



LOWER MINNESOTA RIVER WATERSHED DISTRICT

June 2021 Administrator report
From: Linda Loomis, Administrator
To: LMRWD Board of Managers

In addition to items on the meeting agenda, the following District projects and issues were addressed during the month:

Other Work

Capitol Region letter to BWSR (Board of Water & Soil Resources)

A copy of a letter written by Capitol Region Watershed District that was sent to BWSR (Board of Water & Soil Resource) is attached. The letter detailing concerns that watershed districts have expressed in meetings with BWSR about how Watershed Based Funding has been distributed.

Ramsey Washington Watershed District has also drafted a similar letter. Both letters are attached for the Boards information. I have also attached a policy analysis and recommendations prepared by MAWD. The District can join other districts in expressing concerns over the distribution of funding to BWSR. If the LMRWD Board of Managers would like to weigh in on this issue, staff can draft a LMRWD letter to BWSR.

My thoughts regarding the two rounds of funding are that the first-round funding was allocated by county and made it difficult for watershed districts in multiple counties to submit projects for funding (because projects often crossed county boundaries). The second round of funding was somewhat better; the LMRWD was split into two - Lower Minnesota River North and Lower Minnesota River South. The process worked somewhat better, but the process in the MN River South basically funded whatever projects were on the table because everyone wanted to be done. The city representative to the group had multiple projects granted in that city and none granted in others. There also was not any prioritization of projects and whether it met goals such as reducing waste load allocations of any of the multiple TMDL studies.

Shakopee letter to Senator Klobuchar and Smith

The City of Shakopee requested the LMRWD send letters to Senators Smith and Klobuchar supporting the City's request for federal funding for Minnesota River bank stabilization. The City was on a short time frame to get its request in, so it was not able to be approved by the Board prior to providing the letter to the city. A copy of the letter (the same letter was sent to each of the Senators) is attached for the Board's information.

One Watershed One Plan Lower Minnesota River East

The planning committee for this project held its final meeting on May 27, 2021. The group walked through the funding request application one final time. The application was submitted to BWSR June 7, 2021. Holly Kalbus, Environmental Resources Specialist for Le Sueur County, deserve recognition for all the work that she did in organizing the planning committee, keeping them on track and completing and submitting the application.

BWSR is planning to hold a meeting for municipalities within the planning area at 9:00am, June 21, 2021. If any Manager would like to see the application submitted let me know.

Data Management Project

Now that a file structure for the LMRWD documents has been set-up in SharePoint, work has begun to migrate LMRWD documents to the LMRWD SharePoint platform.

Hennepin County Landslide Assessment Project

Hennepin County is planning an official roll out of its landslide assessment project. The Board may remember that the aim of the study was to produce a landslide atlas that documented the historical distribution of landslide activity as well as the location of slopes associated with slope failure potential. The meeting is scheduled for 2:00 to 3:00 pm, Monday June 21, 2021. If any Managers would like to join the meeting let me know and I will get you a link to the meeting. The atlas can be accessed using this link <https://www.hennepin.us/landslide>.

Below is a table that show the number of historical landslides that were identified. This is only landslides that occurred in Hennepin County.

Watershed	Slide Deposits	Modified slopes that have failed	Small river slides	Large scarps where slides originate	Small slides in interior of county	Total number of slide features
Mississippi	1	1	4	1	15	22*
Nine Mile	11	3	1	39	56	110
Riley/Purgatory/Bluff	18	16	4	16	177	231
Lower Minnesota	93	43	2	137	343	618
Minnehaha Creek	4	8	3	2	220	237

Salt Symposium

Early Bird registration for the Salt Symposium ends June 30th. The LMRWD has one complimentary registration because the District is a sponsor. The Symposium will be held August 3rd & 4th and is broken down so that you can attend one or both days. If any Manager is interested in attending let me know.

Meetings with LMRWD Cities

Since the May Board meeting LMRWD staff has met with representatives for the cities of Eagan, Mendota Heights. The meeting with the city of Chaska has been rescheduled to June 16, 2021.

As reported in May the cities have expressed appreciation for the district arranging the meetings and holding discussions.

MPCA PFA's

One of the results of the discussion with the City of Burnsville is level of PFAS pollution within the LMRWD, specifically in Burnsville. Here is a link to the MPCA website detailing the amount of PFAS pollution in the State - <https://www.pca.state.mn.us/waste/pfas-landfills>. There was also an article in the Southwest News about the issue. I have attached the news article.

Steep Slope discussion with city of Bloomington

On May 26th, Della and I met with the City of Bloomington to discuss some revisions to the language contained within LMRWD steep slope rules. The suggestions for revisions came from an engineer that was working with a property owner and was required to meet the LMRWD steep slope standards. The revisions offered indicated that the engineer suggesting revisions either didn't understand the intent of the LMRWD rule or he/she didn't want to certify the proposed alterations to the land.

After the discussion with the City, no revisions are proposed to the LMRWD rules and standards.

