



Please note the meeting will be held 7:00pm, Wednesday, December 19, 2018 in the County Board Room at the Carver County Government Center, 602 East 4th Street, Chaska, MN.

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, December 19, 2018

### Agenda Item

#### Item 7. C. - 2019 Legislative Action

#### Prepared By

Linda Loomis, Administrator

#### Summary

Lisa Frenette, the lobbyist retained by the LMRWD, is setting up appointments with committee chairs ahead of the start of the 2019 legislative session. The LMRWD will be working with the river terminal operators to request the state to look at assisting with the management of dredge material by the LMRWD and statewide.

Ms. Frenette has also been following changes to statute being proposed by BWSR to revise the Clean Water Legacy Act provisions including modification to; One Watershed, One Plan, WRAPS and TMDL Implementation Plans. I have attached a working draft provided to me for Board information.

#### Attachments

Clean Water Legacy Act provisions modification

#### Recommended Action

No recommended action

***HFxxx/SFxxx: Clean Water Legacy Act provisions modification;  
coordinated watershed management authorization***  
*Working Draft 12-13-18*

**Overview:**

HFxxx/SFxxx provides refinements to the Clean Water Legacy Act to recognize the progress made in the past 10 years and improve the efficiency and coordination of watershed management. It is designed to:

- **Increase the Pace of Progress** – and move more rapidly and efficiently from monitoring, assessment and planning to on-the-ground actions.
- **Align and use plans and reports** – use the ten years of statewide watershed monitoring and analysis to accelerate locally-led and targeted projects and practices focused on private lands.
- **Assure Accountability** – for incorporation of scientific data and analysis and reasonable assurance of water quality improvements.
- **Provide Flexibility** – so that each watershed can be uniquely addressed based on information needs, land uses, and resource factors.
- **Better Link Surface and Ground water** – so that drinking water and other public uses are considered where there are geologic, infrastructure and land use connections.
- **Support Local Action** – via an acceleration of local watershed programs, projects and practices.

**History:**

Laws and programs established over the past 15 years have significantly shaped Minnesota’s approach to clean water. However, as they were enacted at different times, they don’t always fit neatly together. Addressing this situation will allow for enhanced connectivity and efficiency among these efforts.

- The Clean Water Legacy Act (Chapter 114D) was passed in 2006 to provide “authority, direction, and resources to achieve and maintain water quality standards for groundwater and surface waters, including the standards required by ... the federal Clean Water Act ... and other applicable state and federal regulations.” (MN Statutes 114D.10, Subd. 1)
- Passage of the Clean Water, Land and Legacy constitutional amendment in 2008 created the Clean Water Fund to provide resources to systematically assess and then take action to protect, enhance, and restore water quality in lakes, rivers, and streams, to protect groundwater from degradation, and to protect drinking water sources.
- Adjustments were made to Chapter 114D in 2013 to add statutory language creating Watershed Restoration and Protection Strategies (WRAPS) to enhance the efficiency of efforts to address impaired waters (i.e., TMDL development) and to also systematically include ‘protection’ in the state’s clean water assessments. (see MN Statutes 114D.26)
- The One Watershed, One Plan legislation (Chapter 103B) was enacted in 2015 to better conjoin the Clean Water Legacy Act efforts with the science-based comprehensive plans and on-the-ground *local implementation* work of counties, soil and water conservation districts, watershed districts and other local governments along watershed boundaries. Per Section 103B.801, Subd. 5, a transition to watershed plans is envisioned by 2025.

*2018 history notes: H.F. 3908 03/15/18 Authors - Fischer, Torkelson, S.F. 3647 03/21/18 Author – Johnson., Omnibus bill: SF3656 vetoed*

**HFxxx/SFxxx: Clean Water Legacy Act provisions modification;  
coordinated watershed management authorization**

- 1.1 A bill for an act
- 1.2 relating to natural resources; modifying Clean Water Legacy Act; providing for
- 1.3 coordinated watershed management; amending Minnesota Statutes 2016, sections
- 1.4 103B.3369, subdivisions 5, 9; 103B.801, subdivisions 2, 5; 114D.15, subdivisions
- 1.5 7, 11, 13, by adding subdivisions; 114D.20, subdivisions 2, 3, 5, 7, by adding
- 1.6 subdivisions; 114D.26; 114D.35, subdivisions 1, 3; proposing coding for new law
- 1.7 in Minnesota Statutes, chapter 114D.
- 1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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*Sec 36 Subd. 2 notes that joint local comprehensive watershed management plans (aka “One Watershed, One Plan”) can serve to fulfill some of the elements and purposes of the water quality improvement provisions in Ch. 114D, the Clean Water Legacy Act. (This is simply a cross-reference that links to the Chapter 114D updates that follow.)*

