

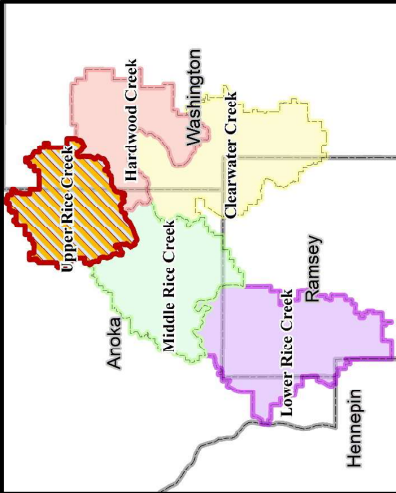
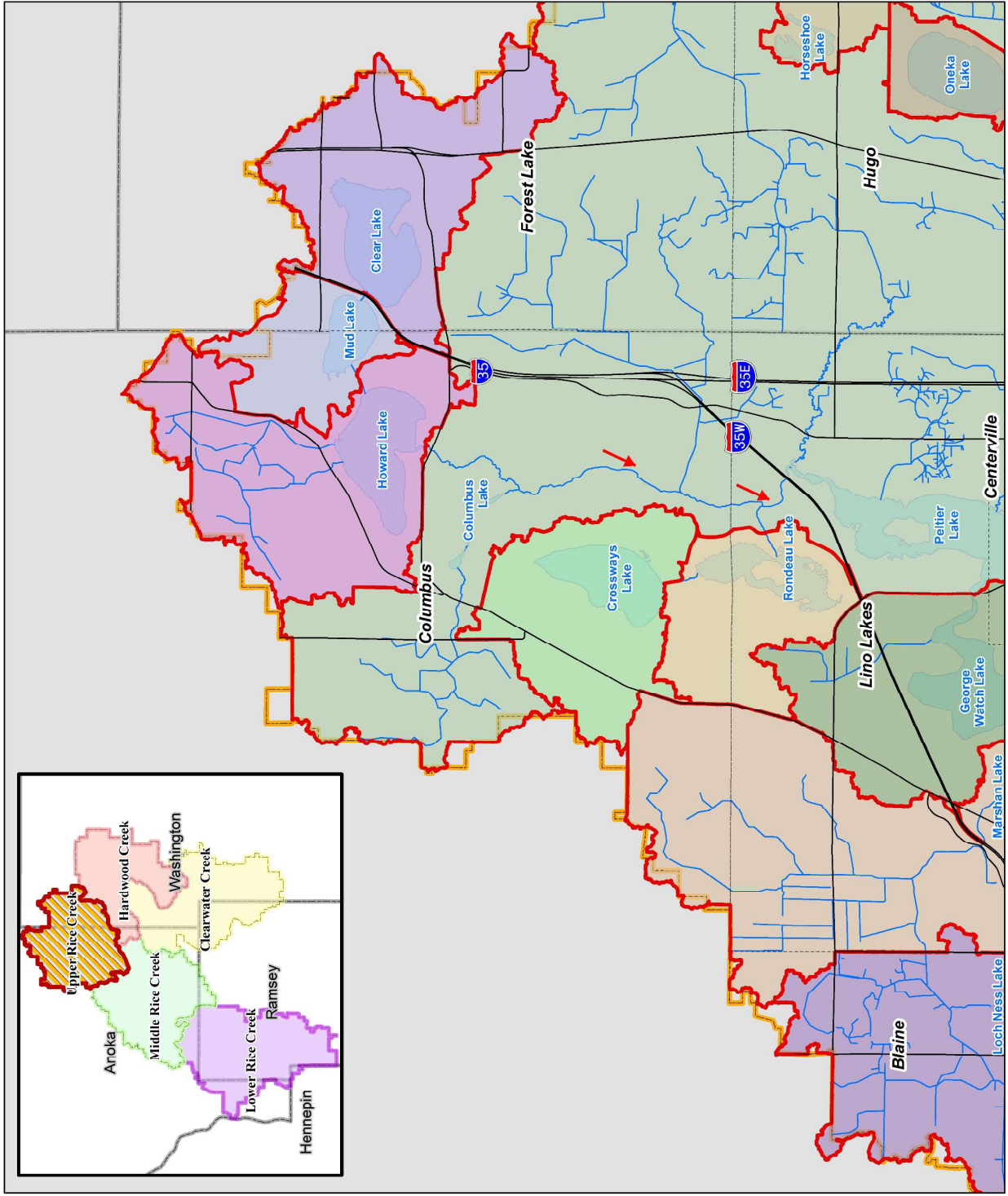


Rice Creek Watershed District

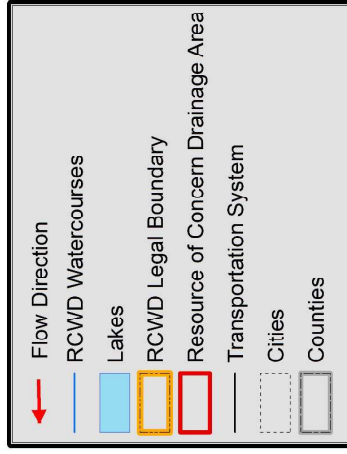
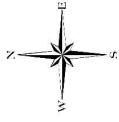


Sources: RCWD, TLG, MN DOT

C1C: Resources of Concern Drainage Area of Upper Rice Creek

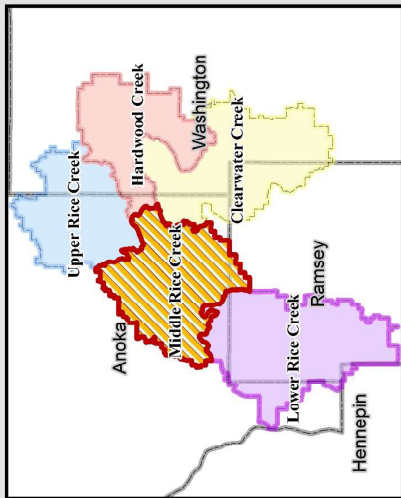
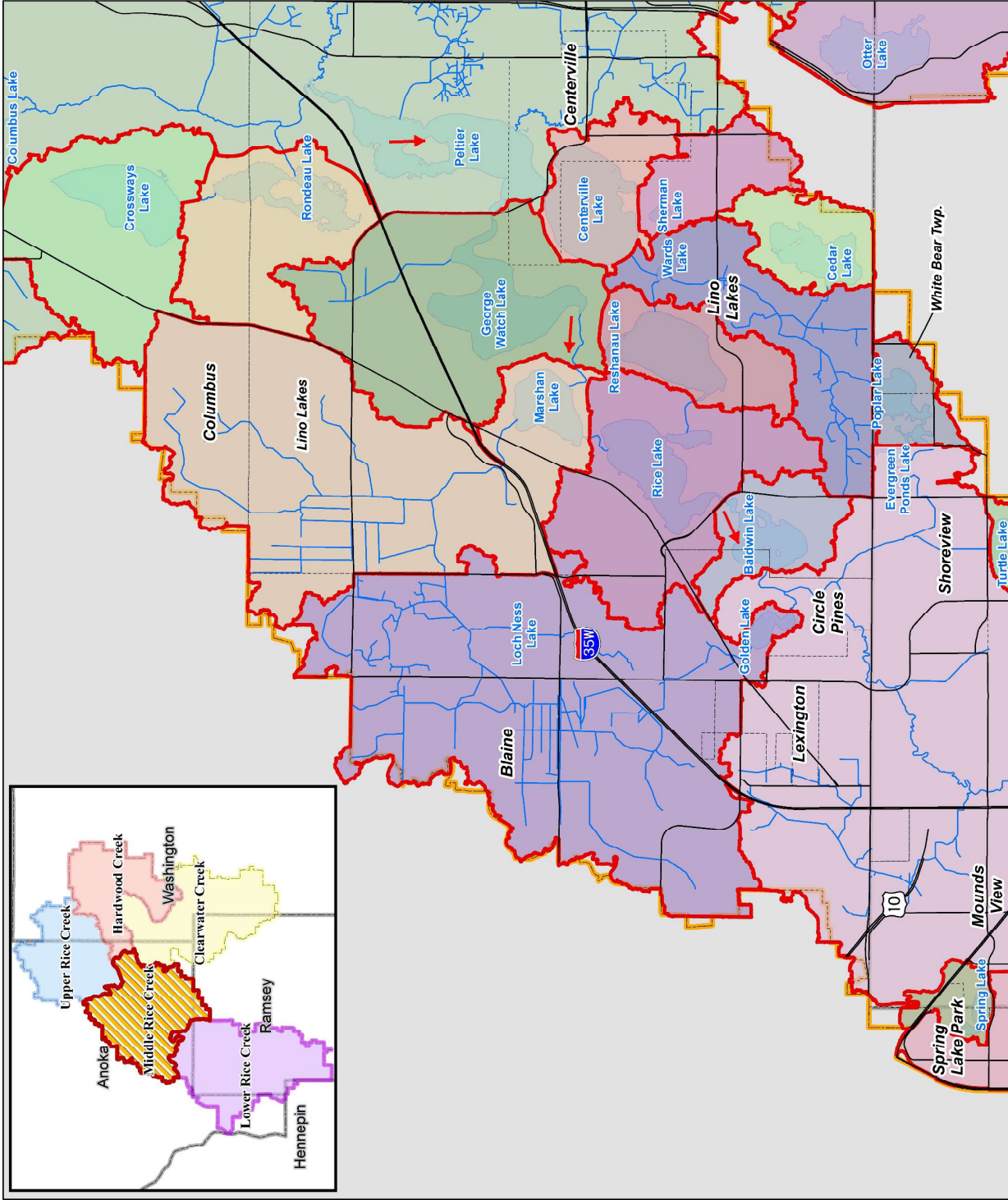


Rice Creek Watershed District

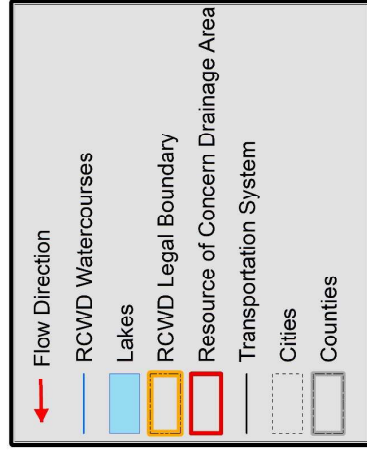
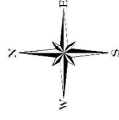


Sources: RCWD, TLG, MN DOT

C1D: Resources of Concern Drainage Area of Middle Rice Creek

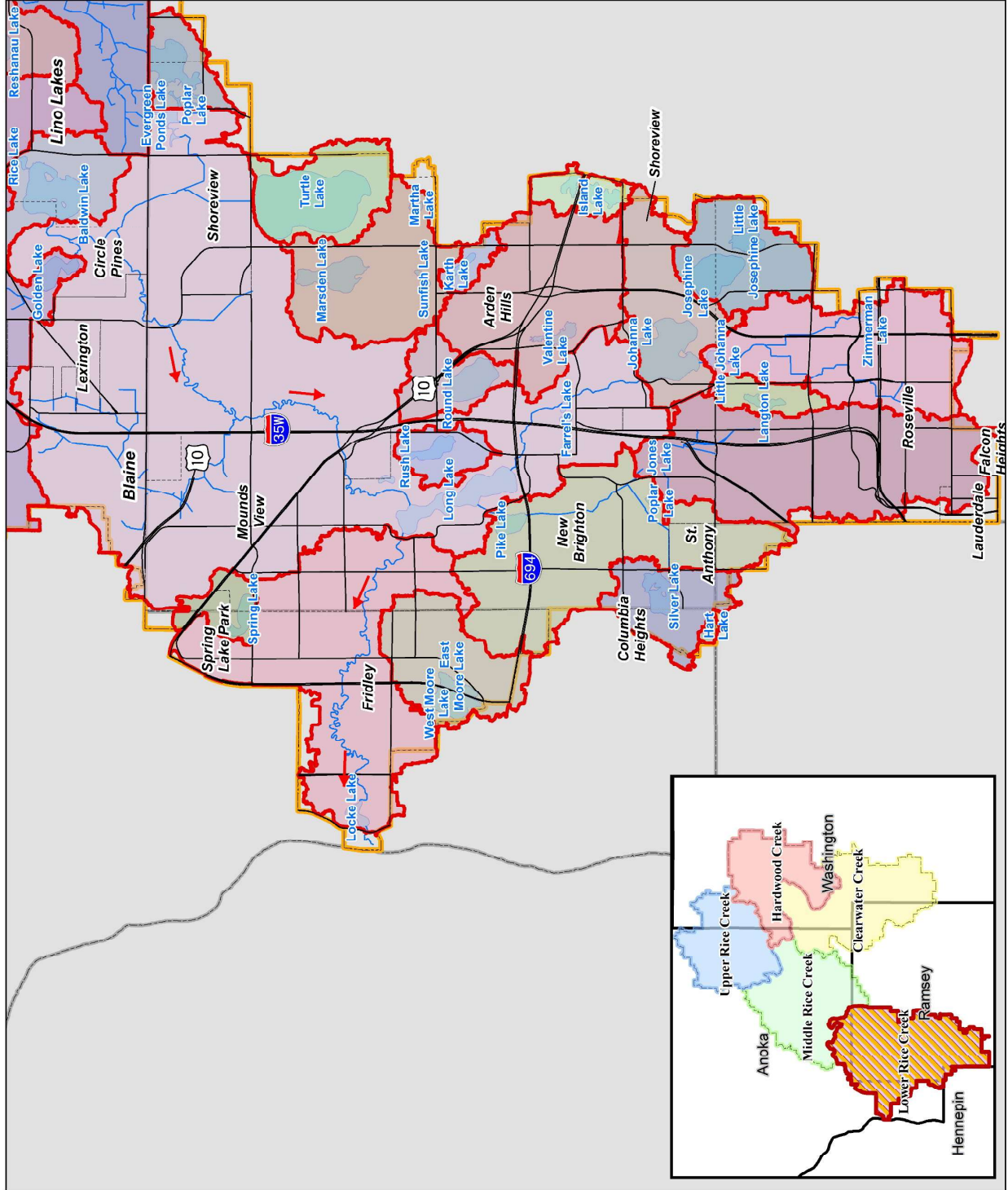


Rice Creek Watershed District

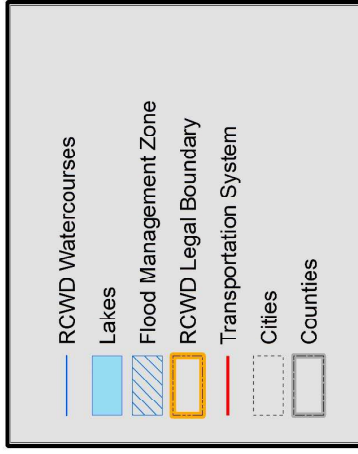
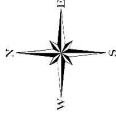


Sources: RCWD, TLG, MN DOT

C1E: Resources of Concern Drainage Area of Lower Rice Creek

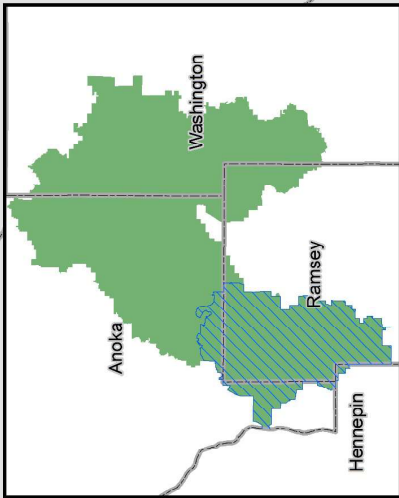
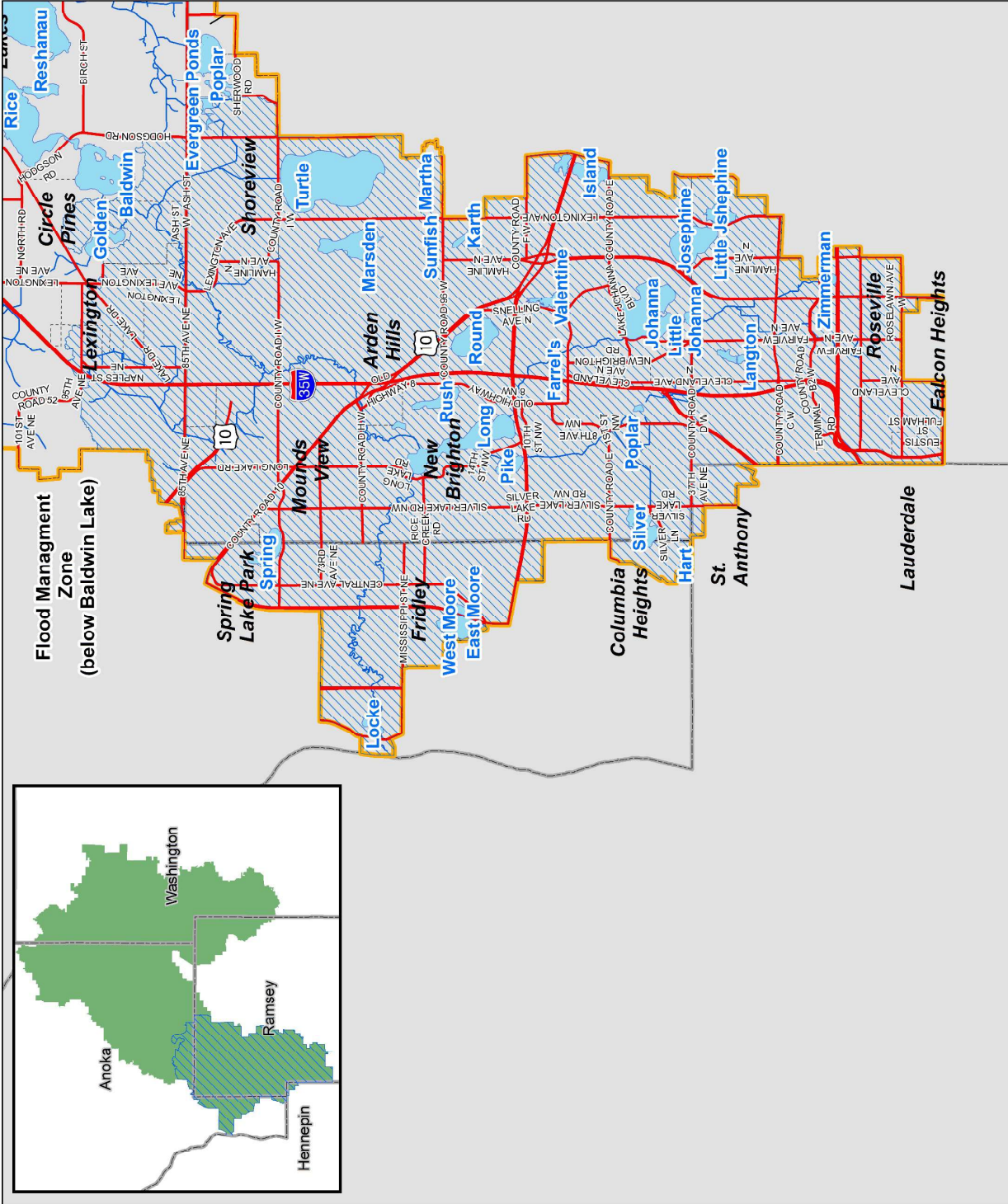


Rice Creek Watershed District



Sources: RCWD, T.L.G, MN DOT

C2: Flood Management Zone



RULE D: EROSION AND SEDIMENT CONTROL PLANS

1. **POLICY.** It is the policy of the Board of Managers to prevent erosion of soil into surface water systems by requiring erosion and sediment control for land-disturbing activities.
2. **REGULATION.**
 - (a) A permit under this rule is required for:
 - (1) Surface soil disturbance or removal of vegetative cover on one acre or more of land;
 - (2) Surface soil disturbance or removal of vegetative cover on 10,000 square feet or more of land, if any part of the disturbed area is within 300 feet of and drains to a lake, stream, wetland or public drainage system; or
 - (3) Any land-disturbing activity that requires a District permit under a rule other than Rule D.
 - (b) A person disturbing surface soils or removing vegetative cover on more than 5,000 square feet of land, or stockpiling on-site more than fifty (50) cubic yards of earth or other erodible material, but not requiring a permit under the criteria of this rule, must submit a notice in advance of disturbance on a form provided by the District and conform the activity to standard best practices established by and available from the District.
 - (c) Rule D does not apply to normal farming practices that are part of an ongoing farming operation.
 - ~~(d)~~ Rule D does not apply to milling, reclaiming or overlay of paved surfaces that does not expose underlying soils.
 - ~~(e)~~ A permit is not required under this rule to ~~maintain~~remove sediment from an existing constructed stormwater management basin. However, a ~~Notice of Intent~~ shall ~~must~~ be filed with the District prior to initiating the work.
 - ~~(d)(f)~~
3. **DESIGN CRITERIA FOR EROSION CONTROL PLANS.** The applicant must prepare and receive District approval of an Erosion and Sediment Control that meets the following criteria:
 - (a) For projects disturbing more than ten acres, compliance with the standards of Rule C, subsections 7(a) and (b) must be demonstrated.
 - (b) Natural project site topography and soil conditions must be specifically addressed to reduce erosion and sedimentation during construction and after project completion.
 - (c) Site erosion and sediment control practices must be consistent with the Minnesota ~~Stormwater Manual Pollution Control Agency document “Protecting Water Quality in Urban Areas” (1994), as amended~~, and District-specific written design guidance and be sufficient to retain sediment on-site.
 - (d) The project must be phased to minimize disturbed areas and removal of existing vegetation, until it is necessary for project progress.
 - (e) The District may require additional erosion and sediment control measures on areas with a

slope to a sensitive, impaired or special water body, stream, public drainage system or wetland to assure retention of sediment on-site.

- (f) The plan must include conditions adequate to protect facilities to be used for post-construction stormwater infiltration.

- 4. REQUIRED EXHIBITS.** The following exhibits must accompany the permit application.
- (a) An existing and proposed topographic map which clearly indicates all hydrologic features and areas where grading will expose soils to erosive conditions. The Plan must also indicate the direction of all project site runoff.
 - (b) Tabulation of the construction implementation schedule.
 - (c) Name, address and phone number of party responsible for maintenance of all erosion and sediment control measures.
 - (d) Quantification of the total disturbed area.
 - (e) Clear identification of all temporary erosion and sediment control measures that will remain in place until permanent vegetation is established. Examples of temporary measures include, but are not limited to, seeding, mulching, sodding, silt fence, erosion control blanket, and stormwater inlet protection devices.
 - (f) Clear identification of all permanent erosion control measures such as outfall spillways and riprap shoreline protection, and their locations.
 - (g) Clear Identification of staging areas, as applicable.
 - (h) Documentation that the project applicant has applied for the NPDES Permit from the Minnesota Pollution Control Agency (MPCA), when applicable.
 - (i) A stormwater pollution prevention plan for projects that require an NPDES Permit.
 - (j) Identification and location of any floodplain and/or wetland area. A more precise delineation may be required depending on the proximity of the proposed disturbance to a wetland and/or floodplain.
 - (k) Other project site-specific submittal requirements as may be required by the District.
- 5. CONSTRUCTION ACTIVITY REQUIREMENTS.** Site disturbance must conform to the District-approved erosion and sediment control plan, to any other conditions of the permit, and to the standards of the NPDES construction general permit, as amended, regarding construction-site erosion and sediment control.
- 6. INSPECTIONS.**
- (a) The permittee shall be responsible for inspection, maintenance and effectiveness of all erosion and sediment control measures until final soil stabilization is achieved or the permit is assigned (see Rule B), whichever comes first.
 - (b) The District may inspect the project site and require the permittee to provide additional erosion control measures as it determines conditions warrant.
- 7. FINAL STABILIZATION.**
- (a) Erosion and sediment control measures must be maintained until final vegetation and ground cover is established to a density of 70%.
 - (b) Temporary erosion and sediment control BMPs will be removed after disturbed areas have been permanently stabilized.

RULE E: FLOODPLAIN ALTERATION

1. **POLICY.** It is the policy of the Board of Managers to:
 - (a) Utilize the best information available in determining the 100-year flood elevation.
 - (b) Preserve existing water storage capacity within the 100-year floodplain of all waterbodies and wetlands in the watershed to minimize the frequency and severity of high water.
 - (c) Enhance floodplain characteristics that promote the natural attenuation of high water, provide for water quality treatment, and promote groundwater recharge.
 - (d) Preserve and enhance the natural vegetation existing in floodplain areas for aquatic and wildlife habitat.
2. **REGULATION.** No person may alter or fill land within the floodplain of any lake, stream, wetland, public drainage system, major watercourse, or public waters without first obtaining a permit from the District. Shoreline/streambank restoration or stabilization, approved in writing by the District and/or County Conservation District ~~as necessary~~ to control erosion and designed to minimize encroachment and alteration of hydraulic forces, does not require a permit under this Rule.
3. **CRITERIA FOR FLOODPLAIN ALTERATION.**
 - ~~(a)~~ ~~Fill within a designated floodway is prohibited.~~
 - ~~(b)~~(a) Fill within the floodplain is prohibited unless compensatory floodplain storage volume is provided within the floodplain of the same water body, and within the permit term. The volume within on-site stormwater ponds is not considered compensatory floodplain storage unless that volume is non-coincident with the 100-year flood peak. If offsetting storage volume will be provided off-site, it shall be created before any floodplain filling by the applicant will be allowed.
 - ~~(c)~~(b) Any structure or embankments placed within the floodplain will be capable of passing the 100-year flood without increasing the elevation of the 100-year flood profile.
 - ~~(d)~~(c) Compensatory floodplain storage volume is not required to extend an existing culvert, modify an existing bridge approach associated with a Public Linear Project, or place spoils adjacent to a public or private drainage channel during channel maintenance, if there is no adverse impact to the 100-Year Flood Elevation.
 - ~~(e)~~(d) Compensatory floodplain storage volume is not required for ~~a one-time~~ deposition of up to 100 cubic yards of fill, per parcel, if there is no adverse impact to the 100-Year Flood Elevation. For public road authorities, this exemption applies on a per-project, per floodplain basis.
 - ~~(f)~~(e) Floodplain alteration is subject to the District's Wetland Alteration Rule F, as applicable.
 - ~~(g)~~(i) Structures to be built within the 100-year floodplain will have two feet of freeboard between the lowest floor and the 100-year flood profile. A structure on residential property not intended for human habitation and not attached to a habitable structure is exempt from this requirement if the District finds it impractical and the landowner files a notation on the property title that the structure does not meet the requirement.
 - ~~(h)~~(f)

4. DRAINAGE EASEMENTS.

- (a)** Before permit issuance, the permittee must submit a copy of any plat or easement required by the local land use authority establishing drainage or flowage over stormwater

management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year event, or any other hydrological feature.

- (b) Before permit issuance, the permittee must convey to the District an easement to the public drainage system specifying a District right of maintenance access over the right of way of the public drainage system as identified within the public drainage system record. If the right of way of the public drainage system is not described within the record, then the easement shall be conveyed with the following widths:
- For tiled/piped systems, 40 feet wide perpendicular to the direction of flow, centered on the tile line or pipe;
 - For open channel systems, a width that includes the channel and the area on each side of the channel within 20 feet of top of bank. For adequate and safe access, where top of bank is irregular or obstruction exists, the District may specify added width.
- (c) Public Linear Projects and public property are exempt from the public drainage system easement requirement of Section 4(b).

5. REQUIRED EXHIBITS. The following exhibits must accompany the permit application.

- (a) Site plan showing property lines, delineation of the work area, existing elevation contours of the work area, ordinary high water elevations, and 100-year flood elevations. All elevations must be reduced to NAVD 1988 datum. The datum must clearly be labeled on each plan set.
- (b) Grading plan showing any proposed elevation changes.
- (c) Determination by a professional engineer or qualified hydrologist of the 100-year flood elevation before and after the project.
- (d) Computation of change in flood storage capacity resulting from proposed grading.
- (e) Erosion and sediment control plan in accordance with District Rule D.
- (f) Other project site-specific submittal requirements as may be required by the District.

RULE F: WETLAND ALTERATION

1. **POLICY.** It is the policy of the Board of Managers to:
 - (a) Maintain no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands.
 - (b) Increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands.
 - (c) Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands.
 - (d) Replace wetland values where avoidance of activity is not feasible or prudent.
 - (e) Accomplish goals of the adopted Comprehensive Wetland Protection and Management Plans (CWPMPs).

2. **REGULATION.** No person may fill, drain, excavate or otherwise alter the hydrology of a wetland without first obtaining a permit from the District.
 - (a) The provisions of the Minnesota Wetland Conservation Act (WCA), Minnesota Statutes §§103G.221 through 103G.2372, and its implementing rules, Minnesota Rules 8420, apply under this Rule and govern District implementation of WCA as well as District regulation of non-WCA wetland impacts, except where the Rule provides otherwise.
 - (b) This rule does not regulate alteration of incidental wetlands as defined in Minnesota Rules chapter 8420, as amended. An applicant must demonstrate that the subject wetlands are incidental.
 - (c) An activity for which a No-Loss decision has been issued under Minnesota Rules chapter 8420 is subject to the applicable requirements of chapter 8420 but not otherwise subject to this Rule.
 - (d) Clearing of vegetation, plowing or pasturing in a wetland as part of an existing and ongoing farming operation is not subject to this rule unless the activity results in draining or filling the wetland.

3. **LOCAL GOVERNMENT UNIT.** The District intends to serve as the "Local Government Unit" (LGU) for administration of the Minnesota Wetland Conservation Act (WCA), except where a particular municipality in the District has elected to assume that role in its jurisdictional area or a state agency is serving as the local government unit on state land. Pursuant to its regulatory authority under both WCA and watershed law, when the District is serving as the LGU it will require wetland alteration permits for wetland-altering activities both as required by WCA and otherwise as required by this Rule.

4. **CRITERIA.**
 - (a) When the District is serving as the LGU, it will regulate wetland alterations that are not subject to WCA rules and do not qualify for an exemption at Minnesota Rules 8420.0420 or do not meet the "no-loss" criteria of Minnesota Rules 8420.0415 according to the rules and procedures of WCA, except as specifically provided in this Rule. Alteration under

this paragraph requires replacement at a minimum ratio of 1:1 to ensure no loss of wetland quantity, quality or biological diversity. Replacement activities will be credited consistent with the actions eligible for credit in Minnesota Rules 8420.0526.

- (b) A wetland alteration not subject to WCA that does not change the function of a wetland and results in no net loss of wetland quantity, quality or biological diversity is exempt from the replacement requirement in Section 4(a) of this Rule.
- (c) The wetland replacement exemptions in Minnesota Rules 8420.0420 are applicable under this Rule, except as modified within CWPMP areas under Section 6.
- (d) Alterations in wetlands for the purposes of wildlife enhancement must be certified by the local Soil and Water Conservation District as compliant with the criteria described in Wildlife Habitat Improvements in Wetlands: Guidance for Soil and Water Conservation Districts and Local Government Units.

5. ADDITIONAL DISTRICT REQUIREMENTS. In addition to the wetland replacement plan components and procedures in WCA, the following more specific requirements will apply to the District's review of WCA and, except as indicated, non-WCA wetland alterations:

- (a) Applicants must adequately explain and justify each individual contiguous wetland alteration area in terms of impact avoidance and minimization alternatives considered.
- (b) Where the wetland alteration is proposed in the context of land subdivision, on-site replacement wetland and buffer areas, as well as buffers established under section 6(e), must:
 - (1) Be located within a platted outlot.
 - (2) Be protected from future encroachment by a barrier (i.e. stormwater pond, infiltration basin, existing wetland, tree line, fence, trail or other durable physical feature).
 - (3) Have boundaries posted with signage approved by the District identifying the wetland/buffer protected status. On installation, the applicant must submit a GIS shapefile, or CADD file documenting sign locations.
- (c) The upland edge of new wetland creation must have an irregular and uneven slope. The slope must be no steeper than 8:1 over the initial 25 feet upslope from the projected wetland elevation contour along at least 50 percent of the upland/wetland boundary and no steeper than 5:1 along the remaining 50 percent of the boundary.
- ~~(d)~~ The District will not allow excess replacement credits to be used for replacement on a different project unless the credits were designated for wetland banking purposes in the original application in accordance with WCA rules and have been deposited into the WCA wetland banking system.

~~(d)~~(e) Replacement by banking must use credits from banks within the District, unless credits are unavailable or the applicant demonstrates that credit price deviates substantially from a market condition.

~~(e)~~(f) Within the boundary of a District developed and BWSR approved CWPMP (see Figure F1), Rule F and WCA are further modified to include Section 6. Public Linear Projects located in a CWPMP jurisdictional area and not part of an industrial, commercial,

institutional or residential development are not subject to Section 6 of this Rule.

6. COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLANS. All District Comprehensive Wetland Protection and Management Plans (CWPMPs) are incorporated into this Rule. The specific terms of Rule F will govern, but if a term of Rule F is susceptible to more than one interpretation, the District will apply the interpretation that best carries out the intent and purposes of the respective CWPMP.

(a) PRE-APPLICATION REVIEW.

- (1) In cases where wetland fill, excavation or draining, wholly or partly, is contemplated, the applicant is encouraged to submit a preliminary concept plan for review with District staff and the Technical Evaluation Panel (TEP) before submitting a formal application. The following will be examined during pre-application review:
 - (i) Sequencing (in accordance with WCA and Federal Clean Water Act requirements, reducing the size, scope or density of each individual proposed action, and changing the type of project action to avoid and minimize wetland impacts).
 - (ii) Wetland assessment.
 - (iii) Applying Better Site Design principles as defined in Rule A.
 - (iv) Integrating buffers and other barriers to protect wetland resources from future impacts.
 - (v) Exploring development code flexibility, including conditional use permits, planned unit development, variances and code revisions;
 - (vi) Reviewing wetland stormwater susceptibility (see Rule C.8) and coordinating Wetland Management Corridor (WMC) establishment with existing adjacent WMCs.
- (2) At the pre-application meeting, the applicant shall provide documentation sufficient to assess project alternatives at a concept level and such other information as the District specifically requests.
- (3) On receipt of a complete application, the District will review and act on the application in accordance with its procedural rules and WCA procedures.
- (4) The TEP shall be consulted on decisions related to replacement plans, exemptions, no-loss, wetland boundaries and determination of the WMC.

(b) WETLAND MANAGEMENT CORRIDORS.

- (1) At the time of permitting, the preliminary Wetland Management Corridor (WMC) boundary (see Figure F1) will be adjusted in accordance with subsections F(6)(b)(2) and (3), below. Notwithstanding, within the Columbus CWPMP, commercial/Industrial zoned areas within Zone 1 will remain outside of the WMC (see Figure F2).
- (2) The applicant must delineate the site level WMC when wetland impacts are proposed:
 - (i) Within the Preliminary WMC; or
 - (ii) Within 150 feet of the Preliminary WMC and greater than the applicable
 - (iii) *de minimis* exemption amount, per Minnesota Rules 8420.0420;

If the proposed project does not meet criterion (b)(2)(i) or (b)(2)(ii), above, an applicant may accept the Preliminary WMC boundary on the project site, as made more precise on a parcel basis by the use of landscape-scale delineation methods applied or approved by the District and need not comply with Section 6(b)(3) and 6(b)(4).

- (3) The applicant shall complete a wetland functional analysis using MnRAM 3.4 (or most recent version) when defining the site level WMC boundary.
 - (i) The WMC boundary will be expanded to encompass any delineated wetland lying in part within the preliminary WMC and any wetland physically contiguous with (not separated by upland from) the landscape-scale WMC.
 - (ii) The District, in its judgment, may retract the WMC boundary on the basis of site-level information demonstrating that the retraction is consistent with the associated CWPMP and does not measurably diminish the existing or potential water resource functions of the WMC. In making such a decision, the District may consider relevant criteria including wetland delineation, buffer and floodplain location, WMC connectivity, protection of surface waters and groundwater recharge, and whether loss would be reduced by inclusion of compensating area supporting WMC function.
 - (iii) If the site level functional analysis shows the presence of Non-degraded or High Quality wetland within 50 feet of the site level WMC, the WMC will be expanded to the lateral extent of the Non-degraded or High Quality wetland boundary plus the applicable buffer as defined in section 6(e).
 - (iv) If the WMC lies within or contiguous to the parcel boundaries of the project, the lateral extent of the final WMC may be increased by the applicant to include all wetland or other action eligible for credit contiguous with the site level WMC. The extended WMC boundary must connect property to the WMC boundary on adjacent properties and reflect local surface hydrology.
- (4) A map of the final WMC boundary must be prepared and submitted to the District for approval. The map will reflect any change to the boundary as a result of the permitted activity. A GIS shapefile or CADD file of the final WMC boundary shall be submitted to the District.
- (5) A variance from a requirement of Section 6(b) otherwise meeting the criteria of District Rule L may be granted if the TEP concurs that the wetland protection afforded will not be less than that resulting from application of standard WCA criteria.

(c) WETLAND REPLACEMENT.

- (1) The wetland replacement exemptions in Minnesota Rules 8420.0420 are not applicable within CWPMP areas, except as follows:
 - (i) The agricultural, wetland restoration, utilities, *de minimis* and wildlife habitat exemptions found at Minnesota Rules 8420.0420, subparts 2, 5, 6, 8 and 9, respectively, are applicable, subject to the scope of the exemption standards found at Minnesota Rules 8420.0420, subpart 1.

- (ii) The drainage exemption, Minnesota Rules 8420.0420, subpart 3, is applicable if the applicant demonstrates, through adequate hydrologic modeling, that the drainage activity will not change the hydrologic regime of a CWPMP-mapped high quality wetland (see Figure F3) within the boundary of a WMC. Wetland and plant community boundaries will be field-verified.
 - (iii) Buffer and easement requirements of Section 6(e) and 6(f) do not apply to wetland alterations that qualify for one of the exemptions listed in Section 6(c)(1)(i), unless the project of which the wetland alteration is a part is subject to Rule C.10(d).
- (2) Replacement plans will be evaluated and implemented in accordance with Minnesota Rules 8420.0325 through 8420.0335, 8420.0500 through 8420.0544 and 8420.0800 through 8420.0820, except that the provisions of this Rule will apply in place of Minnesota Rules 8420.0522, and 8420.0526. The foundation of the CWPMPs is to limit impact to, and encourage enhancement of, high-priority wetlands and direct unavoidable impact to lower-priority wetlands in establishing the WMC. In accordance with Minnesota Rules 8420.0515, subpart 10, this principle will guide sequencing, replacement siting, WMC boundary adjustment and other elements of replacement plan review. The District will use the methodology of Minnesota Rules 8420.0522, subpart 2 to determine wetland replacement requirements for partially drained wetlands.
- (3) A replacement plan must provide at least one replacement credit for each wetland impact acre, as shown in Table F1. The replacement methods must be from the actions listed in Table F2 or an approved wetland bank consistent with Section 6(d)(1).
- (4) Acres of impact and replacement credit are determined by applying the following two steps in order:
 - (i) Multiply actual wetland acres subject to impact by the ratios stated in Table F1.
 - (ii) Calculate the replacement credits by multiplying the acreage for each replacement action by the percentage in Table F2. All replacement areas that are not within the final WMC will receive credit based on a replacement location outside the final WMC. However, when the replacement area is within the parcel boundaries of the project and there is no Preliminary WMC within those boundaries, and there is no opportunity to extend the WMC boundary from adjacent parcels of land, then the mitigation area will be credited as replacement inside the final WMC. If an applicant intends replacement also to fulfill mitigation requirements under Section 404 of the Clean Water Act, then the applicant may elect replacement credit based on a replacement location outside the final WMC.
- (5) The replacement plan must demonstrate that non-exempt impacts will result in no net loss of wetland hydrological regime, water quality, or wildlife habitat function through a wetland assessment methodology approved by BWSR pursuant to the Wetland Conservation Act, Minnesota Statutes §103G.2242.

TABLE F1. WETLAND REPLACEMENT RATIOS FOR CWPMP AREAS.

Wetland Degradation Type	Anoka County		Washington County	
	Outside WMC	Inside WMC	Outside WMC	Inside WMC
Moderately or Severely Degraded Wetland	1:1	2:1	2:1	3:1
Marginally or Non-Degraded Wetland	1.5:1	2.5:1	2.5:1	3.5:1
High Quality Wetland and/or hardwood, coniferous swamp, floodplain forest or bog wetland communities of any quality	2:1	3:1	3.5:1	4:1

TABLE F2. ACTIONS ELIGIBLE FOR CREDIT FOR CWPMP AREAS.

Actions Eligible for Credit	Inside of the Final WMC	Outside of the Final WMC
Wetland Restoration		
Hydrologic and vegetative restoration of moderately and severely degraded wetland	up to 75% Determined by LGU and TEP	up to 50% Determined by LGU and TEP
Hydrologic and vegetative restoration of effectively drained, former wetland	100%	75%
Wetland Creation		
Upland to wetland conversion	50%	50%
Wetland Protection & Preservation		
Protection via conservation easement of wetland previously restored consistent with MN Rule 8420.0526 subpart 6	up to 75% Determined by LGU and TEP	up to 75% Determined by LGU and TEP
Columbus CWPMP Only: Preservation of wetland or wetland/upland mosaic (requires a 3rd party easement holder and other matching action eligible for credit)	25% Determined by LGU and TEP	12.5% Determined by LGU and TEP
Restoration or protection of wetland of exceptional natural resource value consistent with MN Rule 8420.0526, subpart 8	Up to 100% Determined by LGU and TEP	Up to 100% Determined by LGU and TEP
Buffers		
Non-native, non-invasive dominated buffer around other action eligible for credit, consistent with Section 6(e)	10%	10%
Native, non-invasive dominated buffer around other action eligible for credit, consistent with Section 6(e)	25%	25%
Upland habitat area contiguous with final WMC wetland (2 acre minimum), as limited by Rule F.6(e)(5)	100%	NA
Vegetative Restoration		
Positive shift in MnRAM assessment score for "Vegetative Integrity" from "Low" to "Medium" or "High"	Up to 50% Determined by LGU and TEP	NA

- (6) The location and type of wetland replacement will conform as closely as possible to the following standards:
- (i) No wetland plant community of high or exceptional wildlife habitat function and high or exceptional vegetative integrity, as identified in the required wetland assessment, may be disturbed.
 - (ii) No replacement credit will be given for excavation in an upland natural community with Natural Heritage Program rank B or higher, or with identified Endangered, Threatened or Special Concern species.
- (7) In the Columbus CWPMP only, preservation credit can be used for up to 50% of the wetland replacement required. The remaining 50% must be supplied by a non-preservation replacement action as shown within Table F2. Additionally:
- (i) All other eligible actions for credit within this rule must be considered before preservation is approved as an action eligible for credit.
 - (ii) The Technical Evaluation Panel must find that there is a high probability that, without preservation, the wetland area to be preserved would be degraded or impacted and that the wetland meets the criteria of Minnesota Rules 8420.0526 subpart 9.A through 9.D.
 - (iii) Non-degraded, High Quality, and Moderately Degraded wetland is eligible for Preservation Credit within Zone 1 (see Figure F2).
 - (iv) Non-degraded and High Quality wetland is eligible for Preservation Credit within Zone 2 (see Figure F2).
 - (v) Wetland ranked “Low” for “vegetative integrity” is not eligible for replacement credit through Preservation.
 - (vi) Banked preservation credit may be used only within the Columbus CWPMP area (see Figure F1).
- (8) Replacement credit for Wetland Protection and Preservation (see Table F2) requires that a perpetual Conservation Easement be conveyed to and accepted by the District. The easement must encompass the entire replacement area, and must provide for preservation of the wetland’s functions by the fee owner and applicant. The applicant must provide a title insurance policy acceptable to the District, naming the District as the insured. The fee owner and the applicant also must grant an access easement in favor of the District, the local government unit and any other state, local or federal regulatory authority that has authorized use of credits from the mitigation site for wetland replacement. The fee owner must record or register these easements on the title for the affected property.

- (9) Replacement credit for Vegetative Restoration (see Table F2) may be granted only for wetland communities scoring “Low” for Vegetative Integrity. The TEP must find that there is a reasonable probability for restoration success.
 - (10) Unless a different standard is stated in the approved replacement or banking plan, the performance standard for upland and wetland restored or created to generate credit is establishment, by the end of the WCA monitoring period, of a medium or high quality plant community ranking with 80% vegetative coverage consisting of a native, non-invasive species composition.
 - (11) Notwithstanding any provision in this rule to the contrary, for wetland impacts resulting from public drainage system repairs undertaken by the Rice Creek Watershed District that are exempt from Clean Water Act Section 404 permit requirements but are not exempt from replacement under Section 6(c)(1) of this Rule, replacement may occur subject to the following priority of replacement site sequencing:
 - (i) Within bank service areas 6 or 7 or with the concurrence of governing board of the local county or watershed district, within any county or watershed district whose county water plan, watershed management plan, or other water resource implementation plan contains wetland restoration as a means of implementation.
 - (ii) Throughout the state in areas determined to possess less than 80% of pre-settlement wetland acres.
 - (12) A variance from a requirement of Section 6(c) otherwise meeting the criteria of District Rule L may be granted if the TEP concurs that the wetland protection afforded will not be less than that resulting from application of standard WCA criteria.
- (d) **WETLAND BANKING.**
- (1) Replacement requirements under Section 6(c) of this Rule may be satisfied in whole or part by replacement credits generated off-site within any CWPMP area, but not by credits generated outside of a CWPMP area except as provided in Section 6(d)(5).
 - (2) The deposit of replacement credits created within a CWPMP area for banking purposes and credit transactions for replacement will occur in accordance with Minnesota Rules 8420.0700 through 8420.0745. Credits generated within a CWPMP area may be used for replacement within or outside of a CWPMP area.
 - (i) The District will calculate the amount of credit in accordance with the standard terms of WCA. This measure of credit will appear in the BWSR wetland banking account.

- (ii) The District also will calculate the amount of credit in accordance with Section 6(c) of this rule. The District will record this measure of credit internally within the CWPMP's wetland bank accounting. The District will adjust this internal account if the BWSR account is later debited for replacement outside of a CWPMP area. Where credits are used for replacement within a CWPMP area, the District will convert credits used into standard WCA credits so that the BWSR account is accurately debited.
 - (3) To be recognized, bank credit from Preservation in the Columbus CWPMP (see Table F2) must be matched by an equal amount of credit from a non-Preservation replacement action.
 - (i) Credit derived from Preservation as the replacement action may be used only within the Columbus CWPMP boundary.
 - (ii) If the matching non-Preservation credit is used outside of the Columbus CWPMP area, the Preservation credit within the Columbus CWPMP wetland bank account will be debited in the amount of the matching non-Preservation credit.
 - (5) Banked wetland credit created outside of the CWPMP areas, but within the CWPMP Contributing Drainage Area, may be used to replace impact within the CWPMP areas. An applicant proposing to use credits under this paragraph must field verify at the time of application that the banked wetlands are located within the CWPMP Contributing Drainage Area.
 - (6) Credits generated under an approved wetland banking plan, inside a CWPMP or its contributing drainage area (See Figure F4), utilized to replace impact within a CWPMP area will be recognized in accordance with the approved banking plan.
- (e) **VEGETATED BUFFERS.** Vegetated buffers are required to be established adjacent to wetlands within CWPMP areas as described below.
- (1) Wetland buffer will consist of non-invasive vegetated land; that is not cultivated, cropped, pastured, mowed, fertilized, used as a location for depositing snow removed from roads, driveways or parking lots, subject to the placement of mulch or yard waste, or otherwise disturbed except for periodic cutting or burning that promotes the health of the buffer, actions to address disease or invasive species, or other actions to maintain or improve buffer or habitat area quality, each as approved in writing by District staff. The application must include a vegetation management plan for District approval. For public road authorities, the terms of this subsection will be modified as necessary to accommodate safety and maintenance feasibility needs.
 - (2) Buffer adjacent to wetland within the final WMC must average at least 50 feet in width, and measure at least 25 feet in width at all points of inflow. The buffer requirement may be reduced based on compelling need and a TEP recommendation to the District in support that the wetland protection afforded is reasonable given the circumstances.

- (3) Buffer adjacent to wetland restored, created or preserved for replacement credit, not within the final WMC, must meet the minimum width standards as described in MN Rule 8420.0522, subpart 6.
- (4) Buffer adjacent to High Quality Wetland, or to replacement wetland adjacent to High Quality Wetland, must be at least 50 feet wide at all points. For private projects dedicating public right of way, the minimum width may be reduced based on compelling need and a District finding that the wetland protection afforded is reasonable given the circumstances. In making this finding, the District will give substantial weight to the TEP recommendation.
- (5) The area of buffer for which replacement credit is granted must not exceed the area of the replacement wetland except and specific to when the buffer is to meet the 50-foot requirement of Sections 6(e)(2) and 6(e)(4) and is further limited to the buffer area required to encapsulate another action eligible for credit.
- (6) Buffer receiving replacement credit as upland habitat area contiguous with the final WMC must be at least two acres in size.
- (7) No above- or below-ground structure or impervious surface may be placed within a buffer area permanently or temporarily, except as follows:
 - (i) A structure may extend or be suspended above the buffer if the impact of any supports within the buffer or habitat area is negligible, the design allows sufficient light to maintain the species shaded by the structure, and the structure does not otherwise interfere with the function afforded by the buffer.
 - (ii) A public utility, or a structure associated with a public utility, may be located within a buffer on a demonstration that there is no reasonable alternative that avoids or reduces the proposed buffer intrusion. The utility or structure shall minimize the area of permanent vegetative disturbance.
 - (iii) Buffer may enclose a linear surface for non-motorized travel no more than 10 feet in width. The linear surface must be at least 25 feet from the wetland edge. The area of the linear surface will not be eligible for replacement credit. For projects proposing non-motorized travel no more than 10 feet in width, the linear surface may be reduced to less than 25 feet from the wetland edge based on compelling need and a TEP recommendation to the District in support that the wetland protection afforded is reasonable given the circumstances.

- (iv) A stormwater features that is vegetated consistent with Section 6(e)(1), including NURP ponds, may be located within buffer and count toward buffer width on site-specific approval.
- (8) Buffer area is to be indicated by permanent, freestanding markers at the buffer edge, with a design and text approved by District staff in writing. A marker shall be placed at each lot line, with additional markers placed at an interval of no more than 200 feet and as necessary to define variation in a meandering boundary. If a District permit is sought for a subdivision, the monumentation requirement will apply to each lot of record to be created. On public land or right-of-way, the monumentation requirement may be satisfied by the use of markers flush to the ground, breakaway markers of durable material, or a vegetation maintenance plan approved by District staff in writing.
- (9) As a condition of permit issuance under this Rule, a property owner must file on the deed a declaration in a form approved by the District establishing a vegetated buffer area adjacent to the delineated wetland edge within the final WMC and other wetland buffers approved as part of a permit under this Rule. The declaration must state that on further subdivision of the property, each subdivided lot of record shall meet the monumentation requirement of Section 6(e)(8). On public land or right-of-way, in place of a recorded declaration, the public owner may execute a written maintenance agreement with the District. The agreement will state that if the land containing the buffer area is conveyed to a private party, the seller must file on the deed a declaration for maintenance in a form approved by the District.
- (10) Buffer may be disturbed to alter land contours or improve buffer function if the following criteria are met:
 - (i) An erosion control plan is submitted under which alterations are designed and conducted to expose the smallest amount of disturbed ground for the shortest time possible, fill or excavated material is not placed to create an unstable slope, mulches or similar materials are used for temporary soil coverage, and permanent vegetation is established as soon as possible after disturbance is completed.
 - (ii) Wooded buffer and native riparian canopy trees are left intact;
 - (iii) When disturbance is completed, sheet flow characteristics within the buffer are improved; average slope is not steeper than preexisting average slope or 5:1 (horizontal: vertical), whichever is less steep; preexisting slopes steeper than 5:1 containing dense native vegetation will not require regrading; the top 18 inches of the soil profile is not compacted, has a permeability at least equal to the permeability of the preexisting soil in an uncompacted state and has organic matter content of between five and 15 percent; and habitat diversity and riparian shading are maintained or improved. Any stormwater feature within the buffer will not have exterior slopes greater than 5:1.