Watershed Plan Projects

Gully Inventory and condition assessment: Interns have begun work to inventory gullies located on the south side of the Minnesota River. This year the interns will be using tablets to enter data right to the project site in the cloud. This will alleviate the time that was spent uploading the findings of the assessments.

Project website: <http://lowermnriverwd.org/projects/mn-river-corridor-management-project>

Eden Prairie Area #3 Stabilization: An update for this project is in the June 16, 2021 meeting packet.

Project website: <http://lowermnriverwd.org/projects/mn-river-corridor-management-project>

Seminary Fen ravine stabilization project: No new information to report since last update.

Project website: <http://lowermnriverwd.org/projects/bwsr-clean-water-fund-grant-administration>

East Chaska Creek: (Carver County Watershed Based Funding): This project is complete. The request for final payment to the contractor is included on the June agenda.

Project website: <http://lowermnriverwd.org/projects/east-chaska-creek-bank-stabilization>

Schroeder Acres Park (Scott County Watershed Based Funding): There is no new information to report since last update.

Project website: <http://lowermnriverwd.org/projects/schroeder-acres-parkeagle-creek-sub-watershed-stormwater-study>

Shakopee Downtown BMP Retrofit (Scott County Watershed Based Funding): There is no new information to report since last update.

Project website: <http://lowermnriverwd.org/projects/targeted-bmps-downtown-shakopee>

PLOC (Prior Lake Outlet Channel) Restoration (Scott County Watershed Based Funding): This project is also called Ridge Creek Park. There is no new information to report since last update..

Project website: <http://lowermnriverwd.org/projects/prior-lake-outlet-channel-realignmentwetland-restoration>

Dakota County Fen Gap Analysis and Conceptual Model (Dakota County Watershed Based Funding):

The LMRWD is continuing work with Dakota County SWCD to close out the grant on this project.

Project website: <http://lowermnriverwd.org/projects/dakota-county-fen-study-management-plan>

Hennepin County Chloride Project (HHCI) (Hennepin County Watershed Based Funding): There is no new information to report on either the county-wide project or the Lower Minnesota River project.

Grant details for the Lower Minnesota River project can be found on the LMRWD website using this link <http://lowermnriverwd.org/news/chloride-reduction-grants-available>

Vegetation Management Plan: No new information since last update.

Sustainable Lake Management Plan: Trout Lakes: No new information to report since last update.

Geomorphic Assessment of Trout Streams: No new information to report since last update.

Project website: <http://lowermnriverwd.org/projects/geomorphic-assessment-trout-streams>

Spring Creek Cost Share: Work has started on the hydrology study of the Spring Creek Watershed.

West Chaska Creek Re-meander: No new information to report since last update.

Project website: <https://storymaps.arcgis.com/stories/1695a2cf90b44ddba730aad399196405>

Seminary Fen Ravine Restoration Area C2: No new information to report since last update.

MN River Corridor Plan: Staff continues to work on this plan.

Project Reviews

TH 169 Pedestrian Bridge: - City of Shakopee – The City informed the LMRWD that it had received federal funding for a pedestrian bridge over TH 169 where the PLOC crosses the highway near Dean Lake. A wetland technical evaluation panel (TEP) has been scheduled for Monday, June 14. The LMRWD is not able to send a representative to the TEP. LMRWD staff has requested a separate meeting to discuss wetland impacts. The LMRWD has not received an application for this project.

2021 Safety & Security Center Phase 1: - Metropolitan Airport Commission – The LMRWD received an application for improvements planned at MSP airport. Staff has met with the MAC and its consultants and is reviewing the construction documents.

Shakopee Public Utilities 2021 Hansen Avenue Watermain lining: - City of Shakopee - The LMRWD became aware of this project when the District was notified by the DNR of an application for water appropriation. The LMRWD commented that Shakopee Utilities would need to apply for a permit from the District. Shakopee Utilities then contacted the LMRWD. LMRWD staff reviewed this project and determined that the project does not fall within a steep slope zone or a high value resource area. Staff also determined that the project as presented does not meet the threshold that would require a permit from the LMRWD. The project proposes to trenchless line the watermain using a series of 10 x10 pits.

106th Street Transportation Improvement Project: - City of Bloomington – This project was conditionally approved at the June 2, 2021 Board meeting.

Burnsville Cemetery Expansion: - City of Burnsville - This project will expand the area available for burial plots by tree removal and re-grading. The Cemetery is located at 400 State Hwy 13 E. Staff is reviewing the application. No new information to report since last update.

Capstone 35: - City of Burnsville – This project was approved at the May 2021 Board meeting.

Jefferson Court: - City of Shakopee – This project was approved at the June 2, 2021 Board meeting.

Spirit of Truth Church: - City of Burnsville - This project proposes to build a church on a vacant parcel of property located 12215 Nicollet Avenue. Staff is reviewing the application.

TH 41/CSAH 61: - City of Chaska - This project is for transportation improvements to TH 41 in downtown Chaska, including the intersection of TH 41 with CSAH 61. No new information to report since last update.