*Sec 37 Subd. 5 clarifies the biennial interval for BWSR to propose potential changes to the state plan to fully transition to watershed-based plans statewide by 2025, dependent on state funding. (This helps with predictability – as state funding is via biennial appropriations.)*

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187.16 Sec. 36. Minnesota Statutes 2016, section 103B.801, subdivision 2, is amended to read:

- 187.17 Subd. 2.**Program purposes.** The purposes of the comprehensive watershed management  
187.18 plan program under section 103B.101, subdivision 14, paragraph (a), are to:
- 187.16 (1) align local water planning purposes and procedures under this chapter and chapters  
187.16 103C and 103D on watershed boundaries to create a systematic, watershed-wide,  
187.16 science-based approach to watershed management;
  - 187.16 (2) acknowledge and build off existing local government structure, water plan services,  
187.16 and local capacity;
  - 187.16 (3) incorporate and make use of data and information, including watershed restoration  
187.16 and protection strategies under section 114D.26, which may serve to fulfill all or some of  
187.16 the requirements under chapter 114D;
  - 187.16 (4) solicit input and engage experts from agencies, citizens, and stakeholder groups;
  - 187.16 (5) focus on implementation of prioritized and targeted actions capable of achieving  
187.16 measurable progress; and
  - 187.16 (6) serve as a substitute for a comprehensive plan, local water management plan, or  
187.16 watershed management plan developed or amended, approved, and adopted, according to  
187.16 this chapter or chapter 103C or 103D.

188.1 Sec. 37. Minnesota Statutes 2016, section 103B.801, subdivision 5, is amended to read:

- 188.2 Subd. 5.**Timelines; administration.** (a) The board shall develop and adopt, by June  
188.3 30, 2016, a transition plan for development, approval, adoption, and coordination of plans  
188.4 consistent with section 103A.212. The transition plan must include a goal of completing  
188.5 statewide transition to comprehensive watershed management plans by 2025. The  
188.6 metropolitan area may be considered for inclusion in the transition plan. The board may  
188.7 amend the transition plan no more often than once every two years.
- 188.8 (b) The board may use the authority under section 103B.3369, subdivision 9, to support  
188.9 development or implementation of a comprehensive watershed management plan under this  
188.10 section.

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*Technical improvements that adds uniformity.*

191.18 Sec. 47. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision to  
191.19 read:

191.20 Subd. 3a. Comprehensive local water management plan. "Comprehensive local water  
191.21 management plan" has the meaning given under section 103B.3363, subdivision 3.

191.22 Sec. 48. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision to  
191.23 read:

191.24 Subd. 3b. Comprehensive watershed management plan. "Comprehensive watershed  
191.25 management plan" has the meaning given under section 103B.3363, subdivision 3a.

*Sec 7 Subd. 7 Updates the "Restoration" term to align with Minnesota's broad and  
comprehensive watershed approach to water quality improvements.*

191.26 Sec. 7. Minnesota Statutes 2016, section 114D.15, subdivision 7, is amended to read:

191.27 Subd. 7. **Restoration.** "Restoration" means actions, ~~including effectiveness monitoring,~~  
191.28 ~~that are~~ taken to pursue, achieve, and maintain water quality standards for impaired waters  
191.29 ~~in accordance with a TMDL that has been approved by the United States Environmental~~  
191.30 ~~Protection Agency under federal TMDL requirements.~~

*Sec 50 Subd. 11 Updates the term "TMDL implementation plan" to allow comprehensive  
watershed management plans to serve as the implementation plan for a TMDL when the  
comprehensive plan is designed - and then determined by MPCA - to achieve the applicable  
water quality standards.*

192.1 Sec. 50. Minnesota Statutes 2016, section 114D.15, subdivision 11, is amended to read:

**Option A**

192.2 Subd. 11. **TMDL implementation plan**[1]. "TMDL implementation plan" means:  
192.3 (1) a document detailing restoration activities needed to meet the approved TMDL's  
192.4 pollutant load allocations for point and nonpoint sources; or  
192.5 (2) one of the following that the commissioner of the Pollution Control Agency  
192.6 determines to be, in whole or part, sufficient to achieve applicable water quality standards:  
192.7 (i) a comprehensive watershed management plan;  
192.8 (ii) a comprehensive local water management plan; or  
192.9 (iii) an existing statewide or regional strategy published by the Pollution Control Agency.