(iv) A re-vegetation plan is submitted specifying removal of invasive species and establishment of native vegetation suited to the location.

(v) A recorded Declaration or, for a public entity, maintenance agreement is submitted stating that, for three years after the project site is stabilized, the property owner will correct erosion, maintain and replace vegetation, and remove invasive species to establish permanent native vegetation according to the re-vegetation plan.

(vi) Disturbance is not likely to result in erosion, slope failure or a failure to establish vegetation due to existing or proposed slope, soil type, root structure or construction methods.

(11) Material may not be excavated from or placed in a buffer, except for temporary placement of fill or excavated material pursuant to duly-permitted work in the associated wetland, or pursuant to paragraph 6(e)(10) of this Rule.

(f) **EASEMENT.** The property owner must convey to the District and record or register, in a form acceptable to the District, a perpetual, assignable easement granting the District the authority to monitor, modify and maintain hydrologic and vegetative conditions within the WMC wetland and buffer adjacent to WMC wetland, including the authority to install and maintain structural elements within those areas and reasonable access to those areas to perform authorized activities. The WMC shall be identified and delineated as part of the recorded easement.

(g) **PARTIAL ABANDONMENT.** As a condition of permit issuance, the District may require a property owner to petition the District for partial abandonment of a public drainage system pursuant to Minnesota Statutes §103E.805. A partial abandonment under this Section may not diminish a benefited property owner's right to drainage without the owner's agreement.

7. **REQUIRED EXHIBITS.** The following exhibits must accompany a permit application for both WCA and non-WCA wetland alterations.

(a) **SITE PLAN.** An applicant must submit a site plan showing:

(1) Property lines and delineation of lands under ownership of the applicant.

(2) On-site location of all public and private ditch systems

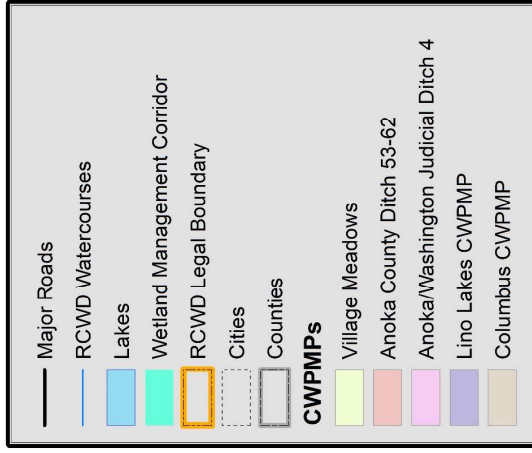
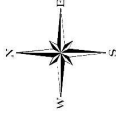
(3) Existing and proposed elevation contours, including the existing run out elevation and flow capacity of the wetland outlet, and spoil disposal areas.

(4) Area of wetland to be filled, drained, excavated or otherwise altered.

- (b) **WETLAND DELINEATION REPORT.** An applicant must submit a copy of a wetland delineation report conforming to a methodology authorized for WCA use and otherwise consistent with Minnesota Board of Water & Soil Resources guidance. The following requirements and clarifications apply to submittals of wetland delineation reports to the District and supplement the approved methodology and guidance:
- (1) Wetland delineations should be conducted and reviewed during the ~~period of May 1 – October 15~~ growing season. The District may accept delineations performed outside this time frame on a case-by-case basis. The District will determine if there is sufficient information in the report and visible in the field at the time to assess the three wetland parameters (hydrophytic vegetation, hydric soils, hydrology) in relation to the placement of the wetland delineation line. If proper assessment of the delineation is not possible, the District may consider the application incomplete until appropriate field verification is possible.
 - (2) An applicant conducting short- or long-term wetland hydrology monitoring for the purpose of wetland delineation/determination must coordinate with the District prior to initiating the study.
 - (3) For a project site with row-cropped agricultural areas, the wetland delineation report must include a review of Farm Service Agency aerial slides (if available) for wetland signatures per Guidance for Offsite Hydrology/Wetland Determinations (July 1, 2016), as amended, and Section 404 Clean Water Act or subsequent State-approved guidance. This review is to be considered along with field data and other pertinent information, and is not necessarily the only or primary basis for a wetland determination in an agricultural row-cropped area.
 - (4) The wetland delineation report must follow current BWSR/ACOE Guidance for Submittal of Delineation Reports, and include:
 - (i) Documentation consistent with the 1987 Corps of Engineers Wetlands Delineation Manual and Northcentral and Northeast Regional Supplement.
 - (ii) National Wetland Inventory (NWI) map, Soil Survey Map, and Department of Natural Resources (DNR) Protected Waters Map of the area being delineated.
 - (iii) Results of a field investigation of all areas indicated as potential wetland by mapping sources including: NWI wetlands, hydric soil units, poorly drained or depressional areas on the Soil Survey Map, and DNR Protected Waters or Wetlands.
 - (iv) Classifications of each delineated wetland using the following systems:
 - Classification of Wetlands and Deep Water Habitats of the United States (Cowardin et al. 1979)
 - Fish and Wildlife Service Circular 39 (Shaw and Fredine 1971)
 - Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers & Reed, 3rd Edition, 2011)

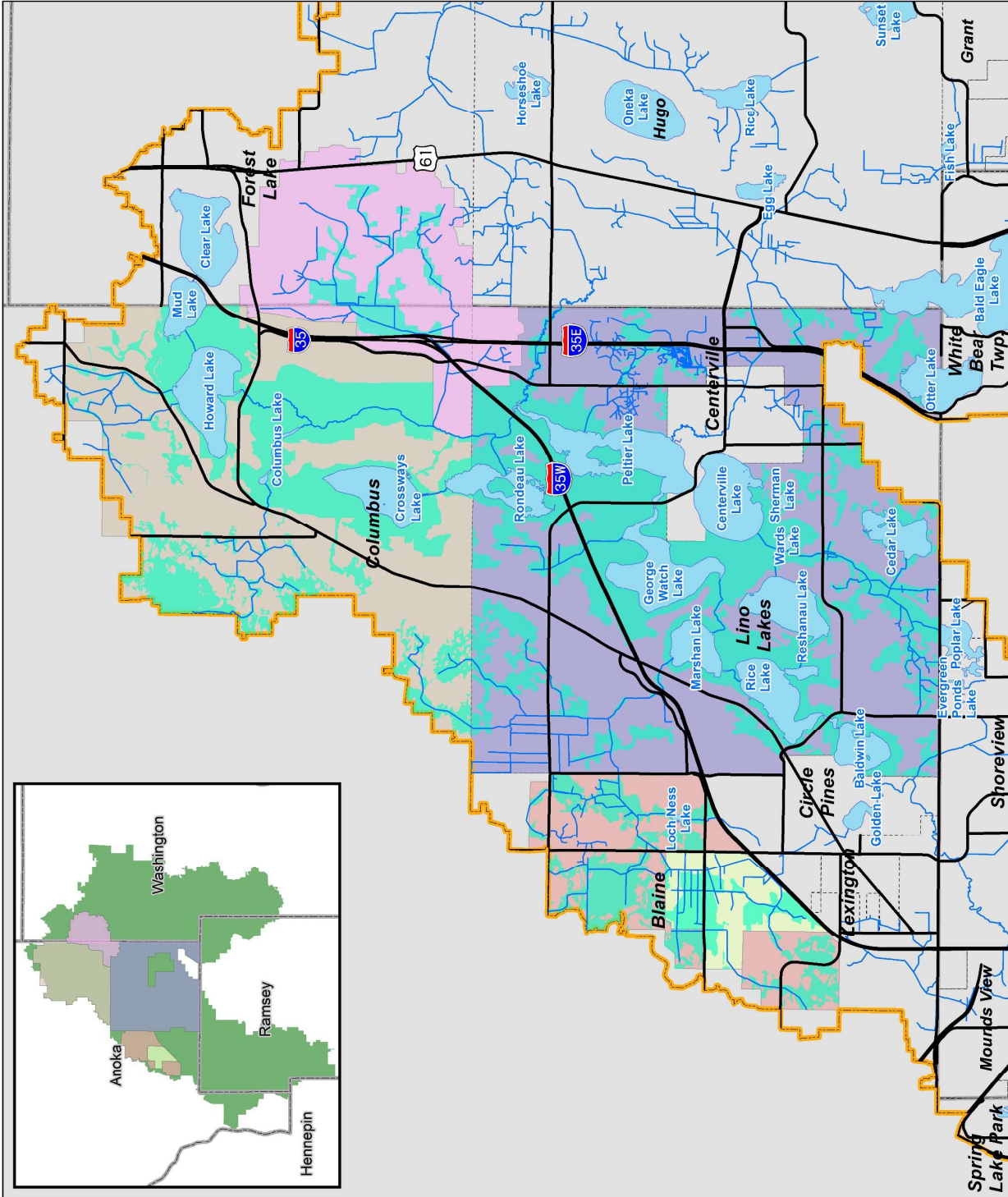
- (v) A survey map (standard land survey methods or DGPS) of delineated wetland boundaries.
- (5) As a condition of District approval of any wetland delineation, applicants shall submit X/Y coordinates (NAD 83 state plane south coordinate system) and a GIS shapefile of the delineated wetland boundaries. All data shall be collected with a Trimble Geoexplorer or equivalent instrument with sub-meter accuracy.
- (c) **WETLAND REPLACEMENT PLAN APPLICATION.** An applicant submitting a plan involving a wetland alteration requiring replacement must submit five copies of a replacement plan application and supporting materials conforming to WCA replacement plan application submittal requirements and including the following additional documents:
 - (1) Plan sheet(s) clearly identifying, delineating, and denoting the location and size of each wetland impact area and all replacement actions for credit.
 - (2) Plan sheet(s) with profile views and construction specifications of each replacement wetland including proposed/estimated normal water level, proposed/estimated boundary of replacement wetland, topsoiling specifications (if any), grading specifications, and wetland/buffer seeding specifications.
- (d) **FUNCTIONS AND VALUES ASSESSMENT.** An applicant must submit a before-and-after wetland functions and values assessment using a WCA-accepted methodology for a project in a CWPMP area or otherwise involving at least one acre of wetland impact requiring replacement.
- (e) Erosion and sediment control plan in accordance with District Rule D.
- (f) On District request, the applicant will conduct an assessment of protected plant or animal species within the project site, where such assessment is not available from existing sources.
- (g) Other project site-specific submittal requirements as may be required by the District.

Rice Creek Watershed District

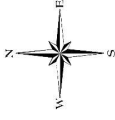


Sources: RCWD, TLG, MN DOT

F1: Comprehensive Wetland Protection and Management Plan Boundaries and Wetland Management Corridor



Rice Creek Watershed District

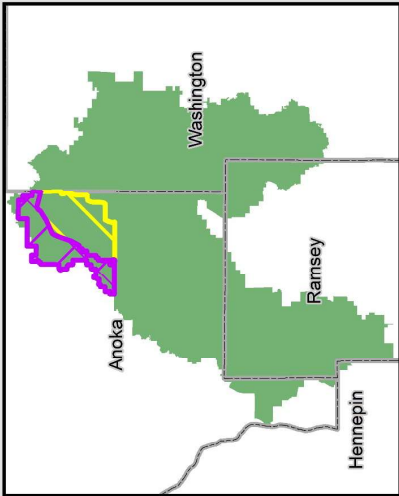
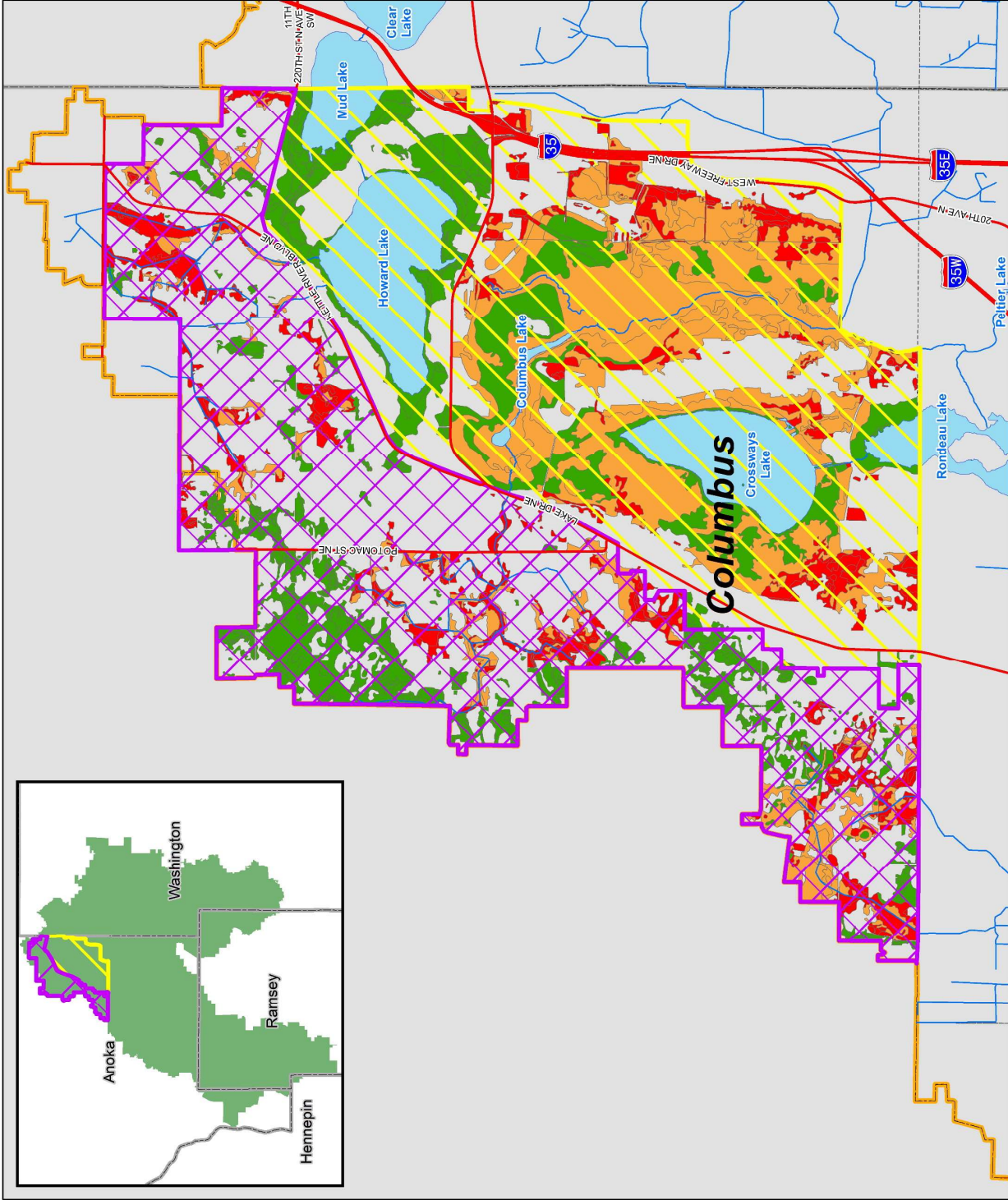


	Transportation System
	RCWD Watercourses
	Lakes
	RCWD Legal Boundary
	Cities
	Counties
WMC Adjustment Zones	
	Zone I
	Zone II
Wetland Degredation Status	
	Non-Degraded
	Moderately
	Severely

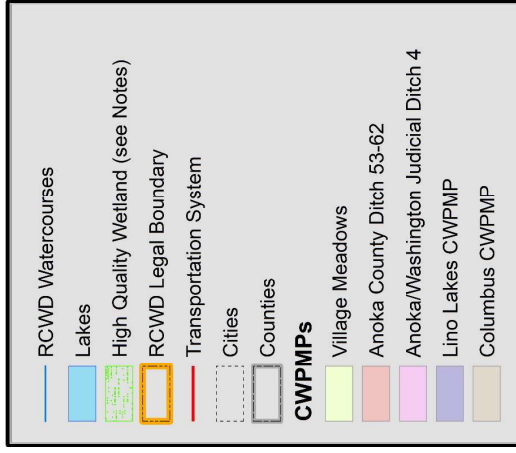
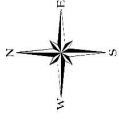


Sources: RCWD, TLG, MN DOT

F2: Columbus Commercial/Industrial Zoned Areas and Wetland Degredation Status

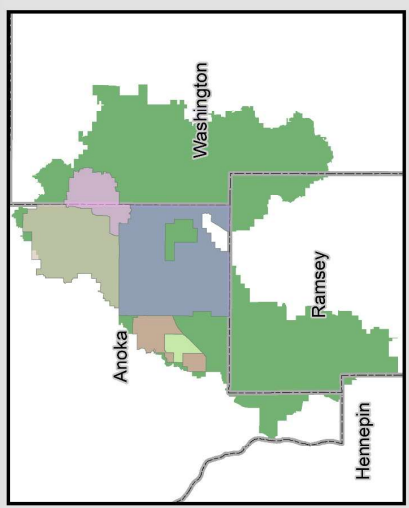
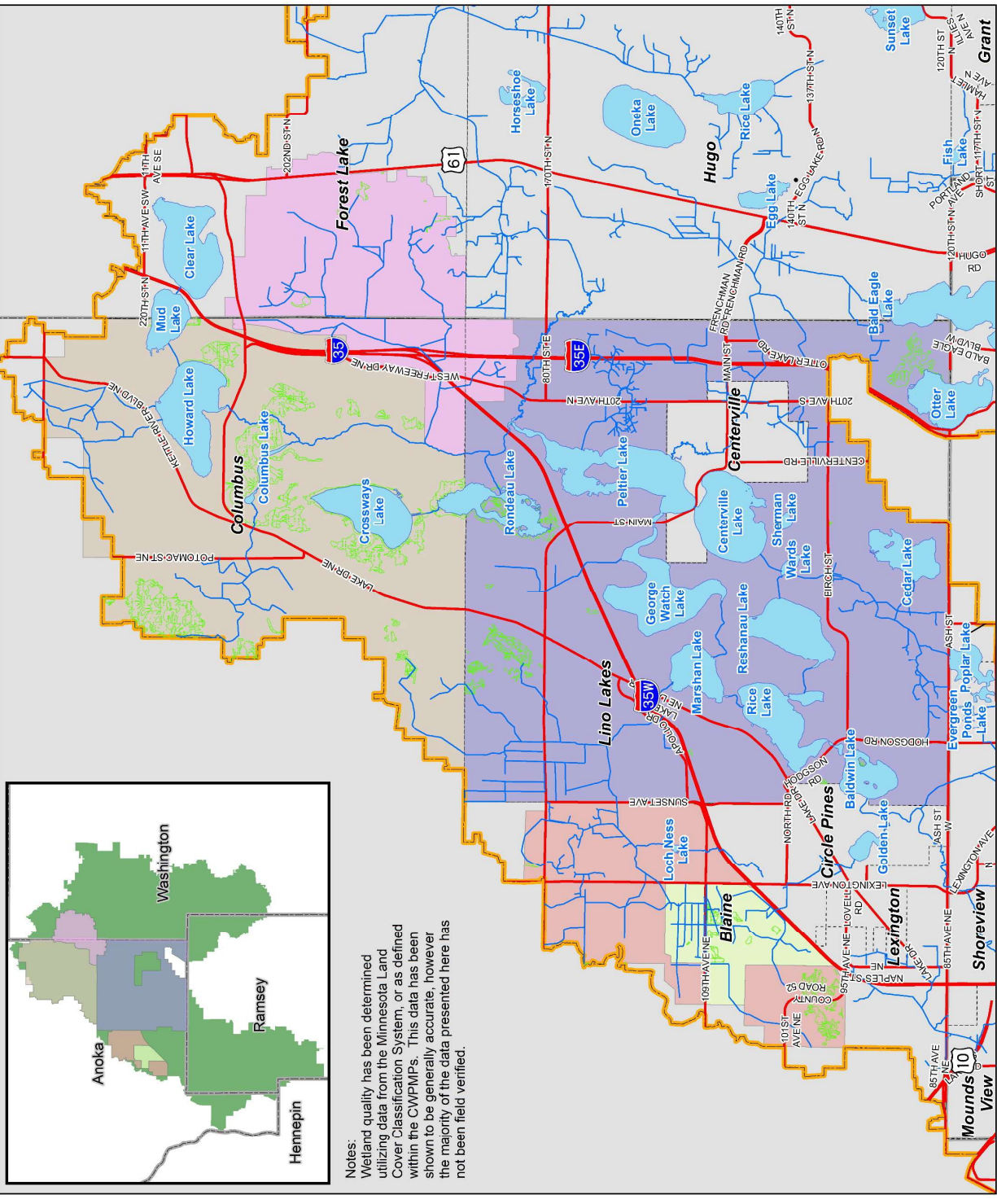


Rice Creek Watershed District



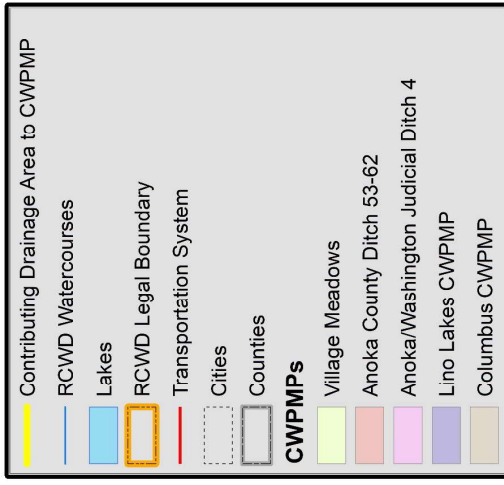
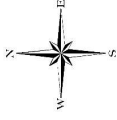
Sources: RCWD, TLG, MN DOT

F3: High Quality Wetlands Within CWPMPs



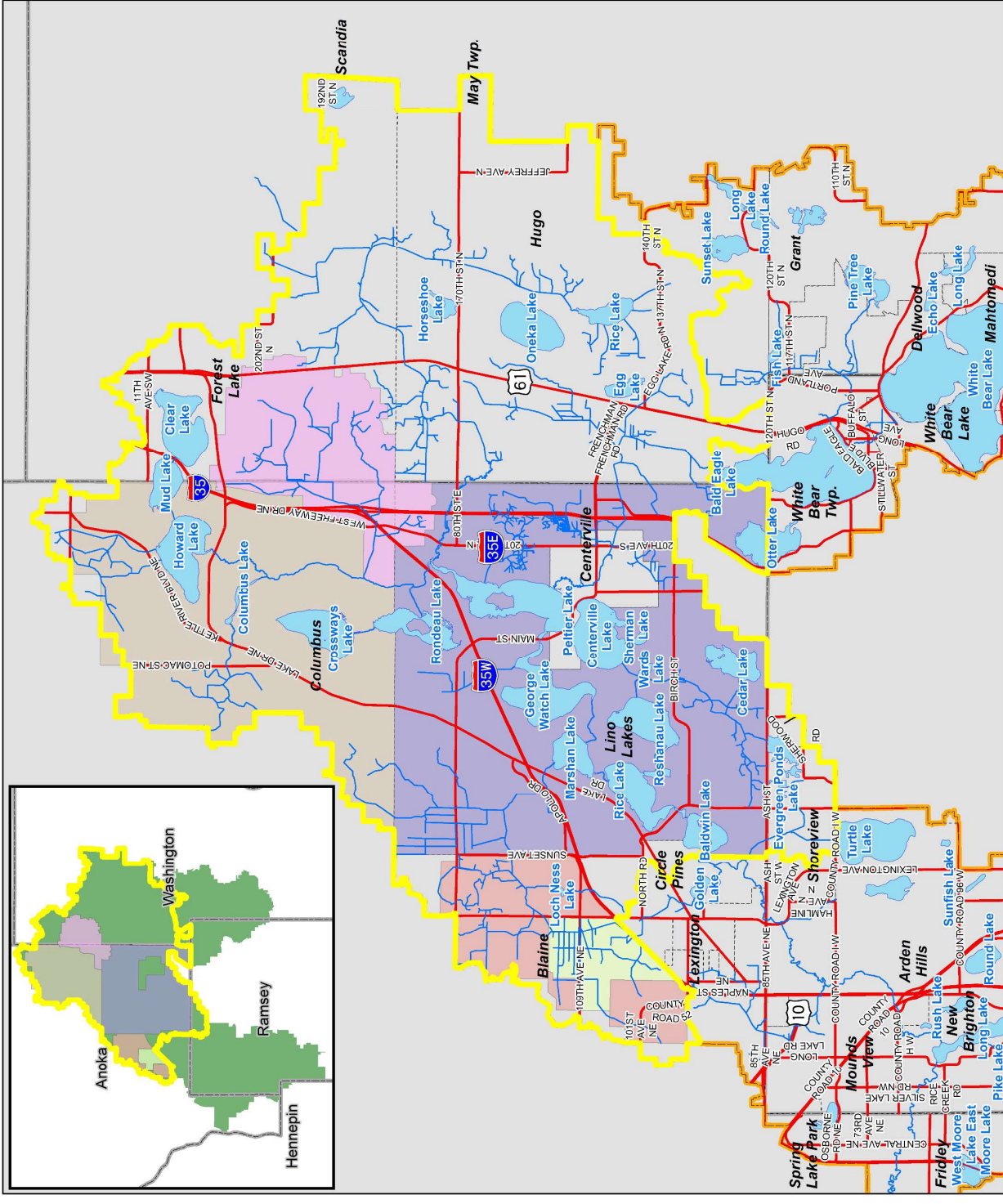
Notes:
 Wetland quality has been determined utilizing data from the Minnesota Land Cover Classification System, or as defined within the CWPMPs. This data has been shown to be generally accurate, however the majority of the data presented here has not been field verified.

Rice Creek Watershed District



Sources: RCWD, TLG, MN DOT

F4: Contributing Drainage Area to CWPMPs



RULE G: REGIONAL CONVEYANCE SYSTEMS

1. **POLICY.** It is the policy of the Board of Managers to preserve regional conveyance systems within the District, including its natural streams and watercourses, as well as artificial channels and piped systems. Rule G applies to surface water conveyance systems other than public drainage systems. The purpose of Rule G is to maintain regional conveyance capacity, prevent flooding, preserve water quality and ecological condition, and provide an outlet for drainage for the beneficial use of the public as a whole now and into the future. Rule G does not apply to public drainage systems, as defined in these rules, which the District manages and maintains through the exercise of its authority under the drainage code (Minnesota Statutes Chapter 103E) and the application of Rule I. It is not the intent of this rule to decide drainage rights or resolve drainage disputes between private landowners.
2. **REGULATION.** No person may construct, improve, repair or alter the hydraulic characteristics of a regional conveyance system that extends across two or more parcels of record not under common ownership, including by placing or altering a utility, bridge or culvert structure within or under such a system, without first obtaining a permit from the District. No permit is required to repair or replace an element of a regional conveyance system owned by a government entity when the hydraulic capacity of the system will not change.
3. **CRITERIA.**

The landowner or conveyance system owner receiving a permit under this rule and/or the landowner causing the disturbance or otherwise altering a utility, bridge or culvert structure is responsible for maintenance to maintain the permitted alteration in the design condition. In addition, modification of the conveyance system must:

 - (a) Preserve existing design hydraulic capacity.
 - (b) Retain existing navigational capacity.
 - (c) Not adversely affect water quality or downstream flooding characteristics.
 - (d) Be designed to allow for future erosion, scour, and sedimentation considerations.
 - (e) Be designed for maintenance access and be maintained in perpetuity to continue to meet the criteria of Section 3. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District.
4. **SUBSURFACE CROSSINGS.** A crossing beneath a regional conveyance system must maintain adequate vertical separation from the bed of the conveyance system. The District will determine adequate separation by reference to applicable guidance and in view of relevant considerations such as soil condition, the potential for upward migration of the utility, and the likelihood that the bed elevation may decrease due to natural processes or human activities. The District also will consider the feasibility of providing separation and the risks if cover diminishes. Nothing in this paragraph diminishes the crossing owner's responsibility under Section 3, above. The applicant must submit a record drawing of the installed utility.
5. **REQUIRED EXHIBITS.** The following exhibits must accompany the permit application.
 - (a) Construction details showing:

- (1) Size and description of conveyance system modification including existing and proposed flow line (invert) elevations. All elevations must be provided in NAVD 88 datum.
 - (2) Existing and proposed elevations of utility, bridge, culvert, or other structure.
 - (3) End details with flared end sections or other appropriate energy dissipaters.
 - (4) Emergency overflow elevation and route.
- (b) Narrative describing construction methods and schedule
 - (c) Erosion and sediment control plan in accordance with District Rule D.
 - (d) Computations of watershed area, peak flow rates and elevations, and discussion of potential effects on water levels above and below the project site.
6. **EXCEPTION.** Criterion 3(a) may be waived if the applicant can demonstrate with supporting hydrologic calculations the need for an increase in discharge rate in order to provide for reasonable surface water management in the upstream area and that the downstream impacts of the increased discharge rate can be reasonably accommodated and will not exceed the existing rate at the municipal boundary.

RULE H: ILLICIT DISCHARGE AND CONNECTION

1. **POLICY.** It is the policy of the Board of Managers to:
 - (a) Regulate the contribution of pollutants to the District's Municipal Separate Storm Sewer System (MS4) by any user;
 - (b) Prohibit Illicit Connections and Discharges to the District's MS4;
 - (c) Carry out inspection and monitoring procedures necessary to ensure compliance with this Rule under statutory and related authority.

2. **PROHIBITION.** No person shall discharge or cause to be discharged into a public drainage system within the District any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

3. **EXCEPTIONS.** The commencement, conduct or continuance of any illegal discharge to the waters of the District is prohibited except as described as follows:
 - (a) The following discharges are exempt from discharge prohibitions established by this rule:
 - (1) Water line flushing or other potable water sources
 - (2) Landscape irrigation or lawn watering
 - (3) Diverted stream flows
 - (4) Rising ground water
 - (5) Ground water infiltration to storm drains
 - (6) Uncontaminated pumped ground water
 - (7) Foundation and footing drains
 - (8) Firefighting activities
 - (b) Discharges specified in writing by the District, or other federal, state or local agency as being necessary to protect the public health and safety.
 - (c) Dye testing is an allowable discharge, but requires a verbal notification to the District prior to the time of the test.
 - (d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

4. **ILLICIT CONNECTIONS PROHIBITED**
 - (a) The construction, use, maintenance or continued existence of illicit connections to the public drainage system is prohibited.
 - (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (c) A person is considered to be in violation of this rule if the person connects a line conveying sewage to the public drainage system, or allows such a connection to continue.

RULE I: PUBLIC DRAINAGE SYSTEMS

1. **POLICY.** Rule I applies to work within public drainage systems, as that term is defined in these rules. The District regulates work in surface water conveyance systems other than public drainage system through the application of Rule G. It is the policy of the Board of Managers to regulate any work within the right-of-way of a public drainage system that has the potential to affect the capacity or function of the public drainage system, or ability to inspect and maintain the system. The purpose of Rule I is to protect the integrity and capacity of public drainage systems consistent with Minnesota Statutes Chapter 103E to prevent regional or localized flooding, preserve water quality, and maintain an outlet for drainage for the beneficial use of the public and benefitted lands now and into the future. .
2. **REGULATION.**
 - (a) ~~No temporary or permanent work in or over, or modification to, may be completed on the public drainage system, including connecting to a public drainage system any modification of the system, may occur without first obtaining~~requires a permit under this rule from the District. The permit is in addition to any formal procedures or District approvals that may be required under Minnesota Statutes Chapter 103E or other drainage law.
 - (b) A utility may not be placed under a public drainage system without a permit under this rule. The design must provide at least five feet of separation between the utility and the as-constructed and subsequently improved grade of the public drainage system, unless the District determines that a separation of less than five feet is adequate to protect and manage the system at that location. The applicant must submit a record drawing of the installed utility. The crossing owner will remain responsible should the crossing at any time be found to be an obstruction or subject to future modification or replacement under the drainage law.
 - (c) A pumped dewatering operation may not outlet within 200 feet of a public drainage system without a permit under this rule. A permit application must include a dewatering plan indicating discharge location, maximum flow rates, and outlet stabilization practices. Rate of discharge into the system may not exceed the system's available capacity.
3. **CRITERIA.** A project proposing to work subject to Paragraph 2 (a) must:
 - (a) Comply with applicable orders or findings of the Drainage Authority.
 - (b) Comply with all Federal, State and District wetland protection rules and regulations.
 - (c) Demonstrate that such activity will not adversely impact the capacity or function of the public drainage system, or ability to inspect and maintain the system.
 - (d) Not create or establish wetlands within the public drainage system right of way without an order to impound the public drainage system under Minnesota Statute 103E.227.
 - (e) Provide conveyance at the grade of the ACSIC where work is being completed. If the ACSIC has not been determined, the applicant may request that the District duly determine the ACSIC before acting on the application, or may accept conditions that the District determines adequate to limit the risk that the applicant's work will not be an obstruction, within the meaning of Minnesota Statutes chapter 103E, when the ACSIC is determined. An applicant that proceeds without determination of the ACSIC bears the risk that the work later is determined to be an obstruction.
 - (f) Maintain hydraulic capacity and grade under interim project conditions, except where the District, in its judgement, determines that potential interim impacts are adequately mitigated.

- (g) Where the open channel is being realigned, provide an access corridor that the District deems adequate at the top of bank of the drainage system, with the following characteristics:
- A minimum 20-feet in width
 - Cross-slope (perpendicular to direction of flow) no more than 5% grade.
 - Longitudinal slope (parallel to the direction of flow) no more than 1:5 (Vertical to Horizontal).
- (h) Provide Adequate supporting soils to facilitate equipment access for inspection and maintenance. Provide stable channel and outfall.
- ~~(i) Before permit issuance, the permittee must convey to the District an easement to the public drainage system specifying a District right of maintenance access over the right of way of the public drainage system as identified within the public drainage system record. If the right of way of the public drainage system is not described within the record, then the easement shall be conveyed with the following widths:~~
- ~~• For tiled/piped systems, 40 feet wide perpendicular to the direction of flow, centered on the tile line or pipe;~~
 - ~~• For open channel systems, a width that includes the channel and the area on each side of the channel within 20 feet of top of bank. For adequate and safe access, where top of bank is irregular or obstruction exists, the District may specify added width.~~
- (i) Be designed for maintenance access and be maintained in perpetuity to avoid constituting an obstruction and otherwise to continue to meet the criteria of Section 3. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District. Public Linear Projects are exempt from the public drainage system easement requirement of Section 3(i).
- (j) Identify proposed temporary obstruction or crossings of the public drainage system and specify operational controls to enable unobstructed conveyance of a rainfall or flow condition.

4. REQUIRED EXHIBITS. The following exhibits must accompany the permit application. All elevations must be provided in NAVD 88 datum.

- (a) Map showing location of project, tributary area, and location and name of the public drainage system branches within the project area
- (b) Existing and proposed cross sections and profile of affected area.
- (c) Description of bridges or culverts proposed.
- (d) Location and sizes of proposed connections to the public drainage system
- (e) Narrative and calculations describing effects on water levels above and below the project site.
- (f) Erosion and sediment control plan.

- (g) Hydrologic and hydraulic analysis of the proposed project.
- (h) Local benchmark in NAVD 88 datum.

RULE J: APPROPRIATION OF PUBLIC WATERS

1. **POLICY.** It is the policy of the Board of Managers to regulate the appropriation of public waters as follows.
2. **REGULATION.** A permit from the District is required for the appropriation of water from:
 - (a) A public water basin or wetland that is less than 500 acres and is wholly within Hennepin or Ramsey County.
 - (b) A protected watercourse within Hennepin or Ramsey County that has a drainage area of less than 50 square miles.
3. **CRITERIA.** A permit applicant for appropriation of public waters as described above must complete and submit to the District an appropriation checklist. The appropriation checklist form may be obtained from the District office.

RULE K: ENFORCEMENT

1. **VIOLATION OF RULES IS A MISDEMEANOR.** Violation of these rules, ~~a stipulation agreement made,~~ or a permit issued ~~by the Board of Managers~~ under these rules, is a misdemeanor subject to a penalty as provided by law.
2. **DISTRICT COURT ACTION.** The District may exercise all powers conferred upon it by Minnesota Statutes Chapter 103D ~~to enforce in enforcing~~ these rules, including criminal prosecution, injunction, or action to compel performance, restoration or abatement.
3. **ADMINISTRATIVE ORDER.** The District may issue a cease and desist or compliance order when it finds that a proposed or initiated project presents a serious threat of soil erosion, sedimentation, or an adverse effect ~~up~~ upon water quality or quantity, or violates any rule or permit of the District.
4. **OTHER ADMINISTRATIVE AUTHORITIES.** The District may use all other authorities that it possesses under ~~law~~ statute to address a violation of these rules, or a permit issued under these rules. This includes, but is not limited to, permit suspension or termination; the right to enter to inspect for and correct violations; and the right to be reimbursed for costs incurred to do so by use of financial assurance funds, civil action or joint-powers municipal assessment.

RULE L: VARIANCES

1. **VARIANCES AUTHORIZED.** The Board of Managers may hear a request for variance from a literal provision of these rules where strict enforcement would cause ~~undue hardship or~~ practical difficulty because of circumstances unique to the property under consideration. The Board of Managers may grant a variance if an applicant demonstrates that such action will be in keeping with the spirit and intent of these rules and in doing so may impose conditions on the variance as necessary to find that it meets the standards of section 2, below. A variance request must be addressed to the Board of Managers as part of a permit application and must address each of the four criteria listed in the standard.
2. **STANDARD.** In order to grant a variance, the Board of Managers must determine that:
 - (a) Special conditions apply to the structures or lands under consideration that do not apply generally to other land or structures in the District.
 - (b) Because of the unique conditions of the property involved, ~~undue hardship or~~ practical difficulty to the applicant would result, as distinguished from mere inconvenience, if the strict letter of the rules were applied. ~~Economic considerations alone do not constitute undue hardship or practical difficulty if any reasonable use of the property exists under the terms of the District's rules.~~
 - (c) The proposed activity for which the variance is sought will not adversely affect the public health, safety or welfare; will not create extraordinary public expense; and will not adversely affect water quality, water control or drainage in the District.
 - (d) The intent of the District's rules is met.
3. **PRACTICAL DIFFICULTY DEFINED.** In evaluating practical difficulty, the Board of Managers will consider the following factors:
 - (a) How substantial the variation is from the rule provision;
 - (b) ~~The effect of the variance on government~~ Whether the variance would shift cost to adjacent property owners or the public;
 - (c) Whether the variance will substantially change the character of watershed resources or be a substantial detriment to neighboring properties;
 - (d) Whether the practical difficulty can be alleviated by a technically and economically feasible method other than a variance;
 - (e) How the practical difficulty occurred, including whether the landowner created the need for the variance; and
 - (f) In light of all of the above factors, whether allowing the variance will serve the interests of justice.
4. **TERM.** A variance expires on expiration of the CAPROC approval or permit associated with the variance request.
5. **VIOLATION.** A violation of any condition set forth in a variance is a violation of the District permit that it accompanies and automatically terminates the variance.

RICE CREEK WATERSHED DISTRICT RULES

BOARD APPROVED: XXXX, 2024
EFFECTIVE DATE: JANUARY 1, 2025

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CERTIFICATION OF
REVISED WATERSHED DISTRICT RULES

I, Jessica Robertson, Secretary of the Rice Creek Watershed District Board of Managers, certify that the attached is a true and correct copy of the Rules of the Rice Creek Watershed District as revised and adopted by the Board of Managers on XXXX, 2024, and effective January 1, 2025.

Dated: _____
_____ Jessica Robertson, Secretary

ACKNOWLEDGEMENT

State of Minnesota
County of Anoka

This instrument was acknowledged before me on XXXXX, 2024, by Jessica Robertson, as secretary of the Rice Creek Watershed District Board of Managers.

Notary Public

GENERAL POLICY STATEMENT

The Rice Creek Watershed District (District) is a political subdivision of the State of Minnesota, established under the Minnesota Watershed Law. The District is also a watershed management organization as defined under the Minnesota Metropolitan Surface Water Management Act, and is subject to the directives and authorizations in that Act. Under the Watershed Law and the Metropolitan Surface Water Management Act, the District exercises a series of powers to accomplish its statutory purposes. The District's general statutory purpose is to conserve natural resources through development planning, flood control, and other conservation projects, based upon sound scientific principles.

As required under the Metropolitan Surface Water Management Act, the District has adopted a Watershed Management Plan, which contains the framework and guiding principles for the District in carrying out its statutory purposes. It is the District's intent to implement the Plan's principles and objectives in these rules.

Land alteration affects the rate, volume, and quality of surface water runoff which ultimately must be accommodated by the existing surface water systems within the District. The watershed is large, 186 square miles, and its outlet, Rice Creek, has limited capacity to carry flows. Flooding problems already occur in urbanized areas along Lower Rice Creek and other localized areas.

Land alteration and utilization also can degrade the quality of runoff entering the streams and waterbodies of the District due to non-point source pollution. Lake and stream sedimentation from ongoing erosion processes and construction activities reduces the hydraulic capacity of waterbodies and degrades water quality. Water quality problems already exist in many of the lakes and streams throughout the District.

Projects which increase the rate or volume of stormwater runoff can aggravate existing flooding problems and contribute to new ones. Projects which degrade runoff quality can aggravate existing water quality problems and contribute to new ones. Projects which fill floodplain or wetland areas can aggravate existing flooding by reducing flood storage and hydraulic capacity of waterbodies, and can degrade water quality by eliminating the filtering capacity of those areas.

In these rules the District seeks to protect the public health and welfare and the natural resources of the District by providing reasonable regulation of the modification or alteration of the District's lands and waters to reduce the severity and frequency of flooding and high water, to preserve floodplain and wetland storage capacity, to improve the chemical, physical and biological quality of surface water, to reduce sedimentation, to preserve waterbodies' hydraulic and navigational capacity, to preserve natural wetland and shoreland features, and to minimize public expenditures to avoid or correct these problems in the future.

The District rules include certain rules adopted to implement area-specific Comprehensive Wetland Protection and Management Plans (CWPMP) as provided under the Wetland Conservation Act (WCA). CWPMPs are designed to achieve identified wetland resource management needs within specific drainage areas of the watershed. These rules (within Rule F) apply to a delineated geographic area. Accordingly, a property owner intending an activity subject to District permitting requirements first should determine whether the activity will be governed by the CWPMP rule.

RELATIONSHIP OF RICE CREEK WATERSHED DISTRICT TO MUNICIPALITIES

The District recognizes that the primary control and determination of appropriate land uses is the responsibility of the municipalities. Accordingly, the District will coordinate permit application reviews involving land development with the municipality where the land is located.

The District intends to be active in the regulatory process to ensure that its water resources are managed in accordance with District goals and policies. Municipalities have the option of assuming a more active role in the permitting process after adoption of a local water management plan approved by the District and adoption and implementation of local ordinances consistent with the approved plan.

The District will also review projects sponsored or undertaken by municipalities and other governmental units, and generally will require permits for governmental projects impacting water resources of the District. These projects include but are not limited to, land development, road, trail, and utility construction and reconstruction.

The District desires to serve as technical advisor to the municipalities in their preparation of local surface water management plans and the review of individual development proposals prior to investment of significant public or private funds. To promote a coordinated review process between the District and the municipalities, the District encourages the municipalities or townships to contact the District early in the planning process.

RULE A: DEFINITIONS

For the purposes of these rules, the following words have the meanings set forth below.

References in these rules to specific sections of the Minnesota Statutes include any amendments, revisions or recodification of those sections.

As Constructed and Subsequently Improved Condition (ACSIC): the legally established geometry of the public drainage system as constructed and subsequently modified through drainage code procedures.

Beds of Protected Waters: all portions of public waters and public waters wetlands located below the ordinary high water level.

Best Management Practices (BMPs): measures taken to minimize the negative effects on water resources and systems as referenced in the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (BWSR, 1988), Protecting Water Quality in Urban Areas (MPCA, 1989) and the Minnesota Stormwater Manual (MPCA, 2006) or similar guidance documents.

Better Site Design (BSD): an approach to managing runoff that seeks to attain post development hydrology which mimics the undeveloped condition in terms of volume, rate and timing of runoff. The goals of Better Site Design include reducing the amount of impervious cover, increasing the amount of natural lands set aside for conservation, using pervious areas for more effective stormwater treatment, innovative grading and drainage techniques and through the review of every aspect of the project site planning process. Better Site Design involves techniques applied early in the design process to reduce impervious cover, conserve natural areas and use pervious areas to more effectively treat stormwater runoff and promote a treatment train approach to runoff management.

Bridge: a road, path, railroad or utility crossing over a waterbody, wetland, ditch, ravine, road, railroad, or other obstacle.

Bridge Span: the clear span between the inside surfaces of a bridge's terminal supports.

Channel: a perceptible natural or artificial depression, with a defined bed and banks that confines and conducts water flowing either continuously or periodically.

Common Plan of Development: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

Comprehensive Wetland Protection and Management Plan (CWPMP): a locally developed comprehensive wetland protection and management plan approved by the Minnesota Board of Soil and Water Resources, pursuant to Minnesota Rules 8420.0830.

Conditional Approval Pending Receipt of Changes (CAPROC): approval of a District permit application that requires the applicant to provide further information or plan changes, or meet other stated conditions, prior to District issuance of the permit, See Rule B.5.

Conveyance System: Open channel, pipe or tile that is not a Public Drainage System. A portion of a conveyance system is defined as "regional" if it carries flows from a drainage area of greater than 200 acres.

Criteria: specific details, methods and specifications that apply to all permits and reviews and that guide implementation of the District's goals and policies.

Critical Duration Flood Event: the 100-year precipitation or snow melt event with a duration resulting in the maximum 100-year return period water surface elevation. The critical duration flood event is generally either the 100-year, 24-hour rainfall event as found in NOAA Atlas 14 or the ten-day snow melt event assumed to be 7.2 inches of runoff occurring on frozen ground (CN=100); however, other durations (e.g., 6-hour) may result in the maximum 100 year return period water surface elevation.

CWPMP Contributing Drainage Area: the areas tributary to CWPMP jurisdictional areas from which banked or off-site wetland replacement credits may be used to replace wetland impacts under Rule F.6(c). Figure 4 illustrates the Contributing Drainage Area; however, the precise boundary will be determined on a hydrologic basis at the time of permitting.

Detention Basin: any natural or man-made depression that stores stormwater runoff temporarily.

Development: any land-disturbing activity resulting in creation or reconstruction of impervious surface including, but not limited to, municipal road construction. Normal farming practices part of an ongoing farming operation shall not be considered development.

District: the Rice Creek Watershed District established under the Minnesota Watershed Law, Minnesota Statutes Chapter 103D.

Effectively Drained Wetland: an area whose natural hydrology has been altered to the point that it is no longer considered wetland.

Emergency Overflow (EOF): a primary overflow to pass flows above the design capacity around the principal outlet safely downstream without causing flooding.

Excavation: the displacement or removal of soil, sediment or other material.

Floodplain: the areas adjoining a waterbody that are inundated by the 100-year flood elevation.

Floodway: the channel of a watercourse, the bed of waterbasins and those portions of adjoining floodplains that must be kept free of encroachment to accommodate the 100-year flood.

Floodway Fringe: the area between the floodway and the boundary of the 100-year flood.

Flood Management Zone: land within the Rice Creek Watershed District draining to and entering Rice Creek downstream from the outlets of Baldwin Lake and Golden Lake.

Freeboard: vertical distance between the 100-year flood elevation or emergency overflow elevation of a waterbasin or watercourse and the elevation of the regulatory elevation of a structure.

Governmental Project: projects sponsored or paid for by a governmental agency.

High Quality Wetland: an existing wetland reflecting a score of “high/high” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Impervious Surface: a compacted surface or a surface covered with material (i.e., gravel, asphalt, concrete, Class 5, etc.) that increases the depth of runoff compared to natural soils and land cover. Including but not limited to roads, driveways, parking areas, sidewalks and trails, patios, tennis courts, basketball courts, swimming pools, building roofs, covered decks, and other structures.

Infiltration: water entering the ground through the soil.

Land-Disturbing Activity: any disturbance to the ground surface that, through the action of wind or water, may result in soil erosion or the movement of sediment into waters, wetlands or storm sewers or onto adjacent property. Land-disturbing activity includes but is not limited to the demolition of a structure or surface, soil stripping, clearing, grubbing, grading, excavating, filling and the storage of soil or earth materials. The term does not include normal farming practices as part of an ongoing farming operation.

Landlocked Basin: a waterbasin lacking an outlet at an elevation at or below the water level produced by the critical duration flood event, generally the 10-day snowmelt event.

Local Government Unit (LGU): the public body responsible for implementing the Minnesota Wetland Conservation Act, as defined at Minnesota Statutes §103G.005, subdivision 10e.

Low Entry Elevation: the elevation of the lowest opening in a structure.

Low Floor Elevation: the elevation of the lowest floor of a habitable or uninhabitable structure, which is often the elevation of the basement floor or walk-out level.

Major Watercourse: any watercourse having a tributary area of 200 acres or more.

Marginally Degraded Wetland: an existing wetland reflecting a score of “high/low” or “low/high” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Mill, Reclamation and Overlay: removal of the top layer(s) of an impervious surface (e.g. roadway, parking lot, sport court) by mechanical means, followed by the placement of a new layer of impervious surface, without exposure of the underlying native soil.

Moderately Degraded Wetland: an existing wetland reflecting a score of “medium/medium” or “low/medium” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Municipal Separate Storm Sewer System (MS4): the system of conveyances owned or operated by the District and designed or used to collect or convey storm water, and that is not used to collect or convey sewage.

Municipality: any city or township wholly or partly within the Rice Creek Watershed District.

Native Vegetation: plant species that are indigenous to Minnesota or that expand their range into Minnesota without being intentionally or unintentionally introduced by human activity and that are classified as native in the Minnesota Plant Database.

NPDES Permit: general permit authorization to discharge storm water associated with construction activity under the National Pollutant Discharge Elimination System (NPDES), issued by the Minnesota Pollution Control Agency.

Non-Degraded Wetland: an existing wetland reflecting a score of “high/medium” or “medium/high” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Non-Invasive Vegetation: plant species that do not typically invade or rapidly colonize existing, stable plant communities.

NURP: Nationwide Urban Runoff Program.

100-Year Flood Elevation: the elevation of water resulting from the critical duration flood event, as mapped under the RCWD District Wide Model and as the RCWD may refine on the basis of site-specific data.

Ordinary High Water Level (OHW): the highest water level elevation that has been maintained for a sufficiently long period of time to leave evidence upon the landscape. The OHW is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. If an OHW has been established for a waterbody by the Minnesota Department of Natural Resources, it will constitute the OHW under this definition.

Outlet Control Structure: a permanent structure with rigid overflow designed to control peak flow rates for the two-, 10-, and 100-year events. A riprap-covered berm is not considered a rigid overflow.

Parcel: a lot of record in the office of the county recorder or registrar or that otherwise has a defined legal existence.

Person: any natural person, partnership, unincorporated association, corporation, limited liability company, municipal corporation, state agency, or political subdivision of the State of Minnesota.

Political Subdivision: a municipality, county, town, school district, metropolitan or regional agency, or other special purpose district of Minnesota.

Pollutant: Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. (This definition is for the purpose of Rule H only and is incorporated from the U.S. EPA model ordinance.)

Public Drainage System: Open channel, pipe tile, and appurtenant structures, within a public system as established or delineated under Minnesota Statutes Chapter 103E.