**OR**

**Option B**

"TMDL implementation plan" means a document detailing restoration activities needed to meet the approved TMDL's pollutant load allocations for point and nonpoint sources. This could include a comprehensive watershed management plan; a comprehensive local water management plan; or another

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document or strategy that the commissioner of the Pollution Control Agency determines to be, in whole or part, sufficient to achieve applicable water quality standards.

**OR**

**Option C**

add a statement that it is only needed if no WRAPS, 1W1P exists that addresses the impairment.

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*Sec 51 Subd. 13 Allows watershed areas to acknowledge practical factors such as when watersheds cross state boundaries and clarifies that a primary use of a watershed's scientific data and analysis is for implementation purposes. For example, One Watershed One Plan areas are established chiefly on hydrologic boundaries – however it doesn't make sense to go through a whole separate planning process for small pieces of similar land that can be incorporated into an adjoining plan.*

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192.10 Sec. 51. Minnesota Statutes 2016, section 114D.15, subdivision 13, is amended to read:

192.11 Subd. 13. **Watershed restoration and protection strategy or WRAPS**[2]. "Watershed  
192.12 restoration and protection strategy" or "WRAPS" means a document summarizing scientific  
192.13 studies of a major watershed ~~no larger than~~ at approximately a hydrologic unit code 8 scale  
192.14 including the physical, chemical, and biological assessment of the water quality of the  
192.15 watershed; identification of impairments and water bodies in need of protection; identification  
192.16 of biotic stressors and sources of pollution, both point and nonpoint; TMDL's for the  
192.17 impairments; and ~~an implementation table containing~~ information to support [3] strategies ~~and~~  
192.18 ~~actions~~ designed to achieve and maintain water quality standards and goals.

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*Sec 52 Subd 2; Sec 53 Subd 3; Sec 54 Subd 5; Sec 55 Subd 7: Updates to better reflect the progress and innovations – such as WRAPS and One Watershed One Plan – that have been developed since the advent of the CWLA and to better support and align Minnesota's comprehensive approach.*

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192.19 Sec. 52. Minnesota Statutes 2016, section 114D.20, subdivision 2, is amended to read:

192.20 Subd. 2. **Goals for implementation.** The following goals must guide the implementation  
192.21 of this chapter:

192.22 (1) to identify impaired waters in accordance with federal TMDL requirements ~~within~~  
192.23 ~~ten years after May 23, 2006, and thereafter~~ to ensure continuing evaluation of surface  
192.24 waters for impairments;

192.25 (2) to submit TMDL's to the United States Environmental Protection Agency ~~for all~~  
192.26 ~~impaired waters~~ in a timely manner in accordance with federal TMDL requirements;

192.27 (3) to ~~set a reasonable time~~ inform and support strategies for implementing restoration  
192.28 ~~of each identified impaired water~~ and protection activities in a reasonable time period;

193.1 (4) to systematically evaluate waters, to provide assistance and incentives to prevent  
193.2 waters from becoming impaired, and to improve the quality of waters that are listed as  
193.3 impaired ~~but do not have an approved TMDL addressing the impairment~~;

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- 193.4 (5) to promptly seek the delisting of waters from the impaired waters list when those
- 193.5 waters are shown to achieve the designated uses applicable to the waters;
  
- 193.6 (6) to achieve compliance with federal Clean Water Act requirements in Minnesota;
  
- 193.7 (7) to support effective measures to prevent the degradation of groundwater according
- 193.8 to the groundwater degradation prevention goal under section 103H.001; and
  
- 193.9 (8) to support effective measures to restore degraded groundwater.
  
- 193.10 Sec. 53. Minnesota Statutes 2016, section 114D.20, subdivision 3, is amended to read:
  
- 193.11           Subd. 3. **Implementation policies.** The following policies must guide the implementation
- 193.12 of this chapter:
  
- 193.13 (1) develop regional ~~and, multiple pollutant, or~~ watershed TMDL's ~~and TMDL~~
- 193.14 ~~implementation plans, and TMDL's and TMDL implementation plans for multiple pollutants~~
- 193.15 ~~or WRAPSs~~, where reasonable and feasible;
  
- 193.16 (2) maximize use of available organizational, technical, and financial resources to perform
- 193.17 sampling, monitoring, and other activities to identify degraded groundwater and impaired
- 193.18 waters, including use of citizen monitoring and citizen monitoring data used by the Pollution
- 193.19 Control Agency in assessing water quality that meets the requirements ~~in Appendix D of~~
- 193.20 ~~the Volunteer Surface Water Monitoring Guide, Minnesota established by the commissioner~~
- 193.21 ~~of the Pollution Control Agency (2003)~~;
  
- 193.22 (3) maximize opportunities for restoration of degraded groundwater and impaired waters,
- 193.23 by prioritizing and targeting of available programmatic, financial, and technical resources
- 193.24 and by providing additional state resources to complement and leverage available resources;
  
- 193.25 (4) use existing regulatory authorities to achieve restoration for point and nonpoint
- 193.26 sources of pollution where applicable, and promote the development and use of effective
- 193.27 nonregulatory measures to address pollution sources for which regulations are not applicable;
  
- 193.28 (5) use restoration methods that have a demonstrated effectiveness in reducing
- 193.29 impairments and provide the greatest long-term positive impact on water quality protection
- 193.30 and improvement and related conservation benefits while incorporating innovative approaches
- 193.31 on a case-by-case basis;
  
- 194.1 (6) identify for the legislature any innovative approaches that may strengthen or
- 194.2 complement existing programs;
  
- 194.3 (7) identify and encourage implementation of measures to prevent surface waters from
- 194.4 becoming impaired and to improve the quality of waters that are listed as impaired but have
- 194.5 no approved TMDL addressing the impairment using the best available data and technology,
- 194.6 and establish and report outcome-based performance measures that monitor the progress
- 194.7 and effectiveness of protection and restoration measures;

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194.8 (8) monitor and enforce cost-sharing contracts and impose monetary damages in an  
194.9 amount up to 150 percent of the financial assistance received for failure to comply; and

194.10 (9) identify and encourage implementation of measures to prevent groundwater from  
194.11 becoming degraded and measures that restore groundwater resources.

194.12 Sec. 54. Minnesota Statutes 2016, section 114D.20, subdivision 5, is amended to read:

194.13 Subd. 5. **Priorities for scheduling and preparing WRAPs and TMDL's.** ~~In consultation with~~  
194.14 ~~the~~

~~Clean Water Council shall recommend, t~~The commissioner of the Pollution Control Agency [4]

194.15 ~~must seek recommendations from the Clean Water Council, coordinate with the commissioners of natural~~  
~~resources, health, and agriculture and~~

194.16 ~~with the Board of Water and Soil Resources regarding to establish~~ priorities for scheduling and preparing  
WRAPs and TMDL's.

194.18 ~~and TMDL implementation plans, taking into account, Recommendations shall considering the severity~~  
~~causes of~~

194.19 ~~the impairment~~ impairments, the designated uses of those the waters, and other applicable

194.20 federal TMDL requirements. ~~In recommending priorities, the council shall also give~~

194.21 ~~Consideration to,~~ groundwater interactions with surface waters [5], and protection of high-quality waters.

194.22 ~~waters and watersheds with declining water quality trends, water used as drinking water~~

194.23 ~~sources, and waters and watersheds:~~

194.24 (1) ~~with impairments that pose~~ have the greatest potential risk to human health;

194.25 (2) ~~with impairments that pose~~ have the greatest potential risk to threatened or endangered  
194.26 species;

194.27 (3) ~~with impairments that pose~~ have the greatest potential risk to aquatic health;

194.28 (4) where other public agencies and participating organizations and individuals, especially  
194.29 local, basin-wide, watershed, or regional agencies or organizations, have  
194.30 demonstrated readiness to assist in carrying out the responsibilities, including availability  
194.31 and organization of human, technical, and financial resources necessary to undertake the  
194.32 work; and

195.1 (5) where there is demonstrated coordination and cooperation among cities, counties,  
195.2 watershed districts, and soil and water conservation districts in planning and implementation  
195.3 of activities that will assist in carrying out the responsibilities.