Public Linear Project: a project involving a roadway, sidewalk, trail, or utility not part of an industrial, commercial, institutional or residential development.

Public Waters: waters identified as public waters under Minnesota Statutes section 103G.005, Subdivision 15.

Public Waters Wetlands: all wetlands identified as public waters wetlands under Minnesota Statutes section 103G.005, subdivision 15a.

Reconstruction: removal of an impervious surface such that the underlying structural aggregate base is effectively removed and the underlying native soil exposed.

Resource of Concern (ROC): lakes identified in Figures C1A through C1E. If an area within the jurisdictional boundary of the District drains to a location outside the District without reaching an ROC, the District will identify the receiving water outside of the District that is the ROC for the purpose of the permit.

Resource of Concern Drainage Area: Land draining to a Resource of Concern. The Resource of

Concern drainage area excludes lands draining first to an upstream Resource of Concern.

Seasonal High Water Table: The highest known seasonal elevation of groundwater as indicated by redoximorphic features such as mottling within the soil.

Severely Degraded Wetland: an existing wetland reflecting a score of “medium/low” or “low/low” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Site: All contiguous lots of record on which activity subject to any District rule is proposed to occur or occurs, as well as all other lots of record contiguous to any such lot under common ownership at the time of the permitted activity. Linear right of way does not disturb contiguity. For public linear projects not occurring in conjunction with land development, the term means the portion of right-of-way defined by the project work limits.

Single Family Residential Construction: Construction of one or more single-family homes on individual lots of record.

Storm Sewer: a pipe system for stormwater conveyance.

Stormwater Pond: Constructed basins placed in the landscape to capture stormwater runoff.

Structure: a building with walls and a roof, excluding structures such as pavilions, playgrounds, gazebos, and garbage enclosures.

Subdivision, Subdivide: the legal separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots.

Technical Evaluation Panel (TEP): The body described in Minnesota Rules 8420.0240.

Total Phosphorus (TP): A measure of all forms of phosphorus, dissolved or particulate, in a given sample or flow.

Upland Habitat Area: A non-wetland area that is contiguous with an existing, restored, or created wetland and scores “C” or better using the Natural Heritage Ranking methodology.

Volume Control Practice: A stormwater infiltration practice or stormwater reuse system.

Waterbasin: an enclosed natural depression with definable banks capable of containing water.

Waterbody: a waterbasin, watercourse or wetland as defined in these Rules.

Watercourse: a channel that has definable beds and banks capable of conducting confined runoff from adjacent land.

Wetland: area identified as wetland under Minnesota Statutes section 103G.005, subdivision 19.

Wetland Management Corridor (WMC): A contiguous corridor encompassing high priority wetland resources identified at a landscape scale in Figure F1 and refined at the time of individual project permitting at a site level as provided for in Rule F, section 6.

RULE B: PROCEDURAL REQUIREMENTS

1. **APPLICATION AND NOTICE OF INTENT REQUIRED.** Any person undertaking an activity for which a permit is required by these rules must obtain the required permit prior to commencing the activity that is subject to District regulation. Applications for permit must be submitted to the District in accordance with the procedures described in this rule. Required exhibits are specified for each substantive rule below. Applicants are encouraged to contact District staff before submission of an application to review and discuss application requirements and the applicability of specific rules to a proposed project. When the rules require a criterion to be met, or a technical or other finding to be made, the District makes the determination except where the rule explicitly states otherwise. The landowner or, in the District's judgment, easement holder, must sign the permit application and will be the permittee or a co-permittee. Where a public applicant must acquire land, a signed notice from the landowner acknowledging the application may be provided in lieu of the landowner's signature as a co-applicant.
2. **FORMS.** A District permit application or notice of intent, and District checklist of permit submittal requirements, must be submitted on the forms provided by the District. Applicants may obtain forms from the District office or website at <http://www.ricecreek.org/permits/permit-application/>.
3. **ACTION BY DISTRICT.** The District shall act on applications in accordance with Minnesota Statutes 15.99. A complete permit application includes all required information, exhibits, and fees. An application will not be ready for Board consideration unless all substantial technical questions have been addressed and all substantial plan revisions resulting from staff review have been accomplished. Permit decisions will be made by the Board except as delegated to the Administrator by written resolution.
4. **ISSUANCE OF PERMITS.** The permit will be issued only after applicant has satisfied all requirements and conditions for the permit, has paid all required District fees, and the District has received any required surety. Any outstanding Water Management District charges are due prior to permit issuance.
5. **CONDITIONAL APPROVAL PENDING RECEIPT OF CHANGES (CAPROC).** The District may conditionally approve an application, but a permit will not issue, and work may not begin, until all conditions precedent to issuance are fulfilled. All conditions must be satisfied within twelve (12) months of the date of conditional approval, but if the work commenced before permit issuance, conditions must be satisfied within the period stated in the conditional approval. If conditions are not satisfied within the specified period, the conditional approval will lapse and the applicant will be required to reapply for a permit and pay applicable permit fees.
6. **PERMIT TERM.** Permits are valid for an eighteen-month period from the date of issuance unless otherwise stated within the permit, suspended or revoked. To extend a permit, the permittee must apply to the District in writing, stating the reasons for the extension. Any plan changes, and related project documents must also be included in the extension application. The District must receive this application at least thirty (30) days prior to the permit expiration date. The District may impose different or additional conditions on a renewal or deny the renewal in the event of a material change in circumstances. On the first renewal, a permit will not be subject to change because of a change in District rules. An extended stormwater management permit for phased development may be requested.

7. **PERMIT ASSIGNMENT.** A permittee must be assigned when title to the property is transferred or, if the permittee is an easement holder, in conjunction with an assignment of the easement. The District must approve a permit assignment and will do so if the following conditions have been met:
- (a) The proposed assignee in writing agrees to assume all the terms, conditions and obligations of the permit as originally issued to the permittee;
 - (b) The proposed assignee has the ability to satisfy the terms and conditions of the permit as originally issued;
 - (c) The proposed assignee is not changing the project as originally permitted;
 - (d) There are no violations of the permit conditions as originally issued; and
 - (e) The District has received from the proposed assignee a substitute surety to secure performance of the assigned permit.

Until assignment is approved, the permittee of record as well as the current title owner will be responsible for permit compliance.

8. **PERMIT FEES.** The District will charge applicants permit fees in accordance with a schedule that will be maintained and revised from time to time by the Board of Managers to ensure that permit fees cover the District's actual costs of administrating and enforcing permits. The current fee schedule may be obtained from the District office or the District website at <http://www.ricecreek.org/permits/permitting-information>. An applicant must submit the required permit fee to the District at the time it submits its permit application. No permit fee will be charged to the federal government, the State of Minnesota or a political subdivision of the State of Minnesota.

9. **PERFORMANCE SURETY.**

- (a) **POLICY.** It is the policy of the Board of Managers to conserve the District's water resources by assuring compliance with its rules. The District ensures compliance by requiring a bond or other surety to secure performance of permit conditions and compliance with District rules, as well as protection of District water resources in the event of noncompliance with permit conditions and/or rules. A project for which the applicant is the federal government, the State of Minnesota or a political subdivision of the State of Minnesota is exempt from surety requirements.
- (b) **PERFORMANCE SURETY REQUIREMENT.** A surety or sureties, when required, must be submitted in a form acceptable to the District. When a cash escrow is used, it will be accompanied by an escrow agreement bearing the original signature of the permittee and the party providing the escrow, if not the permittee. The District will require applicants to submit a surety or sureties in accordance with a schedule of types and amounts that will be maintained and revised from time to time by the Board of Managers. The current schedule of surety amounts and acceptable forms and sources as well as surety agreement may be obtained from the District office or the District website at <http://www.ricecreek.org/permits/permitting-information>.

An applicant may submit a bond or an irrevocable letter of credit to the District to secure performance of permit conditions for activities for which the required surety amount as determined above is in excess of \$5,000; however, the first \$5,000 of any performance surety must be submitted to the District as a cash escrow. The bond or letter of credit must be submitted before the permit is issued.

(c) **FORM AND CONTENT OF BOND OR LETTER OF CREDIT.**

- (1) The bond or irrevocable letter of credit must be in a form acceptable to the District and from a surety licensed to do business in Minnesota.
- (2) The bond or irrevocable letter of credit must be in favor of the District and conditioned upon the performance of the party obtaining the bond or letter of credit of the activities authorized in the permit, and compliance with all applicable laws, including the District's rules, the terms and conditions of the permit and payment when due of any fees or other charges required by law, including the District's rules. The bond or irrevocable letter of credit must provide that if the bond conditions are not met, the District may make a claim against the bond or letter of credit.

- (d) **RELEASE OF PERFORMANCE SURETY.** Upon written notification from permittee of completion of the permitted project, the District will inspect the project to determine if it is constructed in accordance with the terms of the permit and District rules. If the project is completed in accordance with the terms of the permit and District rules and the party providing the performance surety does not have an outstanding balance of money owed to the District for the project, including but not limited to unpaid permit fees, the District will release the bond or letter of credit, or return the cash surety if applicable. Final inspection compliance includes, but is not limited to, confirmation that all erosion and sediment control BMPs and stormwater management features have been constructed or installed as designed and are functioning properly, and completion of all required monitoring of wetland mitigation areas. The District may return a portion of the surety if it finds that a portion of the surety is no longer warranted to assure compliance with District rules.

RULE C: STORMWATER MANAGEMENT

1. **POLICY.** It is the policy of the Board of Managers to manage stormwater and snowmelt runoff on a local, regional and watershed basis; to promote natural infiltration of runoff throughout the District to preserve flood storage and enhance water quality; and to address the unique nature of flooding issues within the Flood Management Zone, through the following principles:
 - (a) Maximize water quality and flood control on individual project sites through Better Site Design practices and stormwater management.
 - (b) Minimize land use impacts and improve operational and maintenance efficiency by siting stormwater BMPs, when needed, regionally unless local resources would be adversely affected.
 - (c) Treat stormwater runoff before discharge to surface waterbodies and wetlands, while considering the historic use of District water features.
 - (d) Ensure that future peak rates of runoff are less than or equal to existing rates.
 - (e) Reduce the existing conditions peak rate of discharge along Lower Rice Creek and the rate of discharge and volume of runoff reaching Long Lake, to preserve the remaining floodplain storage volume within Long Lake and mitigate the historic loss of floodplain storage.
 - (f) Preserve remaining floodplain storage volume within the Rice Creek Watershed to minimize flood potential throughout the District.
2. **REGULATION.** A permit incorporating an approved stormwater management plan is required under this rule for development, consistent with the following:
 - (a) A permit is required for subdivision of an area exceeding one acre. This includes subdivision for single-family residential, multi-unit residential, commercial, industrial, or institutional development.
 - (b) A permit is required for development, other than Public Linear Projects, that creates or reconstructs 10,000 square feet or more of impervious surface. This threshold is cumulative of all impervious surface created or reconstructed as a part of a Common Plan of Development.
 - (c) For Public Linear Projects, a permit is required when the sum of new and reconstructed impervious surface equals or exceeds one acre as a part of a Common Plan of Development.
3. **STORMWATER MANAGEMENT PLAN REQUIRED.** A stormwater management plan shall be submitted with the permit application for a project equaling or exceeding the threshold of Section 2. The stormwater management plan shall fully address the design and function of the project proposal and the effects of altering the landscape relative to the direction, rate of discharge, volume of discharge and timing of runoff.
4. **MODELING REQUIREMENTS FOR STORMWATER MANAGEMENT PLANS.**
 - (a) A hydrograph method or computer program based on NRCS Technical Release #20 (TR-20) and subsequent guidance must be used to analyze stormwater runoff for the design or analysis of discharge and water levels within and off the project site. The runoff from pervious and impervious areas within the model shall be modeled separately.

- (b) In determining Curve Numbers for the post-development condition, the Hydrologic Soil Group (HSG) of areas within construction limits shall be shifted down one classification for HSG C (Curve Number 80) and HSG B (Curve Number 74) and ½ classification for HSG A (Curve Number 49) to account for the impacts of grading on soil structure unless the project specifications incorporate soil amendments in accordance with District Soil Amendment Guidelines. This requirement only applies to that part of a site that has not been disturbed or compacted prior to the proposed project.
- (c) The analysis of flood levels, storage volumes, and discharge rates for waterbodies and stormwater management basins must include the NOAA Atlas 14 values, as amended, using a nested rainfall distribution (e.g. MSE 3), for the 2 year, 10 year and 100 year return period, 24-hour rainfall events and the 10-day snowmelt event (Curve Number 100), in order to identify the critical duration flood event. The District Engineer may require analysis of additional precipitation durations to determine the critical duration flood event. Analysis of the 10-day snowmelt event is not required for stormwater management detention basins with a defined outlet elevation at or below the 100 year return period, 24-hour rainfall event elevation.

5. STORMWATER MANAGEMENT PLAN FRAMEWORK.

- (a) When an existing regional BMP is proposed to manage stormwater runoff, the applicant must demonstrate the BMP is subject to maintenance obligations enforceable by the District. The project's proposed total impervious surface area must be equal to or less than the impervious surface allocated within the original approved stormwater plan for that site. If an impervious surface area was not specified within the original approved stormwater plan for the site, the applicant shall show that the BMP was designed and constructed to manage the stormwater runoff from the project site and the applicant has permission to utilize the required portion of BMP capacity.
- (b) Stormwater management plans, with the exception of those for single family residential developments, must specify the proposed impervious surface area draining to each BMP for each land parcel
- (c) A combination of Stormwater BMPs may be used to meet the requirements of section(s) 6, 7, and 8.
- (d) A local surface water management plan or ordinance of the local land use authority may contain standards or requirements more restrictive than these rules. The stormwater management plan must conform to the local surface water management plan or ordinance of the local land use authority.
- (e) The proposed project must not adversely affect off-site water levels or resources supported by local recharge, or increase the potential for off-site flooding, during or after construction.
- (f) A landlocked basin may be provided an outlet only if:
 - (1) It conforms with District Rule F, as applicable.
 - (2) The outlet is above the critical duration flood event
 - (3) It does not create adverse downstream flooding or water quality conditions as a result of the change in the rate, volume or timing of runoff or a change in drainage

patterns.

- (g) A municipality or public road authority may prepare a comprehensive stormwater management plan setting forth an alternative means of meeting the standards of sections 6 and 7 within a defined subwatershed. Once approved by the District and subject to any stated conditions, the plan will apply in place of those sections.

6. WATER QUALITY TREATMENT.

- (a) Development creating or reconstructing impervious surface shall apply Better Site Design (BSD) techniques as outlined in the MPCA Minnesota Stormwater Manual as amended (www.stormwater.pca.mn.us). A BSD guidance document and checklist is available on the District's website.
- (b) Sediment shall be managed on-site to the maximum extent practicable before runoff resulting from new or reconstructed impervious surface enters a waterbody or flows off-site.

(c) WATER QUALITY TREATMENT STANDARD.

- (1) The required water quality treatment volume standard for all projects, except Public Linear Projects, is determined as follows:

$$\text{Required Water Quality Treatment Volume (ft}^3\text{)} = \text{Area of New or Reconstructed Impervious Surface (ft}^2\text{)} \times 1.1 \text{ (in)} \div \text{TP Removal Factor from Table C1} \div 12 \text{ (in/ft)}$$

- (2) The required water quality treatment volume standard for Public Linear Projects is determined as follows:

$$\text{Required Water Quality Treatment Volume (ft}^3\text{)} = \text{\{Greater of\}}$$

$$\text{Area of New Impervious Surface (ft}^2\text{)} \times 1.0 \text{ (in)} \div 12 \text{ (in/ft)}$$

\{OR\}

$$\text{Sum Area of New and Reconstructed Impervious Surface (ft}^2\text{)} \times 0.5 \text{ (in)} \div 12 \text{ (in/ft)}$$

- (3) For alternative Stormwater BMPs not found in Table C1 or to deviate from TP Removal Factors found in Table C1, the applicant may submit a TP Removal Factor, expressed as annual percentage removal efficiency, based on supporting technical data, for District approval.
- (4) Stormwater runoff treated by the BMP during a rain event will not be credited towards the treatment requirement.

TABLE C1. TP REMOVAL FACTORS FOR PROPERLY DESIGNED BMPs.

BMP	BMP Design Variation	TP Removal Factor *
Infiltration **	Infiltration Feature	1.00
Water Reuse **	Irrigation	1.00
Biofiltration	Underdrain	0.65
Filtration	Sand or Rock Filter	0.50
Stormwater Ponds ***	Wet Pond	N/A***

Source: Adapted from Table 7.4 from the Minnesota Stormwater Manual, MPCA.

* Refer to MPCA Stormwater Manual for additional information on BMP performance.

Removal factors shown are average annual TP percentage removal efficiencies intended solely for use in comparing the performance equivalence of various BMPs.

** These BMPs reduce runoff volume.

*** Stormwater ponds must provide 2.5” of dead storage as required by Section 9(d)

(d) BMP TYPE AND LOCATION.

- (1) For a public linear project, BMPs must be located on-site and the required water quality volume must be achieved to the extent feasible. The road authority must obtain right-of-way or adjacent land for treatment, if reasonable. For other projects, the water quality volume must be treated on-site to the extent it is cost-effective, and otherwise may be treated off-site in accordance with subsection 6(d)(3), below.
- (2) If infiltration is feasible on site (see Table C2), BMPs, whether on- or off-site, must provide for infiltration to meet the standard of subsections 6(c) and 6(d)(1). To the extent infiltration is not feasible on-site, any BMP may be used to meet the standard.
- (3) Off-site and/or regional BMPs must be sited in the following priority order:
 - (i) In a downstream location that intercepts the runoff volume leaving the project site prior to the Resource of Concern.
 - (ii) Anywhere within the same Resource of Concern Drainage Area (see Figures C1A-C1E) that results in no greater mass of Total Phosphorus reaching the resource of concern than on-site BMPs.

TABLE C2. SPECIFIC CONDITIONS THAT MAY RESTRICT INFILTRATION.

Type	Specific Project Site Conditions	Required Submittals
Potential Contamination	Potential Stormwater Hotspots (PSH)	PSH Locations and Flow Paths
	Contaminated Soils	Documentation of Contamination Soil Borings
Physical Limitations	Low Permeability Soils (HSG C & D)	Soil Borings
	Bedrock within three vertical feet of bottom of infiltration area	Soil Borings
	Seasonal High Water Table within three vertical feet of bottom of infiltration area	Soil Borings High Water Table
	Karst Areas	Geological Mapping or Report
Land Use Limitations	Utility Locations	Site Map
	Nearby Wells (Private and/or Municipal) *	Well Locations

* Refer to Minnesota Stormwater Manual or the Minnesota Department of Health for setback requirements.

- (e) To the extent feasible, all stormwater runoff from new and reconstructed impervious surface must be captured and directed to a water quality BMP. For runoff not captured, TSS must be removed to the maximum extent practicable.

For a public linear project:

- Runoff from undisturbed impervious surface within the right-of-way that is not otherwise being treated may be treated in lieu of treating new or reconstructed impervious surface; and
- Water quality treatment volume for reconstructed impervious surface, if required by subsection 2(c), must be provided only to the extent feasible.

For other projects:

- Runoff from undisturbed impervious surface on site may be treated in lieu of treating new or reconstructed impervious surface, provided the runoff from that surface drains to the same Resource of Concern as the new/reconstructed surface not being treated; and
- The area not treated for phosphorus may not exceed 15 percent of all new or reconstructed impervious surface. Total water quality treatment volume for the project must be provided in aggregate pursuant to subsections 6(c) and 6(d).

- (f) For single family residential development, the runoff from impervious surface other than parking or driving surface that, in the District's judgment, cannot reasonably be routed to a stormwater BMP is considered to meet the standard of subsection 6(c) by infiltration if:

- (1) The length of the flow path across the impervious surface is less than the length of

- the flow path across the pervious surface to which it discharges; and
- (2) The pervious surface is vegetated and has an average slope of five percent or less; and
- (3) The District finds, on the basis of land use, that loss of the pervious surface is highly unlikely, or the permit is conditioned on a recorded covenant protecting the pervious surface.

(g) Banked “volume control” credits and debits established by public entities for Public Linear Projects with the RCWD prior to July 1, 2013 will continue to be recognized and enforced until all credits are used or all debits are fulfilled. Existing credits and debits may be used and fulfilled, respectively, anywhere within the applicant’s jurisdiction on any public project.

7. PEAK STORMWATER RUNOFF CONTROL.

- (a) Peak stormwater runoff rates for the proposed project at the project site boundary, in aggregate, must not exceed existing peak runoff rates for the 2-year, 10-year and 100-year, 24-hour rainfall events, or a different critical event duration at the discretion of the District Engineer. Notwithstanding, peak runoff may be controlled to this standard in a regional facility consistent with paragraph 7(b). Aggregate compliance for all site boundary discharge will be determined with respect to runoff not managed in a regional facility.
- (b) Any increase in a critical duration flood event rate at a specific point of discharge from the project site must be limited and cause no adverse downstream impact. Table C3 shows the maximum curve numbers that may be utilized for existing condition modeling of those project site areas not covered by impervious surface.
- (c) Within the Flood Management Zone only (see Figure C2), peak runoff rates for the 2, 10 and 100 year 24-hour rainfall events shall be reduced to ≤80% of the existing condition. This requirement does not apply if the project is a Public Linear Project.

TABLE C3. CURVE NUMBERS FOR EXISTING CONDITION PERVIOUS AREAS.

Hydrologic Soil Group	Runoff Curve Number *
A	39
B	61
C	74
D	80

* Curve numbers from NRCS Technical Release #55 (TR-55).

TABLE C4. HYDROPERIOD STANDARDS.

Wetland Susceptibility Class	Permitted Storm Bounce for 2-Year and 10-Year Event *	Inundation Period for 2-Year Event *	Inundation Period for 10-Year Event *
Highly susceptible	Existing	Existing	Existing
Moderately susceptible	Existing plus 0.5 ft	Existing plus 1 day	Existing plus 7 days
Slightly susceptible	Existing plus 1.0 ft	Existing plus 2 days	Existing plus 14 days
Least susceptible	No limit	Existing plus 7 days	Existing plus 21 days

Source: Adapted from: Stormwater and Wetlands Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Stormwater and Snowmelt Runoff on Wetlands.

* Duration of 24-hours for the return periods utilizing NOAA Atlas 14.

8. BOUNCE AND INUNDATION PERIOD.

- (a) The project must meet the hydroperiod standards found in Table C4 with respect to all down-gradient wetlands.
- (b) Wetland Susceptibility Class is determined based on wetland type, as follows:
 - (1) Highly susceptible wetland types include: sedge meadows, bogs, coniferous bogs, open bogs, calcareous fens, low prairies, coniferous swamps, lowland hardwood forests, and seasonally flooded waterbasins.
 - (2) Moderately susceptible wetland types include: shrub-carrs, alder thickets, fresh (wet) meadows, and shallow & deep marshes.
 - (3) Slightly susceptible wetland types include: floodplain forests and fresh wet meadows or shallow marshes dominated by cattail giant reed, reed canary grass or purple loosestrife.
 - (4) Least susceptible wetland includes severely degraded wetlands. Examples of this condition include cultivated hydric soils, dredge/fill disposal sites and some gravel pits.

9. DESIGN CRITERIA.

- (a) Infiltration BMPs must be designed to provide:
 - (1) Adequate pretreatment measures to remove sediment before runoff enters the primary infiltration area;
 - (2) Drawdown within 48-hours from the end of a storm event. Soil infiltration rates shall be based on the appropriate HSG classification and associated infiltration rates (see Table C5). The least permeable layer of the soil boring column must be utilized in BMP calculations (see Design Criteria (e)). Alternate infiltration rates based on a recommendation and certified measurement testing from a licensed geotechnical engineer or licensed soil scientist will be considered. Infiltration area will be limited to horizontal areas subject to prolonged wetting;
 - (3) A minimum of three feet of separation from the Seasonal High Water Table;
 - (4) An outlet control structure to convey the 2-year, 10-year & 100-year frequency events if the BMP is intended to provide rate control; and
 - (5) Consideration of the Minnesota Department of Health guidance document Evaluating Proposed Stormwater Infiltration Projects in Vulnerable Wellhead Protection Areas. Documentation shall be submitted to support implementation of this guidance document and will be accepted at the discretion of the District Engineer.
- (b) Water Reuse BMPs must conform to the following:
 - (1) Design for no increase in stormwater runoff from the irrigated area or project site.
 - (2) Required design submittal packages for water reuse BMPs must include:
 - (i) An analysis using the RCWD's Stormwater Reuse Spreadsheet;
 - (ii) Documentation demonstrating adequacy of soils, storage system, and delivery

system; and

(iii) Operations plan.

(3) Approved capacity of an irrigation practice will be based on:

(i) An irrigation rate of 0.5 inches per week over the irrigated pervious area(s) or the rate identified through the completion of the Metropolitan Council Stormwater Reuse Guide 'Water Balance Tool Irrigation Constant Demand' Spreadsheet (whichever is less); or as approved by the District; and

(ii) No greater than a 26 week (April 15th to October 15th) growing season.

An additional water quality treatment capacity beyond 0.5 inches per week may be recognized under a subsection C.5(f) plan or a C.13 phased development permit based on an average of three consecutive years of monitoring records of volume irrigated and pursuant to a monitoring plan approved by the District.

(4) Approved capacity of a non-irrigation practice shall be based on the rate identified through the completion of the Metropolitan Council Stormwater Reuse Guide 'Water Balance Tool Non-Irrigation Constant Demand' spreadsheet, or as approved by the District.

(c) Biofiltration/filtration BMPs must be designed to provide:

(1) Adequate pretreatment measures to remove sediment before runoff enters the primary biofiltration area;

(2) Drawdown within 48-hours from the end of a storm event;

(3) A minimum of 12-inches of organic material or sand above the rock trench or drain tile system; and

(4) Drain tile system must be designed above the Seasonal High Water Table.

(5) An outlet control structure to convey the 2-year, 10-year & 100-year frequency events if the biofiltration/filtration BMP is intended to provide rate control.

TABLE C5. SOIL TYPE AND INFILTRATION RATES.

Hydrologic Soil Group	Soil Textures	Corresponding Unified Soil Classification		Infiltration Rate (in/hr)
A	Gravel Sandy Gravel Silty Gravels	GW	Well-graded gravels, sandy gravels	1.63
		GP	Gap-graded or uniform gravels, sandy gravels	
		GM	Silty gravels, silty sandy gravels	
		SW	Well-graded gravelly sands	
	Sand Loamy Sand Sandy Loam	SP	Gap-graded or uniform sands, gravelly sands	0.8
B	Loam Silt Loam	SM	Silty sands, silty gravelly sands	0.45
		MH	Micaceous silts, diatomaceous silts, volcanic ash	0.3
C	Sandy Clay Loam	ML	Silts, very fine sands, silty or clayey fine sands	0.2
D	Clay Loam Silty Clay Loam Sandy Clay Silty Clay Clay	GC	Clayey gravels, clayey sandy gravels	0.06
		SC	Clayey sands, clayey gravelly sands	
		CL	Low plasticity clays, sandy or silty clays	
		OL	Organic silts and clays of low plasticity	
		CH	Highly plastic clays and sandy clays	
		OH	Organic silts and clays of high plasticity	

Source: Adapted from the “Design infiltration rates” table from the Minnesota Stormwater Manual, MPCA, (January 2014).

- (d) Stormwater ponds must be designed to provide:
- (1) Water quality features consistent with NURP criteria and accepted design standards for average and maximum depth;
 - (2) A permanent wet pool with dead storage at least equal to the runoff volume from a 2.5-inch rainfall over the area tributary to the pond;
 - (3) An outlet structure capable of preventing migration of floating debris and oils for at least the one-year storm;
 - (4) An identified emergency overflow spillway sufficiently stabilized to convey flows greater than the 100-year critical storm event; and
 - (5) An outlet control structure to convey the 2-year, 10-year & 100-year frequency events.
- (e) Underground stormsewer systems must be designed to provide inspection and access ports sufficient to inspect and maintain the system.
- (f) Soil borings (utilizing ASTM D5921 and D2488, as amended) shall be considered for design purposes, and provided to the District, for each proposed BMP. The soil borings must be taken to a depth of at least 5 feet below the bottom of the proposed feature. For an application proposing an infiltration area, the applicant will identify, describe and delineate group, texture and redoximorphic features of site soils to assess percolation of stormwater runoff from impervious areas. Field evaluation of soil permeability in accordance with ASTM 3385 procedure for double ring infiltrometer testing or other approved method is encouraged.
- (g) An outfall structure discharging directly to a wetland, public water or public water wetland must incorporate a stilling-basin, surge-basin, energy dissipater, placement of ungrouted natural rock riprap or other feature to minimize disturbance and erosion of natural shoreline and bed resulting from stormwater discharges. Where feasible, outfall structures are to be located outside of the natural feature.

TABLE C6. LOW FLOOR AND LOW ENTRY FREEBOARD REQUIREMENTS.

Freeboard	100-Year Flood Elevations		Detention Basins, Wetlands & Stormwater Ponds		Infiltration and Biofiltration Basins			Rain Gardens*
	100-yr	EOF	100-yr	EOF	Bottom	100-yr	EOF	EOF
Low Floor	2.0 ft	1.0 ft	0.0 ft	NA	0.0 ft	NA	NA	NA
Low Entry	NA	NA	2.0 ft	1.0 ft	NA	2.0 ft	1.0 ft	0.5 ft

* Rain gardens are "off-line" infiltration or bio-filtration basins.

- (h) All new residential, commercial, industrial and other habitable or non-habitable structures, and all stormwater BMPs, must be constructed so that the lowest floor and lowest entry elevations comply with Table C6. A structure on residential property not intended for human habitation and not attached to a habitable structure is exempt from this requirement, if the District finds it impractical and the landowner files a notation on the property title that the structure does not meet the requirement.

The low entry freeboard criterion of Table C6 may be deemed met when the structure does not have the required vertical separation, but is protected from surface flooding to the required elevation by a berm or other natural or constructed topographic feature capable of providing flood protection.

Within a landlocked basin, minimum low floor elevations must be at least one foot above the surveyed basin run out elevation. Where a structure is proposed below the run out elevation of a landlocked basin, the low floor elevation will be a minimum of two feet above the highest water level of either the 10-day snowmelt event or back-to-back 1 00-year, 24-hour rainfalls. Aerial photos, vegetation, soils, and topography may be used to derive a "normal" water elevation for the purpose of computing the basin's 100-year elevation.

- (i) All stormwater management structures and facilities must be designed for maintenance access and be properly operated and maintained in perpetuity to assure that they continue to function as designed. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District. Regional ponds owned by public entities that are only used to meet the runoff rate requirements of the District rule do not need a maintenance agreement with the District.
- (j) The permittee must use construction best practices so that the facility as constructed will conform to design specifications and the soil and surrounding conditions are not altered in a way adverse to facility performance.
- (k) Before work under the permit is deemed complete, the permittee must submit as-built plans demonstrating that at the time of final stabilization, stormwater facilities conform to design specifications. If at any time the District finds that the stormwater facility is not performing as designed, on District request the permittee must undertake reasonable investigation to determine the cause of inadequate performance.

10. EASEMENTS.

- (a) Before permit issuance, the permittee must, submit a copy of any plat or easement required by the local land use authority establishing drainage or flowage over stormwater management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year flood elevation, or any other hydrologic feature.
- (b) Before permit issuance, the permittee must convey to the District an easement to the public drainage system specifying a District right of maintenance access over the right of way of the public drainage system as identified within the public drainage system record. If the right of way of the public drainage system is not described within the record, then the easement shall be conveyed with the following widths:
- For tiled/piped systems, 40 feet wide perpendicular to the direction of flow, centered on the tile line or pipe;

- For open channel systems, a width that includes the channel and the area on each side of the channel within 20 feet of top of bank. For adequate and safe access, where top of bank is irregular or obstruction exists, the District may specify added width.
- (c) Public Linear Projects and public property are exempt from the public drainage system easement requirement of Section 10(b).
- (d) For projects within the District's Comprehensive Wetland Protection and Management Plan (CWPMP) areas, the Wetland Management Corridor (WMC) boundary delineation, buffer and easement requirements found at Rule F.6 apply. As stated in Rule F.5(e), Public Linear Projects are not subject to the requirements of Rule F.6.

11. REQUIRED EXHIBITS. The following exhibits must accompany the permit application. The vertical datum must clearly be labeled on each plan set.

- (a) An erosion & sediment control plan and, for projects that require an NPDES permit, a Storm Water Pollution Prevention Plan.
- (b) Property lines and delineation of lands under ownership of the applicant.
- (c) Delineation of the subwatershed contributing runoff from off-site, proposed and existing subwatersheds onsite, emergency overflows, and drainageways.
- (d) Geotechnical analysis including soil borings at all proposed stormwater management facility locations utilizing ASTM D5921 and D2488, as amended.
- (e) Proposed and existing stormwater facilities' location, alignment and elevation.
- (f) Delineation of existing on-site wetland, marshes and floodplain areas.
- (g) Identification of existing and proposed normal, ordinary high and 100-year water elevations on-site.
- (h) Identification of existing and proposed contour elevations within the project site .
- (i) Construction plans and specifications of all proposed stormwater management facilities, including design details for outlet control structures.
- (j) Stormwater runoff volume and rate analyses for the 2- 10- and 100-year critical events, existing and proposed conditions utilizing NOAA Atlas 14.
- (k) All hydrologic, water quality and hydraulic computations completed to design the proposed stormwater management facilities.
- (l) Narrative including a project description, discussion of BMP selection, and revegetation plan for the project site.
- (m) Other project site-specific submittal requirements as may be required by the District.

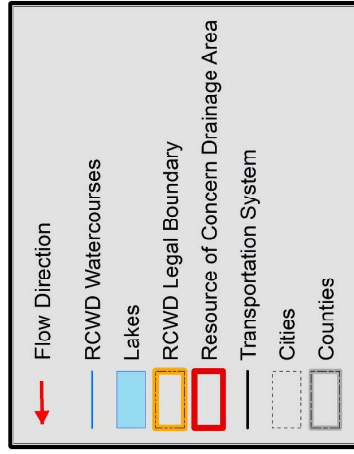
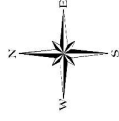
12. EXCEPTIONS.

- (a) A permit is not required for single family residential construction on an individual lot of record, if the proposed impervious surface of the lot is less than 10,000 square feet, excluding

the driveway. If the lot is within a development previously approved by the District, the construction must conform to the previous approval.

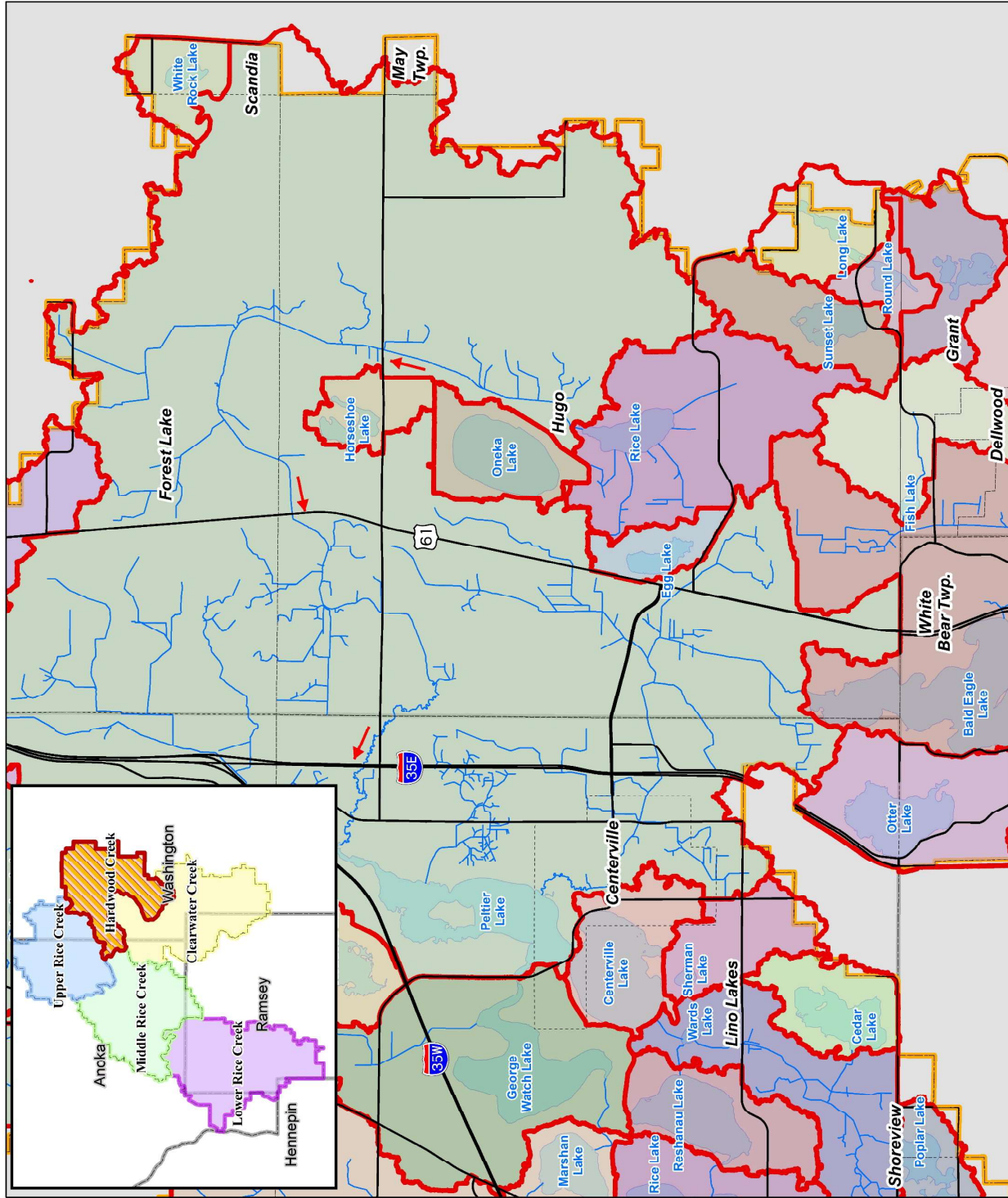
- (b)** Rule C requirements do not apply to sidewalks and trails 10 feet wide or less that are bordered down-gradient by vegetated open space or vegetated filter strip with a minimum width of 5 feet.
- (c)** Rule C requirements do not apply to Bridge Spans and Mill, Reclamation & Overlay projects.
- (d)** Rule C.6 and C.7 requirements do not apply to single family residential subdivisions creating seven or fewer lots that:
 - (1)** Establish no new public roadway; and
 - (2)** Include no private roadway/driveway serving three or more lots.
- (e)** Requirements of subsections 10(b) and 10(d) to not apply to the retained part of a privately owned tract that is subdivided to convey land to a public agency for a public purpose.
- (f)** Criteria of Section 7 may be waived if the project site discharges directly to a water body with large storage capacity (such as a public water), the volume discharged from the project site does not contribute to a downstream flood peak, and there are no downstream locations susceptible to flooding.
- (g)** Section 6 and Section 7 are waived for a portion of a project that paves a gravel roadway if the right-of-way ditch is maintained and does not discharge a concentrated flow directly to a wetland or another sensitive water body.

Rice Creek Watershed District

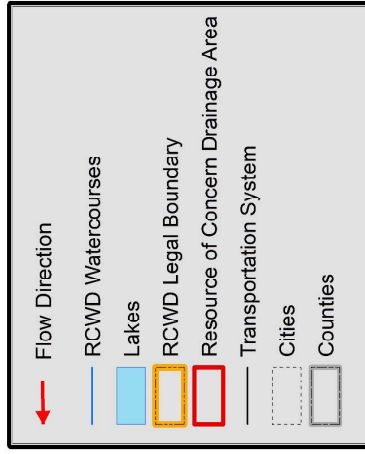
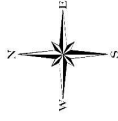


Sources: RCWD, TLG, MN DOT

C1A: Resources of Concern Drainage Area of Hardwood Creek

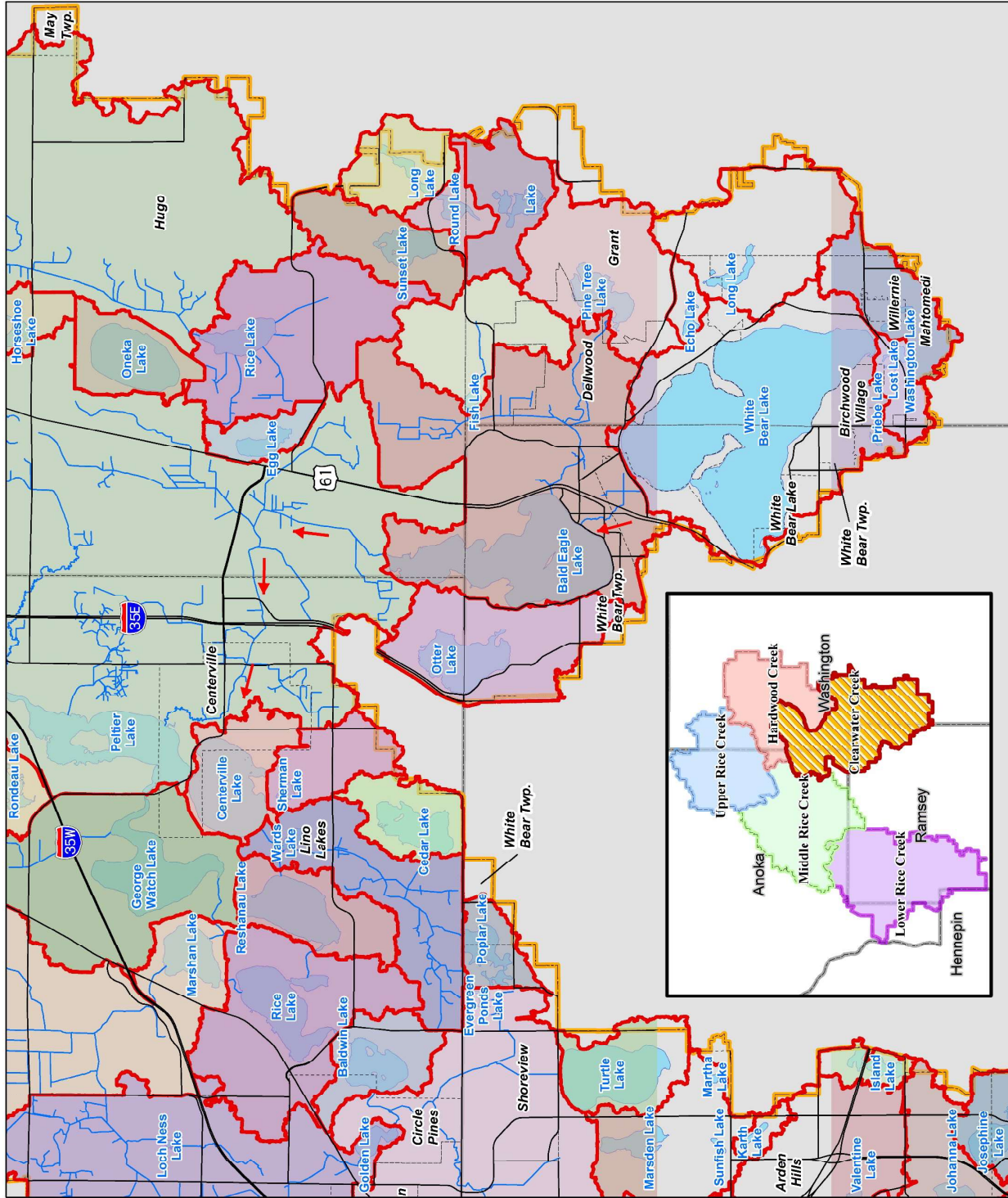


Rice Creek Watershed District

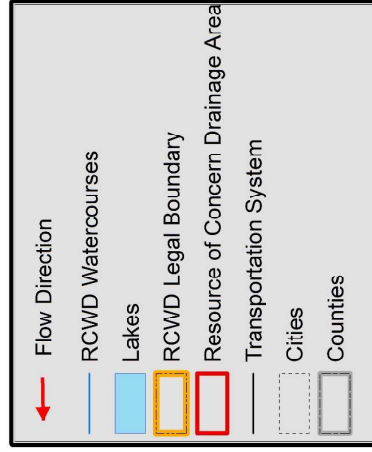
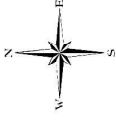


Sources: RCWD, TLG, MN DOT

C1B: Resources of Concern Drainage Area of Clearwater Creek

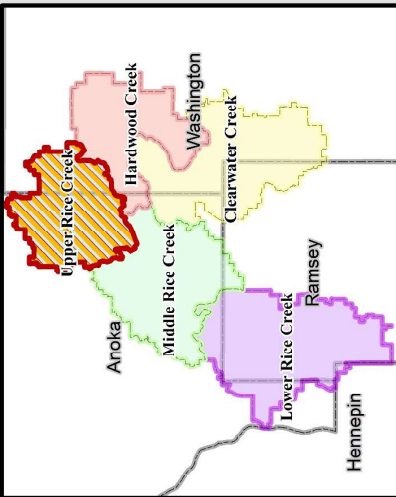
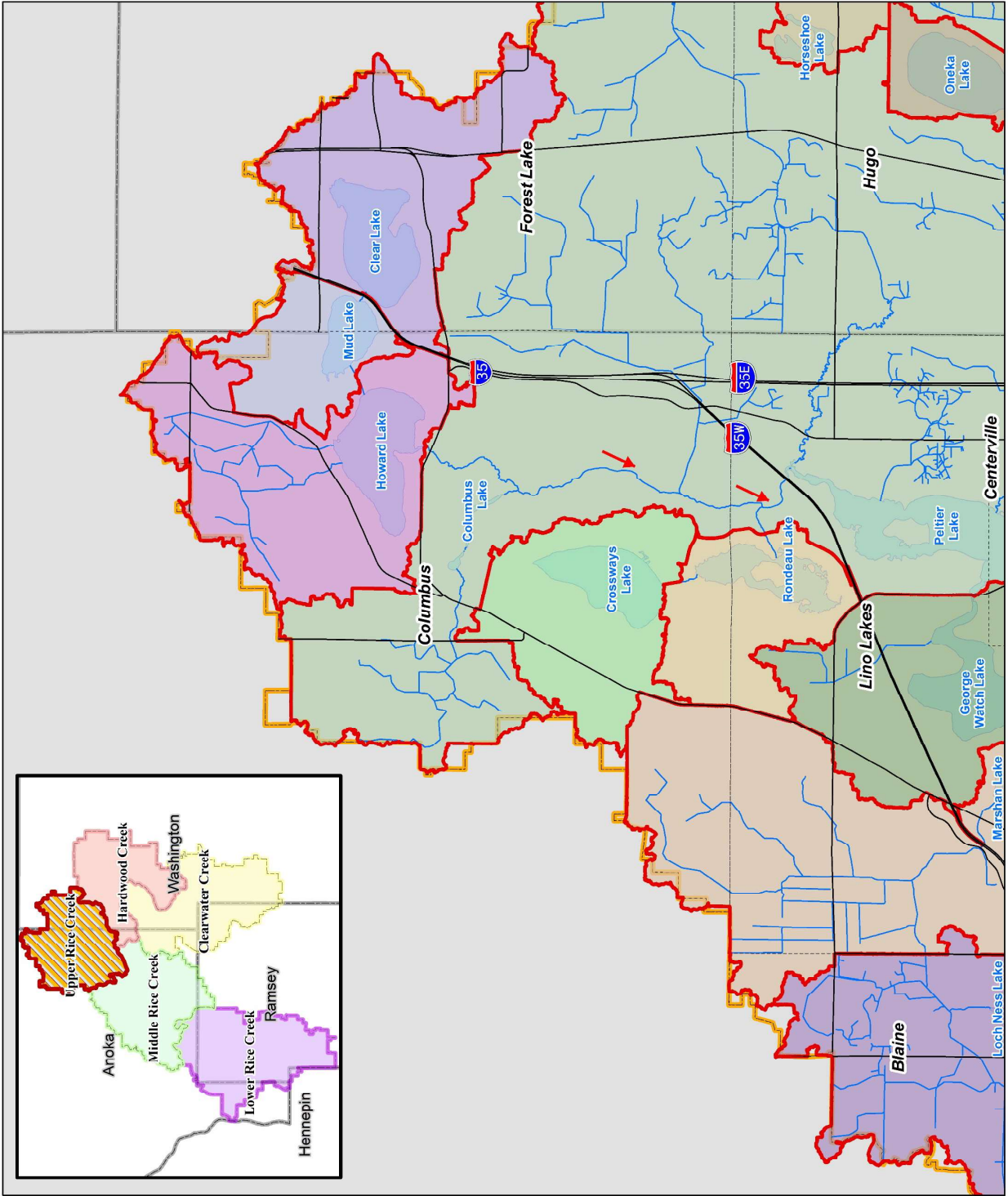


Rice Creek Watershed District

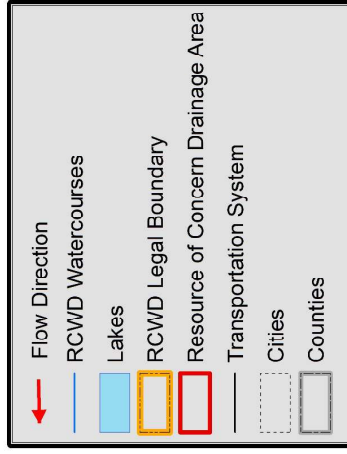
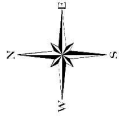


Sources: RCWD, TLG, MN DOT

C1C: Resources of Concern Drainage Area of Upper Rice Creek

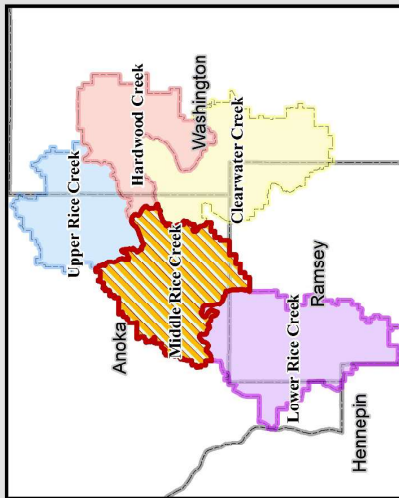
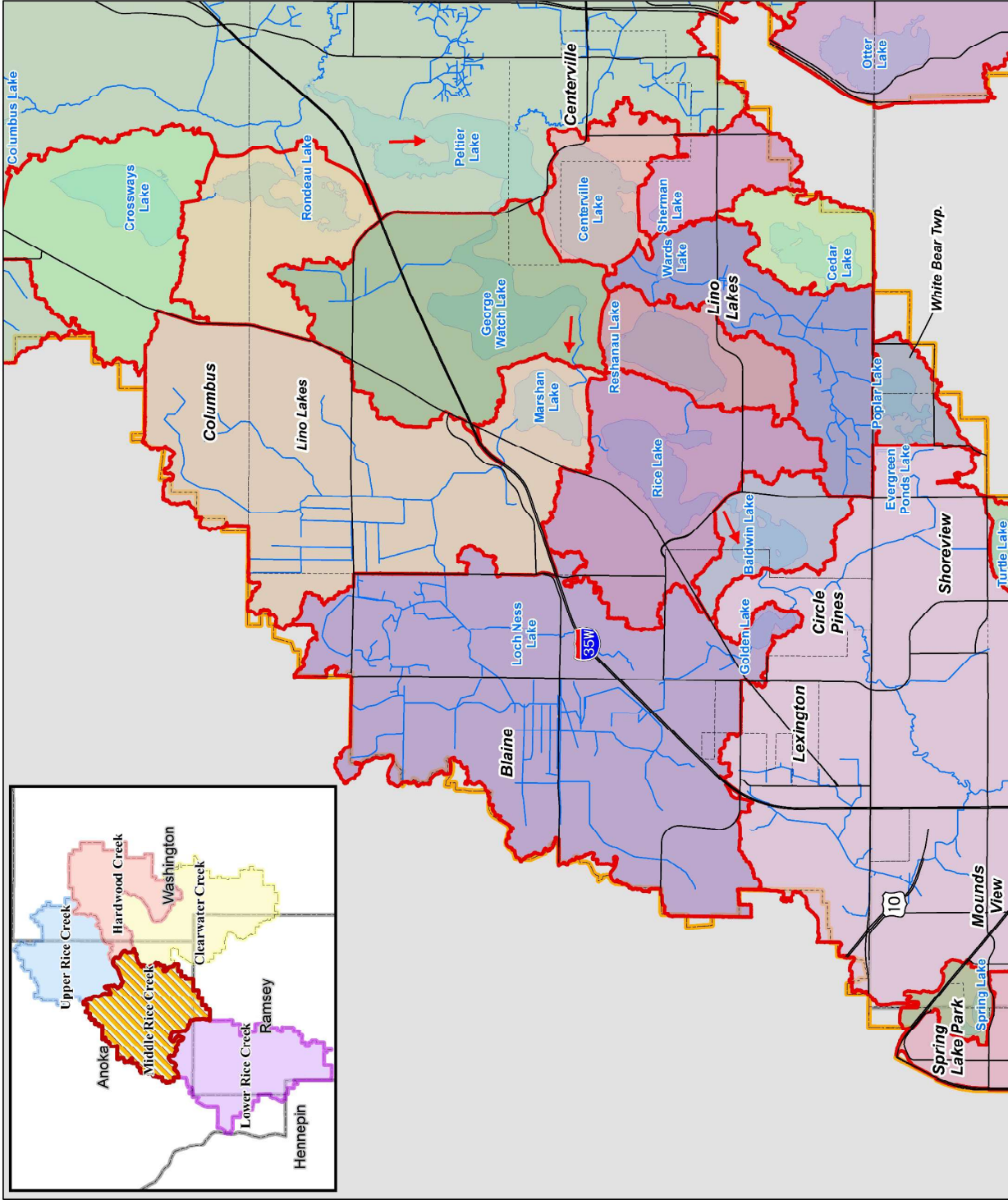