195.4 Sec. 55. Minnesota Statutes 2016, section 114D.20, subdivision 7, is amended to read:

195.5 Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall  
195.6 apply the priorities applicable under subdivision 6, as far as practicable, when recommending  
195.7 priorities for funding actions to prevent groundwater and surface waters from becoming  
195.8 degraded or impaired and to improve the quality of surface waters that are listed as impaired  
195.9 ~~but do not have an approved TMDL.~~

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*Sec 56 Subd. 8 This new subdivision provides a mechanism for the MPCA to use elements of Minnesota's locally-led comprehensive watershed management programs to serve as a TMDL, WRAPS or implementation plan for a TMDL under specific circumstances. This change is being proposed to enhance the efficiency of state and local planning and strategy development efforts and to:*

- move more rapidly and efficiently from assessment and planning to action.*
- better incorporate scientific data and assurance of water quality improvements into locally-led comprehensive watershed management programs.*
- provide flexibility so that each watershed can be uniquely addressed based on its needs.*
- accelerate the implementation of local watershed projects.*

195.10 Sec. 56. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision

195.11 to read:

195.12 **Subd. 8. Alternatives; TMDL, TMDL implementation plan, or WRAPS.** (a) If the

195.13 commissioner of the Pollution Control Agency determines that a comprehensive watershed

195.14 management plan or comprehensive local water management plan contains information that

195.15 is sufficient and consistent with guidance from the United States Environmental Protection

195.16 Agency, including but not limited to [6] the recommended structure for category 4b demonstrations or its

195.17 replacement, under section 303(d) of the federal Clean Water Act, the commissioner may

195.18 submit the plan to the Environmental Protection Agency according to federal TMDL

195.19 requirements as an alternative to developing a TMDL.

195.20 (b) A TMDL implementation plan or a WRAPS, or portions thereof, are not needed for

195.21 waters or watersheds when the commissioner of the Pollution Control Agency determines

195.22 that a comprehensive watershed management plan, a comprehensive local water management

195.23 plan, or a statewide or regional strategy published by the Pollution Control Agency meets

195.24 the definition in section 114D.15, subdivision 11 or 13.

195.25 (c) The commissioner of the Pollution Control Agency may request that the Board of

195.26 Water and Soil Resources conduct an evaluation of the implementation efforts under a

195.27 comprehensive watershed management plan or comprehensive local water management

195.28 plan when the commissioner makes a determination under paragraph (b). The board must

195.29 conduct the evaluation in accordance with section 103B.102.

195.30 (d) The commissioner of the Pollution Control Agency may amend or revoke a

195.31 determination made under paragraph (a) or (b) after considering the evaluation conducted

195.32 under paragraph (c).



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*Sec 57 Subd. 9 Provides for consideration of mutual/joint water quality projects and practices. For example, a watershed district and a city could collaborate to share in developing or sustaining common clean water infrastructure.*

196.1 Sec. 57. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision  
196.2 to read:

196.3 **Subd. 9. Coordinating municipal and local water quality activities.** A project, practice,  
196.4 or program for water quality improvement or protection that is conducted by a watershed  
196.5 management organization or a local government unit with a comprehensive watershed  
196.6 management plan or other water management plan approved according to chapter 103B,  
196.7 103C, or 103D may be considered by the pollution control agency [7] as contributing to the requirements of  
a storm water  
196.8 pollution prevention plan (SWPPP) for a municipal separate storm sewer systems (MS4)  
196.9 permit unless the project, practice, or program was previously documented as contributing  
196.10 to a different SWPPP for an MS4 permit.

*Sec 58 Subd. 1-3 Updates to align Minnesota's comprehensive and systematic approach to monitoring, assessing, modeling and developing action plans for each watershed.*

196.11 Sec. 58. Minnesota Statutes 2016, section 114D.26, is amended to read:

196.12 **114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.**

196.13 Subdivision 1. **Contents.** (a) The commissioner of the Pollution Control Agency shall  
196.14 develop or update watershed restoration and protection strategies. ~~To ensure effectiveness and~~  
~~accountability in 196.15 meeting the goals of this chapter, for the purposes of [8]:~~  
196.16 (1) quantifying impairments and risks to water quality;  
196.17 (2) describing the causes of impairments and pollution sources;  
196.18 (3) consolidating TMDLs in a major watershed; and  
196.19 (4) informing comprehensive local water management plans and comprehensive  
196.20 watershed management plans.

196.21 (b) Each WRAPS shall:

196.22 (1) identify impaired waters and waters in need of protection;  
196.23 (2) identify biotic stressors causing impairments or threats to water quality;  
196.24 (3) summarize ~~watershed modeling outputs and resulting [9] pollution load allocations, and~~  
196.25 ~~wasteload allocations, and priority areas for targeting actions to improve water quality and~~  
196.26 ~~identify areas with high pollutant-loading rates;~~  
196.27 ~~(4) identify point sources of pollution for which a national pollutant discharge elimination~~  
196.28 ~~system permit is required under section 115.03;~~  
196.29 ~~(5) identify nonpoint sources of pollution for which a national pollutant discharge~~  
196.30 ~~elimination system permit is not required under section 115.03, with sufficient specificity~~  
197.1 ~~to prioritize and geographically locate inform watershed restoration and protection actions~~  
197.2 ~~strategies;~~

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197.3 ~~(6) describe the current pollution loading and load reduction needed for each source or~~  
197.4 ~~source category to meet water quality standards and goals, including wasteload and load~~  
197.5 ~~allocations from TMDL's;~~  
197.6 ~~(7) contain a plan for ongoing identify water quality monitoring needed to fill data gaps,~~  
197.7 ~~determine changing conditions, and or gauge implementation effectiveness; [10]and~~  
197.8 (8) contain ~~an implementation table of strategies and actions~~ that are capable of  
197.9 cumulatively achieving needed pollution load reductions for point and nonpoint sources,  
197.10 including identifying:  
197.11 (i) water quality parameters of concern;  
197.12 (ii) current water quality conditions;  
197.13 (iii) water quality goals, strategies, and targets by parameter of concern; and  
197.14 (iv) ~~strategies and actions by parameter of concern~~ and an example of the scale of adoptions needed  
197.15 ~~for each with a timeline to meet the water quality restoration or protection~~  
197.16 goals of this chapter.  
197.17 ~~(v) a timeline for achievement of water quality targets;~~  
197.18 ~~(vi) the governmental units with primary responsibility for implementing each watershed~~  
197.19 ~~restoration or protection strategy; and~~  
197.20 ~~(vii) a timeline and interim milestones for achievement of watershed restoration or~~  
197.21 ~~protection implementation actions within ten years of strategy adoption.~~

**Option A.** *MPCA new suggestion to consider.*

197.22 Subd. 1a. **Coordination.** To ensure effectiveness, efficiency, and accountability in  
197.23 meeting the goals of this chapter, ~~†~~The commissioner of the Pollution Control Agency must  
197.24 consult with ~~and~~  
197.24 the Board of Water and Soil Resources ~~must coordinate to ensure effectiveness, efficiency, and~~  
197.23 meeting the goals of this chapter. ~~the schedule, budget, scope, and~~  
197.25 use of a WRAPS and related documents and processes in consultation with representatives of local  
197.25 government units.

**OR Option B.**

*Delete all of Subd 1a as it is partially covered in Subd 3a below*

**OR Option C.** *Stick with bill language agreed to last year:*

197.22 Subd. 1a. **Coordination.** To ensure effectiveness, efficiency, and accountability in  
197.23 meeting the goals of this chapter, the commissioner of the Pollution Control Agency and  
197.24 the Board of Water and Soil Resources must coordinate the schedule, budget, scope, and  
197.25 use of a WRAPS and related documents and processes in consultation with local government  
197.26 units in consideration of  
197.27 section 114D.20, subdivision 8.

197.28 Subd. 2. **Reporting.** Beginning July 1, 2016, and every other year thereafter, ~~the~~  
197.29 commissioner of the Pollution Control Agency must report on ~~its~~ ~~the agency's~~ Web site the  
197.30 progress toward implementation milestones and water quality goals ~~for all adopted TMDL's~~  
197.31 and, where available, WRAPS's.