Rice Creek Watershed District

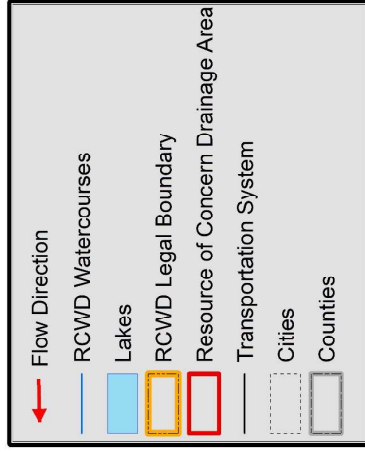
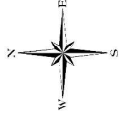


Sources: RCWD, TLG, MN DOT

C1D: Resources of Concern Drainage Area of Middle Rice Creek

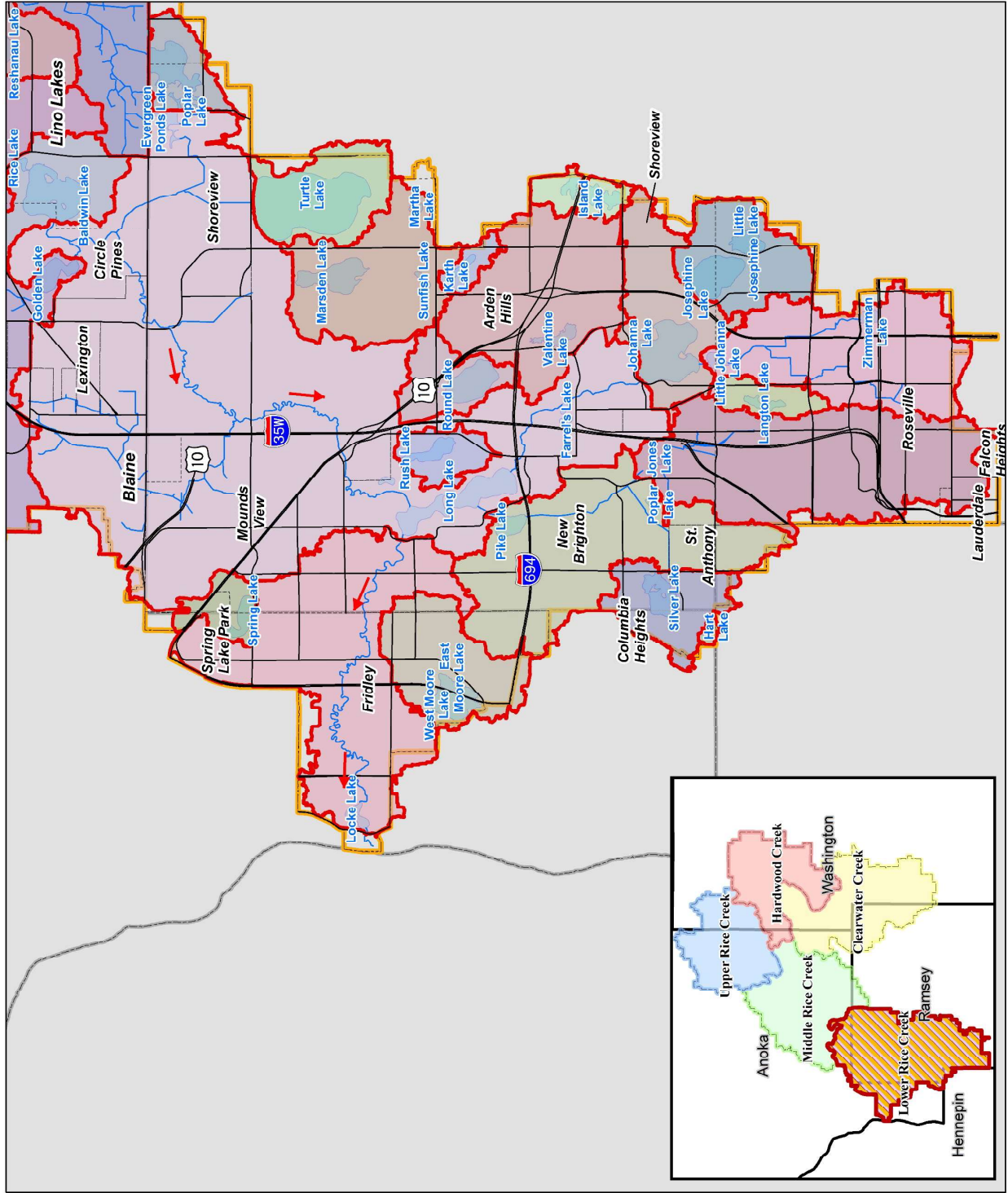


Rice Creek Watershed District

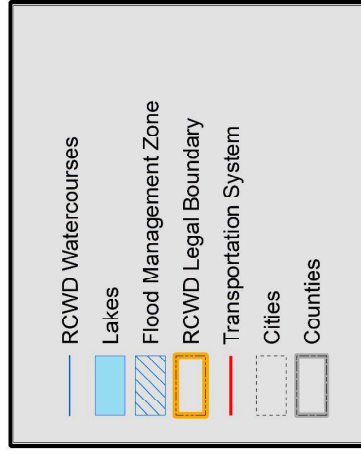
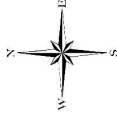


Sources: RCWD, TLG, MN DOT

C1E: Resources of Concern Drainage Area of Lower Rice Creek

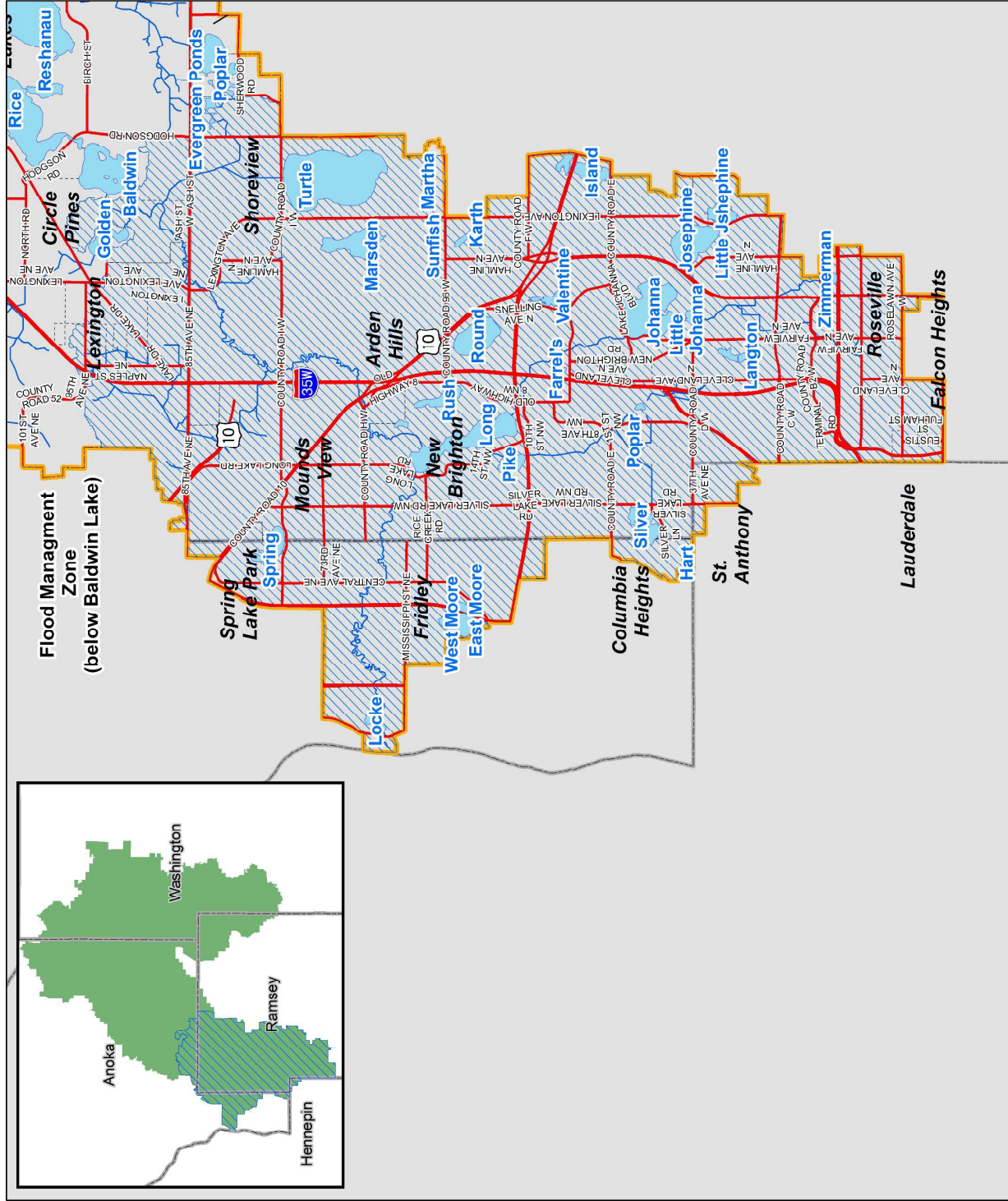


Rice Creek Watershed District



Sources: RCWD, T.L.G, MN DOT

C2: Flood Management Zone



RULE D: EROSION AND SEDIMENT CONTROL PLANS

1. **POLICY.** It is the policy of the Board of Managers to prevent erosion of soil into surface water systems by requiring erosion and sediment control for land-disturbing activities.
2. **REGULATION.**
 - (a) A permit under this rule is required for:
 - (1) Surface soil disturbance or removal of vegetative cover on one acre or more of land;
 - (2) Surface soil disturbance or removal of vegetative cover on 10,000 square feet or more of land, if any part of the disturbed area is within 300 feet of and drains to a lake, stream, wetland or public drainage system; or
 - (3) Any land-disturbing activity that requires a District permit under a rule other than Rule D.
 - (b) A person disturbing surface soils or removing vegetative cover on more than 5,000 square feet of land, or stockpiling on-site more than fifty (50) cubic yards of earth or other erodible material, but not requiring a permit under the criteria of this rule, must submit a notice in advance of disturbance on a form provided by the District and conform the activity to standard best practices established by and available from the District.
 - (c) Rule D does not apply to normal farming practices that are part of an ongoing farming operation.
 - (d) Rule D does not apply to milling, reclaiming or overlay of paved surfaces that does not expose underlying soils.
 - (e) A permit is not required under this rule to remove sediment from an existing constructed stormwater management basin. However, a notice of intent must be filed with the District prior to initiating the work.
3. **DESIGN CRITERIA FOR EROSION CONTROL PLANS.** The applicant must prepare and receive District approval of an Erosion and Sediment Control that meets the following criteria:
 - (a) For projects disturbing more than ten acres, compliance with the standards of Rule C, subsections 7(a) and (b) must be demonstrated.
 - (b) Natural project site topography and soil conditions must be specifically addressed to reduce erosion and sedimentation during construction and after project completion.
 - (c) Site erosion and sediment control practices must be consistent with the Minnesota Stormwater Manual, and District-specific written design guidance and be sufficient to retain sediment on-site.
 - (d) The project must be phased to minimize disturbed areas and removal of existing vegetation, until it is necessary for project progress.
 - (e) The District may require additional erosion and sediment control measures on areas with a slope to a sensitive, impaired or special water body, stream, public drainage system or wetland to assure retention of sediment on-site.

- (f) The plan must include conditions adequate to protect facilities to be used for post-construction stormwater infiltration.

- 4. REQUIRED EXHIBITS.** The following exhibits must accompany the permit application.
- (a) An existing and proposed topographic map which clearly indicates all hydrologic features and areas where grading will expose soils to erosive conditions. The Plan must also indicate the direction of all project site runoff.
 - (b) Tabulation of the construction implementation schedule.
 - (c) Name, address and phone number of party responsible for maintenance of all erosion and sediment control measures.
 - (d) Quantification of the total disturbed area.
 - (e) Clear identification of all temporary erosion and sediment control measures that will remain in place until permanent vegetation is established. Examples of temporary measures include, but are not limited to, seeding, mulching, sodding, silt fence, erosion control blanket, and stormwater inlet protection devices.
 - (f) Clear identification of all permanent erosion control measures such as outfall spillways and riprap shoreline protection, and their locations.
 - (g) Clear Identification of staging areas, as applicable.
 - (h) Documentation that the project applicant has applied for the NPDES Permit from the Minnesota Pollution Control Agency (MPCA), when applicable.
 - (i) A stormwater pollution prevention plan for projects that require an NPDES Permit.
 - (j) Identification and location of any floodplain and/or wetland area. A more precise delineation may be required depending on the proximity of the proposed disturbance to a wetland and/or floodplain.
 - (k) Other project site-specific submittal requirements as may be required by the District.
- 5. CONSTRUCTION ACTIVITY REQUIREMENTS.** Site disturbance must conform to the District-approved erosion and sediment control plan, to any other conditions of the permit, and to the standards of the NPDES construction general permit, as amended, regarding construction-site erosion and sediment control.
- 6. INSPECTIONS.**
- (a) The permittee shall be responsible for inspection, maintenance and effectiveness of all erosion and sediment control measures until final soil stabilization is achieved or the permit is assigned (see Rule B), whichever comes first.
 - (b) The District may inspect the project site and require the permittee to provide additional erosion control measures as it determines conditions warrant.
- 7. FINAL STABILIZATION.**
- (a) Erosion and sediment control measures must be maintained until final vegetation and ground cover is established to a density of 70%.
 - (b) Temporary erosion and sediment control BMPs will be removed after disturbed areas have been permanently stabilized.

RULE E: FLOODPLAIN ALTERATION

1. **POLICY.** It is the policy of the Board of Managers to:
 - (a) Utilize the best information available in determining the 100-year flood elevation.
 - (b) Preserve existing water storage capacity within the 100-year floodplain of all waterbodies and wetlands in the watershed to minimize the frequency and severity of high water.
 - (c) Enhance floodplain characteristics that promote the natural attenuation of high water, provide for water quality treatment, and promote groundwater recharge.
 - (d) Preserve and enhance the natural vegetation existing in floodplain areas for aquatic and wildlife habitat.

2. **REGULATION.** No person may alter or fill land within the floodplain of any lake, stream, wetland, public drainage system, major watercourse, or public waters without first obtaining a permit from the District. Shoreline/streambank restoration or stabilization, approved in writing by the District or County Conservation District to control erosion and designed to minimize encroachment and alteration of hydraulic forces, does not require a permit under this Rule.

3. **CRITERIA FOR FLOODPLAIN ALTERATION.**
 - (a) Fill within the floodplain is prohibited unless compensatory floodplain storage volume is provided within the floodplain of the same water body, and within the permit term. The volume within on-site stormwater ponds is not considered compensatory floodplain storage unless that volume is non-coincident with the 100-year flood peak. If offsetting storage volume will be provided off-site, it shall be created before any floodplain filling by the applicant will be allowed.
 - (b) Any structure or embankments placed within the floodplain will be capable of passing the 100-year flood without increasing the elevation of the 100-year flood profile.
 - (c) Compensatory floodplain storage volume is not required to extend an existing culvert, modify an existing bridge approach associated with a Public Linear Project, or place spoils adjacent to a public or private drainage channel during channel maintenance, if there is no adverse impact to the 100-Year Flood Elevation.
 - (d) Compensatory floodplain storage volume is not required for deposition of up to 100 cubic yards of fill per parcel, if there is no adverse impact to the 100-Year Flood Elevation. For public road authorities, this exemption applies on a per-project, per floodplain basis.
 - (e) Floodplain alteration is subject to the District's Wetland Alteration Rule F, as applicable.
 - (f) Structures to be built within the 100-year floodplain will have two feet of freeboard between the lowest floor and the 100-year flood profile. A structure on residential property not intended for human habitation and not attached to a habitable structure is exempt from this requirement if the District finds it impractical and the landowner files a notation on the property title that the structure does not meet the requirement.

4. **DRAINAGE EASEMENTS.**
 - (a) Before permit issuance, the permittee must submit a copy of any plat or easement

required by the local land use authority establishing drainage or flowage over stormwater management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year event, or any other hydrological feature.

- (b) Before permit issuance, the permittee must convey to the District an easement to the public drainage system specifying a District right of maintenance access over the right of way of the public drainage system as identified within the public drainage system record. If the right of way of the public drainage system is not described within the record, then the easement shall be conveyed with the following widths:
- For tiled/piped systems, 40 feet wide perpendicular to the direction of flow, centered on the tile line or pipe;
 - For open channel systems, a width that includes the channel and the area on each side of the channel within 20 feet of top of bank. For adequate and safe access, where top of bank is irregular or obstruction exists, the District may specify added width.
- (c) Public Linear Projects and public property are exempt from the public drainage system easement requirement of Section 4(b).

5. REQUIRED EXHIBITS. The following exhibits must accompany the permit application.

- (a) Site plan showing property lines, delineation of the work area, existing elevation contours of the work area, ordinary high water elevations, and 100-year flood elevations. All elevations must be reduced to NAVD 1988 datum. The datum must clearly be labeled on each plan set.
- (b) Grading plan showing any proposed elevation changes.
- (c) Determination by a professional engineer or qualified hydrologist of the 100-year flood elevation before and after the project.
- (d) Computation of change in flood storage capacity resulting from proposed grading.
- (e) Erosion and sediment control plan in accordance with District Rule D.
- (f) Other project site-specific submittal requirements as may be required by the District.

RULE F: WETLAND ALTERATION

1. **POLICY.** It is the policy of the Board of Managers to:
 - (a) Maintain no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands.
 - (b) Increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands.
 - (c) Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands.
 - (d) Replace wetland values where avoidance of activity is not feasible or prudent.
 - (e) Accomplish goals of the adopted Comprehensive Wetland Protection and Management Plans (CWPMPs).

2. **REGULATION.** No person may fill, drain, excavate or otherwise alter the hydrology of a wetland without first obtaining a permit from the District.
 - (a) The provisions of the Minnesota Wetland Conservation Act (WCA), Minnesota Statutes §§103G.221 through 103G.2372, and its implementing rules, Minnesota Rules 8420, apply under this Rule and govern District implementation of WCA as well as District regulation of non-WCA wetland impacts, except where the Rule provides otherwise.
 - (b) This rule does not regulate alteration of incidental wetlands as defined in Minnesota Rules chapter 8420, as amended. An applicant must demonstrate that the subject wetlands are incidental.
 - (c) An activity for which a No-Loss decision has been issued under Minnesota Rules chapter 8420 is subject to the applicable requirements of chapter 8420 but not otherwise subject to this Rule.
 - (d) Clearing of vegetation, plowing or pasturing in a wetland as part of an existing and ongoing farming operation is not subject to this rule unless the activity results in draining or filling the wetland.

3. **LOCAL GOVERNMENT UNIT.** The District intends to serve as the "Local Government Unit" (LGU) for administration of the Minnesota Wetland Conservation Act (WCA), except where a particular municipality in the District has elected to assume that role in its jurisdictional area or a state agency is serving as the local government unit on state land. Pursuant to its regulatory authority under both WCA and watershed law, when the District is serving as the LGU it will require wetland alteration permits for wetland-altering activities both as required by WCA and otherwise as required by this Rule.

4. **CRITERIA.**
 - (a) When the District is serving as the LGU, it will regulate wetland alterations that are not subject to WCA rules and do not qualify for an exemption at Minnesota Rules 8420.0420 or do not meet the "no-loss" criteria of Minnesota Rules 8420.0415 according to the rules and procedures of WCA, except as specifically provided in this Rule. Alteration under

this paragraph requires replacement at a minimum ratio of 1:1 to ensure no loss of wetland quantity, quality or biological diversity. Replacement activities will be credited consistent with the actions eligible for credit in Minnesota Rules 8420.0526.

- (b) A wetland alteration not subject to WCA that does not change the function of a wetland and results in no net loss of wetland quantity, quality or biological diversity is exempt from the replacement requirement in Section 4(a) of this Rule.
- (c) The wetland replacement exemptions in Minnesota Rules 8420.0420 are applicable under this Rule, except as modified within CWPMP areas under Section 6.
- (d) Alterations in wetlands for the purposes of wildlife enhancement must be certified by the local Soil and Water Conservation District as compliant with the criteria described in Wildlife Habitat Improvements in Wetlands: Guidance for Soil and Water Conservation Districts and Local Government Units.

5. ADDITIONAL DISTRICT REQUIREMENTS. In addition to the wetland replacement plan components and procedures in WCA, the following more specific requirements will apply to the District's review of WCA and, except as indicated, non-WCA wetland alterations:

- (a) Applicants must adequately explain and justify each individual contiguous wetland alteration area in terms of impact avoidance and minimization alternatives considered.
- (b) Where the wetland alteration is proposed in the context of land subdivision, on-site replacement wetland and buffer areas, as well as buffers established under section 6(e), must:
 - (1) Be located within a platted outlot.
 - (2) Be protected from future encroachment by a barrier (i.e. stormwater pond, infiltration basin, existing wetland, tree line, fence, trail or other durable physical feature).
 - (3) Have boundaries posted with signage approved by the District identifying the wetland/buffer protected status. On installation, the applicant must submit a GIS shapefile, or CADD file documenting sign locations.
- (c) The upland edge of new wetland creation must have an irregular and uneven slope. The slope must be no steeper than 8:1 over the initial 25 feet upslope from the projected wetland elevation contour along at least 50 percent of the upland/wetland boundary and no steeper than 5:1 along the remaining 50 percent of the boundary.
- (d) The District will not allow excess replacement credits to be used for replacement on a different project unless the credits were designated for wetland banking purposes in the original application in accordance with WCA rules and have been deposited into the WCA wetland banking system.
- (e) Replacement by banking must use credits from banks within the District, unless credits are unavailable or the applicant demonstrates that credit price deviates substantially from a market condition.
- (f) Within the boundary of a District developed and BWSR approved CWPMP (see Figure F1), Rule F and WCA are further modified to include Section 6. Public Linear Projects located in a CWPMP jurisdictional area and not part of an industrial, commercial,

institutional or residential development are not subject to Section 6 of this Rule.

6. COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLANS. All District Comprehensive Wetland Protection and Management Plans (CWPMPs) are incorporated into this Rule. The specific terms of Rule F will govern, but if a term of Rule F is susceptible to more than one interpretation, the District will apply the interpretation that best carries out the intent and purposes of the respective CWPMP.

(a) PRE-APPLICATION REVIEW.

(1) In cases where wetland fill, excavation or draining, wholly or partly, is contemplated, the applicant is encouraged to submit a preliminary concept plan for review with District staff and the Technical Evaluation Panel (TEP) before submitting a formal application. The following will be examined during pre-application review:

- (i) Sequencing (in accordance with WCA and Federal Clean Water Act requirements, reducing the size, scope or density of each individual proposed action, and changing the type of project action to avoid and minimize wetland impacts).
- (ii) Wetland assessment.
- (iii) Applying Better Site Design principles as defined in Rule A.
- (iv) Integrating buffers and other barriers to protect wetland resources from future impacts.
- (v) Exploring development code flexibility, including conditional use permits, planned unit development, variances and code revisions;
- (vi) Reviewing wetland stormwater susceptibility (see Rule C.8) and coordinating Wetland Management Corridor (WMC) establishment with existing adjacent WMCs.

(2) At the pre-application meeting, the applicant shall provide documentation sufficient to assess project alternatives at a concept level and such other information as the District specifically requests.

(3) On receipt of a complete application, the District will review and act on the application in accordance with its procedural rules and WCA procedures.

(4) The TEP shall be consulted on decisions related to replacement plans, exemptions, no-loss, wetland boundaries and determination of the WMC.

(b) WETLAND MANAGEMENT CORRIDORS.

(1) At the time of permitting, the preliminary Wetland Management Corridor (WMC) boundary (see Figure F1) will be adjusted in accordance with subsections F(6)(b)(2) and (3), below. Notwithstanding, within the Columbus CWPMP, commercial/Industrial zoned areas within Zone 1 will remain outside of the WMC (see Figure F2).

(2) The applicant must delineate the site level WMC when wetland impacts are proposed:

- (i) Within the Preliminary WMC; or
- (ii) Within 150 feet of the Preliminary WMC and greater than the applicable

de minimis exemption amount, per Minnesota Rules 8420.0420;

If the proposed project does not meet criterion (b)(2)(i) or (b)(2)(ii), above, an applicant may accept the Preliminary WMC boundary on the project site, as made more precise on a parcel basis by the use of landscape-scale delineation methods applied or approved by the District and need not comply with Section 6(b)(3) and 6(b)(4).

- (3) The applicant shall complete a wetland functional analysis using MnRAM 3.4 (or most recent version) when defining the site level WMC boundary.
 - (i) The WMC boundary will be expanded to encompass any delineated wetland lying in part within the preliminary WMC and any wetland physically contiguous with (not separated by upland from) the landscape-scale WMC.
 - (ii) The District, in its judgment, may retract the WMC boundary on the basis of site-level information demonstrating that the retraction is consistent with the associated CWPMP and does not measurably diminish the existing or potential water resource functions of the WMC. In making such a decision, the District may consider relevant criteria including wetland delineation, buffer and floodplain location, WMC connectivity, protection of surface waters and groundwater recharge, and whether loss would be reduced by inclusion of compensating area supporting WMC function.
 - (iii) If the site level functional analysis shows the presence of Non-degraded or High Quality wetland within 50 feet of the site level WMC, the WMC will be expanded to the lateral extent of the Non-degraded or High Quality wetland boundary plus the applicable buffer as defined in section 6(e).
 - (iv) If the WMC lies within or contiguous to the parcel boundaries of the project, the lateral extent of the final WMC may be increased by the applicant to include all wetland or other action eligible for credit contiguous with the site level WMC. The extended WMC boundary must connect property to the WMC boundary on adjacent properties and reflect local surface hydrology.
- (4) A map of the final WMC boundary must be prepared and submitted to the District for approval. The map will reflect any change to the boundary as a result of the permitted activity. A GIS shapefile or CADD file of the final WMC boundary shall be submitted to the District.
- (5) A variance from a requirement of Section 6(b) otherwise meeting the criteria of District Rule L may be granted if the TEP concurs that the wetland protection afforded will not be less than that resulting from application of standard WCA criteria.

(c) WETLAND REPLACEMENT.

- (1) The wetland replacement exemptions in Minnesota Rules 8420.0420 are not applicable within CWPMP areas, except as follows:
 - (i) The agricultural, wetland restoration, utilities, *de minimis* and wildlife habitat exemptions found at Minnesota Rules 8420.0420, subparts 2, 5, 6, 8 and 9, respectively, are applicable, subject to the scope of the exemption standards found at Minnesota Rules 8420.0420, subpart 1.

- (ii) The drainage exemption, Minnesota Rules 8420.0420, subpart 3, is applicable if the applicant demonstrates, through adequate hydrologic modeling, that the drainage activity will not change the hydrologic regime of a CWPMP-mapped high quality wetland (see Figure F3) within the boundary of a WMC. Wetland and plant community boundaries will be field-verified.
 - (iii) Buffer and easement requirements of Section 6(e) and 6(f) do not apply to wetland alterations that qualify for one of the exemptions listed in Section 6(c)(1)(i), unless the project of which the wetland alteration is a part is subject to Rule C.10(d).
- (2) Replacement plans will be evaluated and implemented in accordance with Minnesota Rules 8420.0325 through 8420.0335, 8420.0500 through 8420.0544 and 8420.0800 through 8420.0820, except that the provisions of this Rule will apply in place of Minnesota Rules 8420.0522, and 8420.0526. The foundation of the CWPMPs is to limit impact to, and encourage enhancement of, high-priority wetlands and direct unavoidable impact to lower-priority wetlands in establishing the WMC. In accordance with Minnesota Rules 8420.0515, subpart 10, this principle will guide sequencing, replacement siting, WMC boundary adjustment and other elements of replacement plan review. The District will use the methodology of Minnesota Rules 8420.0522, subpart 2 to determine wetland replacement requirements for partially drained wetlands.
- (3) A replacement plan must provide at least one replacement credit for each wetland impact acre, as shown in Table F1. The replacement methods must be from the actions listed in Table F2 or an approved wetland bank consistent with Section 6(d)(1).
- (4) Acres of impact and replacement credit are determined by applying the following two steps in order:
 - (i) Multiply actual wetland acres subject to impact by the ratios stated in Table F1.
 - (ii) Calculate the replacement credits by multiplying the acreage for each replacement action by the percentage in Table F2. All replacement areas that are not within the final WMC will receive credit based on a replacement location outside the final WMC. However, when the replacement area is within the parcel boundaries of the project and there is no Preliminary WMC within those boundaries, and there is no opportunity to extend the WMC boundary from adjacent parcels of land, then the mitigation area will be credited as replacement inside the final WMC. If an applicant intends replacement also to fulfill mitigation requirements under Section 404 of the Clean Water Act, then the applicant may elect replacement credit based on a replacement location outside the final WMC.
- (5) The replacement plan must demonstrate that non-exempt impacts will result in no net loss of wetland hydrological regime, water quality, or wildlife habitat function through a wetland assessment methodology approved by BWSR pursuant to the Wetland Conservation Act, Minnesota Statutes §103G.2242.

TABLE F1. WETLAND REPLACEMENT RATIOS FOR CWPMP AREAS.

Wetland Degradation Type	Anoka County		Washington County	
	Outside WMC	Inside WMC	Outside WMC	Inside WMC
Moderately or Severely Degraded Wetland	1:1	2:1	2:1	3:1
Marginally or Non-Degraded Wetland	1.5:1	2.5:1	2.5:1	3.5:1
High Quality Wetland and/or hardwood, coniferous swamp, floodplain forest or bog wetland communities of any quality	2:1	3:1	3.5:1	4:1

TABLE F2. ACTIONS ELIGIBLE FOR CREDIT FOR CWPMP AREAS.

Actions Eligible for Credit	Inside of the Final WMC	Outside of the Final WMC
Wetland Restoration		
Hydrologic and vegetative restoration of moderately and severely degraded wetland	up to 75% Determined by LGU and TEP	up to 50% Determined by LGU and TEP
Hydrologic and vegetative restoration of effectively drained, former wetland	100%	75%
Wetland Creation		
Upland to wetland conversion	50%	50%
Wetland Protection & Preservation		
Protection via conservation easement of wetland previously restored consistent with MN Rule 8420.0526 subpart 6	up to 75% Determined by LGU and TEP	up to 75% Determined by LGU and TEP
Columbus CWPMP Only: Preservation of wetland or wetland/upland mosaic (requires a 3rd party easement holder and other matching action eligible for credit)	25% Determined by LGU and TEP	12.5% Determined by LGU and TEP
Restoration or protection of wetland of exceptional natural resource value consistent with MN Rule 8420.0526, subpart 8	Up to 100% Determined by LGU and TEP	Up to 100% Determined by LGU and TEP
Buffers		
Non-native, non-invasive dominated buffer around other action eligible for credit, consistent with Section 6(e)	10%	10%
Native, non-invasive dominated buffer around other action eligible for credit, consistent with Section 6(e)	25%	25%
Upland habitat area contiguous with final WMC wetland (2 acre minimum), as limited by Rule F.6(e)(5)	100%	NA
Vegetative Restoration		
Positive shift in MnRAM assessment score for "Vegetative Integrity" from "Low" to "Medium" or "High"	Up to 50% Determined by LGU and TEP	NA

- (6) The location and type of wetland replacement will conform as closely as possible to the following standards:
- (i) No wetland plant community of high or exceptional wildlife habitat function and high or exceptional vegetative integrity, as identified in the required wetland assessment, may be disturbed.
 - (ii) No replacement credit will be given for excavation in an upland natural community with Natural Heritage Program rank B or higher, or with identified Endangered, Threatened or Special Concern species.
- (7) In the Columbus CWPMP only, preservation credit can be used for up to 50% of the wetland replacement required. The remaining 50% must be supplied by a non-preservation replacement action as shown within Table F2. Additionally:
- (i) All other eligible actions for credit within this rule must be considered before preservation is approved as an action eligible for credit.
 - (ii) The Technical Evaluation Panel must find that there is a high probability that, without preservation, the wetland area to be preserved would be degraded or impacted and that the wetland meets the criteria of Minnesota Rules 8420.0526 subpart 9.A through 9.D.
 - (iii) Non-degraded, High Quality, and Moderately Degraded wetland is eligible for Preservation Credit within Zone 1 (see Figure F2).
 - (iv) Non-degraded and High Quality wetland is eligible for Preservation Credit within Zone 2 (see Figure F2).
 - (v) Wetland ranked “Low” for “vegetative integrity” is not eligible for replacement credit through Preservation.
 - (vi) Banked preservation credit may be used only within the Columbus CWPMP area (see Figure F1).
- (8) Replacement credit for Wetland Protection and Preservation (see Table F2) requires that a perpetual Conservation Easement be conveyed to and accepted by the District. The easement must encompass the entire replacement area, and must provide for preservation of the wetland’s functions by the fee owner and applicant. The applicant must provide a title insurance policy acceptable to the District, naming the District as the insured. The fee owner and the applicant also must grant an access easement in favor of the District, the local government unit and any other state, local or federal regulatory authority that has authorized use of credits from the mitigation site for wetland replacement. The fee owner must record or register these easements on the title for the affected property.

- (9) Replacement credit for Vegetative Restoration (see Table F2) may be granted only for wetland communities scoring “Low” for Vegetative Integrity. The TEP must find that there is a reasonable probability for restoration success.
- (10) Unless a different standard is stated in the approved replacement or banking plan, the performance standard for upland and wetland restored or created to generate credit is establishment, by the end of the WCA monitoring period, of a medium or high quality plant community ranking with 80% vegetative coverage consisting of a native, non-invasive species composition.
- (11) Notwithstanding any provision in this rule to the contrary, for wetland impacts resulting from public drainage system repairs undertaken by the Rice Creek Watershed District that are exempt from Clean Water Act Section 404 permit requirements but are not exempt from replacement under Section 6(c)(1) of this Rule, replacement may occur subject to the following priority of replacement site sequencing:
 - (i) Within bank service areas 6 or 7 or with the concurrence of governing board of the local county or watershed district, within any county or watershed district whose county water plan, watershed management plan, or other water resource implementation plan contains wetland restoration as a means of implementation.
 - (ii) Throughout the state in areas determined to possess less than 80% of pre-settlement wetland acres.
- (12) A variance from a requirement of Section 6(c) otherwise meeting the criteria of District Rule L may be granted if the TEP concurs that the wetland protection afforded will not be less than that resulting from application of standard WCA criteria.

(d) WETLAND BANKING.

- (1) Replacement requirements under Section 6(c) of this Rule may be satisfied in whole or part by replacement credits generated off-site within any CWPMP area, but not by credits generated outside of a CWPMP area except as provided in Section 6(d)(5).
- (2) The deposit of replacement credits created within a CWPMP area for banking purposes and credit transactions for replacement will occur in accordance with Minnesota Rules 8420.0700 through 8420.0745. Credits generated within a CWPMP area may be used for replacement within or outside of a CWPMP area.
 - (i) The District will calculate the amount of credit in accordance with the standard terms of WCA. This measure of credit will appear in the BWSR wetland banking account.

- (ii) The District also will calculate the amount of credit in accordance with Section 6(c) of this rule. The District will record this measure of credit internally within the CWPMP's wetland bank accounting. The District will adjust this internal account if the BWSR account is later debited for replacement outside of a CWPMP area. Where credits are used for replacement within a CWPMP area, the District will convert credits used into standard WCA credits so that the BWSR account is accurately debited.
 - (3) To be recognized, bank credit from Preservation in the Columbus CWPMP (see Table F2) must be matched by an equal amount of credit from a non-Preservation replacement action.
 - (i) Credit derived from Preservation as the replacement action may be used only within the Columbus CWPMP boundary.
 - (ii) If the matching non-Preservation credit is used outside of the Columbus CWPMP area, the Preservation credit within the Columbus CWPMP wetland bank account will be debited in the amount of the matching non-Preservation credit.
 - (5) Banked wetland credit created outside of the CWPMP areas, but within the CWPMP Contributing Drainage Area, may be used to replace impact within the CWPMP areas. An applicant proposing to use credits under this paragraph must field verify at the time of application that the banked wetlands are located within the CWPMP Contributing Drainage Area.
 - (6) Credits generated under an approved wetland banking plan, inside a CWPMP or its contributing drainage area (See Figure F4), utilized to replace impact within a CWPMP area will be recognized in accordance with the approved banking plan.
- (e) **VEGETATED BUFFERS.** Vegetated buffers are required to be established adjacent to wetlands within CWPMP areas as described below.
- (1) Wetland buffer will consist of non-invasive vegetated land; that is not cultivated, cropped, pastured, mowed, fertilized, used as a location for depositing snow removed from roads, driveways or parking lots, subject to the placement of mulch or yard waste, or otherwise disturbed except for periodic cutting or burning that promotes the health of the buffer, actions to address disease or invasive species, or other actions to maintain or improve buffer or habitat area quality, each as approved in writing by District staff. The application must include a vegetation management plan for District approval. For public road authorities, the terms of this subsection will be modified as necessary to accommodate safety and maintenance feasibility needs.
 - (2) Buffer adjacent to wetland within the final WMC must average at least 50 feet in width, and measure at least 25 feet in width at all points of inflow. The buffer requirement may be reduced based on compelling need and a TEP recommendation to the District in support that the wetland protection afforded is reasonable given the circumstances.

- (3) Buffer adjacent to wetland restored, created or preserved for replacement credit, not within the final WMC, must meet the minimum width standards as described in MN Rule 8420.0522, subpart 6.
- (4) Buffer adjacent to High Quality Wetland, or to replacement wetland adjacent to High Quality Wetland, must be at least 50 feet wide at all points. For private projects dedicating public right of way, the minimum width may be reduced based on compelling need and a District finding that the wetland protection afforded is reasonable given the circumstances. In making this finding, the District will give substantial weight to the TEP recommendation.
- (5) The area of buffer for which replacement credit is granted must not exceed the area of the replacement wetland except and specific to when the buffer is to meet the 50-foot requirement of Sections 6(e)(2) and 6(e)(4) and is further limited to the buffer area required to encapsulate another action eligible for credit.
- (6) Buffer receiving replacement credit as upland habitat area contiguous with the final WMC must be at least two acres in size.
- (7) No above- or below-ground structure or impervious surface may be placed within a buffer area permanently or temporarily, except as follows:

 - (i) A structure may extend or be suspended above the buffer if the impact of any supports within the buffer or habitat area is negligible, the design allows sufficient light to maintain the species shaded by the structure, and the structure does not otherwise interfere with the function afforded by the buffer.
 - (ii) A public utility, or a structure associated with a public utility, may be located within a buffer on a demonstration that there is no reasonable alternative that avoids or reduces the proposed buffer intrusion. The utility or structure shall minimize the area of permanent vegetative disturbance.
 - (iii) Buffer may enclose a linear surface for non-motorized travel no more than 10 feet in width. The linear surface must be at least 25 feet from the wetland edge. The area of the linear surface will not be eligible for replacement credit. For projects proposing non-motorized travel no more than 10 feet in width, the linear surface may be reduced to less than 25 feet from the wetland edge based on compelling need and a TEP recommendation to the District in support that the wetland protection afforded is reasonable given the circumstances.

- (iv) A stormwater features that is vegetated consistent with Section 6(e)(1), including NURP ponds, may be located within buffer and count toward buffer width on site-specific approval.
- (8) Buffer area is to be indicated by permanent, freestanding markers at the buffer edge, with a design and text approved by District staff in writing. A marker shall be placed at each lot line, with additional markers placed at an interval of no more than 200 feet and as necessary to define variation in a meandering boundary. If a District permit is sought for a subdivision, the monumentation requirement will apply to each lot of record to be created. On public land or right-of-way, the monumentation requirement may be satisfied by the use of markers flush to the ground, breakaway markers of durable material, or a vegetation maintenance plan approved by District staff in writing.
- (9) As a condition of permit issuance under this Rule, a property owner must file on the deed a declaration in a form approved by the District establishing a vegetated buffer area adjacent to the delineated wetland edge within the final WMC and other wetland buffers approved as part of a permit under this Rule. The declaration must state that on further subdivision of the property, each subdivided lot of record shall meet the monumentation requirement of Section 6(e)(8). On public land or right-of-way, in place of a recorded declaration, the public owner may execute a written maintenance agreement with the District. The agreement will state that if the land containing the buffer area is conveyed to a private party, the seller must file on the deed a declaration for maintenance in a form approved by the District.
- (10) Buffer may be disturbed to alter land contours or improve buffer function if the following criteria are met:
 - (i) An erosion control plan is submitted under which alterations are designed and conducted to expose the smallest amount of disturbed ground for the shortest time possible, fill or excavated material is not placed to create an unstable slope, mulches or similar materials are used for temporary soil coverage, and permanent vegetation is established as soon as possible after disturbance is completed.
 - (ii) Wooded buffer and native riparian canopy trees are left intact;
 - (iii) When disturbance is completed, sheet flow characteristics within the buffer are improved; average slope is not steeper than preexisting average slope or 5:1 (horizontal: vertical), whichever is less steep; preexisting slopes steeper than 5:1 containing dense native vegetation will not require regrading; the top 18 inches of the soil profile is not compacted, has a permeability at least equal to the permeability of the preexisting soil in an uncompacted state and has organic matter content of between five and 15 percent; and habitat diversity and riparian shading are maintained or improved. Any stormwater feature within the buffer will not have exterior slopes greater than 5:1.

(iv) A re-vegetation plan is submitted specifying removal of invasive species and establishment of native vegetation suited to the location.

(v) A recorded Declaration or, for a public entity, maintenance agreement is submitted stating that, for three years after the project site is stabilized, the property owner will correct erosion, maintain and replace vegetation, and remove invasive species to establish permanent native vegetation according to the re-vegetation plan.

(vi) Disturbance is not likely to result in erosion, slope failure or a failure to establish vegetation due to existing or proposed slope, soil type, root structure or construction methods.

(11) Material may not be excavated from or placed in a buffer, except for temporary placement of fill or excavated material pursuant to duly-permitted work in the associated wetland, or pursuant to paragraph 6(e)(10) of this Rule.

(f) **EASEMENT.** The property owner must convey to the District and record or register, in a form acceptable to the District, a perpetual, assignable easement granting the District the authority to monitor, modify and maintain hydrologic and vegetative conditions within the WMC wetland and buffer adjacent to WMC wetland, including the authority to install and maintain structural elements within those areas and reasonable access to those areas to perform authorized activities. The WMC shall be identified and delineated as part of the recorded easement.

(g) **PARTIAL ABANDONMENT.** As a condition of permit issuance, the District may require a property owner to petition the District for partial abandonment of a public drainage system pursuant to Minnesota Statutes §103E.805. A partial abandonment under this Section may not diminish a benefited property owner's right to drainage without the owner's agreement.

7. **REQUIRED EXHIBITS.** The following exhibits must accompany a permit application for both WCA and non-WCA wetland alterations.

(a) **SITE PLAN.** An applicant must submit a site plan showing:

(1) Property lines and delineation of lands under ownership of the applicant.

(2) On-site location of all public and private ditch systems

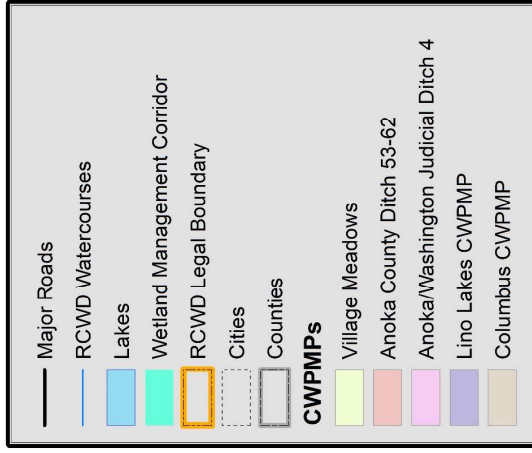
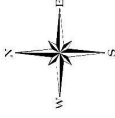
(3) Existing and proposed elevation contours, including the existing run out elevation and flow capacity of the wetland outlet, and spoil disposal areas.

(4) Area of wetland to be filled, drained, excavated or otherwise altered.

- (b) **WETLAND DELINEATION REPORT.** An applicant must submit a copy of a wetland delineation report conforming to a methodology authorized for WCA use and otherwise consistent with Minnesota Board of Water & Soil Resources guidance. The following requirements and clarifications apply to submittals of wetland delineation reports to the District and supplement the approved methodology and guidance:
- (1) Wetland delineations should be conducted and reviewed during the growing season. The District may accept delineations performed outside this time frame on a case-by-case basis. The District will determine if there is sufficient information in the report and visible in the field at the time to assess the three wetland parameters (hydrophytic vegetation, hydric soils, hydrology) in relation to the placement of the wetland delineation line. If proper assessment of the delineation is not possible, the District may consider the application incomplete until appropriate field verification is possible.
 - (2) An applicant conducting short- or long-term wetland hydrology monitoring for the purpose of wetland delineation/determination must coordinate with the District prior to initiating the study.
 - (3) For a project site with row-cropped agricultural areas, the wetland delineation report must include a review of Farm Service Agency aerial slides (if available) for wetland signatures per Guidance for Offsite Hydrology/Wetland Determinations (July 1, 2016), as amended, and Section 404 Clean Water Act or subsequent State-approved guidance. This review is to be considered along with field data and other pertinent information, and is not necessarily the only or primary basis for a wetland determination in an agricultural row-cropped area.
 - (4) The wetland delineation report must follow current BWSR/ACOE Guidance for Submittal of Delineation Reports, and include:
 - (i) Documentation consistent with the 1987 Corps of Engineers Wetlands Delineation Manual and Northcentral and Northeast Regional Supplement.
 - (ii) National Wetland Inventory (NWI) map, Soil Survey Map, and Department of Natural Resources (DNR) Protected Waters Map of the area being delineated.
 - (iii) Results of a field investigation of all areas indicated as potential wetland by mapping sources including: NWI wetlands, hydric soil units, poorly drained or depressional areas on the Soil Survey Map, and DNR Protected Waters or Wetlands.
 - (iv) Classifications of each delineated wetland using the following systems:
 - Classification of Wetlands and Deep Water Habitats of the United States (Cowardin et al. 1979)
 - Fish and Wildlife Service Circular 39 (Shaw and Fredine 1971)
 - Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers & Reed, 3rd Edition, 2011)

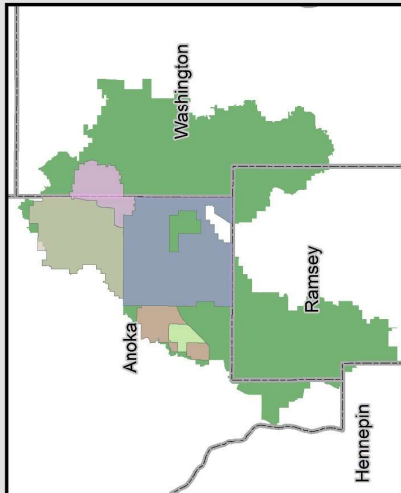
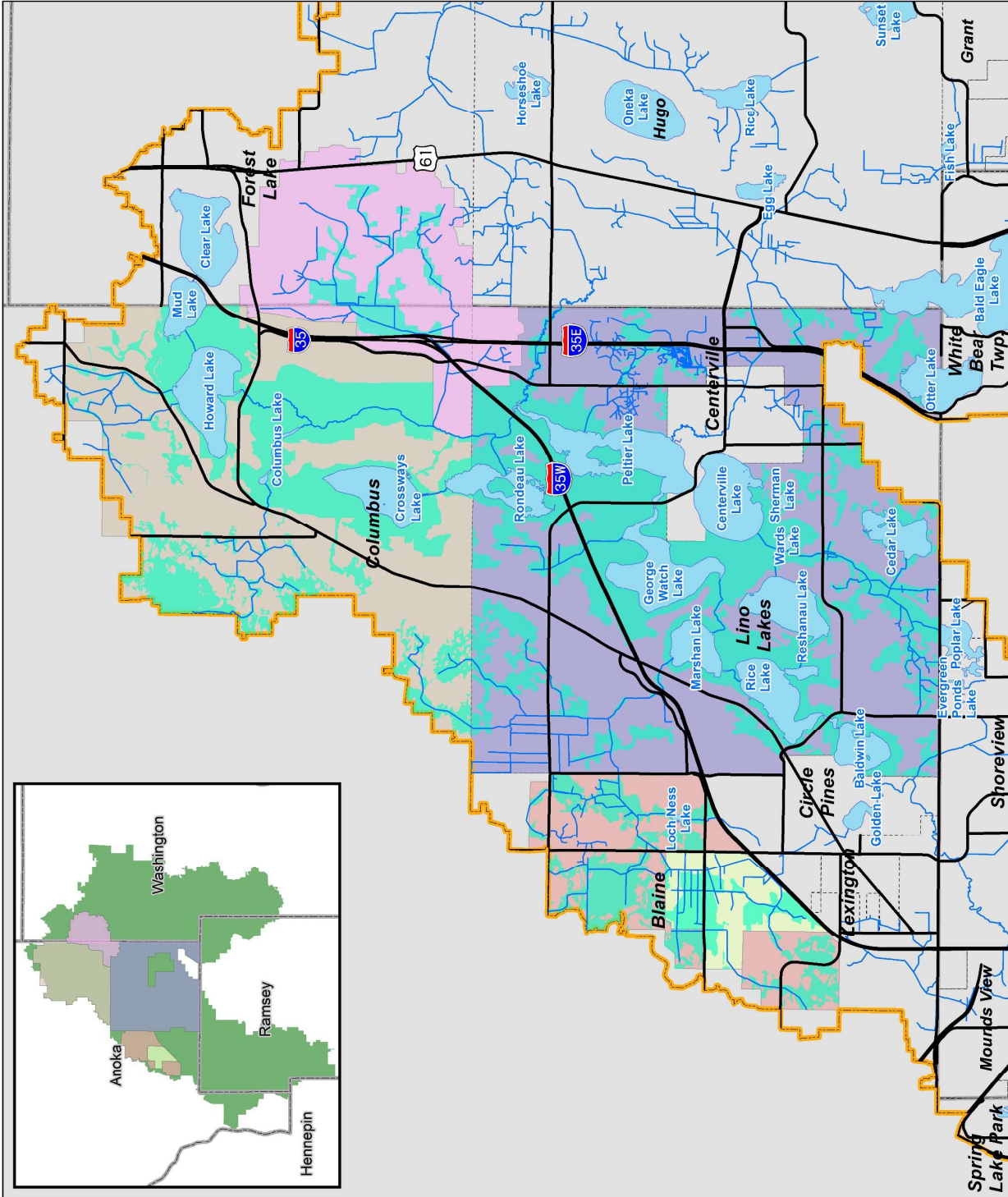
- (v) A survey map (standard land survey methods or DGPS) of delineated wetland boundaries.
- (5) As a condition of District approval of any wetland delineation, applicants shall submit X/Y coordinates (NAD 83 state plane south coordinate system) and a GIS shapefile of the delineated wetland boundaries. All data shall be collected with a Trimble Geoexplorer or equivalent instrument with sub-meter accuracy.
- (c) **WETLAND REPLACEMENT PLAN APPLICATION.** An applicant submitting a plan involving a wetland alteration requiring replacement must submit five copies of a replacement plan application and supporting materials conforming to WCA replacement plan application submittal requirements and including the following additional documents:
 - (1) Plan sheet(s) clearly identifying, delineating, and denoting the location and size of each wetland impact area and all replacement actions for credit.
 - (2) Plan sheet(s) with profile views and construction specifications of each replacement wetland including proposed/estimated normal water level, proposed/estimated boundary of replacement wetland, topsoiling specifications (if any), grading specifications, and wetland/buffer seeding specifications.
- (d) **FUNCTIONS AND VALUES ASSESSMENT.** An applicant must submit a before-and-after wetland functions and values assessment using a WCA-accepted methodology for a project in a CWPMP area or otherwise involving at least one acre of wetland impact requiring replacement.
- (e) Erosion and sediment control plan in accordance with District Rule D.
- (f) On District request, the applicant will conduct an assessment of protected plant or animal species within the project site, where such assessment is not available from existing sources.
- (g) Other project site-specific submittal requirements as may be required by the District.