198.1 Subd. 3. **Timelines; administration.** ~~Each year,~~ (a) The commissioner of the Pollution  
198.2 Control Agency must complete WRAPS's for at least ten percent of watershed restoration  
198.3 and protection strategies for the state's major watersheds. ~~WRAPS shall be by June 30,~~  
198.4 2023, unless the commissioner determines that a comprehensive watershed management  
198.5 plan or comprehensive local water management plan, in whole or part, meets the definition  
198.6 in section 114D.15, subdivision 11 or 13. As needed, the commissioner must update the  
198.7 strategies, in whole or part, after consultation with the Board of Water and Soil Resources  
198.8 and local government units.

198.9 (b) Watershed restoration and protection strategies are governed by the procedures for

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198.10 approval and notice in section 114D.25, subdivisions 2 and 4, except that ~~WRAPS the~~  
198.11 ~~strategies~~ need not be submitted to the United States Environmental Protection Agency.

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*Sec 59 Subd. 1; Sec 60 Subd 3: Updates to recognize the critical role of local government in public and stakeholder participation and to assure that public and stakeholder participation is thorough, inclusive, timely and coordinated toward implementing a locally-led action plan for each watershed.*

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198.12 Sec. 59. Minnesota Statutes 2016, section 114D.35, subdivision 1, is amended to read:

198.13 Subdivision 1. **Public and stakeholder participation.** ~~(a) Public agencies and private~~  
198.14 ~~entities involved in the implementation of~~ implementing this chapter shall encourage  
198.15 participation by the public and stakeholders, including local citizens, landowners ~~and~~, land  
198.16 ~~managers, and public and private organizations, in identifying impaired waters, in developing~~  
198.17 ~~TMDL's, in planning, priority setting, and implementing restoration of impaired waters, in~~  
198.18 ~~identifying degraded groundwater, and in protecting and restoring groundwater resources.~~

198.19 (b) In particular, the commissioner of the Pollution Control Agency shall make  
198.20 reasonable efforts to provide timely information to the public and to stakeholders about  
198.21 impaired waters that have been identified by the agency. The agency shall seek broad and  
198.22 early public and stakeholder participation in scoping the activities necessary to develop a  
198.23 TMDL, including the scientific models, methods, and approaches to be used in TMDL  
198.24 development, and to implement restoration pursuant to section 114D.15, subdivision 7, and  
198.25 to inform and consult with the public and stakeholders in developing a WRAPS or TMDL.

198.26 (c) Public agencies and private entities involved in implementing restoration and  
198.27 protection identified in a comprehensive watershed management plan or comprehensive  
198.28 local water management plan must make efforts to inform, consult, and involve the public  
198.29 and stakeholders.

198.30 (d) The commissioner of the Pollution Control Agency and the Board of Water and Soil  
198.31 Resources must coordinate public and stakeholder participation in consultation with local  
198.32 government units. To the extent practicable, implementation of this chapter must be  
198.33 accomplished in cooperation with local, state, federal, and tribal governments and private  
198.34 section organizations.

199.1 Sec. 60. Minnesota Statutes 2016, section 114D.35, subdivision 3, is amended to read:

199.2 Subd. 3. **Education.** The Clean Water Council shall develop strategies for informing,  
199.3 educating, and encouraging the participation of citizens, stakeholders, and others regarding  
199.4 ~~the identification of impaired waters, development of TMDL's, development of TMDL~~  
199.5 ~~implementation plans, implementation of restoration for impaired waters, identification of~~  
199.6 ~~degraded groundwater, and protection and restoration of groundwater resources~~ this chapter.  
199.7 Public agencies shall be responsible for implementing the strategies.

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*Sec 19. Because each watershed is unique, this new provision enables use of comprehensive watershed management plans as a more accurate basis for estimating Minnesota's non-point water quality needs and progress. Sec. 103. Process to develop recommendations for changes.*

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From original bill: **Option A**

- 11.1 Sec. 19. **[114D.47] NONPOINT FUNDING ALTERNATIVE.**  
11.2 Notwithstanding section 114D.50, subdivision 3a, the Board of Water and Soil Resources  
11.3 may, by board order, establish alternative timelines or content for the priority funding plan  
11.4 for nonpoint sources under section 114D.50, subdivision 3a, and may use information from  
11.5 comprehensive watershed management plans or comprehensive local water management  
11.6 plans to estimate or summarize costs.

**OR**

From omnibus (vetoed) final language: **Option B**

- 220.27 **Sec. 103. NONPOINT PRIORITY FUNDING PLAN WORKGROUP.**  
220.28 The Board of Water and Soil Resources must convene a workgroup[11] consisting of  
220.29 representatives of state agencies, local governments, tribal governments, private and nonprofit  
220.30 organizations, and others to review the nonpoint priority funding plan under Minnesota  
220.31 Statutes, section 114D.50, subdivision 3a. By January 31, 20192020, the board must submit a  
220.32 report to the chairs and ranking minority members of the house of representatives and senate  
220.33 committees with jurisdiction over environment and natural resources that contains  
221.1 recommendations to improve the effectiveness of nonpoint priority funding plans to meet  
221.2 the requirements in Minnesota Statutes, section 114D.50, subdivision 3a, the purposes in  
221.3 Minnesota Statutes, section 114D.50, subdivision 3, and the watershed and groundwater  
221.4 restoration and protection goals of Minnesota Statutes, chapters 103B and 114D.

**OR** No Change - Keep original language [12] intact: **Option C.**

***HFxxx/SFxxx: Clean Water Legacy Act provisions modification;  
coordinated watershed management authorization***

*Sec 33 Subd. 5 and Sec. 34 Subd. 9 in combination - would allow BWSR to expand the mechanisms (such as contracts and payments) used to pass-thru base amounts of state funding to local governments to be more efficient and to use a watershed approach to fund large, multi-participant water quality watershed improvement projects.*

185.13 Section 33. Minnesota Statutes 2016, section 103B.3369, subdivision 5, is amended to read:

185.14 Subd. 5. **Financial assistance.** ~~A base or program grant or other financial assistance may be awarded to a~~  
185.15 ~~county or other local unit of government that provides a match utilizing a water~~  
185.16 ~~implementation tax or other local source. A water implementation tax that a county~~  
185.17 ~~intends to use as a match to the base grant must be levied at a rate~~  
185.18 ~~sufficient to generate a minimum amount determined by the board. [13]~~ The board may award  
185.19 performance-based, watershed-based or program-based grants or other financial assistance to local units of  
185.20 government that are responsible for implementing elements of applicable portions of  
185.21 watershed management plans, comprehensive plans, local water management plans, or  
185.22 comprehensive watershed management plans, developed or amended, adopted and approved,  
185.23 according to chapter 103B, 103C, or 103D. Upon request by a local government unit, the  
185.24 board may also award performance-based grants to local units of government to carry out  
185.25 TMDL implementation plans as provided in chapter 114D, if the TMDL implementation  
185.26 plan has been incorporated into the local water management plan according to the procedures  
185.27 for approving comprehensive plans, watershed management plans, local water management  
185.28 plans, or comprehensive watershed management plans under chapter 103B, 103C, or 103D,  
185.29 or if the TMDL implementation plan has undergone a public review process. Notwithstanding  
185.30 section 16A.41, the board may award performance-based, watershed-based or program-based grants or  
other financial assistance on  
185.31 an advanced basis and may prescribe a local unit of government matching amount. ~~The fee authorized in~~  
section 40A.152 may be used as a local match or  
185.32 as a supplement to state funding to accomplish implementation of comprehensive plans,  
185.33 watershed management plans, local water management plans, or comprehensive watershed  
185.34 management plans under this chapter and chapter 103C or 103D. [14] The board may enter into inter-  
governmental agreements to provide water management funding to local governments [15].

186.1 Sec. 34. Minnesota Statutes 2016, section 103B.3369, subdivision 9, is amended to read:

186.2 Subd. 9. **Performance-based Criteria.** (a) The board shall develop and utilize  
186.3 performance-based criteria for local water resources restoration, protection, and management  
186.4 programs and projects. The criteria may include but are not limited to science-based  
186.5 assessments, organizational capacity, priority resource issues, community outreach and  
186.6 support, partnership potential, potential for multiple benefits, and program and project  
186.7 delivery efficiency and effectiveness.  
186.8 (b) Notwithstanding paragraph (a), the board may develop and utilize eligibility criteria  
186.9 for state program grants or other financial assistance provided to local governments.