Rice Creek Watershed District

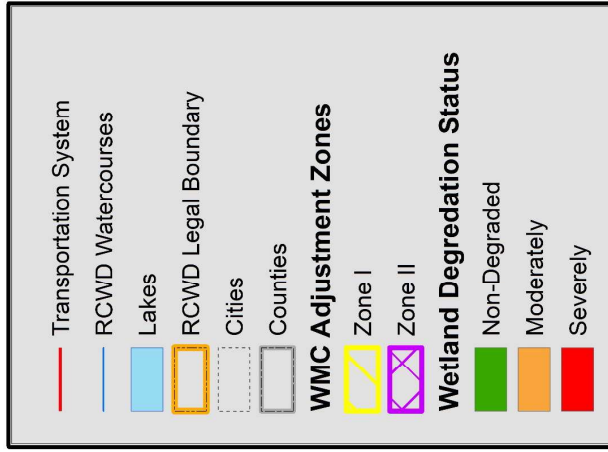
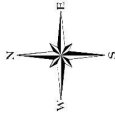


Sources: RCWD, TLG, MN DOT

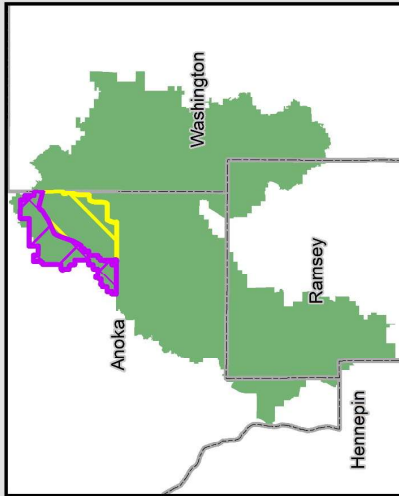
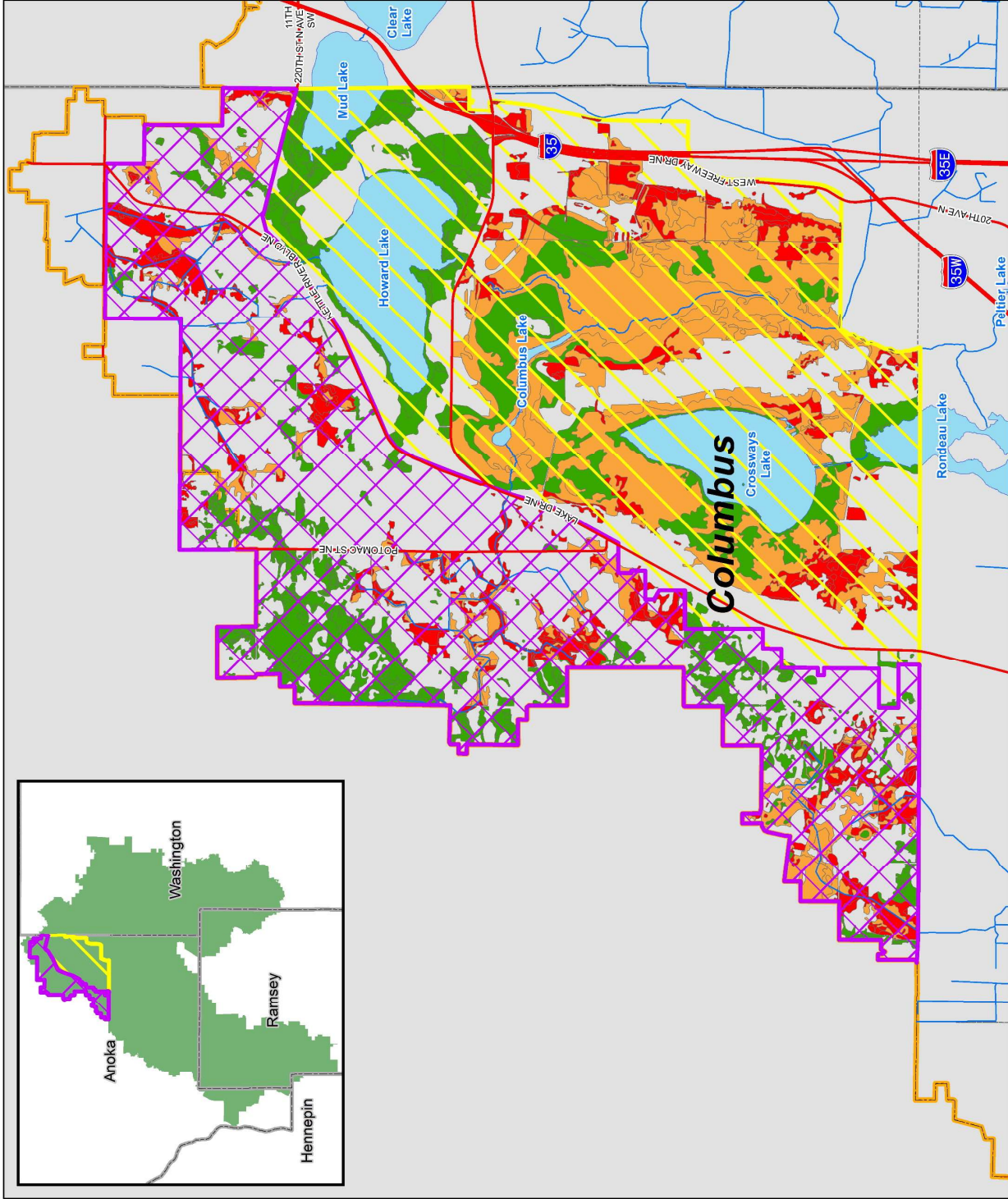
F1: Comprehensive Wetland Protection and Management Plan Boundaries and Wetland Management Corridor



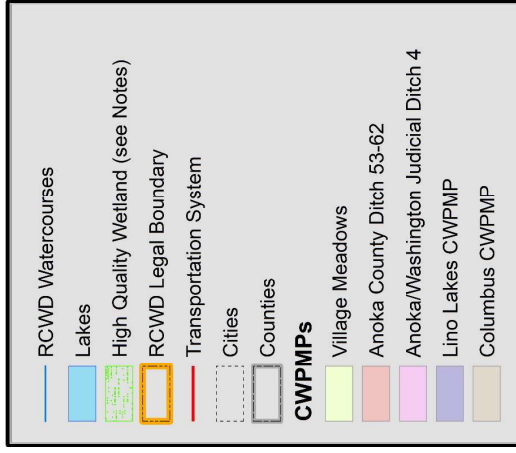
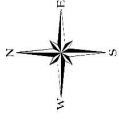
Rice Creek Watershed District



Sources: RCWD, TLG, MN DOT
F2: Columbus Commercial/Industrial Zoned Areas and Wetland Degradation Status

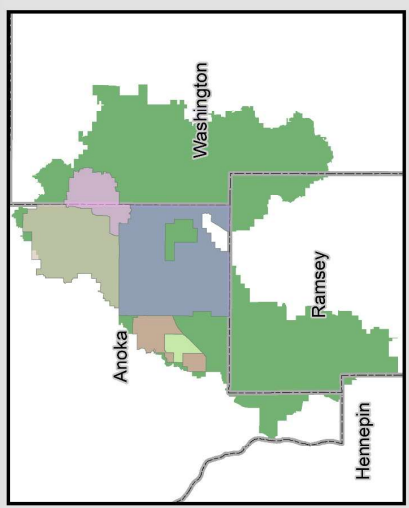
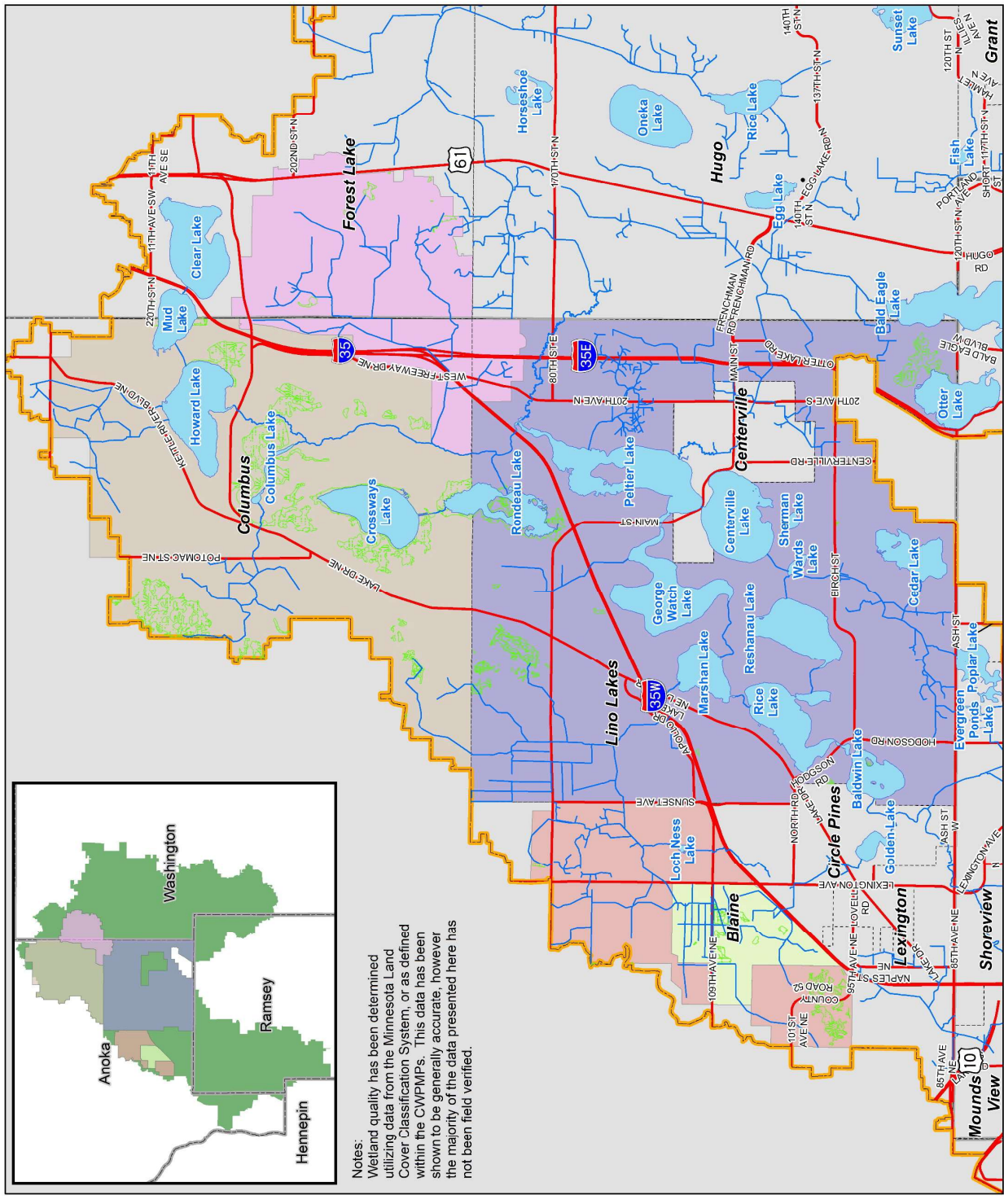


Rice Creek Watershed District



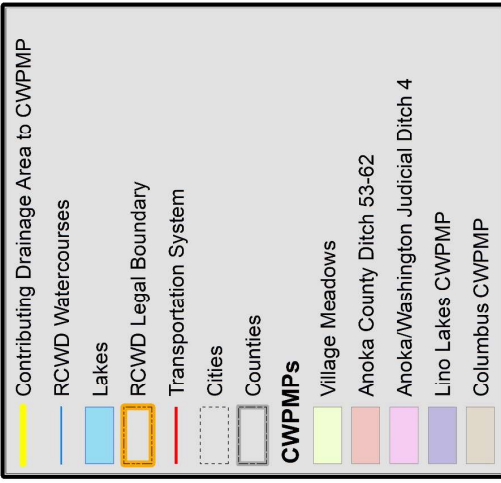
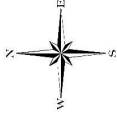
Sources: RCWD, TLG, MN DOT

F3: High Quality Wetlands Within CWPMPs



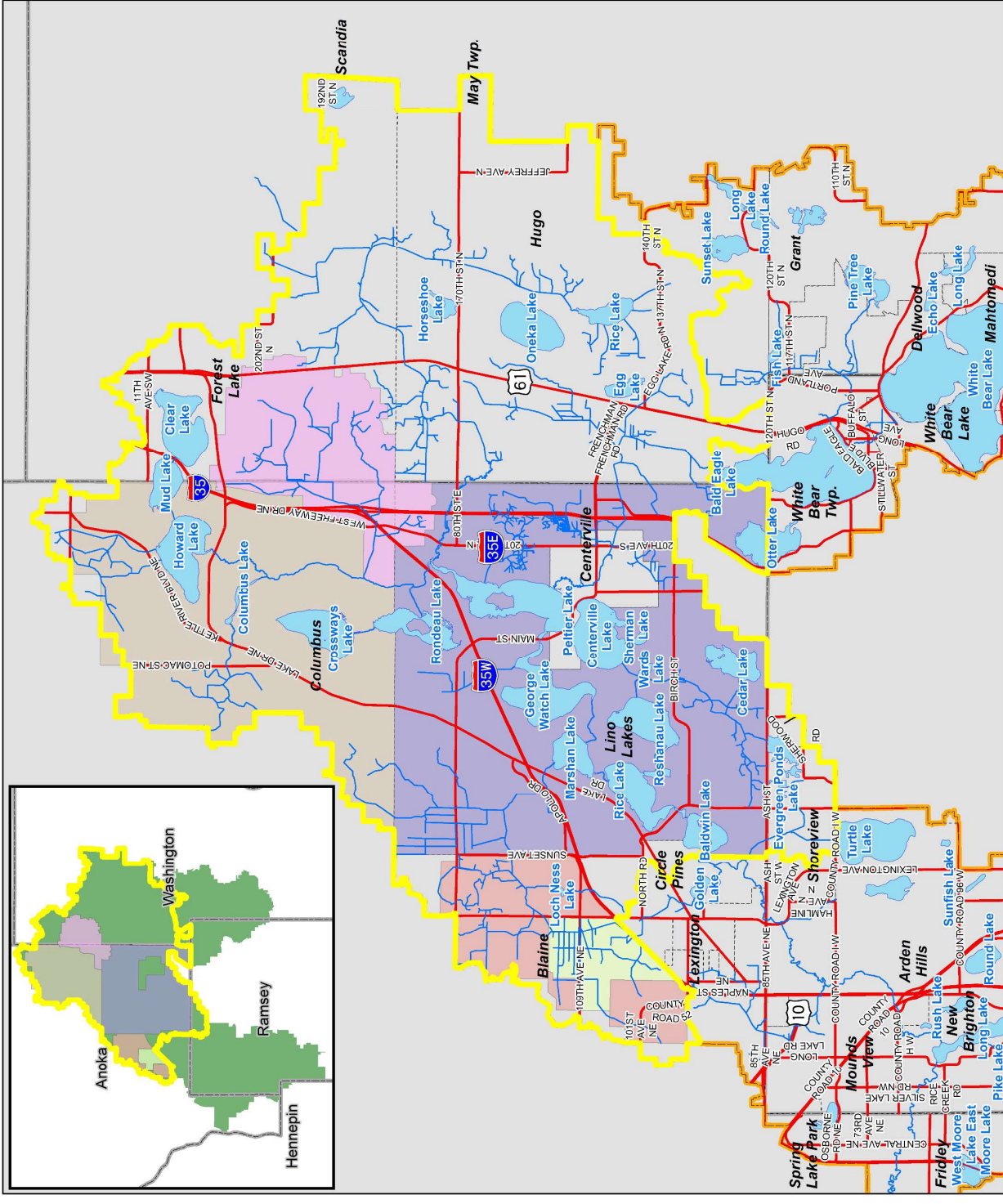
Notes:
Wetland quality has been determined utilizing data from the Minnesota Land Cover Classification System, or as defined within the CWPMPs. This data has been shown to be generally accurate, however the majority of the data presented here has not been field verified.

Rice Creek Watershed District



Sources: RCWD, TLG, MN DOT

F4: Contributing Drainage Area to CWPMPs



RULE G: REGIONAL CONVEYANCE SYSTEMS

1. **POLICY.** It is the policy of the Board of Managers to preserve regional conveyance systems within the District, including its natural streams and watercourses, as well as artificial channels and piped systems. Rule G applies to surface water conveyance systems other than public drainage systems. The purpose of Rule G is to maintain regional conveyance capacity, prevent flooding, preserve water quality and ecological condition, and provide an outlet for drainage for the beneficial use of the public as a whole now and into the future. Rule G does not apply to public drainage systems, as defined in these rules, which the District manages and maintains through the exercise of its authority under the drainage code (Minnesota Statutes Chapter 103E) and the application of Rule I. It is not the intent of this rule to decide drainage rights or resolve drainage disputes between private landowners.
2. **REGULATION.** No person may construct, improve, repair or alter the hydraulic characteristics of a regional conveyance system that extends across two or more parcels of record not under common ownership, including by placing or altering a utility, bridge or culvert structure within or under such a system, without first obtaining a permit from the District. No permit is required to repair or replace an element of a regional conveyance system owned by a government entity when the hydraulic capacity of the system will not change.
3. **CRITERIA.**

The landowner or conveyance system owner receiving a permit under this rule is responsible to maintain the permitted alteration in the design condition. In addition, modification of the conveyance system must:

 - (a) Preserve existing design hydraulic capacity.
 - (b) Retain existing navigational capacity.
 - (c) Not adversely affect water quality or downstream flooding characteristics.
 - (d) Be designed to allow for future erosion, scour, and sedimentation considerations.
 - (e) Be designed for maintenance access and be maintained in perpetuity to continue to meet the criteria of Section 3. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District.
4. **SUBSURFACE CROSSINGS.** A crossing beneath a regional conveyance system must maintain adequate vertical separation from the bed of the conveyance system. The District will determine adequate separation by reference to applicable guidance and in view of relevant considerations such as soil condition, the potential for upward migration of the utility, and the likelihood that the bed elevation may decrease due to natural processes or human activities. The District also will consider the feasibility of providing separation and the risks if cover diminishes. Nothing in this paragraph diminishes the crossing owner's responsibility under Section 3, above. The applicant must submit a record drawing of the installed utility.
5. **REQUIRED EXHIBITS.** The following exhibits must accompany the permit application.
 - (a) Construction details showing:

- (1) Size and description of conveyance system modification including existing and proposed flow line (invert) elevations. All elevations must be provided in NAVD 88 datum.
 - (2) Existing and proposed elevations of utility, bridge, culvert, or other structure.
 - (3) End details with flared end sections or other appropriate energy dissipaters.
 - (4) Emergency overflow elevation and route.
- (b) Narrative describing construction methods and schedule
 - (c) Erosion and sediment control plan in accordance with District Rule D.
 - (d) Computations of watershed area, peak flow rates and elevations, and discussion of potential effects on water levels above and below the project site.
6. **EXCEPTION.** Criterion 3(a) may be waived if the applicant can demonstrate with supporting hydrologic calculations the need for an increase in discharge rate in order to provide for reasonable surface water management in the upstream area and that the downstream impacts of the increased discharge rate can be reasonably accommodated and will not exceed the existing rate at the municipal boundary.

RULE H: ILLICIT DISCHARGE AND CONNECTION

1. **POLICY.** It is the policy of the Board of Managers to:
 - (a) Regulate the contribution of pollutants to the District's Municipal Separate Storm Sewer System (MS4) by any user;
 - (b) Prohibit Illicit Connections and Discharges to the District's MS4;
 - (c) Carry out inspection and monitoring procedures necessary to ensure compliance with this Rule under statutory and related authority.
2. **PROHIBITION.** No person shall discharge or cause to be discharged into a public drainage system within the District any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
3. **EXCEPTIONS.** The commencement, conduct or continuance of any illegal discharge to the waters of the District is prohibited except as described as follows:
 - (a) The following discharges are exempt from discharge prohibitions established by this rule:
 - (1) Water line flushing or other potable water sources
 - (2) Landscape irrigation or lawn watering
 - (3) Diverted stream flows
 - (4) Rising ground water
 - (5) Ground water infiltration to storm drains
 - (6) Uncontaminated pumped ground water
 - (7) Foundation and footing drains
 - (8) Firefighting activities
 - (b) Discharges specified in writing by the District, or other federal, state or local agency as being necessary to protect the public health and safety.
 - (c) Dye testing is an allowable discharge, but requires a verbal notification to the District prior to the time of the test.
 - (d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
4. **ILLICIT CONNECTIONS PROHIBITED**
 - (a) The construction, use, maintenance or continued existence of illicit connections to the public drainage system is prohibited.
 - (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (c) A person is considered to be in violation of this rule if the person connects a line conveying sewage to the public drainage system, or allows such a connection to continue.

RULE I: PUBLIC DRAINAGE SYSTEMS

1. **POLICY.** Rule I applies to work within public drainage systems, as that term is defined in these rules. The District regulates work in surface water conveyance systems other than public drainage system through the application of Rule G. It is the policy of the Board of Managers to regulate any work within the right-of-way of a public drainage system that has the potential to affect the capacity or function of the public drainage system, or ability to inspect and maintain the system. The purpose of Rule I is to protect the integrity and capacity of public drainage systems consistent with Minnesota Statutes Chapter 103E to prevent regional or localized flooding, preserve water quality, and maintain an outlet for drainage for the beneficial use of the public and benefitted lands now and into the future. .
2. **REGULATION.**
 - (a) Temporary or permanent work in or over a public drainage system, including any modification of the system, requires a permit under this rule. The permit is in addition to any formal procedures or District approvals that may be required under Minnesota Statutes Chapter 103E or other drainage law.
 - (b) A utility may not be placed under a public drainage system without a permit under this rule. The design must provide at least five feet of separation between the utility and the as-constructed and subsequently improved grade of the public drainage system, unless the District determines that a separation of less than five feet is adequate to protect and manage the system at that location. The applicant must submit a record drawing of the installed utility. The crossing owner will remain responsible should the crossing at any time be found to be an obstruction or subject to future modification or replacement under the drainage law.
 - (c) A pumped dewatering operation may not outlet within 200 feet of a public drainage system without a permit under this rule. A permit application must include a dewatering plan indicating discharge location, maximum flow rates, and outlet stabilization practices. Rate of discharge into the system may not exceed the system's available capacity.
3. **CRITERIA.** A project proposing to work subject to Paragraph 2 (a) must:
 - (a) Comply with applicable orders or findings of the Drainage Authority.
 - (b) Comply with all Federal, State and District wetland protection rules and regulations.
 - (c) Demonstrate that such activity will not adversely impact the capacity or function of the public drainage system, or ability to inspect and maintain the system.
 - (d) Not create or establish wetlands within the public drainage system right of way without an order to impound the public drainage system under Minnesota Statute 103E.227.
 - (e) Provide conveyance at the grade of the ACSIC where work is being completed. If the ACSIC has not been determined, the applicant may request that the District duly determine the ACSIC before acting on the application, or may accept conditions that the District determines adequate to limit the risk that the applicant's work will not be an obstruction, within the meaning of Minnesota Statutes chapter 103E, when the ACSIC is determined. An applicant that proceeds without determination of the ACSIC bears the risk that the work later is determined to be an obstruction.
 - (f) Maintain hydraulic capacity and grade under interim project conditions, except where the District, in its judgement, determines that potential interim impacts are adequately mitigated.
 - (g) Where the open channel is being realigned, provide an access corridor that the District

deems adequate at the top of bank of the drainage system, with the following characteristics:

- A minimum 20-feet in width
- Cross-slope (perpendicular to direction of flow) no more than 5% grade.
- Longitudinal slope (parallel to the direction of flow) no more than 1:5 (Vertical to Horizontal).

- (h) Provide adequate supporting soils to facilitate equipment access for inspection and maintenance. Provide stable channel and outfall.
- (i) Be designed for maintenance access and be maintained in perpetuity to avoid constituting an obstruction and otherwise to continue to meet the criteria of Section 3. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District. Public Linear Projects are exempt from the public drainage system easement requirement of Section 3(i).
- (j) Identify proposed temporary obstruction or crossings of the public drainage system and specify operational controls to enable unobstructed conveyance of a rainfall or flow condition.

4. **REQUIRED EXHIBITS.** The following exhibits must accompany the permit application. All elevations must be provided in NAVD 88 datum.

- (a) Map showing location of project, tributary area, and location and name of the public drainage system branches within the project area
- (b) Existing and proposed cross sections and profile of affected area.
- (c) Description of bridges or culverts proposed.
- (d) Location and sizes of proposed connections to the public drainage system
- (e) Narrative and calculations describing effects on water levels above and below the project site.
- (f) Erosion and sediment control plan.
- (g) Hydrologic and hydraulic analysis of the proposed project.
- (h) Local benchmark in NAVD 88 datum.

RULE J: APPROPRIATION OF PUBLIC WATERS

1. **POLICY.** It is the policy of the Board of Managers to regulate the appropriation of public waters as follows.
2. **REGULATION.** A permit from the District is required for the appropriation of water from:
 - (a) A public water basin or wetland that is less than 500 acres and is wholly within Hennepin or Ramsey County.
 - (b) A protected watercourse within Hennepin or Ramsey County that has a drainage area of less than 50 square miles.
3. **CRITERIA.** A permit applicant for appropriation of public waters as described above must complete and submit to the District an appropriation checklist. The appropriation checklist form may be obtained from the District office.

RULE K: ENFORCEMENT

1. **VIOLATION OF RULES IS A MISDEMEANOR.** Violation of these rules or a permit issued under these rules, is a misdemeanor subject to a penalty as provided by law.
2. **DISTRICT COURT ACTION.** The District may exercise all powers conferred upon it by Minnesota Statutes Chapter 103D to enforce these rules, including criminal prosecution, injunction, or action to compel performance, restoration or abatement.
3. **ADMINISTRATIVE ORDER.** The District may issue a cease and desist or compliance order when it finds that a proposed or initiated project presents a serious threat of soil erosion, sedimentation, or an adverse effect on water quality or quantity, or violates any rule or permit of the District.
4. **OTHER ADMINISTRATIVE AUTHORITIES.** The District may use all other authorities that it possesses under law to address a violation of these rules, or a permit issued under these rules. This includes, but is not limited to, permit suspension or termination; the right to enter to inspect for and correct violations; and the right to be reimbursed for costs incurred to do so by use of financial assurance funds, civil action or joint-powers municipal assessment.

RULE L: VARIANCES

1. **VARIANCES AUTHORIZED.** The Board of Managers may hear a request for variance from a literal provision of these rules where strict enforcement would cause practical difficulty because of circumstances unique to the property under consideration. The Board of Managers may grant a variance if an applicant demonstrates that such action will be in keeping with the spirit and intent of these rules and in doing so may impose conditions on the variance as necessary to find that it meets the standards of section 2, below. A variance request must be addressed to the Board of Managers as part of a permit application and must address each of the four criteria listed in the standard.
2. **STANDARD.** In order to grant a variance, the Board of Managers must determine that:
 - (a) Special conditions apply to the structures or lands under consideration that do not apply generally to other land or structures in the District.
 - (b) Because of the unique conditions of the property involved, practical difficulty to the applicant would result, as distinguished from mere inconvenience, if the strict letter of the rule were applied.
 - (c) The proposed activity for which the variance is sought will not adversely affect the public health, safety or welfare; will not create extraordinary public expense; and will not adversely affect water quality, water control or drainage in the District.
 - (d) The intent of the District's rules is met.
3. **PRACTICAL DIFFICULTY DEFINED.** In evaluating practical difficulty, the Board of Managers will consider the following factors:
 - (a) How substantial the variation is from the rule provision;
 - (b) Whether the variance would shift cost to adjacent property owners or the public;
 - (c) Whether the variance will substantially change the character of watershed resources or be a substantial detriment to neighboring properties;
 - (d) Whether the practical difficulty can be alleviated by a technically and economically feasible method other than a variance;
 - (e) How the practical difficulty occurred, including whether the landowner created the need for the variance; and
 - (f) In light of all of the above factors, whether allowing the variance will serve the interests of justice.
4. **TERM.** A variance expires on expiration of the CAPROC approval or permit associated with the variance request.
5. **VIOLATION.** A violation of any condition set forth in a variance is a violation of the District permit that it accompanies and automatically terminates the variance.

COMMENT RESPONSES - EARLY COORDINATION COMMENTS

Rice Creek Watershed District 2024 Rule revisions

Date: June 26, 2024

Commenting Agency / Entity	Comment No.	Rule	Comment	Change in Rule (Y/N)	Comment Response
City of Forest Lake	FL-1	Multiple	Metropolitan communities face numerous regulatory requirements of varying magnitude across multiple jurisdictions. This leads to costly redundancies, multiple review periods of varying lengths, and excessive documentation management. The Minnesota Pollution Control Agency already provides construction stormwater regulatory standards that govern the entire state, and the City's Municipal Separate Storm Sewer System (MS4) permit also provide regulatory standards. To reduce redundancies, incompatible review periods, and bureaucratic red tape, as well as minimize taxpayer costs, RCWD should incorporate rules that better align with state regulatory triggers for permitting. RCWD and Comfort Lake Forest Lake Watershed District (CLFLWD) have general development and redevelopment triggers that are much lower than the State's standard of 1 acre. RCWD's trigger of 10,000 square feet creates a significant hardship to future economic growth for our community.	N	MPCA standards including MS4 permit requirements are designed to provide the minimum regulation to achieve federal NPDES requirements while considering the protection of water quality in aggregate across the state. They are not intended to address watershed-specific needs. RCWD, like many other metro WMOs, recognizes that project sites between 10,000 sf and 1 acre in size have the potential to negatively affect the District's resources without adequate stormwater controls. We have not experienced RCWD permit applications withdrawn due to expressed hardship in meeting stormwater management requirements.
City of Forest Lake	FL-2	C	Consider a stormwater quality "payment for credit" system. If developers and/or communities can pay into a fund that provides regional projects throughout the watershed district with higher benefits relating to flood value and/or water quality for lower cost, then more of RCWD goals can be accomplished while getting better stewards of our finite land resources.	N	The RCWD engages in regional projects to accomplish its goals of improving water quality and reducing the risk/frequency of water quantity issues, and regional planning is a priority of the RCWD [Rule C.1(b)]. However, developing regional projects solely for the purposes of facilitating development is not in alignment with these goals, particularly since there are a limited number of feasible sites for regional storage within the District. Also, the MS4 General Permit places constraints on using regional facilities to meet permit requirements, particularly those not yet built at the time of permitting.
City of Forest Lake	FL-3	Multiple	RCWD does not currently participate in any cost share regulatory projects that just meets RCWD rules. Instead, RCWD's policy has been to only participate in projects that go above and beyond the minimum permit requirements. RCWD's current position fails to consider that RCWD rules already have standards that are greater than the State's standards for MS4 communities. In addition, RCWD's participation in regional projects that provide a benefit to the community would help demonstrate RCWD's genuine intention to put its permit revenue and taxing dollars back to work for the local community.	N	RCWD supports regional projects that address flooding and water quality through its own direct projects, funded with ad valorem taxes and local water management taxing districts. It also supports these projects using its existing grant programs, e.g. Stormwater Management Grant Program, and by providing technical and financial support to external grant programs, e.g. Clean Water Funds. Annually, the RCWD sets its budget to reflect its best judgment on the amount of funding it can support for these projects without placing an excessive burden on its taxpayers. With respect to its regulatory program, RCWD has determined that it should recover 60% of the private permit review cost and 40% from ad valorem taxes. That cost-sharing recognizes the benefits of the program to parties beyond the permit holder; and reflects the best judgment of the RCWD Board on the appropriate burden to place on ad valorem taxpayers versus the directly benefitted property. Because the regulatory program is subsidized, the permit revenues provide no funds to support additional grants. To increase permit fees to support additional cost-share grants would be contrary to the RCWD Watershed Management Plan and in the view of the RCWD Board would be contrary to the public interest.
City of Forest Lake	FL-4	Multiple	Under RCWD's current rules a site that wants to redevelop does not receive any acknowledgement of pre-existing water use rights. Specifically, a site's current impervious surface coverage is not considered and instead RCWD requires redevelopment to use "pre-settlement conditions." This has had and will continue to have a debilitating effect on development in the City's downtown area and will continue to prevent redevelopment in other commercial corridors.	N	RCWD rules do not in any way reference "pre-settlement conditions." Existing water use rights are recognized in many different ways via the rule.
City of Forest Lake	FL-5	C.2(b)	Rule C.2.(b) – A 10,000 square foot threshold for development and redevelopment projects is incredibly difficult to accommodate on small sites. The result is that development does not happen because the rules have made it cost prohibitive or development sites must construct private underground storage facilities that have a history of failure and other problems. The City of Forest Lake recommends alignment of the development and redevelopment project threshold with the federal and state MS4 permit of 1 acre. This will not impact large subdivision projects whose total disturbance and impervious area creation are often much larger than 1 acre.	N	RCWD has processed many permits for development and redevelopment on sites between 10,000 sf and 1 acre. We are unaware of any examples of permit applications in this range of impervious surface that did not proceed to permit approval due to challenges with RCWD stormwater rule compliance. Note that RCWD rules do not require the use of underground storage BMPs, but rather provide standards for their use as a treatment option. See also the response to Comment FL-1.

Commenting Agency / Entity	Comment No.	Rule	Comment	Change in Rule (Y/N)	Comment Response
City of Forest Lake	FL-6	C.6	<p>Rule C.6 – Compliance for volume control and sediment reduction are identified as needing to be to the “maximum extent practicable”. However, phosphorus removal often requires expanded facility volumes (and likely footprints) in Forest Lake, where the water table elevation and clayey soils often prohibit infiltration. While the total phosphorus (TP) removal factor (Table C1) helps mitigate the treatment effectiveness of certain best management practices (BMPs), total site area available for practices are the limiting factor which can be viewed as a taking of land and/or incur economic hardship.</p> <p>It may be prudent to consider the impacts of excess nutrients on the receiving waters as compared to the benefit of flood control to identify areas within RCWD jurisdiction that would benefit more from expanded facility volumes for the purpose of meeting a TP removal factor.</p>	N	<p>It is a well established tenet of water quality management that treating water close to the source results in more efficient and effective treatment. As such, it is critical for permittees to treat on-site to the maximum extent practicable. Failure to do so will result in the need for significantly more costly treatment downstream, or make treatment infeasible altogether.</p>
City of Forest Lake	FL-7	F	<p>Rule F.6(e) – The Southwest area of Forest Lake is regulated by wetland buffer standards defined by the JD4 CWPMP and associated WMC. This is the fastest growing area in Forest Lake and development will be impacted by extended buffer standards. The restrictions on development caused by the significant buffer standards has historically been in conflict with Met Council’s development density standards for Forest Lake and has either forced a reduction in total lots and/or lot size. RCWD should enact wetland buffer requirements only to the length necessary to meet required water quality and provide option to meet reduced buffer length if the City and/or develops can demonstrate that regional wetland protection, flood storage capacity, and water quality improvement standards are met.</p>	N	<p>One of the goals of the CWPMP was to provide flexibility for land developments to meet wetland protection requirements. These wetland protection requirements exist not only to preserve water quality, but to achieve multiple other goals as well including habitat and wetland corridor preservation. Under the approved CWPMP, the RCWD has the ability to modify its wetland rules (Rule F) only to the extent that the goals of the CWPMP and WCA can be met. Providing a broad alternative to mandatory buffers would fail to achieve these goal.</p> <p>The previous rule revision (2020) revised Rule F.6(e)(2) to enable the required buffer to be reduced based on compelling need and a TEP recommendation to the District in support that the wetland protection afforded is reasonable given the circumstances. Note that guidance from Met Council indicates that wetlands, buffers, trails, and open space can all be excluded from net acreage for density calculations.</p> <p>As it has been nearly 15 years since the CWPMP was established, there may be merit in reviewing the practical implementation of the plan. The RCWD would welcome input from the Cities of Forest Lake and Columbus regarding this implementation, in particular provide specific examples of challenges faced by developers in meeting the associated rules, including the buffer standard. RCWD in collaboration with the Cities can then consider more targeted modifications of the CWPMP including the buffer requirement.</p>
City of Hugo	H-1	C.5(a)	<p>If Public stormwater facilities were not originally permitted as regional basins but can be demonstrated as having sufficient excess treatment capacity and meeting the other requirements set forth in rule C.5.a, the excess capacity should be available for Public entities for use in demonstrating compliance with Watershed rules.</p>	N	<p>The rule already allows for applicants to use excess treatment capacity from constructed BMPs, whether they were designated originally as regional basins or not.</p>
City of Hugo	H-2	C.2(a), C.10(e), and F.6	<p>Provide an exemption for Public entities triggering rule C.2.a, and subsequently the requirements of rule C.10.e. and F.6, for creation and dedication of buffer easements on offsite parcels. As Public entities do not acquire land for projects that provide a municipal benefit with the intent to further develop or subdivide parcels, the spirit of the rule is upheld in that parcels will not be further subdivided until they are no longer governed by Watershed requirements. Additionally, it places an undue burden on landowners subdividing their property with Public entities to dedicate buffer easements on their remaining private property.</p>	Y	<p>A new Rule C.12(e) is currently proposed that will provide an exemption from C.10(b) (easement over drainage system) and C.10(d) (buffer and easement requirements) for portions of a privately owned tract that has been subdivided to convey land to a public agency.</p>
City of Hugo	H-3	F.7(b)	<p>Full Level 2 wetland delineations should not be necessary for proposed de minimus wetland impacts. National Wetland Inventory or existing Watershed wetland boundaries should be permissible for the determination of wetland impact area.</p>	N	<p>A Level 2 wetland delineation is not required for every Wetland Conservation Act (WCA) application. However, NWI or other watershed scale boundaries often lack the precision to be able to reliably determine relatively small de minimus impact areas. The data submittals required for evaluating de minimus exemptions must be assessed based on individual project/site characteristics.</p>

Commenting Agency / Entity	Comment No.	Rule	Comment	Change in Rule (Y/N)	Comment Response
City of Hugo	H-4	C.2(b)	While the threshold for requiring stormwater management on public linear projects is in line with MPCA permit requirements (one of new/fully reconstructed impervious), the threshold for non-public linear projects is about a fourth of the state's standards (10,000 sf versus on acres of new/fully reconstructed impervious) which can place an unfair burden on smaller development projects within the District when compared to other development within the area outside of RCWD. Stormwater permit thresholds for non-public linear projects should be updated to be in line with MPCA state standards.	N	Several other watershed districts in the north metro have similar or more restrictive permit thresholds. See response to comment FL-1.
City of Hugo	H-5	C.9(b)	WSB is currently completing a water reuse evaluation study in partnership with RCWD and additional recommendations for rule revisions on water reuse systems are anticipated with the completion of the study. These recommendations should be incorporated into this round of RCWD rule revisions.	N	The RCWD can consider recommendations in the WSB report when it is completed. The recommendations likely cannot be considered until a future rule revision cycle as the recommendations must be vetted by RCWD staff ahead of the noticing of proposed rule changes (which is imminent).
City of Lino Lakes	LL-1	B.1	Due to the more complex and drawn-out timelines of public land acquisitions, the Watershed should review municipal project plans for compliance with its rules without the need to first demonstrate ownership over the land upon which the project is proposed. This requirements can be a condition of being voted on by the Board or a CAPROC item, but preliminary review and engineering comments would allow for design to progress without first needing to complete the full land acquisition process.	N	RCWD has been flexible with public agencies in demonstrating proof that acquisition will occur ahead of permit review.
City of Lino Lakes	LL-2	C.2(a), C.10(e), and F.6	Provide an exemption for Public entities triggering rule C.2.a, and subsequently the requirements of rule C.10.e and F.6, for creation and dedication of buffer easements on offsite parcels. As Public entities do not acquire land for projects that provide a municipal benefit with the intent to further develop or subdivide parcels, the spirit of the rule is upheld in that parcels will not be further subdivided until they are no longer governed by Watershed requirements. Additionally, it places an undue burden on landowners subdividing their property with Public entities to dedicate buffer easements on their remaining private property.	Y	See response to comment H-2.
City of Lino Lakes	LL-3	F.7(b)	Full Level 2 wetland delineations should not be necessary for proposed de minimus wetland impacts. National Wetland Inventory or existing Watershed wetland boundaries should be permissible for the determination of wetland impact area.	N	See response to comment H-3.
City of Lino Lakes	LL-4	C.5(a)	If Public stormwater facilities were not originally permitted as regional basins but can be demonstrated as having sufficient excess treatment capacity and meeting the other requirements set forth in rule C.5.a, the excess capacity should be available for Public entities for use in demonstrating compliance with Watershed rules.	N	See response to comment H-1.
City of Lino Lakes	LL-5	A	Site parcel extents should be defined by the same standards of "Development" outlined in the Watershed definitions. If there is part of a project taking place on another parcel outside of the right of way, it should only be considered part of the site and therefore beholden to Watershed rules if impervious is proposed to be created or reconstructed. Underground or grading work would then not trigger a secondary parcel to be considered part of the broader site.	N	The definition of "development" (Rule A) considers all parts of a project to be part of a development regardless of whether the work extends across multiple parcels. Proposed rule language (which will be modified to refer to a "common plan of development or sale) is in alignment with MS4 requirements. Administering the District rules by parcel would create an added burden to applicants (as multiple permits may be required with multiple permit fees), create significant challenges in administration, and be inconsistent with MS4 requirements.

Commenting Agency / Entity	Comment No.	Rule	Comment	Change in Rule (Y/N)	Comment Response
City of White Bear Lake	WBL-1	Table C6	Table C6 (freeboard requirements): I like the format of the table, but consider adding freeboard requirements for high groundwater and underground stormwater BMPs. Also, are there situations where rule C is not triggered by freeboard requirements are? If so, should table C6 be moved to a different rule? How do you address low floor freeboard requirements for underground parking structures adjacent to above ground stormwater BMPs?	N	<p>RCWD's freeboard requirements are intending to address risks to structures from surface water. While groundwater can pose risks to subsurface portions of structures, RCWD does not have the data or expertise to develop a well-informed standard related to groundwater interaction with structures.</p> <p>Rule E.3(g) triggers a freeboard requirement for work that alters a floodplain. However, as this rule applies only to LFE's for structures built within the floodplain, referencing the Table C.6 is unnecessary.</p> <p>Underground parking structures must not be located such that either the primary or secondary overflows from a pond are directed toward the parking structure. Freeboard requirements do not apply.</p>
City of White Bear Lake	WBL-2	C.2(b)	Rule C.2b: Is there a timeframe or cutoff in determining cumulative impervious surfaces? For example, are impervious surfaces on a property cumulative indefinitely? Consider defining a timeline for 'multiple phases'.	Y	<p>Proposed rule language is being modified from "multiple phases" to "common plan of development or sale" to be consistent with MS4. Neither in the proposed rule nor in MS4 is there a defined timeline for considering the cumulative additions of impervious surface. However, the MPCA has published guidance on how "common plan of development or sale" is to be applied to separate development activities that occur on distinct but related tracts of land, or on a particular tract of land in phases or otherwise over time. The RCWD would intend to follow this guidance in order to apply its SW rule in the same way as its municipalities that also are implementing the MS4 GP.</p>

**COMMENT RESPONSES - Public Review Period
Rice Creek Watershed District 2024 Rule revisions**

Date: October 30, 2024

Commenting Agency / Entity	Comment No.	Rule	Comment	Change in Rule (Y/N)	Comment Response
City of Hugo	H-4	Multiple	While the threshold for requiring stormwater management on public linear projects is in line with MPCA permit requirements (one of new/fully reconstructed impervious), the threshold for non-public linear projects is about a fourth of the state's standards (10,000 sf versus on acres of new/fully reconstructed impervious) which can place an unfair burden on smaller development projects within the District when compared to other development within the area outside of RCWD. Stormwater permit thresholds for non-public linear projects should be updated to be in line with MPCA state standards.	N	Although the MPCA Stormwater Permit standard uses a 1 acre threshold, this is a minimum control measure that does not account for the unique topography and land use existing within each watershed. Utilizing a 1 acre threshold would allow site discharges of 30,000 gallons of untreated stormwater for the water quality event (1.1") or 195,000 gallons (97 dump truck loads) of water for the 100-year event. A single discharge of this magnitude may not necessarily be problematic; however, multiple discharges to a single watercourse or ditch could create significant water quantity and/or quality problems downstream. Further, substantial portions of the RCWD were developed prior to modern stormwater management rules and have little or no water quantity or quality management in entire neighborhoods. One of the few means the RCWD has to address serious flooding issues in these areas is to require stormwater management for redevelopment sites. Many commercial sites have footprints under 1 acre and would not trigger stormwater management controls if the permitting trigger was changed to 1 acre. For these and/or other reasons, several other watershed districts in the north metro have similar or more restrictive permit thresholds. Thus, the 10,000 square foot rule trigger does not impart a unique or unfair burden on development sites. We likewise have not experienced RCWD permit applications withdrawn due to expressed hardship in meeting <u>stormwater management requirements</u> .
City of Hugo	H-5	C.9(b)	WSB is currently completing a water reuse evaluation study in partnership with RCWD and additional recommendations for rule revisions on water reuse systems are anticipated with the completion of the study. These recommendations should be incorporated into this round of RCWD rule revisions.	N/Y	The proposed rule language references the RCWD Stormwater Reuse Spreadsheet. Technical findings/recommendations from the study may be incorporated into this spreadsheet to guide the consideration of reuse systems to meet rule requirements. RCWD will consider future revision to the rules if needed.
City of Hugo	H-6	F.5(e)	With regards to the proposed change laid out in Rule F.5(d), we fully support this concept however the City feels that some sort of price control is needed on wetland credits if available banks are to be limited to those within the Watershed. Limitation of available banks could result in price gouging due to the restricted options available for banked credits. Some sort of price-parity requirement with other metro banks would ensure permit applicants are not burdened with undue costs.	Y	RCWD recognizes this concern, which was also raised by Washington County. Our expectation is that wetland bank owners are financially motivated to sell their credits in a timely manner and the competitive nature with other banks in the watershed will likely keep the cost per credit reasonable. In BWSR's current bank administration, the cost per credit across the different Bank Service Areas (BSA) of the state vary. We have adjusted the proposed rule language to provide flexibility where the applicant can demonstrate to the District that credit price within the watershed does not reasonably reflect the market.
City of Lino Lakes	LL-1	B.1	Due to the more complex and drawn-out timelines of public land acquisitions, the Watershed should review municipal project plans for compliance with its rules without the need to first demonstrate ownership over the land upon which the project is proposed. This requirements can be a condition of being voted on by the Board or a CAPROC item, but preliminary review and engineering comments would allow for design to progress without first needing to complete the full land acquisition process.	Y	A signed notice from landowner(s) acknowledging the permit application by a public entity to the District will suffice. This provides flexibility for the initial application review. The proof of land acquisition would then be a conditional approval item which needs to be submitted prior to permit issuance. We have adjusted the language of Rule B.1.
City of Lino Lakes	LL-3	F.7(b)	Full Level 2 wetland delineations should not be necessary for proposed de minimus wetland impacts. National Wetland Inventory or existing Watershed wetland boundaries should be permissible for the determination of wetland impact area.	N	A Level 2 wetland delineation is not required for every Wetland Conservation Act (WCA) application. However, NWI or other watershed scale boundaries often lack the precision to be able to reliably determine relatively small de minimus impact areas. The data submittals required for evaluating de minimus exemptions must be assessed based on <u>individual project/site characteristics</u> .
Washington County	WC-1	C.6(d)(1)	It is not clear what a "reasonable" level of effort is for a public entity to obtain additional right of way for stormwater treatment. This will be of additional concern where runoff drains to multiple locations, which is common for linear projects. Other Watersheds provide language for a cost cap per acre, for linear projects for stormwater management. This may be easier to understand and enforce, rather than determining what a reasonable effort is on a project-by-project basis, especially as right-of-way acquisition often needs to be completed in advance of permitting and final design.	N	The inclusion of "reasonable" is to adopt the language in section 20.7 of the MS4 general permit. It is RCWD's intent to conform to MS4 text in order to contribute to consistent standards. In utilizing the MS4 term, RCWD would follow MPCA guidance on applying the term. RCWD strongly encourages early pre-application coordination to review and discuss stormwater location opportunities.
Washington County	WC-2	C.6(e)	Requiring water quality treatment to the "extent feasible" seems more appropriate for evaluating linear projects on a case-by-case basis, whereas C.6.D.1's right of way acquisition language seems more open ended.	N	As identified in the response to comment WC-1, RCWD is adopting MS4 standards. Section 20.7 says that water quality volume needs to be "maximized". We have changed the language to "to the extent feasible" as "maximized" doesn't make precise sense and feasibility seems the best standard for what the MPCA appears to intend.

Washington County	WC-3	C.9(f)	Expanded requirements for soils investigation, specifically regarding redoximorphic features, will result in documenting seasonal high-water levels at elevations higher than field measuring the groundwater table, for some, if not most projects. In addition to additional field-testing expenses, higher groundwater levels can make treatment via infiltration more challenging and costly.	N	Current RCWD practice requires applicants to identify the seasonal high water elevation; it is just not explicitly in the rule. Thus, the intent and effect of C.9(f) is to clarify the existing practice rather than change policy. The purpose of the requirement to characterize redoximorphic features is to identify if infiltration is feasible and avoid the construction of infiltration basins that are destined to fail. When infiltration is determined to be infeasible, an alternative stormwater design method may be proposed. Having this upfront knowledge about the on-site soils ultimately will save the applicant cost in fixing non-functioning BMPs.
Washington County	WC-4	C.9(h)	Changes to freeboard/high water level and structure low floors are a positive change.	N	Noted; thank you
Washington County	WC-5	D.2(e)	The removal of permit requirements for stormwater BMP maintenance is a positive change.	N	Noted; thank you
Washington County	WC-6	F.5(e)	Requiring wetland credits from within Watershed boundaries will likely make (what available) credits more expensive. This will likely make credits more expensive, and/or wetland banking more lucrative within Watershed boundaries. Historically BWSR has required that when purchasing wetland credits for mitigation, they had to be within the same area/watershed. As we understand it, BWSR is going away from this standard.	N	A similar comment (H-6) was made by the City of Hugo and RCWD recognizes this concern. Our expectation is that wetland bank owners are financially motivated to sell their credits in a timely manner and the competitive nature with other banks in the watershed will likely keep the cost per credit reasonable. In BWSR's current bank administration, the cost per credit across the different Bank Service Areas (BSA) of the state vary. We have adjusted the proposed rule language to provide flexibility where the applicant can demonstrate to the District that credit price within the watershed does not reasonably reflect the market.
City of White Bear Lake	WBL-3	C.6(d)(2)	The new language adds 'whether off-site or on-site'. If this is the intent, then we recommend deleting the 'on-site' text that is in the current language.	N	The intent is to first identify if infiltration is feasible on the developing site. If it is, the rule allows for use of regional or off-site infiltration practices (in lieu of on-site infiltration practices) when that is a more cost-effective opportunity. Infiltration is critical in reducing the volume of runoff discharging to surface waters.
City of White Bear Lake	WBL-4	C.6(d)(2)	Consider adding 'in accordance with subsection 6(d)1 after the proposed text 'whether on-site or off-site'.	Y	RCWD is revising the text of C.6(d)(2) to be, "if infiltration is feasible on site (see Table C2), BMPs, whether on- or off-site, must provide for infiltration to meet the standards of subsection 6(c) and 6(d)(1)."
City of White Bear Lake	WBL-5	C.6(d)(2)	If the intent is also off-site per the first sentence, then delete the 'on-site' text, and consider replacing that text with a reference to table C2	N	Similar to the response to WBL-3, the intent is to first identify if infiltration is feasible on site.
City of White Bear Lake	WBL-6	C.6(d)(1)	The City has successfully incorporated water quality BMP's in many past public linear projects; however there are some instances where water quality treatment options are extremely limited due to a variety of factors including high groundwater, lack of right-of-way, and utility and/or tree conflicts to name a few. For clarification of this subsection, if the City provides documentation that on-site treatment is not feasible, and obtaining additional ROW or adjacent land is cost prohibitive, then the RCWD water quality volume requirement may be waived for the project?	N	That is correct, with one further clarification. Rule C.6(e) identifies for public linear projects that runoff from undisturbed impervious surface within the ROW that is not otherwise being treated may be treated in lieu of treating new or reconstructed impervious surface. This would also need to be considered as part of the "feasible" determination.
Manager Bradley	MB-1	K.4	Change the word "statute" to "law" within Rule K	Y	Change made.
Manager Bradley	MB-2	C.9(e)	Page 78 of the packet, under item e, where he thinks the word 'be' needs to be added.	Y	Change made.
Manager Bradley	MB-3	E.3(e)	Manager Bradley commented at the August 28, 2024 regular meeting to see if a change could be made to Rule E.3(e) to minimize the need for landowners to have to go through the variance process.	N	The floodplain alteration rule identifies that fill within the floodplain is prohibited unless compensatory floodplain storage volume is provided. Rule E.3(e) and a 10 cubic yard exemption was later added to provide flexibility to landowners and public road authorities. This 10 cubic yard exemption was later expanded to a 100 cubic yard amount based on Houston Engineering's assessment of the District-Wide Model and the anticipated cumulative effect of multiple landowners utilizing the exemption. Because there are so many different ROCs and floodplains throughout the District, it is difficult, if not infeasible, to write a rule that covers all situations/waterbodies. The current 100 cubic yard exemption provides a balance between diminishing the number of variance requests while providing a low risk of substantive impacts due to exempted floodplain fill.
Chris Stowe	CS-1	E.3(f)	At public hearing: Structures in the wetland plain would affect him in relation to something he is already allowed to do in erecting temporary structures where they are needed.	N	The change in the floodplain alteration rule identifies that structures not intended for human habitation do not need to meet the 2-foot freeboard requirements. No changes were made to the floodplain alteration rule or wetland alteration rule regarding temporary structures. WCA does allow for a temporary impact under 8420.0415 Subpart H.
Chris Stowe	CS-2	Multiple	At public hearing: Statement made about access to the drainage system and noted that it confused him because the City of Lino Lakes just passed an ordinance change to basically have easements on all the drainage systems.	N	Regulatory Manager Hughes clarified at the public hearing that RCWD has an implied right-of-way of the public drainage systems through 103E and a formal easement is required through Rules C, E, and I of the regulatory program. The City of Lino Lakes may require a separate drainage & utility easement through property development and platting.
Catherine Decker	CD-1	K.4	At public hearing: Advised against the change under the enforcement rule from 'statute' to 'law' as it would expand the umbrella and reduce clarity	N	Manager Bradley explained at the public hearing that the law includes the statute and the rules that have been adopted explain the statute. He clarified that the District's obligation is to enforce the 'law', which includes statutes.

Plowe Engineering	P-1	Table C6	Table C6 has an asterisk after "rain gardens", but the asterisk isn't explained. Also, "rain garden" is not in the list of definitions. Is that by design?	Y	A notation to accompany the asterisk appears to have been inadvertently deleted in a prior revision of the rule. The following notation will be added following Table C6: *rain gardens are off-line infiltration or bio-filtration basins.
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2:30

District Employment Handbook Updates

MEMORANDUM

Rice Creek Watershed District



Date: November 5, 2024
To: RCWD Board of Managers
From: Nick Tomczik, Administrator
Subject: Employee Handbook - Updates

Introduction

The Board of Managers is being asked to consider updates to the RCWD Employee Handbook to align with some agency changes and for efficiency in administration.

Background

The District maintains an employee handbook. The handbook is modified from time to time as conditions and needs evolve. The handbook is proposed to be updated in the following four sections.

- Section 4.2 Employment Classification – staff propose revised language to align with Department of Labor changes to the Fair Labor Standards Act (FLSA) in the definition of exempt and non-exempt employment positions.
- Section 4.4 Time Records – The revised language clarifies that an employee and that position’s supervisor is to sign the timecard and submit it to the Office Manager.
- Section 7.2 Vacation – The revised language provides that the Administrator may approve leave ahead of accrual amounts and that an employee’s request for leave may be scheduled in ½ hour increments.
- Section 7.3.1 Earned Sick and Safe Time Leave – The revised language incorporates additions to State law on funeral and financial matters to be reflected in employee handbook.

When approved staff will finalize the Employee Handbook language and the Administrator will review all changes with staff for administration.

Staff Recommendation

Staff recommends that the Board of Managers consider approval of the amendments to the RCWD Employee Handbook sections as identified above at its November 13, 2024 Board Meeting.

Attachments

- RCWD Employee Handbook Sections:
 - 4.2 Employment Classification
 - 4.4 Time Records
 - 7.2 Vacation
 - 7.3.1 Earned Sick and Safe Time Leave

4 EMPLOYMENT RELATIONSHIP

4.1 EMPLOYEE PRIVACY

It is the District's goal to respect the individual privacy of its employees and at the same time maintain a safe and secure workplace. When issues of safety and security arise, you may be requested to cooperate with an investigation. The investigation may include procedures to safeguard the District and its employees, such as searches of personal belongings. Failure to cooperate with an investigation is grounds for termination. Providing false information during any investigation may lead to discipline, including termination.

Employees are expected to make use of District facilities and equipment only for the business purposes of the District. Accordingly, materials that appear on District hardware or networks are presumed to be for business purposes, and all such materials are subject to review by the District at any time without notice to the employees. Employees do not have any expectation of privacy with respect to any material on District property. The District may monitor its communications systems and networks as allowed by law. Monitored activity may include voice, e-mail, and text communications, as well as Internet search and browsing history. Employees who make excessive use of the communications system for personal matters are subject to discipline. Employees are expected to keep personal communication to a minimum and to emergency situations.

Video surveillance. As part of its security measures and to help ensure a safe workplace, the District may position video cameras to monitor various areas of its facilities. Video cameras will not be used in private areas, such as break rooms, restrooms, locker/dressing rooms, etc. Videotapes will not include an audio component.

4.2 EMPLOYMENT CLASSIFICATION

Written job descriptions will be prepared for all District employment positions. The descriptions will consist of a title, a description of the responsibilities and typical examples of work performed, and other information on the required qualifications and abilities necessary to perform the duties of the position. Job descriptions should be reviewed annually between the employee and the supervisor, and adjustments made as needed.

All employee positions will be classified pursuant to applicable Fair Labor Standards Act (FLSA) as either Non-eExempt (employees who are entitled to overtime compensation) or Exempt (employees who are not entitled to overtime compensation.)

In order to determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, the District classifies its employees as shown below. The District will maintain up-to-date information regarding the proper classification for each job per FLSA definitions for executive, administrative and professional exemptions, and other requirements. The District may review or change employmentee classifications at any time.

Exempt. Exempt employees are typically paid on a salary basis and are not eligible to receive overtime pay.

Non-exempt. Non-exempt employees are paid on an hourly or salary basis and are eligible to receive overtime pay for overtime hours worked.

Regular, full time. Employees who are not in a temporary status and work a minimum of 40 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

Regular, part time. Employees who are not in a temporary status and who are regularly scheduled to work less than 40 hours weekly and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered by the District and are subject to the terms, conditions, and limitations of each benefits program.

Temporary, full time. Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the District's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. These employees are not eligible for the full-time benefits package.

Temporary, part time. Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work less than 40 hours weekly for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. These employees are not eligible for the full-time benefits package.

4.3 WORKWEEK AND HOURS OF WORK

The standard workweek is from Sunday 12:00 a.m. until Saturday 11:59 p.m. and generally consists of 40 work hours. Office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday. Individual work schedules may vary depending on the needs of each department, including occasional evening and weekend work. Employees are required to work according to the schedule for their assigned position. Working more than 40 hours in a week may occasionally be required to meet deadlines or to accomplish objectives. Non-exempt employees will receive overtime pay at 1.5 times their hourly rate.

Meals and Rest Breaks. Employees are entitled to a 30-minute unpaid meal break each day. Any non-exempt employee who is required to work through a meal break will be paid for the 30-minute period. Employees are also entitled to two 15-minute rest periods each day.

4.4 TIME RECORDS

All non-exempt employees are required to complete accurate weekly time reports showing all time actually worked, and other time that comprises a 40-hour workweek. These records are required by governmental regulations and are used to calculate regular and overtime pay. ~~At~~

~~the end of each week, you and your supervisor must sign the time sheet attesting to its correctness before forwarding it to the Administrator within the designated time.~~

Exempt employees shall also log their time for purposes of tracking expenses for various work activities and for tracking accrued leave and flex time.

Both exempt and non-exempt employees at the end of each two-week period, sign and your supervisor must sign the timesheet attesting to its correctness and submit it to the Office Manager within the designated time for District processing and records.

4.5 OVERTIME

When required due to the needs of the business, you may be asked to work overtime. Overtime is actual hours worked in excess of 40 in a single workweek. Non-exempt employees will be paid overtime compensation at the rate of one and one-half their regular rate of pay for all hours over 40 actually worked in a single workweek. Paid leave, such as holiday, vacation, sick time, bereavement time, and jury duty, does not apply toward work time. All overtime work must be approved in advance by a supervisor.

4.6 FLEX TIME

Exempt employees may accumulate flex time for any work time beyond a 40-hour workweek. For purposes of calculating flex time, holidays, vacation and personal leave days do not count; only hours actually worked will be used in the calculation. The supervisor is expected to work with employees, within reason, so that flex time accumulated in a timesheet pay-period is used within the following timesheet pay period. There is no carryover beyond that timeframe, and flex time will be zeroed out, as it is not intended to be a stockpile alternative leave. If unforeseen circumstances prohibit the use of accrued flex time, it must be approved by the Administrator to be used at a later time. Flex time is not to be used during “in office” days. Furthermore, upon giving notice of termination, any accrued flex time will be zeroed out.

If flex time becomes routine for any employee, the Administrator needs to be notified to ensure a balance of work.

Neither the Administrator nor supervisors are eligible to accumulate flex time.

4.7 DEDUCTIONS FROM PAY/SAFE HARBOR EXEMPT EMPLOYEES

The District does not make improper deductions from the salaries of exempt employees and complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or change in position.

Permitted deductions. The FLSA limits the types of deductions that may be made from the pay of an exempt employee. Deductions that are permitted include:

- Deductions that are required by law, e.g., income taxes;
- SDI (State Disability Insurance);

leave. If an employee is absent on one or both of these days because of an illness or injury, the District may require verification of the reason for the absence before approving holiday pay.

Religious observances. Employees who need time off to observe religious practices or holidays not already scheduled by the District should speak with their supervisor. Depending upon business needs, the employee may be able to work on a day that is normally observed as a holiday and then take time off for another religious day. Employees may also be able to switch a scheduled day with another employee, take vacation time, or take off unpaid days. The District will seek to reasonably accommodate individuals' religious observances.

7.2 VACATION

The District recognizes the importance of time off from work to relax, spend time with family, and enjoy leisure activities. The District provides paid vacation time to full-time employees for this purpose, and employees are encouraged to take vacation during the year. Part-time employees who are regularly scheduled to work 24 or more hours per week will be eligible for paid vacation on a pro rata schedule.

Full-time employees will accrue paid vacation according to the following schedule:

<u>Years of Service</u>	<u>Accrual Rate</u>	<u>Annual Leave</u>
Years 1-2	3.33 hours/pay period	80 hours/10 days
Years 3-4	4.00 hours/pay period	96 hours/12 days
Years 5-10	5.00 hours/pay period	120 hours/15 days
Years 11-15	5.66 hours/pay period	136 hours/17 days
Years 16 and over	6.65 hours/pay period	160 hours/20 days

Temporary employees are not eligible to accrue vacation. Request vacation time from your supervisor as soon as possible to help ensure approval. However, the District reserves the right to alter the dates of your vacation if it is in the best interest of the District, as determined by the Administrator. All requests for vacations of five or more days in length must be approved at least 30 days in advance by the Administrator (or the Board President, in the case of the Administrator).

Employees may not take paid vacation until they actually have earned or accrued the vacation time, unless approved by the Administrator. New employees accrue paid vacation immediately upon employment.

Vacation may be scheduled in increments of half hours/workdays up to a maximum of two weeks in a row.

Vacation time can be accumulated by the employee with a maximum of 260 hours that can be carried forward from one year into the next. It is the responsibility of the employee to schedule vacation time in order to avoid the potential of losing vacation days. Upon termination, a maximum of 260 hours may be included with your last paycheck, at the employee's rate of pay at the time of termination.

7.3.1 Earned Sick and Safe Time Leave (effective 1/1/2024)

“Earned Sick and Safe Time” (ESST) leave is paid time off earned at one hour of ESST leave for every 30 hours worked by an employee, up to a maximum of 48 hours of sick and safe leave per year. The hourly rate of exercised ESST leave is the same hourly rate an employee earns from employment with the District. This specific leave applies to all employees (including temporary and part-time employees) performing work for at least 80 hours in a year for the District. Section 7.3.1 interpretation and administration will be in accordance with the MN Statutes chapter 181.

Earned Sick and Safe Time Leave Use

The leave may be used as it is accrued in the smallest increment of time tracked by the District payroll system for the following circumstances:

- An employee’s own:
 - Mental or physical illness, injury or other health condition
 - Need for medical diagnosis, care or treatment, of a mental or physical illness
 - injury or health condition
 - Need for preventative care
 - Closure of the employee's place of business due to weather or other public emergency
 - The employee's inability to work or telework because the employee is prohibited from working by the District due to health concerns related to the potential transmission of a communicable illness related to a public emergency, or seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and the employee has been exposed to a communicable disease or the District has requested a test or diagnosis.
 - Absence due to domestic abuse, sexual assault, or stalking of the employee provided the absence is to:
 - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
 - Obtain services from a victim services organization
 - Obtain psychological or other counseling
 - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
 - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking
 - Care of a family member:
 - With mental or physical illness

- injury or other health condition
- Who needs medical diagnosis, care or treatment of a mental or physical illness, injury or other health condition
- Who needs preventative medical or health care
- Whose school or place of care has been closed due to weather or other public emergency
- When it has been determined by health authority or a health care professional that the presence of the family member of the employee in the community would jeopardize the health of others because of the exposure of the family member of the employee to a communicable disease, whether or not the family member has actually contracted the communicable disease
- Absence due to domestic abuse, sexual assault or stalking of the employee's family member provided the absence is to:
 - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking
 - Obtain services from a victim services organization
 - Obtain psychological or other counseling
 - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault or stalking
- Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking
- To make funeral arrangements, attend a funeral service or memorial, or address financial or legal matters that arise after the death of a family member (effective 5/25/2024)

3:00

2024 MN Watersheds Annual Meeting

**Minnesota Watersheds
2024 Annual Conference
December 3 - 6
Grand View Lodge, Nisswa, Minnesota**

Member Meeting Materials

Enclosed are the following items:

1. Notice of Annual Meeting
2. Delegate Appointment Form
3. Annual Business Meeting Agenda
4. 2023 Annual Business Meeting Minutes
5. Proposed Fiscal Year 2025 Budget
6. Proposed Strategic Plan Revisions
7. Proposed Legislative Platform Updates
8. Proposed Bylaws Changes
9. Resolutions Packet
10. Active Resolutions

Please note that the Delegate Appointment Forms are **REQUIRED**. For the annual business meeting to be held, **a quorum of 44 delegates MUST be present**. Please return your Delegate Appointment Forms to Maddy Bohn at mnwatershed@gmail.com at your earliest convenience.

This packet has been distributed to administrators and managers via email. No paper copies of this packet will be sent via the U.S. Postal Service.

We are looking forward to seeing you at this year's conference!

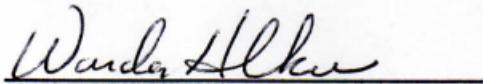
**PLEASE BRING THIS INFORMATION PACKET WITH YOU TO THE CONVENTION.
EXTRA COPIES WILL NOT BE AVAILABLE ON SITE. THANK YOU!!**

Minnesota Watersheds 2024 Annual Meeting Notice

NOTICE IS HEREBY GIVEN that the 2024 Annual Meeting of Minnesota Watersheds will be held at the Grand View Lodge, Nisswa, Minnesota beginning at 9:00 a.m. on Friday, December 6, 2024 for the following purposes:

1. To receive and accept the reports of the President, Secretary, and Treasurer regarding the business of the association of the past year;
2. To receive the report of the auditor;
3. To consider and act upon the Fiscal Year 2025 budget;
4. To consider and act upon proposed Strategic Plan revisions;
5. To consider and act upon proposed Legislative Platform updates;
6. To consider and act upon proposed Bylaws changes;
7. To consider and act upon proposed Resolutions;
8. To elect three directors, one from each region, for terms ending in 2027; and
9. To consider and act upon any other business that may properly come before the membership.

Sincerely,



Wanda Holker
Secretary

Minnesota Watersheds 2024 Delegate Appointment Form

The _____ hereby certifies that it is
name of watershed organization

a watershed district or watershed management organization duly established and in good standing pursuant to Minnesota Statutes 103B or 103D and is a member of Minnesota Watersheds for the year 2024.

The _____ hereby further certifies
name of watershed organization

the following individuals have been appointed as delegates, or as an alternate delegate, all of whom are managers in good standing with their respective watershed district or watershed management organization.

Delegate #1: _____

Delegate #2: _____

Alternate: _____

Authorized by: _____
Signature Date

Title

** Please return this form to mnwatershed@gmail.com at your earliest convenience. **



Minnesota Watersheds
2024 Annual Conference
Grand View Lodge, Nisswa, MN

Annual Business Meeting
AGENDA
Friday, December 6, 2024 | 9 a.m.

GENERAL BUSINESS

- 9:00 a.m. Call to Order
- 9:01 a.m. Approval of Agenda (Action)
- 9:02 a.m. Approval of 2023 Annual Business Meeting Minutes (Action) – Linda Vavra
- 9:05 a.m. Treasurer’s Reports – Linda Vavra
 - 2024 Year End Financial Report (Action)
 - 2024 Review of Financial Procedure Report (Action)
 - 2025 Proposed Budget (Action)

REPORTS

- 9:30 a.m. President’s Report – Linda Vavra
- 9:40 a.m. Caucus Election Results Report – Linda Vavra
- 9:45 a.m. Executive Director’s Report – Jan Voit
- 10:05 a.m. Board of Water and Soil Resources Report – Assistant Director Justin Hanson

ACTION ITEMS

- 10:20 a.m. **STRATEGIC PLAN** (Action) – Linda Vavra
- 10:35 a.m. **LEGISLATIVE PLATFORM** (Action) – Linda Vavra
- 10:50 a.m. **BYLAWS HEARING** (Action) – Linda Vavra
- 11:05 a.m. **RESOLUTIONS HEARING** (Action) – Linda Vavra

Note: There will be two microphones in the room – One to use if you are “FOR” an amendment and one if you are “AGAINST” an amendment. If you wish to testify on a resolution, please proceed to the appropriate microphone and limit your comments to 2 minutes.

- Resolution 1** – Regulatory Approaches to Reducing Chloride Contamination
- Resolution 2** – Allowing Alternative Notice of Watershed District Proceedings by Publication on District’s Website
- Resolution 3** – Providing for Watershed Management Organization Representation on Wetland Technical Evaluation Panels in Seven-County Metropolitan Area
- Resolution 4** – Seeking the Ability to Allow Resale of Acquisition Buyout Property
- Resolution 5** – Seeking the DNR to Establish a “Comprehensive Guideline for Calcareous Fen Management”
- Resolution 6** – Seeking Clarification of Minn. Rule 8420.0935, Subp. 1
- Resolution 7** – Seeking the DNR to Adopt a Program to Incentive Calcareous Fen Management on Private Lands
- Resolution 8** – Seeking the Removal of the Water Resource Enforcement Officer
- Resolution 9** – Seeking the Amendment of Minn. Rule 8420.0935, Subp. 3.A.
- Resolution 10** – Seeking a Formal Process to Distribute a Complete List of Calcareous Fens Annually
- Resolution 11** – Seeking Regular Reevaluation of the Designated Species List
- Resolution 12** – Seeking the Development of a Calcareous Fen Work Group
- Resolution 13** – Requesting Minnesota Watersheds Support to Request New Legislation to Set Permit Review Time Limits upon the Department of Natural Resources

12:00 p.m. **ADJOURNMENT**

Minnesota Watersheds
Annual Business Meeting
December 1, 2023



1. CALL TO ORDER

The 2023 Minnesota Watersheds Annual Business Meeting was convened at 9:00 a.m. by President Linda Vavra, Bois de Sioux Watershed District (WD).

2. GENERAL HOUSEKEEPING

Agenda

David Ziegler, Riley Purgatory Bluff Creek WD made a motion to approve the agenda. Jill Crafton, Riley Purgatory Bluff Creek WD seconded the motion. The motion passed by voice vote.

Secretary's Report

President Vavra presented the minutes of the 2022 Annual Business Meeting. Bill Petersen, Middle Snake Tamarac Rivers WD moved to approve the Secretary's Report. Jackie Anderson, Comfort Lake Forest Lake WD seconded the motion. The motion passed by voice vote.

Treasurer's Report

President Vavra presented the following reports:

- 2023 Year End Financial Report and Statement of Financial Position. David Ziegler, Riley Purgatory Bluff Creek WD moved to approve the 2023 Year End Financial Report. Don Pereira, Valley Branch WD seconded the motion. The motion passed by voice vote.
- Independent Accountant's Report on Applying Agreed upon Financial Procedures. The report dated November 21, 2023 was prepared by Redpath and Company, Ltd. David Ziegler, Riley Purgatory Bluff Creek WD made a motion to accept the Report on Applying Agreed upon Financial Procedures. Dennis Kral, Pelican River WD seconded the motion. The motion passed by voice vote.
- 2024 Proposed Budget. David Ziegler, Riley Purgatory Bluff Creek WD moved to approve the 2023 Proposed Budget. Bill Petersen, Middle Snake Tamarac Rivers WD seconded the motion. The motion passed by voice vote.

3. REPORTS

Reports were given by President Vavra and Executive Director Voit.

4. M.S. Chapter 103D Proposed Fixes

Executive Director Voit provided an overview of the proposed update to M.S. Chapter 103D. These changes are proposed to modernize the language and make the project process more transparent. The changes are purely housekeeping. No funding will be necessary. When the final version is complete, it will be distributed to members, along with talking points to use in discussions with legislators for the upcoming legislative session.

5. BYLAWS HEARING

Grace Butler, Nine Mile Creek WD made a motion to open the Bylaws Hearing. David Ziegler, Riley Purgatory Bluff Creek WD seconded the motion. The motion passed by voice vote.

President Vavra turned the meeting over to Bylaws Committee Co-chair Jamie Beyer, Bois de Sioux WD. Ms. Beyer reported on the proposed changes to the Bylaws. A motion was made by Mike Bradley, Rice Creek WD to approve the proposed changes to the Bylaws. The motion was seconded by Joe Collins, Capitol Region WD. The motion passed by voice vote.

A motion was made by Mike Lee, Shell Rock River WD to close the Bylaws Hearing. Bill Petersen, Middle Snake Tamarac Rivers WD seconded the motion. The motion passed by voice vote.

6. RESOLUTIONS HEARING

A motion was made by Grace Butler, Nine Mile Creek WD to open the Resolutions Hearing. The motion was seconded by Shaun Kennedy, Bassett Creek Watershed Management Commission and passed by voice vote. Jamie Beyer, Resolutions Committee Co-chair presided over the Resolutions Hearing.

Resolution #1 Resolution to Require Watershed District Permits for all State Agencies

Tara Jensen, Wild Rice WD presented the resolution. David Ziegler, Riley Purgatory Bluff Creek WD moved to adopt Resolution #1. Dennis Kral, Pelican River WD seconded the motion. It was brought to everyone's attention that the resolution in the packet had been amended by the Minnesota Watersheds Board of Directors at their meeting on November 28. Once noted, the motion and second were withdrawn.

David Ziegler, Riley Purgatory Bluff Creek WD moved to adopt Resolution #1 as amended. Dennis Kral, Pelican River WD seconded the motion. Following discussion, Brian Johnson, South Washington WD made a motion to call the question. Don Pereira, Valley Branch WD seconded the motion, which passed by voice vote.

The vote on the motion to adopt Resolution #1 was passed by voice vote.

- **Adopted Resolution 2023-1: NOW, THEREFORE, BE IT RESOLVED** that Minnesota Watersheds supports amending Minnesota Statutes § 103D.345, Subd. 5 to read as follows: Subd. 5. Applicability of permit requirements to state. A rule adopted by the managers that requires a permit for an activity applies to all state agencies, including the Department of Transportation.

Resolution #2 Resolution Seeking to Clarify Budget Adoption Deadlines and Certification Types for Watershed Districts

Dan Coughlin, Middle Fork Crow River WD presented the resolution. Dennis Kral made a motion to table Resolution #2 indefinitely. Don Pereira, Valley Branch WD seconded the motion.

Following discussion, Brian Johnson, South Washington WD made a motion to call the question. Don Pereira, Valley Branch WD seconded the motion, which passed by voice vote.

The vote on the motion to table Resolution #2 indefinitely passed by voice vote.

Resolution #3 Resolution to Support New Legislation Modeled After HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs

Nick Tomczik, Rice Creek WD presented the resolution. Mike Bradley, Rice Creek WD moved to adopt Resolution #3. Jill Crafton, Riley Purgatory Bluff Creek WD seconded the motion. The motion passed by voice vote.

- **Adopted Resolution 2023-3: NOW, THEREFORE, BE IT RESOLVED** that Minnesota Watersheds supports the introduction of new legislation modeled after HF2687 and SF2419 and commits its lobbying efforts toward promoting the passage of the bills in subsequent sessions.

Resolution #4 Resolution Seeking Action for Streamlining the DNR Flood Hazard Mitigation Grant Program

Dan Money, Two Rivers WD presented the resolution. Andrew Weber, Lac qui Parle-Yellow Bank WD moved to adopt Resolution #4. Benjamin Carp, Ramsey Washington Metro WD seconded the motion. The motion passed by voice vote.

- **Adopted Resolution 2023-4: NOW, THEREFORE, BE IT RESOLVED** that Minnesota Watersheds adopt a resolution seeking action requiring the DNR to establish transparent scoring, ranking, and funding criteria for the Flood Hazard Mitigation Program (M.S. Chapter 103F) and asking the Minnesota Legislature to fully fund the state’s share of eligible projects that are on the DNR’s list within each two-year bonding cycle. Information regarding scoring, ranking, and funding should be provided annually to project applicants.

Resolution #5 Resolution Seeking Increased Flexibility in the Open Meeting Law to Utilize Interactive Technology

David Ziegler, Riley-Purgatory-Bluff Creek WD presented the resolution. Don Pereira, Valley Branch WD moved to adopt Resolution #5. Celia Wirth, Brown’s Creek WD seconded the motion.

Following discussion, David Ziegler, Riley Purgatory Bluff Creek WD made a motion to call the question. Dennis Kral, Pelican River WD seconded the motion, which passed by voice vote.

The motion to adopt Resolution #5 was passed by voice vote.

- **Adopted Resolution 2023-5: NOW, THEREFORE, BE IT RESOLVED** that Minnesota Watersheds hereby supports changes to the Open Meeting Law to provide greater flexibility in the use of interactive technology by allowing members to participate remotely in a nonpublic location that is not noticed, without limit on the number of times such remote participation may occur; and allowing public participation from a remote location by interactive technology, or alternatively from the regular meeting location where interactive technology will be made available for each meeting, unless otherwise noticed under Minnesota Statutes Section 13D.021; **BE IT FURTHER RESOLVED** that Minnesota Watersheds supports changes to the Open Meeting Law requiring watershed district to prepare and publish procedures for conducting public meetings using interactive technology.

Resolution #6 Resolution Seeking Minnesota Watersheds Education and Outreach to Encourage Formation of Watershed Districts in Unserved Areas

Jackie Anderson and David Bakke, Comfort Lake Forest Lake WD presented the resolution. Jeff Gertgen, Middle Fork Crow River WD moved to adopt Resolution #6. Shawn Mazanec, Capitol Region WD seconded the motion. The motion was passed by voice vote.

- **Adopted Resolution 2023-6: NOW, THEREFORE, BE IT RESOLVED** that Minnesota Watersheds, in consultation with its membership, develop a framework for education and outreach intended to encourage petition and advocacy for the formation of watershed districts in areas of the state not presently served by watershed-based public agencies.

7. LEGISLATIVE PLATFORM

President Vavra and Executive Director Voit presented the Legislative Platform. David Ziegler, Riley Purgatory Bluff Creek WD made a motion to adopt the Legislative Platform. Dennis Kral, Pelican River WD seconded the motion. The motion passed by voice vote.

8. ADJOURNMENT

President Vavra thanked the members for their participation in the business meeting and the annual conference. She adjourned the meeting at 11:01 a.m.

Wanda Holker
Secretary



Memorandum

DATE: October 31, 2024
TO: Minnesota Watersheds Members
FROM: Finance Committee Co-chairs David Ziegler, Riley Purgatory Bluff Creek WD and Tera Guetter, Pelican River WD
RE: **Draft FY24 Financial Statement, Review of Financial Procedure Report, and Proposed FY25 Budget**

It is important to note that most of Minnesota Watersheds revenue is generated through payment of dues.

INCOME FY24 ACTUAL

- The FY24 dues were based on the dues structure adopted by the membership at the 2022 annual business meeting. We also had increased income from regaining the membership of Buffalo Creek and Heron Lake WDs.
- The income for the Legislative event, Summer Tour, and Annual Conference remained steady.

EXPENSES FY24 ACTUAL

Administrative and Program Management

- Administrative and Communications Support – Contract: funds paid to the Executive Director.
- Event and Communication Management – Contract: funds paid to the Program Manager for managing Minnesota Watersheds events.
- Newsletter formatting, Website, social media, etc. – Contract: funds paid to the Program Manager for these tasks.

Government Relations

- Lobbying – Contracted Services: funds paid to lobbyists Ray Bohn and Lockridge Grindal Nauen.

Professional Services

- Legal Fees: funds paid for general legal services.
- Legal Fees – Drainage Work Group: funds paid to represent members at the DWG.
- Legal Fees – M.S. Chapter 103D modernization: funds paid to assist with statutory language changes and testifying at the legislature.
- Legal Fees – Amicus Brief JD 39: funds paid to draft and submit a brief to the Minnesota Supreme Court regarding Red Lake JD 39.
- Accounting and Audit Fees: funds paid to Obremski Ltd. for monthly accounting and bookkeeping services, and to Redpath Ltd. for the agreed upon procedures report.
- Insurance: funds paid for insurance coverage for errors and omissions insurance for the Minnesota Watersheds Board of Directors, and for general coverage for office, records, and office equipment.

Office Expenses

- Rent: funds paid to Capitol Region WD for storage and office rent.
- Mileage and General Office Expenses: for directors and contractors, as well as office supplies.

Board and Committee Meetings

- Per Diems and Expenses - Directors: funds paid to directors for serving on the Board of Directors and Minnesota Watersheds Committees.

Education and Events

- The actual costs incurred for implementing the Legislative Briefing and Day at the Capitol, Summer Tour, and Annual Conference.

2024 REVIEW OF FINANCIAL PROCEDURE REPORT

The report from Redpath Ltd. for the agreed upon procedures has not been submitted. It will be distributed to members as soon as it is available.

INCOME PROPOSED FY25 BUDGET

- The estimated dues for FY25 are based upon payment in full by current members with the dues structure that was approved by the membership in 2022.
- The estimated income for the annual conference in FY25 is based on actual revenue received in FY24.
- The estimated costs for the Legislative Day at the Capitol and Summer Tour are based on actual costs for FY24.

EXPENSES PROPOSED FY24 BUDGET

Administrative and Communications Support

- Administrative and Communications Support: projected expense for the Executive Director.
- Event and Communication Management: projected expense for Program Manager for managing Minnesota Watersheds events (Legislative Briefing and Day at the Capitol; Summer Tour; and Annual Conference).
- Newsletter formatting, website, social media, etc. - Contract: projected expense for Program Manager.

Government Relations

- Lobbyist Contract: for lobbyist Ray Bohn through December 31, 2024.
- Lobbyist Contract: for the Lockridge Grindal Nauen lobbying team.

Professional Services

- Legal Fees: costs incurred by Smith Partners for general legal work.
- Legal Fees – Drainage Work Group (DWG): costs incurred for Smith Partners to represent members at the DWG on an as-needed basis.
- Drainage Work Group – Contract: costs for Myron Jesme to represent Minnesota Watersheds at DWG meetings and subcommittee meetings.
- Accounting and auditing funds paid to Obremski Ltd. for monthly accounting and bookkeeping services, and to Redpath Ltd. for the agreed upon procedures report.
- Insurance coverage for errors and omissions insurance for the Minnesota Watersheds Board of Directors, and for general coverage for office, records, and office equipment.

Office Expenses

- Rent: funds paid to Capitol Region WD for storage and office rent.
- Mileage and General Office Expenses: for directors and contractors, as well as office supplies.

Board and Committee Meetings

- Per Diems and Expenses - Directors: Funds paid to directors for serving on the Board of Directors and Minnesota Watersheds Committees.

Special projects

- Funds for anticipated costs incurred with the Watershed Handbook, surveys, or promotional items.

Education and Events

- Estimated costs for implementing the Annual Conference, Legislative Briefing and Day at the Capitol, Summer Tour, credit card processing fees, and special workshops.

Even with the additional projected expenses, we are projecting a modest increase in available capital at the end of FY25.

Questions regarding the FY25 proposed budget and/or the FY24 financial information should be directed to David Ziegler, Treasurer (david_ziegler@outlook.com or 952-905-1889) or Jan Voit (jvoit@mnwatersheds.com or 507-822-0921).

Minnesota Watersheds			Prepared	10/9/2024
DRAFT FY24 Financial Report and Proposed FY25 Budget				
October 1, 2024 through September 30, 2025				
	FY2025**	FY2024*	FY2024	FY2023*
			Oct'23-Sep'24	Oct'22-Sep'23
INCOME	BUDGET	BUDGET	FY 2024 ACTUAL	FY 2023 ACTUAL
Dues - Watershed District Members	262,421	251,008	255,986	227,065
Dues - Watershed Management Organization Members	22,500	22,500	22,500	22,500
Annual Conference Registrations	91,000	87,000	120,885	114,563
Annual Conference Trade Show and sponsorships	42,300	43,500	13,000	-
Legislative Day at the Capitol	5,500	4,000	5,339	6,913
Summer Tour	20,000	20,000	28,250	18,658
Minnesota Watersheds Workshops	2,500	2,500	-	-
Interest	25	25	563	481
TOTAL REVENUES	446,246	430,533	446,523	390,180
EXPENSES				
Administration & Program Management				
Administrative and Communications Support - Contract	105,000	111,600	95,532	89,708
Event and Communication Management - Contract	45,000	43,200	43,200	40,719
Newsletters, Website, Social Media, etc. - Contract	4,500	7,000	3,354	6,027
Government Relations				
Lobbying - Contracted Services - Ray Bohn, MGA	11,250	45,000	45,000	33,122
Lobbying - Contracted Services - Lockridge Grindal Nauen	56,244	30,000	22,500	-
Lobbyist Expenses	1,000	1,000	450	353
Professional Services				
Legal Fees	25,000	25,000	5,327	17,118
Legal Fees - Drainage Work Group	7,500	7,500	8,115	5,289
Legal Fees - M.S. Chapter 103D modernization	-	-	28,161	-
Legal Fees - Amicus Brief JD 39	-	-	7,005	-
Drainage Work Group - Myron Jesme contract	5,000	5,000	2,217	-
Accounting and Audit Fees	14,400	15,000	13,100	14,100
Insurance	1,700	1,700	734	2,407
Office Expenses				
Rent	2,400	4,800	2,400	3,000
Mileage and General Office Expenses	15,000	10,000	12,965	10,783
Dues, Other Organizations	-	-	-	-
Other Special Items	3,700	2,500	1,700	510
Memorials	250	250	-	-
Board and Committee Meetings				
Per Diems and Expenses - Directors	25,000	25,000	19,915	23,724
Board and Committee Meeting Expenses	1,000	1,000	-	-
Special Projects				
Watershed Handbook, Surveys, etc.	5,000	5,000	44	4,466
Education and Events				
Annual Conference	75,000	54,500	74,778	60,046
Legislative Day at the Capitol	5,500	5,500	5,778	4,508
Summer Tour	20,000	20,000	22,840	14,379
Credit Card Processing Fees	4,100	4,100	1,534	939
Special Workshops	3,700	2,500	-	-
TOTAL EXPENSES	437,244	427,150	416,649	331,197
REVENUES OVER (LESS THAN) EXPENSES	9,002	3,383	29,874	58,983
STATEMENT OF NET POSITION				
Assets, Cash and Equivalents, actual			293,210	270,378
Dues receivable			-	-
Deposits received - deferred, prepaid expenses			1,347	(4,313)
Liabilities, accounts payable, taxes payable			(19,726)	(21,108)
ENDING NET ASSETS			274,831	244,957

*These are final numbers. **FY25 Budget approved by Finance Committee on 10/09/2024 and the MW BOD on 10/28/2024.



Memorandum

DATE: October 31, 2024
TO: Minnesota Watersheds Members
FROM: Committee Co-Chairs David Ziegler, Riley Purgatory Bluff Creek WD and Andy Henschel, Shell Rock River WD
RE: **Proposed Strategic Plan Updates**

In December of 2022, the Minnesota Watersheds membership adopted the 10-Year Strategic Plan. Over the course of the last two years, many of the strategies and tactics have begun and some have been completed. With those accomplishments in mind, the Strategic Plan Committee met to review the plan.

Proposed revisions

- Many of the proposed changes are minor wordsmithing. The 10-year plan was also updated to reflect plan accomplishments.
- The introduction was revised to include the Annual Work Plan for the Minnesota Watersheds Board of Directors (Board).
- Revisions to the committee's section were made to reflect the committee makeup and processes described in the Manual of Policy and Procedures.
- It is necessary for Minnesota Watersheds to engage with members and non-members. Revisions in this section were made to reflect those needs.
- Clarifying language was added to the section regarding streamlining the resolutions and legislative priorities processes.
- Acknowledging the Legislative Coordination and Communication Plan was added to the lobbying section, as well as addressing the need for members to develop personal relationships with their legislators.
- An annual work plan for the Board was added.
- Expectations for support and advocacy from the Minnesota Watersheds representatives on the Board of Water and Soil Resources and Clean Water Council were incorporated.
- The tactics timetable was updated to include the executive director's work plan for 2025 and 2026.

Questions regarding the Strategic Plan and/or the proposed revisions should be directed to David Ziegler (david_ziegler@outlook.com), Andy Henschel (andy.henschel@co.freeborn.mn.us), or Jan Voit (jvoit@mnwatersheds.org).



**MINNESOTA
WATERSHEDS**
Connecting People. Protecting Water.

10-YEAR STRATEGIC PLAN

December 2, 2022

Updated: December 6, 2024

Abstract

This document defines Minnesota Watersheds' mission and vision for the future and identifies goals, objectives, strategies, and tactics.

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MINNESOTA WATERSHEDS

STRATEGIC PLAN GOALS AND OBJECTIVES

MISSION: To support and advocate for leaders in watershed management.

VISION: To establish excellence and innovation in all watershed-based organizations.

GOALS AND OBJECTIVES:



Fortify the infrastructure of Minnesota Watersheds to ensure reliable delivery of services.

- Ensure Minnesota Watersheds governance and management are aligned with the Strategic Plan.
- Develop concentrated communication efforts.
- Empower Minnesota Watersheds to accomplish its goals and objectives.
- Invest in technological resources to accommodate access to information.
- Better utilize member and executive committees for healthy and sustainable Minnesota Watersheds' operations.



Build a watershed community that supports one another.

- Enhance member engagement through inclusivity.
- Grow membership.
- Expand participation at Minnesota Watersheds' events.
- Increase member involvement on committees and the Minnesota Watersheds Board of Directors to assure member needs are met.



Serve as a liaison to collaborate with statewide agencies and associations.

- Increase collaborative efforts between the Board of Water and Soil Resources and Minnesota Watersheds.
- Increase partnership activities with statewide entities.



Ensure strong legislative policies are in place for watershed management.

- Streamline the resolutions and legislative platform processes.
- Articulate clearly defined legislative policies so members and Minnesota Watersheds' representatives can accurately state our positions.
- Focus and prioritize lobbying efforts.
- Increase member engagement in the legislative process.



Enhance the skills of watershed district and watershed management organization boards.

- Provide guidance and direction for efficient and effective member board operations.

Introduction

This document is intended to be a **long-range, 10-year Strategic Plan**. Each year the Strategic Plan Committee will make recommendations to the Minnesota Watersheds Board of Directors on the organization's top priorities. The Annual Work Plan for the Minnesota Watersheds Board of Directors will be developed based on the goals, objectives, strategies, and tactics described in this plan, as well as the day-to-day operations described in the Manual of Policy and Procedures. The Tactics Timetable will be developed based upon priorities determined by the Strategic Plan Committee and recommended to the Minnesota Watersheds Board of Directors as follows: ~~annual work plan for the Minnesota Watersheds Board of Directors;~~ two-year work plan for the Executive Director; ~~and five- and 10-year work plans~~ based on Strategic Plan Committee priorities and work accomplished. This process will be done to better ensure accomplishing the goals and setting expectations for member watershed districts, watershed management organizations, the Minnesota Watersheds Board of Directors, and the Executive Director.

Definitions

Members – dues paying Watershed districts and Watershed management organizations

Non-members – Watershed districts and Watershed management organizations that have chosen not to pay dues

Strategic Plan

Mission

To support and advocate for leaders in watershed management.

Vision

To establish excellence and innovation in all watershed-based organizations.

Values

Collaborate: work with partners to enhance members' watershed management skills and initiatives.

Efficient: provide services to maximize effective science-based principles for watershed management.

Support: promote and assist members' efforts in watershed management.

Member-driven: seek and consider input to ensure the organization's decisions reflect members' voices.

Transparent: communicate information about the performance, financial position, and governance of the organization in an open and honest manner.

Goals, Objectives, Strategies, and Tactics

Goal 1: Fortify the infrastructure of Minnesota Watersheds to ensure reliable delivery of services.

Objectives, Strategies, and Tactics to Achieve Goal 1

1. Ensure Minnesota Watersheds' governance and management are aligned with the Strategic Plan.
 - Focus the organization's efforts on defined goals, strategies, objectives, and tactics.
 - i. Confirm, each month, that Board of Directors' actions reflect the Strategic Plan.
 - ii. If new issues arise that require significant resources, seek member support before pursuing.

- iii. Do not adopt major policies or expenditures without staff review and recommendations that consider pros and cons, alternatives, costs, and member perspectives.
- 2. Develop concentrated communication efforts.
 - Communication plan.
 - i. ~~Develop~~ Maintain the adopted communication plan that brings structure and consistency to all Minnesota Watersheds' communication efforts.
 - Newsletters.
 - i. Adhere to a consistent process for newsletter development and distribution, as well as a process for posting newsletters on the website.
 - ii. Ensure newsletters are distributed to members and non-members.
 - Minnesota Watersheds Board of Directors agendas and meeting packets.
 - i. Distribute agendas and meeting packets directly to each member organization ahead of each meeting and post agendas on the website.
- 3. Empower Minnesota Watersheds to accomplish its goals and objectives.
 - Sufficient staffing.
 - i. Invest in sufficient staff to complete identified strategies and tactics.
 - Suitable policies.
 - i. Set policies that ensure adequate funding for staffing and technological resources.
 - ii. Develop an annual work plan for the Minnesota Watersheds Board of Directors.
- 4. Invest in technological resources to accommodate access to information.
 - Robust website.
 - i. ~~Update~~ Maintain the website to be an up-to-date website that is a and complete resource for boards and administrators.
 - Efficient internal communication tool.
 - i. Work with Minnesota Association of Watershed Administrators to launch and house a platform for data sharing and networking.
 - ii. Transition electronic files to the cloud for reliable backup and document sharing among staff.
- 5. Better utilize member and executive committees for healthy and sustainable Minnesota Watersheds' operations.
 - Member committees.
 - i. Maintain four member committees: Awards, Events/Education, Legislative, and Resolutions/Policy.
 - ii. Adjust Support committee leadership ~~to of~~ one manager and one administrator who serve as co-chairs. Continue to populate ~~the committees~~ with one manager and one administrator from each region.
 - iii. Refine Review committee scopes of work annually.
 - iv. ~~Develop annual work plans for committees.~~
 - Executive committees.
 - i. ~~Form~~ Retain three executive committees: Governance, Personnel, and Finance.
 - ii. Governance Committee: Members include ~~one Minnesota Watersheds Board member from each region~~ the Minnesota Watersheds President, Vice President, Secretary, and except for the Personnel Committee, the Executive Director.
 - 1. ~~Combine the bylaws, Manual of Policy and Procedures, and Committee into one executive governance committee.~~ This committee would will handle minor day-to-day issues and make recommendations to the board of directors. When ~~major~~ reviews or revisions to the Bylaws, Manual of Policy and Procedures, and/or the Strategic Plan are

warranted, ~~form the appropriate~~ member committee will meet, as defined above, to perform the assigned work.

- iii. Personnel Committee: Members include the Minnesota Watersheds President, Vice President, Secretary, and Treasurer.
- iv. Finance Committee: Members include the President, Vice President, Secretary, Treasurer, and Executive Director.
 1. The Executive Finance Committee will prepare a budget, with the assistance of the member finance committee and the accountant, and make the annual recommendation to the board of directors on regarding dues. Form a member committee, as defined above, when major projects are warranted, such as proposing a new dues structure.
- v. ~~Refine~~ Review committee scopes of work annually.
- vi. ~~Develop annual work plans for committees.~~

Goal 2: Build a watershed community that supports one another.

Objectives, Strategies, and Tactics to Achieve Goal 2

1. Enhance member engagement through inclusivity.
 - ~~Change~~ Retain Minnesota Watersheds the name of the organization to accurately represent membership.
 - i. ~~Adopt Minnesota Watersheds as the new name of the organization.~~
2. Grow and sustain membership.
 - Develop and share membership benefits information.
 - Meet individually with members to understand their needs, address concerns, and strengthen the partnership with Minnesota Watersheds.
 - Meet individually with non-members to address concerns and increase the number of watershed districts and watershed management organizations as Minnesota Watersheds members.
 - i. ~~Start~~ Continue discussions with the ~~10~~ five non-member watershed districts and 15 non-member watershed management organizations on the benefits of membership.
 - ii. Use the Minnesota Watersheds ~~Regional Board of~~ Directors and/or Administrators to advocate for Minnesota Watersheds around the state.
3. Expand participation at Minnesota Watersheds events.
 - Increase the number of members that attend Minnesota Watersheds events.
 - i. Be inclusive of members and non-members for Minnesota Watersheds events and meetings ~~to maintain a sense of fairness, apply discounts to members.~~
 - ii. Hold regional caucuses in conjunction with all Minnesota Watersheds events.
 - iii. Increase the current average attendance of members at Minnesota Watersheds events: ~~Legislative Meeting (75), Summer Tour (130), and Annual Conference (500).~~
4. Increase member involvement on committees and the Minnesota Watersheds Board of Directors to assure member needs are met.
 - Promote the importance of member involvement in the Minnesota Watersheds Board of Directors and on the committees to provide direction and guidance for the organization.
 - i. Ensure members have opportunities to voice concerns and provide input at board and committee meetings.
 - ii. Advocate for Minnesota Watersheds activities through newsletters and the website.

Goal 3: Serve as a liaison to collaborate with statewide agencies and associations.

Objectives, Strategies, and Tactics to Achieve Goal 3

1. Increase collaborative efforts between the Board of Water and Soil Resources and Minnesota Watersheds.
 - Work with the Board of Water and Soil Resources leadership to address member concerns.
 - i. Strengthen the working relationship with the Board of Water and Soil Resources by ~~Identify~~ identifying points of contention, developing a ~~work~~ plan to address issues, and improve ~~develop~~ opportunities for reducing concerns.
2. Increase partnership activities with statewide entities.
 - Identify opportunities to work with the Minnesota Association of Watershed Administrators, Minnesota Association of Soil and Water Conservation Districts, the Association of Minnesota Counties, the League of Minnesota Cities, Local Government Water Roundtable, Drainage Work Group, Clean Water Council, Red River Watershed Management Board, Department of Natural Resources, Minnesota Pollution Control Agency, and others as deemed appropriate to promote watershed management.
 - i. Ensure Minnesota Watersheds staff attend Board of Water and Soil Resources, Clean Water Council, and Drainage Work Group meetings and provide updates for members.
 - ii. Strengthen the partnership with the Minnesota Association of Watershed Administrators through the Executive Director's attendance at Minnesota Association of Watershed Administrators meetings and collaboration on education opportunities at Minnesota Watersheds events.
 - iii. Increase opportunities to partner and track collaboration with Minnesota Association of Soil and Water Conservation Districts, League of Minnesota Cities, Local Government Water Roundtable, and Association of Minnesota Counties.
 - iv. Advocate for the appointment of effective watershed district board members with the Board of Water and Soil Resources and the Association of Minnesota Counties.

Goal 4: Ensure strong legislative policies are in place for watershed management.

Objectives, Strategies, and Tactics to Achieve Goal 4

1. Streamline the resolutions and legislative ~~platform~~ priorities processes.
 - Evaluate the current resolutions and legislative ~~platform~~ priorities process.
 - i. Identify alternative methods to achieve concurrence on resolutions, adopt a revised process, or reaffirm that the current process works for the membership.
 - ii. Identify alternative methods to achieve concurrence on the legislative priorities, adopt a revised process, or reaffirm that the current process works for the membership.
2. Articulate clearly defined legislative policies so members and Minnesota Watersheds representatives can accurately state our positions and priorities.
 - ~~Develop~~ Maintain a comprehensive legislative platform of clearly defined policies.
 - i. Work with Minnesota Association of Watershed Administrators and the Legislative Committee, and the Resolutions Committee to annually review ~~develop a full~~ the Legislative policy document ~~Platform~~ that is inclusive of ~~includes~~ policies and priorities that can remain on the books indefinitely or until members approve changes to those positions, including a process to handle emerging issues at the legislature.

- ii. Draft expectations for support and advocacy for Minnesota Watersheds representatives that serve on the Board of Water and Soil Resources Board, Clean Water Council, and the Local Government Water Roundtable.
3. Focus and prioritize lobbying efforts.
- Identify legislative issues impacting the most members.
 - i. Support legislation that promotes watershed management.
 - ii. Fend off legislation that limits member abilities to protect and restore water resources.
 - iii. Ensure the Minnesota Watersheds lobbyist(s) have clear direction on Minnesota Watersheds legislative priorities.
 - iv. ~~Align workload with the resources set aside for lobbying and m~~Manage member expectations regarding the Minnesota Watersheds legislative program.
 - v. Serve as a legislative point of contact for members to answer questions and provide direction.
 - vi. Maintain the adopted Legislative Coordination and Communication Plan that describes how Minnesota Watersheds and the Red River Watershed Management Board coordinate and communicate before, during, and after the Minnesota legislative sessions.
4. Increase member engagement in the legislative process.
- Encourage member involvement on the ~~resolutions and legislative committees~~Resolutions and Legislative Committees.
 - i. Solicit more direct input from members when setting legislative priorities by surveying members or provide another avenue for members to get feedback to the committee before they make a recommendation to the board.
 - ii. Promote committee membership to ensure members' voices are reflected in the legislative platform and legislative priorities.
 - iii. Encourage members to develop personal relationships with legislators.
 - Increase communication with members about legislative activity.
 - i. Provide timely and useful reminders to members about how and when engagement with legislators is needed.
 - ii. Present members with information that describes how they can assist the Minnesota Watersheds ~~lobbyist-lobbying team~~ during and outside of the legislative session.
 - iii. Host an annual event for members to learn about Minnesota Watersheds' legislative platform and priorities and to receive guidance on how to discuss and interact with legislators on issues.
 - iv. Urge members to Personally-personally call-contact and invite legislators to attend their local events as well as Minnesota Watersheds events.
 - v. Set up appointments with members and legislators.

Goal 5: Enhance the skills of watershed district and watershed management organization boards.

Objectives, Strategies, and Tactics to Achieve Goal 5

1. Provide guidance and direction for efficient and effective member watershed district and watershed management organizations board operations.
 - Offer comprehensive training for watershed district and watershed management organizations boards.
 - i. Provide training sessions at all Minnesota Watersheds events.
 - ii. Increase opportunities for the sharing of knowledge between members at Minnesota Watersheds events.

- iii. Maintain an up-to-date watershed handbook by reviewing the handbook annually and revising it as warranted.
- iv. Work collaboratively with ~~BWSR~~ [the Board of Water and Soil Resources](#) to provide regional training.
- v. Utilize the expertise, knowledge, and experience of Minnesota Watersheds staff and the Minnesota Association of Watershed Administrators in the development of education and training for watershed district and watershed management organization boards.

Supporting Resources

In addition to the Strategic Plan, Minnesota Watersheds has developed supporting resources for its governance and management. The Bylaws and Manual of Policy and Procedures will be reviewed annually and updated as necessary. The Minnesota Watersheds Board of Directors can update all documents except the bylaws which require adoption by the membership. For the most up-to-date versions of these documents, visit [Minnesota Watersheds \(mnwatersheds.com\)](#) [www.mnwatershed.org](#).

Bylaws

Bylaws are the written rules for conduct of the organization. The Bylaws can be found [here](#).

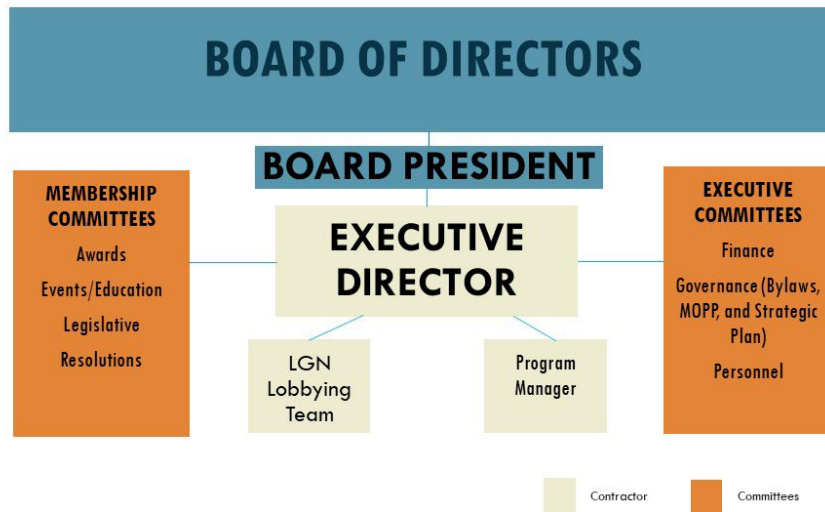
Manual of Policy and Procedures

The Manual of Policy and Procedures is designed to regulate all major decisions, actions, and principles of Minnesota Watersheds. The Manual of Policy and Procedures can be found [here](#).

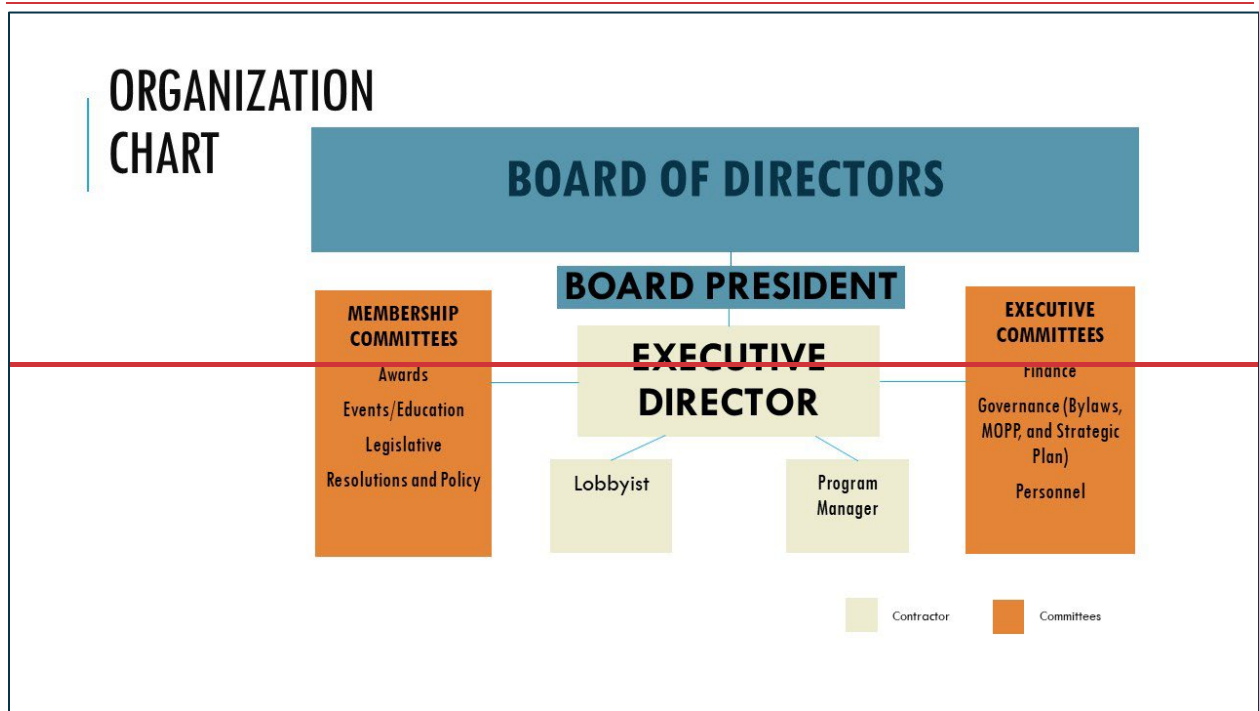
Organizational Chart

An organizational chart shows the chain of command within an organization and can be found below.

ORGANIZATION CHART



ORGANIZATION CHART



Board of Directors Annual Work Plan

The Board of Directors Annual Work Plan was developed based on the goals, objectives, strategies, and tactics identified in the Strategic Plan, as well as the day-to-day operations described in the Manual of Policy and Procedures.



Minnesota Watersheds Board of Directors 2025 Work Plan

Purpose	The Minnesota Watersheds Board of Directors will work with the Executive Director to ensure the Bylaws, Manual of Policies and Procedures (MOPP), and Strategic Plan of the organization are kept up to date and adequately guide the organization.
Tasks	<p>Goal 1. Fortify the infrastructure to ensure reliable delivery of services</p> <ul style="list-style-type: none"> • Work together to ensure daily operations align with the Bylaws, MOPP, and Strategic Plan. • Review the Communication Plan annually • Provide funding for website maintenance • Provide funding for a platform for data sharing • Support the committee framework as described in the Strategic Plan • Read weekly communication • Review recommendations from committees <p>Goal 2. Build a watershed community that supports one another</p> <ul style="list-style-type: none"> • When requested, meet individually with non-members to address concerns with the goal of increasing membership • Provide for and participate in the Legislative meeting, Summer Tour, and Annual Conference <p>Goal 3. Serve as a liaison to collaborate with statewide agencies and associations</p> <ul style="list-style-type: none"> • Support the work of the executive director to strengthen the working relationship with the Board of Water and Soil Resources and the Minnesota Association of Watershed Administrators • Support the executive director’s attendance at Board of Water and Soil Resources, Clean Water Council, and Drainage Work Group meetings • Support opportunities to partner with the Local Government Water Roundtable, Red River Watershed Management Board, and other entities <p>Goal 4. Ensure strong legislative policies are in place for watershed management</p> <ul style="list-style-type: none"> • Ensure the legislative platform is provided to all member organizations • Support the executive director’s work with representatives on the Board of Water and Soil Resources and Clean Water Council • Provide for lobbying services <p>Goal 5. Enhance the skills of watershed district and watershed management organization boards</p> <ul style="list-style-type: none"> • Provide for watershed handbook maintenance • Provide funding for training opportunities at Minnesota Watersheds events
Meeting Logistics	The Minnesota Watersheds Board of Directors will meet in person at the Legislative event, Summer Tour, and Annual Conference. They will meet as needed throughout the remainder of the year.

Minnesota Watersheds Representatives Expectations for Support and Advocacy

Goal 4 of the Minnesota Watersheds Strategic Plan is to ensure strong legislative policies are in place for watershed management. Objective 2 under this goal is to articulate clearly defined legislative policies so members and Minnesota Watersheds representatives can accurately state our positions.

At the 2023 Annual Business Meeting, the membership adopted a comprehensive platform of clearly defined policies that was developed in partnership with the Minnesota Association of Watershed Administrators and the Resolutions Committee. Tactic 2 under this objective is to draft expectations for support and advocacy for Minnesota Watersheds representatives that serve on the Board of Water and Soil Resources (BWSR) Board, Clean Water Council (CWC), and Local Government Water Roundtable (LGWRT).

Review of the BWSR and CWC websites indicates that each entity is supported by several committees. These committees meet at least annually. However, there is little or no interaction between the watershed representatives on these committees and the Minnesota Watersheds Executive Director.

To improve communication, watershed representatives on the BWSR Board, CWC, and LGWRT are asked to inform the Minnesota Watersheds Executive Director in advance of each committee and monthly board meeting. If necessary, the representative(s) and Minnesota Watersheds Executive Director will meet to discuss agenda items to ensure our position(s) on a topic or topics is accurately presented. The watershed representative will take meeting notes and follow up with the Minnesota Watersheds Executive Director after each meeting. Updates will be provided to the Minnesota Watersheds Board of Directors when requested.

BWSR Committees	Watershed Representative
Administrative Advisory	
	Joe Collins
	Jill Crafton
	LeRoy Ose
Audit and Oversight	
	Joe Collins
Buffers, Soils, and Drainage	
	LeRoy Ose
Dispute Resolution	
	Joe Collins
Grants Program and Policy	
	Jill Crafton
	LeRoy Ose
RIM Reserve	
	LeRoy Ose
Water Management and Strategic Plan	
	Joe Collins
Wetland Conservation	
	Jill Crafton
Drainage Work Group	
	None

Clean Water Council Committees	Watershed Representative
Budget and Outcomes	
	None
Policy	
	Marcie Weinandt
Steering	
	None

Tactics Timetable

The Tactics Timetable¹ was developed based upon priorities determined by the Strategic Plan Committee and recommended to the Minnesota Watersheds Board of Directors as follows: ~~annual work plan for the Minnesota Watersheds Board of Directors~~; two-year work plan for the Executive Director²; ~~and five- and 10-year work plans~~ based on work accomplished. This is done to better ensure accomplishing the goals and setting expectations for member watershed districts, watershed management organizations, the Minnesota Watersheds Board of Directors, and the Executive Director.

Goal 1. Fortify the infrastructure to ensure reliable delivery of services	Start Date	Completed	Process	2025 Hours	2026 Hours
Tactics					
<i>Governance and Management</i>					
Confirm, each month, that Board of Directors actions reflect the Strategic Plan (#8 priority)	1/1/2023		Staff review	5	5
Staff review and recommendations for major policies or expenditures	1/1/2023		Staff review	12	12
<i>Communication</i>					
Maintain a communication plan (#3 priority)	3/7/2023	5/22/2023	Staff development Board approval	8	8
Adhere to a consistent process for newsletter development and distribution	1/1/2023		Staff development	75	75
Distribute meeting packets directly to members	1/1/2023		Board approval	2	2
Post agendas on website	1/1/2023		Board approval	2	2
<i>Technological Resources</i>					
Maintain website	1/1/2023		Board approval Staff development	15	15
Work with Minnesota Association of Watershed Administrators to launch a platform for data sharing (#6 priority)	2/15/2023		Board approval Staff development	20	20
<i>Committees</i>					
Events-Education	1/1/2023		Co-chairs and staff	15	15
Resolutions	4/12/2023		Co-chairs and staff	19	19
Awards	8/1/2023		Co-chairs and staff	1	1
Legislative	6/7/2023		Co-chairs and staff	9	9
Finance	8/5/2023		Co-chairs and staff	6	6
Governance (Bylaws-MOPP and Strategic Plan)	1/1/2023		Co-chairs and staff	19	19
Personnel			Executive Committee	0	0

¹ Hours in the Tactics Timetable are ESTIMATED.

² In addition to the information contained in the Tactics Timetable, the Executive Director also carries out the daily operations of Minnesota Watersheds as shown in the table on page 10. The Tactics Timetable and Daily Operations tables together form the two-year Work Plan for the Executive Director. All hours are ESTIMATED and based on an average time commitment of 1,750 hours per year-40-hour work week containing 2,088 work hours.

Goal 2. Build a watershed community that supports one another	Start Date	Completed	Process	2025 Hours	2026 Hours
Tactics					
<i>Enhance member engagement through inclusivity</i>					
Retain Minnesota Watersheds as the name of the organization (#7 priority)	1/1/2023	3/14/2023	Membership approval	0	0
<i>Grow membership (#5 priority)</i>					
Develop and share membership services information	2/2/2023		Staff development	2	2
Meet individually with non-members to address concerns and increase membership	12/23/2022		Staff development Partnership with MW BOD & MAWA	10	10
<i>Expand participation at Minnesota Watersheds events</i>					
Legislative Meeting	1/4/2023		Staff and committee	25	25
Summer Tour	2/2/2023		Staff and committee	60	60
Annual Conference	4/12/2023		Staff and committee	120	120

Goal 3. Serve as a liaison to collaborate with statewide agencies and associations	Start Date	Completed	Process	2025 Hours	2026 Hours
Tactics					
<i>Increase collaborative efforts between Board of Water and Soil Resources and Minnesota Watersheds (#4 priority)</i>					
Strengthen the working relationship with BWSR by identifying points of contention, developing a plan to address, and reduce concerns	1/1/2023		Staff development	50	50
<i>Identify Opportunities to Partner to Promote Watershed Management</i>					
Attend Board of Water and Soil Resources, Clean Water Council, and Drainage Work Group meetings and provide updates (#10 priority)	1/1/2023		Staff attendance	200	200
Strengthen partnership with Minnesota Association of Watershed Administrators through the Executive Director's attendance at Minnesota Association of Watershed Administrators meetings and collaboration on education opportunities at Minnesota Watersheds' events	1/1/2023		Staff attendance	60	60
Increase opportunities to partner and track collaboration with Minnesota Association of Soil and Water Conservation Districts, League of Minnesota Cities, Local Government Water Roundtable, Association of Minnesota Counties, and Red River Watershed Management Board	1/1/2023		Staff development	65	65

Goal 4. Ensure strong legislative policies are in place for watershed management	Start Date	Completed	Process	2025 Hours	2026 Hours
Tactics					
<i>Develop Comprehensive Platform of Policies</i>					
Maintain a comprehensive legislative platform (#1 priority)	3/9/2023	12/1/2023	Staff development Partnership with MW BOD & MAWA	5	5
Draft expectations for representatives on BWSR board, CWC, LGWRT			Staff development Partnership with MW BOD & MAWA	25	25
<i>Identify Legislative Issue Impacting Members (#2 priority)</i>					
Support legislation that promotes watershed management	1/1/2023		Staff time	40	40
Fend off legislation that limits abilities to protect and restore water resources	1/1/2023		Staff time	40	40
Ensure lobbyist(s) have clear direction on legislative priorities	1/1/2023		Staff time	75	75
Align workload with the resources set aside for lobbying and manage member expectations			Staff time	20	20
<i>Evaluate Current Resolutions and Legislative Platform Process (#2 priority)</i>					
Identify alternative methods, adopt revised process, or reaffirm current process			Staff development Partnership with MW BOD & MAWA	5	5

Goal 5. Enhance the skills of watershed district and watershed management organization boards	Start Date	Completed	Process	2025 Hours	2026 Hours
Tactics					
<i>Offer comprehensive training for watershed district and watershed management organization boards</i>					
Maintain an up-to-date watershed handbook by reviewing it annually and revising it as warranted (#9 priority)	1/1/2023	10/2/2023	Staff development Partnership with MW BOD & MAWA	65	65
Work with BWSR on regional training				25	25
Utilize the expertise of staff and Minnesota Association of Watershed Administrators in the development of education and training for watershed officials (#11 priority)	3/7/2023		Staff development in partnership with MAWA	10	10

				2025 Hours	2026 Hours
				1110	1110
Administration	1/1/2023			259	259
General Communication	1/1/2023			300	300
MW Board Meetings	1/13/2023			68	68
Meetings with Program Manager	1/3/2023			13	13
TOTAL HOURS				1750	1750



Memorandum

DATE: October 31, 2024
TO: Minnesota Watersheds Members
FROM: Legislative Committee Co-Chairs Gene Tiedemann, Red Lake WD and Michelle Overholser, Yellow Medicine River WD
RE: **Proposed Legislative Platform Changes**

At the 2024 Annual Conference, the membership adopted its first Legislative Platform that outlines positions on legislative matters and serves as the foundation for our organization to support or oppose various local, state, and federal legislation. The membership requested that this document be reviewed annually.

With that directive, the Minnesota Association of Watershed Administrators (MAWA) Legislative Platform Committee met in May, reviewed the document, and made recommendations for consideration at the joint meeting of the Legislative and Resolutions Committees. The Legislative and Resolutions Committees met jointly on June 21 to review the changes suggested by the MAWA Legislative Platform Committee and to discuss changes they believed to be necessary. The following proposed revisions are recommended by the three committees referenced previously.

Proposed Revisions

- Many of the proposed changes are minor wordsmithing.
- Clarification of what the legislative platform is based upon was added.
- An “Emerging Issues” section was incorporated.
- Committee members made several recommendations for additional issues under the Drainage, Water Quality, Agency Relations, and Natural Resources categories.
- A results section was added to the document.

Questions regarding the Legislative Platform and/or the proposed revisions should be directed to Gene Tiedemann (gtiedemann@rrv.net), Michelle Overholser (michelle.overholser@ymrwd.com), or Jan Voit (jvoit@mnwatersheds.org).



**MINNESOTA
WATERSHEDS**
Connecting People. Protecting Water.

~~2024 LEGISLATIVE~~
~~PLATFORM~~ 2025 LEGISLATIVE
PLATFORM

Abstract

This document articulates clearly defined legislative policies so members and Minnesota Watersheds representatives on the Board of Water and Soil Resources Board, Clean Water Council, and Local Government Water Roundtable can accurately state our positions.

Adopted December ~~1, 2023~~ 6, 2024

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Purpose

Minnesota Watersheds represents both watershed districts and watershed management organizations (collectively referred to as Watersheds). That representation underscores the necessity of protecting Watershed powers, duties, and planning responsibilities on a watershed basis.

This legislative platform outlines Minnesota Watersheds positions on legislative matters and serves as the foundation for our organization to support or oppose various local, state, and federal legislation. The legislative platform is based on adopted resolutions and emerging issues as identified by the MAWA Legislative Platform Committee and the Minnesota Watersheds Resolutions and Legislative Committees and adopted by the membership. It also ~~is designed to articulate~~ clearly articulate defined legislative policies so members and Minnesota Watersheds representatives on the Board of Water and Soil Resources Board, Clean Water Council, and Local Government Water Roundtable can accurately state our positions.

Emerging Issues

New or developing problems or concerns may arise that require attention before or during the legislative session. Those problems or concerns likely have not been addressed through the resolutions process, may or may not be identified in the legislative platform, but will need to be addressed by the lobbying team and executive director through attendance and meetings, written comments, testifying at hearings, or legislation. Flexibility is necessary so that the lobbying team and executive director can be proactive on behalf of Minnesota Watersheds with state agencies, non-governmental organizations, and at the legislature.

The Minnesota Watersheds Manual of Policy and Procedures states: In the event legislation or state agency policy is introduced that may cause harm to Minnesota Watersheds members and there is no policy adopted by Minnesota Watersheds on the issue, the Minnesota Watersheds Board of Directors may review the legislation or policy and adopt a temporary position on the issue on behalf of the organization. The policy position will be in effect until the next annual resolutions hearing. At that time, the membership must review the policy position and vote on whether it should become a permanent policy position or should expire.

Finance

Watershed ~~organization~~s are tasked with many responsibilities by Minnesota statute and ~~the~~ local priorities are set by their boards. To effectively perform those duties, adequate funding is necessary. Although some Watersheds have levy authority, there are many other avenues of funding that are important for achieving local water management, as well as water quality and quantity goals.

1. Capacity

- a. Support Clean Water Funds for implementation, not capacity (Resolution 2021-01A and B)
- b. Support capacity funding for watershed districts (Resolution 2021-02)
- c. Support General Fund repayment of Soil and Water Conservation District capacity funds to the Clean Water Fund

2. Grant Funding

- a. Support metro watershed-based implementation funding for approved 103B plans only (Resolution 2021-07)

- b. Support a more equitable formula for watershed-based implementation funding in the metro
- c. Lobby for watershed-specific grant funding

Urban Stormwater

Watersheds and land use management partners work to reduce polluted stormwater runoff and/or increase infiltration from urbanization and hard surfaces. Many Watersheds in the state have adopted regulatory standards and/or official controls to successfully manage urban stormwater when land alterations occur. Watersheds also implement a variety of urban stormwater management practices to treat runoff before it enters our lakes, streams, and wetlands.

1. Stormwater Quality Treatment

- a. Support limited liability for certified commercial salt applicators (Resolution 2022-02)
- b. Support, partner/collaborate with a municipal separate storm sewer system (MS4s municipal separate storm sewer system) (if/where appropriate) in permit compliance activities
- c. Support the use of green infrastructure and minimizing impervious surfaces, where practical, in urban development and planning
- d. Where it may exist, support removing duplication of urban stormwater regulatory standards and controls
- e. Support the rescission of the Department of Labor and Industry/Plumbing Board Final Interpretation of Inquiry PB0159, storm drainage surcharge to return to common engineering practice for stormwater pond design

2. Water Reuse

- a. Support ~~creation of a~~ Stormwater Reuse Task Force and for the Minnesota Department of Health to complete a review process (Resolution 2022-01)
- b. Support efforts to clarify and simplify State Plumbing Board rulings and requirements to facilitate more reuse of rainwater/stormwater

Water Quantity

Watersheds are directed by statute to conserve the natural resources of the state by land use planning, flood control, and other conservation projects. Specific purposes refer to flood damage reduction, stream flows, water supply, and drainage ditch systems, as well as to identify and plan for effective protection and improvement of surface water and groundwater, and to protect and enhance fish and wildlife habitat and water recreational facilities. Numerous past, present, and future legislative initiatives have affected how water quantity issues are managed at the local level. This very broad-based topic includes management of the volume of water (drought, flooding, water supply), the flow of water (drainage, storm water, channel restoration, habitat), and recreationalal (lakes, rivers, wetlands) activities like fishing, boating, and hunting.

1. Drainage

- a. Support the current statutory requirements for notification and coordination in the development of petitioned repairs, drainage improvement projects, and new drainage systems

- b. Support the addition of a classification for public drainage systems that are artificial watercourses (~~Resolution 2019-02~~)
 - c. Seek increased support for and participation in the Drainage Work Group (Resolution 2022-03)
 - d. Oppose the drainage registry information portal
 - e. Oppose incorporating increased environmental, land use, and multipurpose water management criteria (M.S. 103E.015 requirements)
 - f. ~~Comply with the legislative mandate to review outlet adequacy and notification requirements in the Drainage Work Group~~
 - g. Support new legislation modeled after HF2687 and SF2419 (2018) regarding DNR Department of Natural Resources regulatory authority over public drainage maintenance and repairs (Resolution 2023-03)
 - h. Oppose mandatory Environmental Assessment Worksheets for drainage projects
 - i. Investigate ways of maintaining water flow during periods of drought and to explore opportunities for aquifer recharge.
2. Funding
- a. Obtain stable funding for flood damage reduction and natural resources enhancement projects (Resolution 2022-05)
 - b. Clarify county financing obligations and/or authorize watershed district general obligation bonding for public drainage projects (~~Resolution 2019-04~~)
3. Flood Control
- a. Support crop insurance to include crop losses within impoundment areas (Resolution 2021-05)
 - b. Seek action for streamlining the ~~DNR~~ Department of Natural Resources Flood Hazard Mitigation Grant Program (Resolution 2023-04)
4. Regulation
- a. Support temporary water storage on Department of Natural Resources wetlands during major flood events (Resolution 2020-04)
 - b. Support managing water flows in the Minnesota River Basin (statewide) through increased water storage and other strategies and practices (~~Resolution 2019-03~~)
 - c. Work with Minnesota Department of Transportation to support flood control and how to handle increased water volume issues along state and federal highway systems (example from Bemidji district of ~~MnDOT~~ the Minnesota Department of Transportation)
5. Policy
- a. Support funding for watershed-based climate resiliency projects and studies
 - b. Support funding for best management practices that protect and enhance groundwater supply

Water Quality

Protecting and improving the quality of surface and ground water in our Watersheds is an essential component of managing water resources on a watershed basis.

1. Lakes

- a. Support limiting wake boat activities (Resolution 2022-06)
- b. Support designation change and research needs for the Chinese Mystery Snail (~~Resolution 2019-07~~)
- c. Support temporary lake quarantine authorization to control the spread of aquatic invasive species (~~Resolution 2017-02~~)
- d. Support streamlining permit applications for rough fish management
- e. Support dredging as a best management practice to manage internal phosphorus loads in lakes

2. Wetlands

- a. Support a statutory requirement for water level control structures in wetland restorations and wetland banks
- b. Support federal, state, and local funding for wetland restoration and protection activities
- c. Seek clarification of the statutorily modified definition of wetlands and the effects on watershed implementation of the Wetland Conservation Act (Minnesota Laws 2024, Chapter 90, Article 3, section 77)

3. Rivers and Streams

- a. Support a statutory deadline for Department of Natural Resources Public Waters Work Permits (45-60 days)
- b. Support automatic transfer of public waters work permits to Watersheds (M.S. Chapter 103G.245 Subd.5)

4. Policy

- a. Support funding for watershed-based climate resiliency projects and studies
- b. Support funding for best management practices that protect groundwater quality

Watershed Management and Operations

Protecting, enhancing, defending, and supporting existing Watershed statutory powers, duties, and planning responsibilities is necessary for effective and efficient watershed management and operations. Specific Watershed powers, duties, and planning responsibilities are contained in Minnesota Statutes [Chapter 103B](#) and [Chapter 103D](#).

1. Watershed Powers

- a. Support and defend eminent domain powers for watershed districts
- b. Support Watershed powers to levy property taxes and collect special assessments
- c. Support a watershed district's power to accept the transfer of drainage systems in the watershed; to repair, improve, and maintain the transferred drainage systems; and to construct all new drainage systems and improvements of existing drainage systems in the watershed
- d. Support a Watershed's power to regulate the use and development of land within its boundaries

2. Watershed Duties

- a. Support a Watershed's duty to initiate projects
- b. Support a Watershed's duty to maintain and operate existing projects

- c. Support increased flexibility in the open meeting law (Resolution 2023-05)

3. Watershed Planning

- a. Support a Watershed's ability to jointly or cooperatively manage and/or plan for the management of surface and ground water
- b. ~~Support watershed autonomy during and following a One Watershed, One Plan development process~~
- c. Support the connection between watershed-based implementation and funding
- d. Support development of a soil health goal for metropolitan watershed management plans (Resolution 2020-03)
- e. ~~Support Education-education~~ and outreach to encourage formation of watershed districts in unserved areas (Resolution 2023-06)

Agency Relations

Watershed organizations work with many federal and state agencies to accomplish their mission. While relationships vary from administrative to funding and regulatory, agency policies and procedures can have a major impact on Watershed operations and projects. Maintaining strong, positive relations and ensuring Watersheds have a role in policy making is key to successful watershed management and operations.

1. Advocacy

- a. Require a 60-day review periods before state agencies adopt new policies related to water and watershed management (Resolution 2021-06)
- b. Increase collaborative efforts between Minnesota Watersheds and all state agencies involved in water management

2. Representation

- a. Support watershed district managers being appointed, not allowing county commissioners to serve as managers

3. Regulation

- a. Streamline the Department of Natural Resources permitting process by increasing responsiveness, decreasing the amount of time it takes to approve permits, providing a detailed fee schedule prior to application, and conducting water level management practices that result in their reaction more quickly to serious, changing climate conditions (~~Resolution 2019-01~~)
- b. Require watershed district permits for all state agencies (Resolution 2023-01)
- c. Oppose mandatory Environmental Assessment Worksheets for drainage projects

Regulations

Watershed representation on state and local panels and committees and the ability for Watersheds to regulate development and use of land within the organization's boundaries without prohibitive regulatory restrictions is necessary.

- a. Oppose legislation that forces spending on political boundaries (~~Resolution 2019-06~~)
- b. Support the ability to appeal public water designations (Resolution 2020-01)
- c. Seek Watershed membership on Wetland Technical Evaluation Panels (~~Resolution 2019-05~~)

Natural Resources

Minnesota Statutes direct Watersheds to conserve the natural resources of the state. Some of the purposes listed in statute are to conserve water in streams and water supply, alleviate soil erosion and siltation of water courses or water basins, regulate improvements by riparian property owners of the beds, banks, and shores of lakes, streams, and wetlands for preservation and beneficial public use; protect or enhance the water quality in water courses or water basins; and protect and preserve groundwater resources.

1. Planning

- a. Ensure timely updates to Wildlife Management Area plans (~~Resolution 2018-06~~)
- b. Support Watershed inclusion in development of state plans (i.e., Prairie Plan, State Water Plan, etc.) related to water and watershed management

2. Policy

- a. Support funding for climate resiliency
- b. [Seek clarification in the statutory language regarding funding for and updating the public waters inventory \(Minnesota Laws 2024, Chapter 116, Article 3, section 47\)](#)

3. Habitat

- a. Clarify buffer rule issues
- b. Support funding to reduce erosion and sedimentation
- c. Support funding for the enhancement, establishment, and protection of stream corridors and riparian areas
- d. Support funding for the enhancement and protection of habitats

2024 Results

This section will document when an issue is resolved.

Water Quantity

Drainage

- Comply with the legislative mandate to review outlet adequacy and notification requirements in the Drainage Work Group
 - During the 2023 legislative session (Minnesota Laws 2023, Chapter 60, Article 5, section 21), BWSR and the DWG were directed by the legislature to evaluate and develop recommendations on the definition and application of outlet adequacy as provided in M.S. Chapter 103E.261 and public notice requirements for drainage activities, including a drainage registry portal. The report was developed during DWG meetings following the 2023 legislative session. The report was submitted to the legislature on February 1, 2024 as required by the statutory language.

Watershed Management and Operations

Watershed Planning

- Support watershed autonomy during and following a One Watershed, One Plan development process
 - Changes were made to clarify and modernize M.S. Chapter 103D during the 2024 legislative session (Minnesota Laws 2024, Chapter 90, Article 3, section 42). M.S. Chapter 103D.401 was clarified that a watershed district maintains the authority to adopt a plan even when participating in a comprehensive watershed management planning program under section 103B.801 (One Watershed, One Plan/1W1P).



Memorandum

DATE: October 31, 2024
TO: Minnesota Watersheds Members
FROM: Bylaws-MOPP Committee Co-chairs Linda Vavra and Jamie Beyer, Bois de Sioux WD
RE: **Proposed Bylaws Changes**

The Bylaws Committee met on October 14 to discuss proposed Bylaws changes. The proposed changes were also discussed at the Minnesota Watersheds Board of Directors (Board) meeting on October 28. The proposed changes are shown in track changes throughout the document.

- Several small additions and corrections are recommended for clarification.
- The date on the document is updated.
- The language in the quorum section was revised to provide clarification for the number of delegates each member organization appoints, as well as how a quorum is established.
- Article VI regarding committees is added so the Bylaws are in line with the change in committee makeup that was made through the Strategic Plan.

Questions regarding these proposed changes should be directed to Linda Vavra at lvavra@fedtel.net, Jamie Beyer at <mailto:bdswd@runestone.net>, or Jan Voit jvoit@mnwatersheds.com.

BYLAWS

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC.

Doing business as Minnesota Watersheds

St. Paul, Minnesota

ARTICLE I.

Offices and Corporate Seal

- 1.1 Official Name. The official name of the corporation is the Minnesota Association of Watershed Districts, Inc., which conducts business under the registered assumed name of, and is hereinafter referred to as, Minnesota Watersheds.
- 1.2 Purpose. The purpose of Minnesota Watersheds is to provide educational opportunities, access to information resources, interface with other agencies, facilitate tours, meetings, and lobby on behalf of members. Additionally, Minnesota Watersheds will facilitate the exchange of information to help members better comply with governmental regulations and laws while offering an informed interface with the community or communities being served. Minnesota Watersheds will work to secure the capacity of its members to implement their statutory powers and purposes.
- 1.3 Organized. The corporation is organized as a 501(c)(4) organization. Notwithstanding any provision of the Articles of Incorporation or Bylaws which may be interpreted to the contrary, Minnesota Watersheds shall not authorize or undertake any actions which jeopardize its status as a 501(c)(4) organization.
- 1.4 Office. The registered office of the corporation shall be designated by the Board of Directors.
- 1.5 Corporate Seal. The corporation shall have no corporate seal.
- 1.6 Manual of Policy and Procedures. The Board of Directors has established a management document identified as the Manual of Policy and Procedures to support the orderly and timely details of regular operation. It may be revised at any time by a majority vote of the Board of Directors.

ARTICLE II.

Membership

- 2.1 Membership. Each dues-paying watershed district or watershed management organization duly established and in good standing pursuant to Minnesota Statutes, Chapter 103B or 103D, shall be entitled to membership in this corporation.
- 2.2 Delegates. Alternates. When a watershed district or watershed management organization becomes a member of this corporation, it shall designate from among its board members two delegates to represent it in this corporation. In addition, each member may designate alternate delegates to represent such member in the absence of any originally designated delegate. Thereafter, each member shall annually designate its delegates and alternate delegates so long as it remains a member in good standing of this corporation.

- 2.3 Termination of Membership. Any member that has failed to pay its dues is not in good standing and shall be stricken from the membership roll.
- 2.4 Resignation of Member. Any member may withdraw from this corporation effective immediately by notifying the secretary in writing. Regardless of the date of termination, there shall be no refund of the annual dues paid by the member.

ARTICLE III. Meetings of Membership

- 3.1 Annual Business Meeting. An annual meeting of this corporation shall be held to transact such business as shall properly come before them. Notice of the time and place of such annual meeting shall be mailed, either physically or electronically, by the secretary to all members at least thirty (30) days in advance thereof.
- 3.2 Special Meeting. Special meetings of the members of the corporation shall be called by the president upon request of a majority of directors of the Board of Directors or upon the written request of one-third of the members of the corporation in good standing. This request shall be in writing addressed to the president or the secretary of the corporation. Within thirty days of receipt of said request, the Board of Directors ~~shall, shall~~ mail (either physically or electronically) notice of said special meeting to all members. This notice shall state the objective of the meeting and the subjects to be considered.
- 3.3 Quorum. ~~A majority of Each dues-paying watershed district or watershed management organization may appoint the up to two delegates (two per member). shall constitute a quorum for the transaction of business. A quorum consists of the majority of the delegates registered at the annual conference and in attendance irrespective of whether some have departed. Once a quorum has been established there shall be no further question as to the quorum.~~
- 3.4 Voting. Any action taken by the members shall be by majority vote of the delegates present unless otherwise specifically provided by these Bylaws. Each member shall be entitled to one (1) vote for each delegate present.

ARTICLE IV. Board of Directors

- 4.1 General Powers. The business activities of the corporation shall be directed and managed by the Board of Directors. The Board of Directors shall be authorized to pay officers and directors of the corporation per diem allowances and expenses as may from time to time be submitted to the Board of Directors, and such other expenses as may from time to time be necessary for the furtherance of the corporation's business, consistent with the rate and provisions of watershed board member per diem allowances and expense reimbursement provided in state law. The Board of Directors is authorized to hire and/or contract for services needed.
- 4.2 Directors to be Elected by Regions. For the purpose of election of the Board of Directors, members are grouped into three regions; three Directors shall be elected from each region, with staggered three-year terms. Members from each region shall elect one director for a three-year term at the annual business meeting of ~~the Association~~ Minnesota Watersheds. No watershed district or watershed management organization shall have more than one board member elected to be a Director on the Board of Directors of the ~~Corporation~~ corporation. In the event of a vacancy on the Board of Directors, the Board of Directors may appoint a member for the remaining term from a watershed district or watershed management organization with an existing representative on the

Board of Directors if there are no other candidates from the region requesting appointment to the position. In the event a vacancy is filled by the Board of Directors, such appointment shall be submitted to the regional caucus for approval at the next regional caucus meeting. Regional caucuses shall elect a Chairman and Recording Secretary report the election results to the Convention at a designated time. The member watershed districts and watershed management organizations present at the Regional Caucus meeting shall have full authority to elect a Chairman, Recording Secretary, and representatives to the Board of Directors.

- 4.3 Regions. The Board of Directors may re-align the regions or the members contained therein, it being the intent and purpose that each region contain the approximate same number of members. Any watershed district or watershed management organization in Minnesota not presently a member of this corporation, upon admission to membership, will be assigned to a region by the Board of Directors. Regional membership shall be listed in the Manual of Policy and Procedures.
- 4.4 Number, Qualification, and Term of Office. The number of directors constituting the ~~board~~Board of Directors shall be nine. Each director elected at the annual meeting shall be elected for a three-year term. Directors shall be on the board of a watershed district or watershed management organization that is a member in good standing of this corporation.
- 4.5 Vacancies. If there be a vacancy among the officers of the corporation or among the directors by reason of death, resignation, termination of membership, or removal as provided by law, the Articles of Incorporation, or these Bylaws, or otherwise or for non-excused absences for three consecutive meetings, such vacancy shall be filled by the Board of Directors until the next Annual Meeting of ~~the Association~~Minnesota Watersheds.
- 4.6 Removal of Directors~~by Members~~. At a special meeting of the Board of Directors called solely for that reason, the notice of which meeting shall have been given in writing to members of ~~this board~~the Board of Directors at least thirty days prior thereto and not more than fifty days prior thereto, a super majority of seven members of ~~this board~~the Board of Directors may remove one or more directors from their term of office without cause.
- 4.7 Meetings, Actions. The Board of Directors shall hold the annual meeting of the Board of Directors immediately after the annual meeting of the members of this corporation, and at such annual meeting shall elect the officers as above provided. Regular meetings of the Board of Directors shall be held at a time and place to be fixed by resolution or adopted by the majority of the Board of Directors.

The majority of the Board of Directors shall constitute a quorum. Directors may participate and vote in Board of Directors meetings by telephone or other electronic means approved by the Board in the Manual of Policy and Procedures.

Actions may be taken by a majority vote of those Directors present or participating by telephone or other electronic means approved by the Board in the Manual of Policy and Procedures. The ~~secretary~~Secretary of the ~~board~~Board of Directors, with the assistance of the executive director, shall give written or electronic notice to each director at least ~~ten (10)~~seven calendar days in advance of any regular or special directors' meeting. Special meetings may be called at the discretion of the President of the ~~board~~Board of Directors or upon demand in writing to the ~~secretary~~Secretary by three (3) directors of the Board of Directors.

- 4.8 Conflicts of Interest. Members of the Board of Directors shall act at all times in the best interests of the corporation. This means setting aside personal self-interest and performing their duties in

transacting the affairs of the corporation in such a manner that promotes public confidence and trust in the integrity, objectivity, and impartiality of the Board. No Director shall directly or indirectly receive any profit from his/her position as such, and Directors shall serve without remuneration other than as provided in Section 4.1 of these Bylaws for the payment for reasonable expenses incurred by them in the performance of their duties. The pecuniary interests of immediate family members or close personal or business associates of a director are considered to also be the pecuniary interest of the director.

- 4.9 Indemnification. All directors and officers of the corporation shall be indemnified against any and all claims that may be brought against them as a result of action taken by them on behalf of the corporation as provided for and subject to the requirements of Chapter 317A of Minnesota Statutes as amended.

ARTICLE V. Board Officers

- 5.1 Officers and Duties. There shall be four officers of the ~~board~~Board of Directors, consisting of a ~~president~~President, ~~vice~~Vice presidentPresident, ~~secretary~~Secretary, and ~~treasurer~~Treasurer. All officers shall be directors of the corporation. Their terms and duties are as follows:
- 5.2 President. The ~~president~~President shall serve a term of office of one year and may, upon re-election, succeed himself/herself for two additional successive terms. The ~~president~~President shall have the following duties:
- Convene and preside over regularly scheduled ~~and special board~~meetings of the Board of Directors and annual or special Minnesota Watersheds membership meetings.
 - Have general powers and duties of supervision and management as directed by the Manual of Policy and Procedures.
 - Appoint such committees as he/she shall deem necessary with the advice and consent of the Board of Directors.
- 5.3 Vice President. The Vice President shall serve a term of office of one year and may, upon re-election, succeed himself/herself for two additional successive terms. The Vice President shall have the following duties:
- Assume and perform the duties of the ~~president~~President in case of his/her absence or incapacity; and shall chair committees on special subjects as designated by the President.
 - Have general powers and duties of supervision and management as directed by the Manual of Policy and Procedures.
- 5.4 Secretary. The Secretary shall serve a term of office of one year and may, upon re-election, succeed himself/herself for two additional successive terms.

The Secretary shall be responsible for preparing and keeping all records of board actions, including overseeing the taking of minutes at all board meetings, sending out meeting announcements, distributing copies of minutes and the agenda to each ~~board member~~director, and assuring that corporate records are maintained.

- 5.5 Treasurer. The Treasurer shall serve a term of office of one year and may, upon re-election, succeed himself/herself for two additional successive terms.

The ~~treasurer~~Treasurer shall Co-chair the finance committee, maintain account of all funds deposited and disbursed, disburse corporate funds as designated by the Board of Directors, assist in the preparation of the budget, collect membership dues, and make financial information available to board members and the public.

ARTICLE VI.
Committees

6.1 Committees. Committee co-chairs shall be appointed by the Board of Directors. All committees shall have co-chairs.

ARTICLE VII.
Fiscal Year, Dues and Annual Review of Financial Procedures

6.17.1 Fiscal Year. The fiscal year of the corporation shall end on September 30 each year.

6.27.2 Membership Dues. Dues will be determined annually by the Board of Directors as specified in the Manual of Policy and Procedures.

6.37.3 Annual Dues. Annual dues shall be payable in January of each year. If a member's dues are not paid on or before April 30 of each year, such member's name shall be stricken from the membership roll. Reinstatement shall be upon such terms and conditions as prescribed by the Board of Directors.

The Board of Directors shall have the authority to suspend or defer dues of any newly organized watershed district or watershed management organization that joins this association until such member watershed district or watershed management organization is in actual receipt of its first authorized fund. The Board shall send out the annual dues statement with payment directed to the Minnesota Watersheds accounting firm. The Board of Directors may consider deferring, suspending, or reducing dues to new members or on an individual case basis when an appeal is made by a member because of hardship or funding problems.

6.47.4 Annual Review of Financial Procedures. The Board of Directors of this corporation shall provide for an annual review of financial procedures of all its resources and expenditures. A full report of such review and financial status shall be furnished at each annual meeting of the members. This review will be conducted by an auditing firm selected by the Board of Directors with experience in the field of government and water management. The review results shall be furnished to all members within forty-five days after receipt thereof by the Treasurer.

ARTICLE VIII.
Employees

7.18.1 Employees. At the discretion of and under the direction of the Board of Directors, Minnesota Watersheds may choose to hire and administer various employees. Their positions and job expectations shall be individually developed and included in the Manual of Policy and Procedures.

ARTICLE ~~VIII~~IX.
Resolutions and Petitions

8.19.1 Resolutions: The Co-Chairs of the Minnesota Watersheds Resolutions Committee will send a request for resolutions, along with a form for submission, to the membership at least three months prior to the annual Minnesota Watersheds membership meeting. Resolutions and their justification

must be submitted to the Minnesota Watersheds Resolutions Committee in the required format at least two months prior to the annual Minnesota Watersheds membership meeting for committee review and recommendation. The committee will present these resolutions and their recommendations to the Board of Directors and the Minnesota Watersheds membership at least one month prior to the start of the annual Minnesota Watersheds membership meeting. The Board of Directors may make additional recommendations on each proposed resolution through its board meeting process. This same procedure will be used when policy issues are to be considered at any special Minnesota Watersheds membership meeting.

8.29.2 Petitions: Any member or group of members may submit to the Board of Directors at any time a petition requesting action, support for, rejection of, or additional information on any issue of potential importance to the members. Such petitions require signed resolutions from at least 15 members before a special meeting of the membership will be convened.

ARTICLE IX. Chapters

9.110.1 Chapters. Members may form chapters to further the purposes stated in Article II of the Articles of Incorporation, to carry out policies of the Board of Directors, and to suggest policies for consideration by the Board of Directors.

ARTICLE XI. Rules of Order

10.111.1 Rules. When consistent with its Articles of Incorporation and these Bylaws, the ~~12th~~-current edition of Robert's Rules of Order Newly Revised shall ~~govern~~provide guidance to the proceedings of this corporation. For consistency in operation, a copy shall be available for consultation if requested at every scheduled meeting of the Board of Directors and Membership meetings.

ARTICLE XII. Amendments

11.112.1 Amendments. These Bylaws may be amended by a majority vote of the members of this corporation only as provided below.

11.212.2 Annual Meeting. At the annual meeting of the members of this corporation, the Bylaws may be amended by the majority of the members present if there is a quorum at said annual meeting and due notice has been given to the membership of the changes 30 days in advance of the meeting.

11.312.3 Special Meeting. These Bylaws may be amended by the members at a special meeting called for that reason but only by a majority vote of the entire membership of the corporation, and only if there has been thirty days' written notice to all members of such special meeting. Such special meeting may be called upon the request of one-third of the members of this corporation by notice in writing to the secretary or president, which notice shall ask for said special meeting and shall state the proposed Bylaws changes, and upon receipt of such request, the ~~secretary~~Secretary or ~~president~~President must send written, either by mail or electronically, notice of the meeting to the members of this corporation within thirty days of receipt of such request, which shall be not less than thirty days nor more than fifty days of the date of the written notice.

Resolutions Committee Meeting



MINNESOTA WATERSHEDS
Connecting People. Protecting Water.

DATE: October 8, 2024
 TO: Minnesota Watersheds Board of Directors
 FROM: Linda Vavra and Jamie Beyer, Resolutions Committee Co-Chairs
 RE: Resolutions Committee Recommendations

The Resolutions Committee met on October 8 to review and discuss the resolutions submitted by Minnesota Watersheds members. Their recommendations are as follows.

Resolutions Committee Recommendations

#	Resolution Title	Committee Recommendation
1	Regulatory Approaches to Reducing Chloride Contamination	Recommends adoption
2	Allowing Alternative Notice of Watershed District Proceedings by Publication on District’s Website	Recommends adoption
3	Providing for Watershed Management Organization Representative on Wetland Technical Evaluation Panels in Seven-County Metropolitan Area	Recommends adoption as amended
4	Seeking the Ability to Allow Resale of Acquisition Buyout Property	Recommends adoption
5	Seeking the DNR to Establish a “Comprehensive Guideline for Calcareous Fen Management”	Recommends adoption
6	Seeking Clarification of the Statutory and Rule Language Regarding the Alteration of Calcareous Fens	No recommendation, more research needed
7	Seeking the DNR to Adopt a Program to Incentivize Calcareous Fen Management on Private Lands	Recommends adoption
8	Seeking the Removal of the Water Resource Enforcement Officer	No recommendation, more research needed
9	Seeking Identification of Calcareous Fens on All State Wetlands by December 31, 2030	No recommendation, more research needed
10	Seeking a Formal Process to Distribute a Complete List of Calcareous Fens Annually	Recommends adoption
11	Seeking Regular Reevaluation of the Designated Species List	No recommendation, more research needed
12	Seeking the Development of a Calcareous Fen Work Group	No recommendation, more research needed
13	Requesting Minnesota Watersheds Support to Request New Legislation to Set Permit Review Time Limits upon the Department of Natural Resources	Recommends adoption

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

RESOLUTION 2024-01

Resolution to Develop Regulatory Approaches to Reducing Chloride Contamination

Proposing District: Nine Mile Creek Watershed District
Contact Name: Erica Sniegowski, Administrator
Phone Number: 952-358-2276
Email Address: esniegowski@ninemilecreek.org

Background that led to submission of this resolution:

Overuse of chloride compounds (primarily for removal of snow and ice from roads, parking lots and sidewalks) is degrading lakes, creeks, and wetlands in the metropolitan Twin Cities area and throughout Minnesota. The Minnesota Pollution Control Agency has designated 68 impairments in 42 waterbodies in the state – numbers that are steadily increasing. Salt persists in the environment, making chloride contamination one of the most pressing concerns in watershed management; reduction in the amount used is critical.

Ideas for how this issue could be solved:

For several years, Minnesota Watersheds and others have pursued an incentive-based approach to reducing chloride use by supporting legislation that would provide a liability limitation for property owners and maintenance companies who are certified by the Minnesota Pollution Control Agency as applicators trained to apply the correct amount of salt to achieve safe surface conditions and who document their practice of protective low-salt maintenance techniques. During the 2024 session, Minnesota Watersheds worked with several metro-area watersheds to secure the endorsement of the Minnesota Center for Environmental Advocacy, Freshwater Society, Minnesota Association for Justice (which represents trial lawyers) and Stop Over Salting on a legislative approach that provided owners and applicators with protection to the extent of negligence. The Minnesota Nursery and Landscape Association, which represents property-maintenance providers, would not join the coalition, arguing for a bill that provided more extensive liability protection, less frequent training and certification, and looser trainer controls. The trial lawyers’ lobbyist has indicated they would strongly oppose the more extensive liability protection; in addition, allowing for protection when a provider is in fact negligent is contrary to sound public policy.

Nine Mile Creek Watershed District (NMCWD) reasons that regulatory approaches to reducing salt use must be developed. The proper vehicle for such an approach – state, county, city, watershed organization – has yet to be determined; multiple options can and should be explored.

Efforts to solve the problem:

NMCWD and other watershed organizations have conducted and sponsored training in smart-salting practices and other efforts to reduce chloride use (and resultant contamination). NMCWD and others have actively supported the incentive-based legislative approach discussed above, and have communicated with legislators, county commissioners, city staff, and numerous others on the impacts of chlorides on water resources. In addition, NMCWD and a few others have already adopted rule provisions that require permit applicants to include chloride best practices in stormwater-management plans. Initial conversations about chloride have taken place, but concerted efforts have yet to commence.

Anticipated support or opposition:

Minnesota Nursery and Landscape Association is likely to oppose any regulatory approach. Property owners likely will oppose any approach that applies directly to them. Many cities and counties will likely support a regulatory approach, but some may argue that they lack the resources to implement regulatory approaches such as licensing salt applicators if that is the approach taken.

This issue (check all that apply):

Applies only to our district:	<input type="checkbox"/>	Requires legislative action:	<input type="checkbox"/>
Applies only to 1 or 2 regions:	<input type="checkbox"/>	Requires state agency advocacy:	<input checked="" type="checkbox"/>
Applies to the entire state:	<input checked="" type="checkbox"/>	Impacts MW bylaws or MOPP:	<input type="checkbox"/>

MINNESOTA WATERSHEDS RESOLUTION 2024-01

Resolution to Develop Regulatory Approaches to Reducing Chloride Contamination

WHEREAS, chloride contamination of the state’s water resources has been identified not only in urban waters, but in waters throughout the state; and

WHEREAS, the Minnesota Pollution Control Agency has designated 68 impairments for chlorides in 42 waterbodies in the state; and

WHEREAS, the Twin Cities Metro Area Chloride Management Plan and Total Maximum Daily Load studies on Nine Mile Creek and Shingle Creek have indicated that the largest chloride source to our lakes and streams is the application of chloride compounds on roads, parking lots, sidewalks, and other hard surfaces for winter maintenance practices; and

WHEREAS, Minnesota Watersheds and its allies have advocated for and continue to support enactment of state law that provides limited liability protection to commercial salt applicators and property owners using salt applicators who are certified through the established state salt-applicator certification program and follow best management practices, but such efforts have failed so far to result in adoption of new law; and

WHEREAS, chlorides are a metal, and once deposited in a water body do not degrade, making prevention critical; and

WHEREAS, a few watershed organizations in Minnesota have developed, adopted, and implemented regulatory approaches to reduce chloride use and contamination, charting one path forward for such efforts.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports development, adoption, and implementation of regulatory approaches to reducing chloride contamination in waters of the state.

Notes: Committee recommends adoption.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-02

Resolution Allowing Alternative Notice of Watershed District Proceedings by Publication on the District’s Website

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Terry Jeffery, Administrator
Phone Number: 952-607-6512
Email Address: tjeffery@rpbcwd.org

Background that led to submission of this resolution:

Minnesota Statutes chapter 103D, known as the Watershed Law, requires notice by publication in a local newspaper for various watershed district proceedings, specifically publication in a legal newspaper published in the counties affected by the watershed district; such proceedings include boundary changes, changing the district’s principal place of business, consideration of ordering projects, and annual budget and tax levy. Notice by publication is one notice requirement in addition to mailed notice requirements. Some watershed districts are finding it increasingly difficult to publish notice in local newspapers because many have ceased publication. In an age of search engines and electronic communications, more citizens are likely to learn about watershed district proceedings through the internet than through publication in a legal newspaper.

Ideas for how this issue could be solved:

An alternative to publication in a newspaper is publication on the watershed district’s web site. For example, Minnesota Statutes section 103E.806, subdivision 3 provides that notice of a hearing on partial abandonment of a drainage system by mail to the owners of all property benefited by the drainage system, and either in a newspaper of general circulation within the affected drainage area or by publication on a website of the drainage authority.

Efforts to solve the problem:

Until there is a legal alternative, the only option is to publish in the newspapers that are still in business, often at increased prices.

Anticipated support or opposition:

This is an issue that may find growing support among other local units of government with publication requirements. Newspapers will likely not be supportive of decreased revenue from legal notice publications.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-02

Resolution Allowing Alternative Notice of Watershed District Proceedings by Publication on the District's Website

WHEREAS, Minnesota Statutes chapter 103D, known as the Watershed Law, requires notice by publication in a local newspaper for various watershed district proceedings, specifically publication in a legal newspaper published in the counties affected by the watershed district; such proceedings include boundary changes, changing the district's principal place of business, consideration of ordering projects, and public hearings on the district's annual budget and tax levy; and

WHEREAS, notice by publication is one notice requirement in addition to mailed notice requirements; and

WHEREAS, some watershed districts are finding it increasingly difficult to publish notice in local newspapers because many have ceased publication; and

WHEREAS, an alternative to publication in a newspaper is publication on the watershed district's web site; for example, Minnesota Statutes section 103E.806, subdivision 3 provides that notice of a hearing on partial abandonment of a drainage system by mail to the owners of all property benefited by the drainage system, and *either* in a newspaper of general circulation within the affected drainage area *or* by publication on a website of the drainage authority.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports amending the Watershed Law to provide for publication on a watershed district's website as an alternative to publication in a legal newspaper.

Notes: Committee recommends adoption.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

RESOLUTION 2024-03

Resolution Providing for Watershed Management Organization Representative on Wetland Technical Evaluation Panels ~~in Seven-County Metropolitan Area~~

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Terry Jeffery, Administrator
Phone Number: 952-607-6512
Email Address: tjeffery@rpbcwd.org

Background that led to submission of this resolution:

Minnesota Statutes section 103G.2242, subdivision 2 provides for Technical Evaluation Panels to address questions concerning the public value, location, size, or type of a wetland under the Wetland Conservation Act (WCA). Pursuant to this statute, a Technical Evaluation Panel (TEP) “shall be composed of a technical professional employee of the board, a technical professional employee of the local soil and water conservation district or districts, a technical professional with expertise in water resources management appointed by the local government unit (LGU), and a technical professional employee of the Department of Natural Resources for projects affecting public waters or wetlands adjacent to public waters.” Watershed management organizations may serve as the “local government unit” under WCA, but in many cases local municipalities elect to serve as the WCA LGU, which means there is no watershed management organization representation on the TEP.

Ideas for how this issue could be solved:

Amend Minnesota Statutes section 103G.2242, subdivision 2 to include a watershed management organization representative on TEPs that are convened within the seven-county metropolitan area. (This provision could easily be expanded to cover the entire state if watershed districts outside the metropolitan area so desire.)*

Efforts to solve the problem:

TEPs will often contact the watershed management organization for comments, but they are not required to do so, and the watershed management organization is not currently a voting member of the TEP when the municipality is the WCA LGU.

Anticipated support or opposition from other governmental units?

Support will vary depending upon the audience. Numerous LGUs appreciate having a member that represents the watershed district while many may feel this is an attempt to usurp WCA administration from them. Metropolitan area watershed districts typically have someone knowledgeable in WCA but may feel this is added responsibility.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____ X* _____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X* _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-03

Resolution Providing for Watershed Management Organization Representative on Wetland Technical Evaluation Panels ~~in Seven-County Metropolitan Area~~

WHEREAS, Minnesota Statutes section 103G.2242, subdivision 2 provides for Technical Evaluation Panels to address questions concerning the public value, location, size, or type of a wetland under the Wetland Conservation Act (WCA); and

WHEREAS, pursuant to this statute, a Technical Evaluation Panel (TEP) “shall be composed of a technical professional employee of the board, a technical professional employee of the local soil and water conservation district or districts, a technical professional with expertise in water resources management appointed by the local government unit (LGU), and a technical professional employee of the Department of Natural Resources for projects affecting public waters or wetlands adjacent to public waters;” and

WHEREAS, watershed management organizations may serve as the “local government unit” under WCA, but in many cases local municipalities elect to serve as the WCA LGU, which means there is no watershed management organization representation on the TEP; and

WHEREAS, watershed management organizations in the seven-county metropolitan area are required to develop watershed management plans that include an inventory of surface water resources including wetlands, establish goals for wetland management that recognize the fundamental relationship between wetland management and land use, and many metropolitan watershed management organizations have undertaken detailed wetland inventories and assessments of their function and value to develop local wetland management controls with maps or inventories of wetlands, existing comprehensive wetland protection and management plans, descriptions of existing local wetland banking programs, and procedures used in determining replacement of wetland functions and values for evaluating wetland replacement proposals; and

WHEREAS, metropolitan watershed management organizations typically have technical professionals with expertise in water resources management generally and wetlands management specifically.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports amendment of Minnesota Statutes section 103G.2242, subdivision 2 to include a watershed management organization representative on TEPs that are convened ~~within the seven-county metropolitan area~~ in cases where the organization is not the WCA LGU.

Notes: Committee recommends adoption as amended.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-04

Resolution Seeking the Ability to Allow Resale of Acquisition Buyout Property

Proposing District: Wild Rice Watershed District
Contact Name: Tara Jensen, Administrator
Phone Number: 218-784-5501
Email Address: tara@wildricewatershed.org

Background that led to the submission of this resolution:

Buyout properties are allowed to be gifted to another government entity but not allowed to be sold to private individuals and put back on the tax rolls and into private ownership with restriction of future construction on the property.

When real property is acquired by a Local Governmental Unit (LGU) regarding a flood buyout, the property goes off the tax rolls for the county and, per FEMA requirements, cannot be resold except to a public entity or to a qualified conservation organization. See "The Stafford Act, 42 U.S.C. 5121 et seq., Hazard Mitigation Grant Program, and FEMA Model Deed Restrictions at Exhibit A. WRWD desires the FEMA requirements/model deed restrictions be amended to permit either the conveyance to a public entity or to a qualified conservation organization of the acquired interest, or alternatively a resale by an LGU of acquired real property to private taxpayers - subject to the FEMA Model Deed Restrictions (excepting re: a sale to a private party).

Ideas for how this issue could be solved:

Changes in FEMA regulations to allow property to be transferred back into private ownership, lessening government expense long term for maintenance of the property. Although it cannot be constructed on, it is a good open space for parties interested.

If LGUs were allowed to sell the flood buyout property(ies) to private taxpayers, the property would go back on the local tax rolls, thereby benefiting the local (especially) county. Any sale by the LGU could provide for the net sale proceeds to be paid back to FEMA and any sale would remain subject to the FEMA Model Deed Restrictions at Exhibit A. All the remaining restrictions/covenants contained in the FEMA Model Deed Restrictions would continue to apply to the private party.

Efforts to solve the problem:

The Wild Rice Watershed District has requested federal legislators address this issue in the past, but to date nothing has come of those requests.

Anticipated support or opposition:

Most LGUs would likely support being allowed to sell flood buyout property to private taxpayers, subject to the FEMA Model Deed Restrictions. It is unknown whether FEMA would oppose.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-04

Resolution Seeking the Ability to Allow Resale of Acquisition Buyout Property

WHEREAS, when a LGU acquires real property as part of a flood buyout, such property goes off the county tax rolls and per FEMA deed restrictions, can be resold only to a public entity or qualified conservation organization (See Exhibit A attached re: FEMA Model Deed Restrictions); and

WHEREAS, flooding also has severe and repeated impacts to water quality from erosion, sedimentation, nutrient loading, raw sewage discharges, and chemical spillage; and

WHEREAS, real property acquired by a flood buyout, but resold to a private taxpayer subject to the FEMA Model Deed Restrictions would be beneficial to the county as such property would be back on the tax rolls, and such resale would reduce maintenance obligations by the LGU re the flood buyout property, plus the property would continue to be subject to the remaining FEMA restrictions/covenants as stated in Exhibit A; and

WHEREAS, the Wild Rice Watershed District Board of Managers desires Minnesota Watersheds pass a resolution supporting federal legislation to allow either the conveyance of flood acquisition property by an LGU to a public entity or to a qualified conservation organization, or alternatively allow resale of flood acquisition buyout real estate by an LGU to a private party, subject to the remaining FEMA Model Deed Restrictions as stated in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds seeks federal legislation to allow the conveyance by an LGU of flood acquisition buyout real estate to a public entity or to a qualified conservation organization, or alternatively a resale to a private taxpayer, subject to the FEMA Model Deed Restrictions as stated in Exhibit A.

Notes: Committee recommends adoption.

Exhibit "A"
FEMA Model Deed Restrictions

In reference to the property or properties ("Property") conveyed by the Deed between _____
(marital status), participating in the federally-assisted acquisition
project ("the Grantor") and _____, ("the Grantee"), its successors
and assigns:

WHEREAS, The Robert T. Stafford Disaster Relief and Emergency Assistance Act, ("The Stafford Act"), 42 U.S.C. § 5121 et seq., identifies the use of disaster relief funds under § 5170c, Hazard Mitigation Grant Program, including the acquisition and relocation of structures in the floodplain;

WHEREAS, the mitigation grant program provides a process for a local government, through the State, to apply for federal funds for mitigation assistance to acquire interests in property, including the purchase of structures in the floodplain, to demolish and/or remove the structures, and to maintain the use of the Property as open space in perpetuity;

WHEREAS, the _____ has applied for and been awarded such funding from the Department of Homeland Security, Federal Emergency Management Agency and has entered into a mitigation grant program Grant Agreement dated _____ with FEMA and herein incorporated by reference; making it a mitigation grant program grantee.

WHEREAS, the Property is located in _____ County, and _____ County participates in the National Flood Insurance Program and is in good standing with NFIP as of the date of the Deed;

WHEREAS, the _____, acting by and through the _____, has applied for and been awarded federal funds pursuant to an agreement with Minnesota dated _____ ("State-Local Agreement"), and herein incorporated by reference, making it a mitigation grant program subgrantee;

WHEREAS, the terms of the mitigation grant program statutory authorities, Federal program requirements consistent with 44 C.F.R. Part 80, the Grant Agreement, and the State-local Agreement require that the Grantee agree to conditions that restrict the use of the land to open space in perpetuity in order to protect and preserve natural floodplain values.

NOW, THEREFORE, the grant is made subject to the following terms and conditions:

1. Terms. Pursuant to the terms of the “Stafford Act” program statutory authorities, Federal program requirements consistent with 44 C.F.R. Part 80, the Grant Agreement, and the State Local Agreement, the following conditions and restrictions shall apply in perpetuity to the Property described in the attached deed and acquired by the Grantee pursuant to FEMA program requirements concerning the acquisition of property for open space:

a. Compatible uses. The Property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions. Such uses may include: parks for outdoor recreational activities; wetlands management; nature reserves; cultivation; grazing; camping (except where adequate warning time is not available to allow evacuation); unimproved, unpaved parking lots; buffer zones; and other uses consistent with FEMA guidance for open space acquisition, Hazard Mitigation Assistance, Requirements for Property Acquisition and Relocation for Open Space.

b. Structures. No new structures or improvements shall be erected on the Property other than:

- i. A public facility that is open on all sides and functionally related to a designated open space or recreational use;
- ii. A public rest room; or
- iii. A structure that is compatible with open space and conserves the natural function of the floodplain, including the uses described in Paragraph 1.a., above, and approved by the FEMA Administrator in writing before construction of the structure begins.

Any improvements on the Property shall be in accordance with proper floodplain management policies and practices. Structures built on the Property according to paragraph b. of this section shall be floodproofed or elevated to at least the base flood level plus 1 foot of freeboard, or greater, if required by FEMA, or if required by any State, Tribal, or local ordinance, and in accordance with criteria established by the FEMA Administrator.

c. Disaster Assistance and Flood Insurance. No Federal entity or source may provide disaster assistance for any purpose with respect to the Property, nor may any application for such assistance be made to any Federal entity or source. The Property is not eligible for coverage under the NFIP for damage to structures on the property occurring after the date of the property settlement, except for pre-existing structures being relocated off the property as a result of the project.

d. Transfer. The Grantee, including successors in interest, shall convey any interest in the Property only if the FEMA Regional Administrator, through the State, gives prior written approval of the transferee in accordance with this paragraph:

- i. The request by the Grantee, through the State, to the FEMA Regional Administrator must include a signed statement from the proposed transferee that it acknowledges and agrees to be bound by the terms of this section, and documentation of its status as a qualified conservation organization if applicable.
- ii. The Grantee may convey a property interest only to a public entity or to a qualified conservation organization. However, the Grantee may convey an easement or lease to a private individual or entity for purposes compatible with the uses described in paragraph (a), of this section, with the prior approval of the FEMA Regional Administrator, and so long as the conveyance does not include authority to control and enforce the terms and conditions of this section.
- iii. If title to the Property is transferred to a public entity other than one with a conservation mission, it must be conveyed subject to a conservation easement that shall be recorded with the deed and shall incorporate all terms and conditions set forth in this section, including

the easement holder's responsibility to enforce the easement. This shall be accomplished by one of the following means:

- a) The Grantee shall convey, in accordance with this paragraph, a conservation easement to an entity other than the title holder, which shall be recorded with the deed, or
 - b) At the time of title transfer, the Grantee shall retain such conservation easement, and record it with the deed.
- iv. Conveyance of any property interest must reference and incorporate the original deed restrictions providing notice of the conditions in this section and must incorporate a provision for the property interest to revert to the State, Tribe, or local government in the event that the transferee ceases to exist or loses its eligible status under this section.

2. Inspection. FEMA, its representatives and assigns including the state or tribe shall have the right to enter upon the Property, at reasonable times and with reasonable notice, for the purpose of inspecting the Property to ensure compliance with the terms of this part, the Property conveyance and of the grant award.

3. Monitoring and Reporting. Every three years on July 1, the Grantee (_____), in coordination with any current successor in interest, shall submit through the State to the FEMA Regional Administrator a report certifying that the Grantee has inspected the Property within the month preceding the report, and that the Property continues to be maintained consistent with the provisions of 44 C.F.R. Part 80, the property conveyance, and the grant award.

4. Enforcement. The Grantee (_____), the State, FEMA, and their respective representatives, successors and assigns, are responsible for taking measures to bring the Property back into compliance if the Property is not maintained according to the terms of 44 C.F.R. Part 80, the property conveyance, and the grant award. The relative rights and responsibilities of FEMA, the State, the Grantee, and subsequent holders of the property interest at the time of enforcement, shall include the following:

- a. The State will notify the Grantee and any current holder of the property interest in writing and advise them that they have 60 days to correct the violation:
 - i. If the Grantee or any current holder of the property interest fails to demonstrate a good faith effort to come into compliance with the terms of the grant within the 60-day period, the State shall enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to bringing an action at law or in equity in a court of competent jurisdiction.
 - ii. FEMA, its representatives, and assignees may enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to 1 or more of the following:
 - a) Withholding FEMA mitigation awards or assistance from the State or Tribe, and Grantee; and current holder of the property interest.
 - b) Requiring transfer of title. The Grantee or the current holder of the property interest shall bear the costs of bringing the Property back into compliance with the terms of the grant; or
 - c) Bringing an action at law or in equity in a court of competent jurisdiction against any or all of the following parties: the State, the Tribe, the local community, and their respective successors.

5. Amendment. This agreement may be amended upon signatures of FEMA, the state, and the Grantee only to the extent that such amendment does not affect the fundamental and statutory purposes underlying the agreement.

6. Severability. Should any provision of this grant or the application thereof to any person or circumstance be found to be invalid or unenforceable, the rest and remainder of the provisions of this grant and their application shall not be affected and shall remain valid and enforceable.

Signed by Grantors and Grantee, witnesses and notarization in accordance with local law.

Date: _____
Grantor, _____

Date: _____
Grantor, _____

STATE OF _____)
COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____
(marital status), Grantor(s).

(NOTARIAL STAMP/SEAL)

NOTARY PUBLIC
My Commission Expires: _____

Date _____ Grantee, _____

By: _____
Its _____

STATE OF _____)
COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____
the _____ of the _____
_____, Grantee.

(NOTARIAL STAMP/SEAL)

NOTARY PUBLIC
My Commission Expires: _____

This instrument drafted by:

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

RESOLUTION 2024-05

Resolution Seeking the DNR to Establish a “Comprehensive Guideline for Calcareous Fen Management”

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project’s PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the “Least Environmentally Damaging Practicable Alternative” (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE’s LEDPA determination triggered the project to move to the EAW process.

In response to the initiation of the EAW process, in July of 2021 the DNR provided a writing that suggested the potential of the existence of Calcareous Fen within the project footprint. (The document did not mention the Calcareous Fen by name, but instead referred to the potential for various types of fens, and only indirectly mentioned the ground water and minerals that feed some kinds of Calcareous Fens).

Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district’s request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district’s consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party’s report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency’s type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR’s processes. MSTRWD has started a review of the statutes and rules related to RNC’s, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some, or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors, and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-05

Resolution Seeking the DNR to Establish a “Comprehensive Guideline for Calcareous Fen Management”

WHEREAS, some of the stated purposes of government pursuant to Minn. Stat. § 14.001 are to:

- “(2) to increase public accountability of administrative agencies;
- (3) to ensure a uniform minimum procedure;
- (4) to increase public access to governmental information;
- (5) to increase public participation in the formulation of administrative rules;
- (6) to increase the fairness of agencies in their conduct of contested case proceedings; and
- (7) to simplify the process of judicial review of agency action as well as increase its ease and availability,”

and to “strike a fair balance between these purposes and the need for efficient, economical, and effective government administration;” and,

WHEREAS, it is apparent that the DNR does not have any plan to improve the identified Calcareous Fens as currently identified, but rather intends to leave them to nature, which is essentially leaving this state asset to chance for its survival to degrade or improve naturally; and,

WHEREAS, under Minn. Stat. § 84.027, Subd. 14, it is part of the DNR’s mission that “within the department's resources the commissioner shall endeavor to: (1) prevent the waste or unnecessary spending of public money;” and,

WHEREAS, under Minn. Rule 8420.0935, the commissioner “must provide technical assistance to landowners or project sponsors in the development of management plans;” and

WHEREAS, under Minn. Stat. § 84.0895, Subd. 5. (a), “[N]otwithstanding any other law, the commissioner may undertake management programs, issue orders, and adopt rules necessary to bring a resident species of wild animal or plant that has been designated as threatened or endangered to a point at which it is no longer threatened or endangered;” and,

WHEREAS, based upon the DNR’s involvement in the Lilac Ridge project, it is clear that the agency sees its role to be that of the reviewer of the plan rather than technically assisting with development of the plan.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports DNR establishing a “Comprehensive Guide for Calcareous Fen Management” as a tool for project proposers to analyze a project’s feasibility or cost effectiveness.

Notes: Committee recommends adoption.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-06

Resolution Seeking Clarification of the Statutory and Rule Language Regarding the Alteration of Calcareous Fens

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project's PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the "Least Environmentally Damaging Practicable Alternative" (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE's LEDPA determination triggered the project to move to the EAW process.

In response to the initiation of the EAW process, in July of 2021 the DNR provided a writing that suggested the potential of the existence of Calcareous Fen within the project footprint. (The document did not mention the Calcareous Fen by name, but instead referred to the potential for various types of fens, and only indirectly mentioned the ground water and minerals that feed some kinds of Calcareous Fens).

Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district's request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district's consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party's report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency's type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR's processes. MSTRWD has started a review of the statutes and rules related to RNC's, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-06

Resolution Seeking Clarification of the Statutory and Rule Language Regarding the Alteration of Calcareous Fens

WHEREAS, Minn. Stat. § 103G.223 authorizes the Commissioner to approve projects that may seasonally impact Calcareous Fens under an approved management plan; and

WHEREAS, under Minn. Rule 8420.0935, Subpart 1., “[C]alcareous fens, as identified by the commissioner, must not be impacted or otherwise altered or degraded, wholly or partially, by any action, unless the commissioner, under an approved management plan, decides some alteration is necessary”; and

WHEREAS, Minn. Stat. § 103G.223 could allow projects with minimal impacts to move forward, while Minn. Rule 8420.0935, in contravention of the statute, precludes that option;

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports Minn. Rule 8420.0935, Subp. 1, be amended as follows: Subpart 1. Purpose. The purpose of this part is to provide minimum standards and criteria for identifying, protecting, and managing calcareous fens as authorized by Minn. Stat. § 103G.223. Calcareous fens, as identified by the commissioner, must not be impacted or otherwise altered or degraded, wholly or partially, by any action, unless the commissioner, under an approved management plan, ~~decides some alteration is necessary.~~ determines that the proposed project may temporarily reduce ground water resources on seasonal basis. The exemptions under part 8420.0420 and the sequencing provisions under part 8420.0520 do not apply to calcareous fens.

Notes: No recommendation, more research needed.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-07

Resolution Seeking the DNR to Adopt a Program to Incentive Calcareous Fen Management on Private Lands

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project's PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the "Least Environmentally Damaging Practicable Alternative" (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE's LEDPA determination triggered the project to move to the EAW process.

In response to the initiation of the EAW process, in July of 2021 the DNR provided a writing that suggested the potential of the existence of Calcareous Fen within the project footprint. (The document did not mention the Calcareous Fen by name, but instead referred to the potential for various types of fens, and only indirectly mentioned the ground water and minerals that feed some kinds of Calcareous Fens).

Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district's request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district's consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party's report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency's type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR's processes. MSTRWD has started a review of the statutes and rules related to RNC's, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-07

Resolution Seeking the DNR to Adopt a Program to Incentivize Calcareous Fen Management on Private Lands

WHEREAS, Minn. Stat. § 103G.223 lacks any direction on how to maintain and protect the identified and listed Calcareous Fens; and

WHEREAS, Minn. Rule 8420.0935, does not set forth a process to maintain or improve the listed Calcareous Fens, but rather approaches the issue of maintaining and improving the fen from an enforcement and coercive power position; and

WHEREAS, under the same rule, the list is a growing list, meaning that in many cases neither landowners nor DNR employees know about the existence of Calcareous Fen on specific lands. In cases where Calcareous Fen has been identified by the agency but not made public, landowners are likely ignorant of the same; and

WHEREAS, it appears that the DNR does not have an effective incentive program to safeguard the Calcareous Fen communities which are located on private lands, but instead employs Water Resource Enforcement Officers (WREOs) to enforce fen preservation compliance; and

WHEREAS, it appears that the DNR lacks an established plan to pay landowners to maintain the Calcareous Fen on their land;

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports the Minnesota Department of Natural Resources adopting a program through which a fee is paid to landowners to incentivize them to manage the quantity and quality of the Calcareous Fens on private lands, which program is made similar to the USDA Conservation Reserve Program or similar to a perpetual easement through the Board of Water and Soil Resources Reinvest In Minnesota.

Notes: Committee recommends adoption.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-08

Resolution Seeking the Removal of the Water Resource Enforcement Officer

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project's PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the "Least Environmentally Damaging Practicable Alternative" (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE's LEDPA determination triggered the project to move to the EAW process.

In response to the initiation of the EAW process, in July of 2021 the DNR provided a writing that suggested the potential of the existence of Calcareous Fen within the project footprint. (The document did not mention the Calcareous Fen by name, but instead referred to the potential for various types of fens, and only indirectly mentioned the ground water and minerals that feed some kinds of Calcareous Fens).

Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district's request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district's consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party's report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency's type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR's processes. MSTRWD has started a review of the statutes and rules related to RNC's, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-08

Resolution Seeking the Removal of the Water Resource Enforcement Officer

WHEREAS, under Minn. Rule 84.027 Subd. 14, as part of the DNR’s mission “the commissioner shall endeavor to: (3) coordinate the department's activities wherever appropriate with the activities of other governmental agencies”; and

WHEREAS, units of local government already employ environmental specialists of all kinds to perform various environmental assessments, including wetland law enforcement;

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports the Minnesota Department of Natural Resources use of Wetland Conservation Act Local Government Units to manage wetlands including calcareous fens and thereby remove the Water Resource Enforcement Officer position.

Notes: No recommendation, more research needed.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-09

Resolution Seeking Identification of Calcareous Fens on All State Wetlands by December 31, 2030

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project's PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the "Least Environmentally Damaging Practicable Alternative" (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE's LEDPA determination triggered the project to move to the EAW process.

In response to the initiation of the EAW process, in July of 2021 the DNR provided a writing that suggested the potential of the existence of Calcareous Fen within the project footprint. (The document did not mention the Calcareous Fen by name, but instead referred to the potential for various types of fens, and only indirectly mentioned the ground water and minerals that feed some kinds of Calcareous Fens).

Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district's request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district's consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party's report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency's type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR's processes. MSTRWD has started a review of the statutes and rules related to RNC's, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-09

Resolution Seeking Identification of Calcareous Fens on All State Wetlands by December 31, 2030

WHEREAS, under Minn. Stat. § 103G.223 the identification of Calcareous Fen is the Commissioners responsibility as it states: ... “(a) Calcareous fens, as identified by the commissioner by written order”; and

WHEREAS, Minn. Rule 8420.0935 Subp. 3. A. states that “[T]he commissioner must investigate wetlands to determine if the wetland is properly identified as a calcareous fen”; and

WHEREAS, it is apparent that the commissioner has failed to identify and list all of the Calcareous Fen found within the state; and

WHEREAS, the root cause of the serious waste of taxpayer dollars on the Lilac Ridge project was the failure of the DNR to accept the charge to identify Calcareous Fen and the policy of the DNR to wait until a project WCA review process or project EAW process commences before conducting exploration or disclosure; and

WHEREAS, the current process provides no incentive for the DNR to perform early investigation or disclosure for Calcareous Fen, since the DNR suffers no penalty for failing to investigate or disclose; and

WHEREAS, in the example of the Lilac Ridge project, the DNR was involved in the PWT since the beginning yet from 2016 until 2022 the agency did not spend its resources to identify Calcareous Fen in the vicinity of the project; and

WHEREAS, it appears that the DNR either does not have resources or do not prioritize the identification of Calcareous Fens in the state, but instead builds its database of Calcareous Fen on a reactive basis (by allowing third-party data to trickle in) instead of on a state-wide proactive basis (by actively searching for and gathering data);

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports Minn. Rule 8420.0935 Subp. 3. A. be amended as follows: The commissioner must investigate all State wetlands to determine if the wetland is properly and identified all as a calcareous fen within the state by no later than Dec. 31, 2030.

Notes: No recommendation, more research needed.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-10

Resolution Seeking a Formal Process to Distribute a Complete List of Calcareous Fens Annually

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project's PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the "Least Environmentally Damaging Practicable Alternative" (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE's LEDPA determination triggered the project to move to the EAW process.

In response to the initiation of the EAW process, in July of 2021 the DNR provided a writing that suggested the potential of the existence of Calcareous Fen within the project footprint. (The document did not mention the Calcareous Fen by name, but instead referred to the potential for various types of fens, and only indirectly mentioned the ground water and minerals that feed some kinds of Calcareous Fens).

Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district's request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district's consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party's report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency's type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR's processes. MSTRWD has started a review of the statutes and rules related to RNC's, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-10

Resolution Seeking a Formal Process to Distribute a Complete List of Calcareous Fens Annually

WHEREAS, under Minn. Rule 8420.0935, under Subp. 3. C., “[T]he commissioner must provide an updated list of calcareous fens to the board (BWSR) for further distribution”; and

WHEREAS, Whereas DNR publication of “Identification List of Known Calcareous Fens” states “[S]ection legal descriptions in this list are necessarily vague due to the potential for protected species within calcareous fens”; and

WHEREAS, it is vital that accurate information regarding the location of Calcareous Fens be provided to units of local government in order to minimize waste and facilitate good planning;

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports the Board of Water and Soil Resources establishing a formal process to distribute on an annual basis an accurate and complete list identifying Calcareous Fens to all watershed districts, watershed management organizations, and soil and water conservation districts.

Notes: Committee recommends adoption.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-11

Resolution Seeking Regular Reevaluation of the Designated Species List

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project's PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the "Least Environmentally Damaging Practicable Alternative" (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE's LEDPA determination triggered the project to move to the EAW process.

In response to the initiation of the EAW process, in July of 2021 the DNR provided a writing that suggested the potential of the existence of Calcareous Fen within the project footprint. (The document did not mention the Calcareous Fen by name, but instead referred to the potential for various types of fens, and only indirectly mentioned the ground water and minerals that feed some kinds of Calcareous Fens).

Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district's request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district's consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party's report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency's type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR's processes. MSTRWD has started a review of the statutes and rules related to RNC's, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-11

Resolution Seeking Regular Reevaluation of the Designated Species List

WHEREAS, Calcareous Fen is a Rare Natural Community (RNC)/Threatened or Endangered Plant and; and

WHEREAS, under Minn. Rule 84.0895 Subd. 3. (c), “[T]he commissioner shall reevaluate the designated species list every three years after it is first adopted and make appropriate changes. The review must consider the need for further protection of species on the species of special concern list. Species may be withdrawn from designation in the same manner that species are designated”; and

WHEREAS, under Minn. Stat. § 103G.223 the commissioner must publish the list of Calcareous Fens in the State Register; and

WHEREAS, the updated list of Fens only appears in the State register in the years 2005, 2008, 2009, 2016, and 2019; and

WHEREAS, the DNR has failed to abide by the three-year process required under Minn. Rule 84.0895 Subd. 3. (c);

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports the Commissioner initiating an internal review process to identify the cause of this failure to “reevaluate the designated species list every three years” and to develop a plan to prevent it in the future.

Notes: No recommendation, more research needed.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-12

Resolution Seeking the Development of a Calcareous Fen Work Group

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project's PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the "Least Environmentally Damaging Practicable Alternative" (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE's LEDPA determination triggered the project to move to the EAW process.

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Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district's request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district's consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party's report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency's type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR's processes. MSTRWD has started a review of the statutes and rules related to RNC's, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-12

Resolution Seeking the Development of a Calcareous Fen Work Group

WHEREAS, the DNR recently requested (2/22/2024) and received public comments on how to designate threatened or endangered species; and

WHEREAS, on the Lilac Ridge project there was a disagreement between the DNR employee and the third-party consultant regarding the quality level of the Calcareous Fen community found within the proposed project footprint; and

WHEREAS, clear and measurable criteria for the identification and evaluation of Calcareous Fen would assist all parties in identifying, mapping, locating, avoiding, preserving, protecting, and enhancing the fen, and would help reduce inter-agency and inter-governmental disputes concerning the same;

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports the relevant state agencies, together with relevant stakeholders (including watershed districts), convene a work group to develop by consensus clear, objective and measurable criteria for determining the presence and quality of Calcareous Fen, which criteria shall thereafter be used by all state and local units of government.

Notes: No recommendation, more research needed.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

RESOLUTION 2024-13

Resolution Requesting Minnesota Watersheds Support to Request New Legislation to Set Permit Review Time Limits upon the Department of Natural Resources

Proposing District: Shell Rock River Watershed District
Contact Name: Andy Henschel, District Administrator
Phone Number: 507-391-2795
Email Address: andy.henschel@co.freeborn.mn.us

Background that led to the submission of this resolution:

Watershed districts are local, water-purposed, governmental units that intimately know the local region, waters, and water-related issues. Watershed districts, as political subdivisions of the state, are entrusted to monitor local waters, produce watershed management plans which are reviewed, commented on, and receive state agency approval, and implement projects that conserve the natural resources and protect the public health and welfare consistent with these approved watershed management plans.

Fountain Lake, in the heart of the SRRWD, is on the impaired waters list in large part due to total phosphorus levels. The SRRWD has experienced significant delays in obtaining Department of Natural Resources (DNR) water permits to dredge Fountain Lake, despite years of water monitoring, consistency with watershed management plan and other state agency support, and negative declaration by Responsible Government Unit (RGU) for the need for an Environmental Impact Statement (EIS).

Ideas for how this issue could be solved:

Minnesota Statute § 15.992 requires that state agencies have a 60-day deadline to take final action on a written permit request, except the statute excludes an application requiring one or more public hearings or an EIS or EAW. No other statutory timeframe is required in the later situations. The SRRWD seeks support in requesting implementation of a similar 60-day review deadline when the request is made by another political subdivision or governmental unit, specifically including watershed districts, whereby the state agency must issue the permit within 60 days after the public hearings, issuance of negative declaration of the need for an EIS.

Efforts to solve the problem:

In each phase of project permitting, the SRWWD has met with DNR staff regarding timing and lack of diligence in issuing permits.

Anticipated support or opposition:

We anticipate support from watersheds and opposition from DNR.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-13

Resolution Requesting Minnesota Watersheds Support to Request New Legislation to Set Permit Review Time Limits upon the Department of Natural Resources

WHEREAS, under authority of State statute, Minn. Stat. § 103D.201 Minnesota watershed districts' purpose is "to conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources"; and

WHEREAS, watershed districts are charged with implementing Watershed Management Plans (the "Plan"); and

WHEREAS, in implementing the Plan, a watershed district Board of Managers (the "Board") initiates projects consistent with the Plan and applicable law ("Projects"), and

WHEREAS, watershed districts have authority under state law to:

- (1) sue and be sued;
- (2) incur debts, liabilities, and obligations;
- (3) exercise the power of eminent domain;
- (4) provide for assessments and to issue certificates, warrants, and bonds;
- (5) perform all acts expressly authorized, and all other acts necessary and proper for the watershed district to carry out and exercise the powers expressly vested in it;
- (6) make necessary surveys or use other reliable surveys and data and develop projects and programs to acquire data to accomplish the purposes for which the watershed district is organized;
- (7) establish and maintain devices for acquiring and recording hydrological and water quality data;
- (8) initiate, undertake, and implement projects;
- (9) cooperate or contract with any state or subdivision of a state or federal agency, private corporation, political subdivision, or cooperative association;
- (10) construct, clean, repair, alter, abandon, consolidate, reclaim, or change the course or terminus of any public ditch, drain, sewer, river, watercourse, natural or artificial, within the watershed district;
- (11) acquire, operate, construct, and maintain dams, dikes, reservoirs, water supply systems, and appurtenant works;
- (12) regulate, conserve, and control the use of water within the watershed district;
- (13) acquire by gift, purchase, taking under the procedures of this chapter, or by the power of eminent domain, necessary real and personal property, including property outside the watershed district where necessary for a water supply system;
- (14) contract for or purchase insurance the managers find necessary for the protection of the watershed district;
- (15) enter into contracts of construction or implementation authorized by this chapter;
- (16) enter lands inside or outside the watershed district to make surveys and investigations to accomplish the purposes of the watershed district;
- (17) take over when directed by a drainage authority all joint county or county drainage systems within the watershed district, together with the right to repair, maintain, and improve them;
- (18) provide for sanitation and public health and regulate the use of streams, ditches, or watercourses to dispose of waste and prevent pollution;
- (19) borrow funds from an agency of the federal government, a state agency, a county where the watershed district is located in whole or in part, or a financial institution authorized under chapter 47 to do business in this state;
- (20) prepare a floodplain map of the lands of the watershed district that are in the floodplain of lakes and watercourses;
- (21) prepare an open space and greenbelt map of the lands of the watershed district that should be preserved and included in the open space and greenbelt land areas of the watershed district;
- (22) appropriate necessary funds to provide for membership in a state association of watershed districts whose purpose is to improve watershed governmental operations;

- (23) make contracts or other arrangements with the federal government, persons, railroads or other corporations, political subdivisions, and the state or other states, with drainage authorities, flood control, soil conservation, or other improvement districts in this state or other states, for cooperation or assistance in constructing, maintaining, and operating the projects of the watershed district, or for the control of its waters, or for making surveys and investigations or reports on them;
- (24) purchase, lease, or acquire land or other property in adjoining states to secure outlets, to construct and maintain dikes or dams or other structures for the purposes of this chapter; and
- (25) conduct studies and monitoring of water resources within the watershed district and implement water resource management programs; and

WHEREAS, watershed districts in the State are required to prepare Comprehensive Watershed Management Plans every 10 years. These plans are vetted by Board of Water and Soil Resources (BWSR) and provide thorough statement of watershed management priorities; and

WHEREAS, watershed districts desire efficient due diligence and progress on Projects; and

WHEREAS, under Minnesota Statute § 15.992, state agencies have a 60-day deadline to take final action on a written request, except the statute excludes an application requiring one or more public hearings or an environmental impact statement or environmental assessment worksheet; and

WHEREAS, watersheds districts in the State have experienced significant delay in the Minnesota Department of Natural Resources' (DNR) processing of permits; and

WHEREAS, under Minnesota Statutes, watershed districts are political subdivisions in the State of Minnesota and have authority to act as the Responsible Governmental Unit (RGU) on projects. As such, watershed districts, like other public entities, including DNR, must follow the rules related to environmental assessment works and environmental impact statements, including soliciting comments from the agencies on the Environmental Quality Board Distribution List, providing responses, and issuing findings; and

WHEREAS, watershed districts in the state are created for the purpose of conserving the natural resources and protecting the public health and welfare and does so by implementing best management practices; and

WHEREAS, as an authoritative political subdivision within the State of Minnesota with significant legislative authority and routine vetting and approval of comprehensive watershed management plans within a watershed, with similar goals and authority as the state to protect and preserve the natural resources within the watershed district, watershed district permit applications should be provided deference in the review process and be expedited.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports amending Minnesota Statutes to implement a 60-day permit review limit following a negative declaration on an EAW.

Notes: Committee recommends adoption.

Active Minnesota Watersheds Resolutions

December 1, 2023



FINANCE

Capacity

2021-01A: Support SWCD Capacity Fund Sources

Minnesota Watersheds supports SWCD capacity funds to come from county and state general funds.

2021-01B: Support Clean Water Funds for Implementation, Not Capacity

Minnesota Watersheds supports Clean Water Funds being used for implementation and not for capacity.

2021-02: Support Capacity Funding for Watershed Districts

Minnesota Watersheds supports capacity base funding resources directed to non-metro watershed district who request this assistance, to implement the activities as outlined in approved watershed district watershed management plans or comprehensive watershed management plans.

Grant Funding

2021-07: Support Metro Watershed-based Implementation Funding (WBIF) for Approved 103B Plans Only

Minnesota Watersheds supports BWSR distribution of metro WBIF among the 23 watershed management organizations with state-approved comprehensive, multi-year 103B watershed management plans. Those plans implement multijurisdictional priorities at a watershed scale and facilitate funding projects of any eligible local government unit (including soil and water conservation districts, counties, cities, and townships).

URBAN STORMWATER

Stormwater Quality Treatment

2022-02 Limited Liability for Certified Commercial Salt Applicators

Minnesota Watersheds supports enactment of state law that provides limited liability protection to commercial salt applicators and property owners using salt applicators who are certified through the established state salt-applicator certification program and follow best management practices.

Water Reuse

2022-01 Creation of a Stormwater Reuse Task Force

Minnesota Watersheds supports administratively or legislatively including at least one Minnesota Watersheds member on the Minnesota Department of Health's workgroup to move forward, prioritize, and implement the recommendations of the interagency report on reuse of stormwater and rainwater in Minnesota.

WATER QUANTITY

Drainage

2022-03: Seek Increased Support and Participation for the Minnesota Drainage Work Group (DWG)

- Minnesota Watersheds communications increase awareness of the DWG (meeting dates and links, topics, minutes, reports) amongst members.

- Minnesota Watersheds training opportunities strongly encourage participation in the DWG by watershed staff and board managers (for watersheds that serve as ditch authorities or work on drainage projects) – for e.g., add agenda space for DWG member updates, host a DWG meeting as part of a regular event.
- In preparation for Minnesota Watersheds member legislative visits, staff add a standing reminder for watershed drainage authorities to inform legislators on the existence, purpose, and outcomes of the DWG, and reinforce the legitimacy of the DWG as a multi-faceted problem-solving body.
- During Minnesota Watersheds staff Board of Water and Soil Resources (BWSR) visits, regularly seek updates on how facilitation of the DWG is leading to improvements for member drainage authorities and convey this information to members.

2023-03: Support New Legislation Modeled after HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs

Minnesota Watersheds supports the introduction of new legislation modeled after HF2687 and SF2419 and commits its lobbying efforts toward promoting the passage of the bills in subsequent sessions.

Funding

2022-05: Obtain Stable Funding for Flood Damage Reduction and Natural Resources Enhancement Projects

Minnesota Watersheds supports collaborating with the Red River Watershed Management Board and state agencies to seek funding from the Minnesota Legislature to provide stable sources of funding through existing or potentially new programs that provide flood damage reduction and/or natural resources enhancements. A suggested sustainable level of funding is \$30 million per year for the next 10 years.

Flood Control

2021-05: Support Crop Insurance to Include Crop Losses Within Impoundment Areas

Minnesota Watersheds supports expansion of Federal Multi-Peril Crop Insurance to include crop losses within impoundment areas.

2023-04 Seeking Action for Streamlining the DNR Flood Hazard Mitigation Grant Program

Minnesota Watersheds seeks action requiring the DNR to establish transparent scoring, ranking, and funding criteria for the Flood Hazard Mitigation Program (M.S. Chapter 103F) and asking the Minnesota Legislature to fully fund the state’s share of eligible projects that are on the DNR’s list within each two-year bonding cycle. Information regarding scoring, ranking, and funding should be provided annually to project applicants.

Regulation

2020-04 Temporary Water Storage on DNR Wetlands during Major Flood Events

Minnesota Watersheds supports the temporary storage of water on existing DNR-controlled wetlands in the times of major flood events.

WATER QUALITY

Lakes

2022-06: Limit Wake Boat Activities

Minnesota Watersheds supports working with the Minnesota Department of Natural Resources (DNR) to utilize the research findings from the St. Anthony Falls Laboratory and seek legislation to achieve one or more of the following:

- Limit lakes and areas of lakes in which wake boats may operate;
- Require new and existing wake boats to be able to completely drain and decontaminate their ballast tanks; and
- Providing funding for additional research on the effects of wake boats on aquatic systems.

WATERSHED MANAGEMENT AND OPERATIONS

Duties

2023-05: Support Increased Flexibility in Open Meeting Law

Minnesota Watersheds hereby supports changes to the Open Meeting Law to provide greater flexibility in the use of interactive technology by allowing members to participate remotely in a nonpublic location that is not noticed, without limit on the number of times such remote participation may occur; and allowing public participation from a remote location by interactive technology, or alternatively from the regular meeting location where interactive technology will be made available for each meeting, unless otherwise noticed under Minnesota Statutes Section 13D.021; and that Minnesota Watersheds supports changes to the Open Meeting Law requiring watershed district to prepare and publish procedures for conducting public meetings using interactive technology.

Watershed Planning

2020-03 Soil Health Goal for Metropolitan Watershed Management Plans

Minnesota Watersheds supports amending Minnesota Rule 8410.0080 to include a goal for soil health in watershed management plans and ten-year plan amendments.

2023-06 Education and Outreach to Encourage Formation of Watershed Districts in Unserved Areas

Minnesota Watersheds, in consultation with its membership, develop a framework for education and outreach intended to encourage petition and advocacy for the formation of watershed districts in areas of the state not presently served by watershed-based public agencies.

AGENCY RELATIONS

Advocacy

2021-06: Support 60-day Review Required for State Agencies on Policy Changes

Minnesota Watersheds supports requiring state agencies to provide a meaningful, not less than 60-day review and comment period from affected local units of government on new or amended water management policies, programs, or initiatives with a response to those comments required prior to adoption.

Regulation

2023-01 Require Watershed District Permits for all State Agencies

Minnesota Watersheds supports amending Minnesota Statutes § 103D.345, Subd. 5 to read as follows: **Subd. 5. Applicability of permit requirements to state.** A rule adopted by the managers that requires a permit for an activity applies to all state agencies, including the Department of Transportation.

REGULATIONS

2020-01 Appealing Public Water Designations

Minnesota Watersheds supports legislation that would provide landowners with a more formal process to appeal decisions made by the DNR regarding the designation of public waters including the right to fair representation in a process such as a contested case proceeding which would allow landowners an option to give oral arguments or provide expert witnesses for their case.

NATURAL RESOURCES

No current resolutions in this category.

Resolutions to Sunset

Effective December 31, 2024

It should be noted that in July the sunseting deadline was extended for resolutions expiring in 2017 by two years due to the pandemic and its influence on lobbying efforts. **All 2017 resolutions have a sunset date of 2024.**

2017-02 Temporary Lake Quarantine Authorization to Control the Spread of Aquatic Invasive Species (AIS)

Minnesota Watersheds supports legislation granting to watershed districts, independently or under DNR oversight, the authority, after public hearing and technical findings, to impose a public access quarantine, for a defined period of time in conjunction with determining and instituting an AIS management response to an infestation.

2019-01 Streamline the DNR permitting process

Minnesota Watersheds supports legislation, rules, and/or agency policies to streamline the DNR permitting process by increasing responsiveness, decreasing the amount of time it takes to approve permits, providing a detailed fee schedule prior to application, and conducting water level management practices that result in the DNR reacting more quickly to serious, changing climate conditions.

2019-02: Add a Classification for Public Drainage Systems that are Artificial Watercourses

Minnesota Watersheds supports removal of the default Class 2 categorization for public drainage systems that are artificial watercourses and supports a default Class 7 categorization for public drainage systems that are artificial watercourses.

2019-03 Support for Managing Water Flows in the Minnesota River Basin Through Increased Water Storage and Other Strategies and Practices

Minnesota Watersheds supports efforts to manage the flow of water in the Minnesota River Basin and the Minnesota River Congress in its efforts to increase water storage on the landscape; and Minnesota Watersheds supports the Minnesota River Congress in its efforts to secure state and federal programs targeted specifically to increase surface water storage in the Minnesota River Watershed.

2019-04: Clarify County Financing Obligations and/or Authorize Watershed District General Obligation Bonding for Public Drainage Projects

Minnesota Watersheds supports legislation to achieve one or both of the following:

- a) To clarify that an affected county must finance a watershed district drainage project on project establishment and request of the watershed district; and
- b) To authorize watershed districts to finance drainage project establishment and construction by issuance of bonds payable from assessments and backed by the full faith and credit of the watershed district; and further provide for adequate tax levy authority to assure the watershed district's credit capacity.

2019-05 Watershed District Membership on Wetland Technical Evaluation Panels

Minnesota Watersheds supports legislation to allow technical representatives of watershed districts to be official members of wetland technical evaluation panels (TEPs).

2019-06: Oppose Legislation that Forces Spending on Political Boundaries

Minnesota Watersheds opposes legislation that establishes spending requirements or restricts watershed district spending by political regions or boundaries.

2019-07 Chinese Mystery Snail Designation Change and Research Needs

Minnesota Watersheds supports Chinese Mystery Snail prevention and control research and to change the Chinese Mystery Snail designated status in Minnesota as a regulated species to a prohibited species.