CSAH 61 Drainage Channel Extension:- Carver County - The LMRWD received an application for this project which will alter the course of a channel that runs underneath CASH 61. This channel is the one that has been filling the box culvert with sediment. No new information to report since last update.

494 River Bridge: - 494 & MN River - This project is part of a MNDOT improvement project for 494. The project proposes to repairs bridges from 34th Avenue to TH 13 (including the 494 bridge over the MN River). It will widen and reconstruct the existing trail, replace lighting and deteriorated concrete median, repair concrete pavement and reconstruct bituminous shoulder. No new information to report since last update.

Credit River Outfall Repair: - City of Savage - This project is to repair the Credit River outfall where it daylights after going under TH 13 in Savage. There is no new information to report since the last update.

Watermark in Savage: City of Savage - This project is for 24 acre residential development that will be located at the intersection of McColl Drive and Dakota Avenue. No new information to report since last update.

Southbridge Crossing 6th Addition/Core Crossing: - City of Shakopee - The LMRWD received an application for a permit on this project in August 2020. The project is for a mixed use development that includes a 61 unit apartment building, a free-standing retail use building, a multi-tenant retail building and a grocery store.

Project website: <https://www.shakopeemn.gov/business-development/current-development/southbridge-crossings>

Veterans Memorial Bridge: City of Shakopee - No new information to report since last update.

Project website: <https://www.shakopeemn.gov/recreation/parks-trails/parks-trails-projects/memorial-park-bridge>

Quarry Lake Park Improvements: City of Shakopee – There are three components to this project; 1) a mountain bike trail in the southern portion of the site, 2) improvements to the park area and changes to accommodate the waterski club and 3) an outlet of the lake to the Prior Lake Outlet Channel (PLOC). The City recently met with the LMRWD to discuss the permit for the outlet.

Project website: <https://www.shakopeemn.gov/recreation/parks-trails/parks-trails-projects/quarry-lake-park>.

Prairie Heights: City of Eden Prairie - No new information to report since the last update.

Carver County CSAH 10: City of Chaska - No new information to report since the last update.

Project website: <https://www.co.carver.mn.us/departments/public-works/projects-studies/highway-10-study-victoria-chaska-area>

Keyland Development/Whispering Waters: - City of Shakopee – This project is on the June 2021 agenda

Hentges Industrial park: City Shakopee - A portion of this property is being developed as Southwest Logistics Center. A permit for the SLC was approved at the March 2021 meeting of the LMRWD Board of Managers. Additional developments are planned for this property.

Project website: <https://www.shakopeemn.gov/business-development/current-development/hentges-industrial-park>

9960 Deerbrook, Chanhassen: No new information to report since last update.

Summerland Place Residential Development: Shakopee - No new information since last update.

Project website: <https://www.shakopeemn.gov/business-development/current-development/summerland-place>

Timber Creek Residential Development EAW: Carver - No new information to report since last update.

Project website: <https://www.cityofcarver.com/timber-creek/>

MNDOT TH13 Improvement: The LMRWD received an application for this project June 11, 2021. The project is at 60% design. Staff is reviewing the application

Project website: <http://www.dot.state.mn.us/metro/projects/hwy13savageburnsville/index.html>

Historic Fort Snelling Revitalization: No new information to report since last update.

Project website: <https://www.dnr.state.mn.us/input/environmentalreview/upperpost/index.html>

MNDOT ADA Trail improvements in Mendota: No new information since last update.

MNDOT trail drainage improvements in Lilydale: No new information since last update.

City of Chanhassen - Moon Valley Gravel Pit: No new information to report since last update.

Dakota County - MN River Greenway: No new information to report since last update.

Project website: <https://www.co.dakota.mn.us/parks/About/TrailPlanning/Pages/minnesota-river.aspx>

City of Burnsville - Freeway Dump and Landfill: No new information to report since last update. See above information about PFAS pollution.

Project website: <https://www.pca.state.mn.us/waste/freeway-landfill-and-dump>

City of Eden Prairie - Peterson Wetland Bank: No new information to report since last update.

City of Chanhassen - TH 101 Improvements: There is no new information to report since the last update.

Project website: <https://www.highway101improvements.com/>

City of Bloomington - MN Valley State Trail: No new information to report since last update.

Project website: https://www.dnr.state.mn.us/state_trails/minnesota_valley/plans.html

MNDOT - I35W Bridge Replacement: No new information to report since last update. Additional work is being proposed by the City of Bloomington and is listed as a new project – 106th Street Transportation Improvements

Project website: <https://www.dot.state.mn.us/metro/projects/i35wbloomington/index.html>

MNDOT - I494 from TH169 to Minnesota River: No new information to report since last update.

MAC/LMRWD/MCWD boundary realignment: No new information to report since last update.

USACOE/USFWS - Bass Ponds, Marsh & Wetland: No new information to report since last update.

Project website: <https://www.mvp.usace.army.mil/Home/Projects/Article/1467604/upper-mississippi-river-restoration-program-bass-ponds-marsh-wetland-habitat-re/>

Upcoming meetings/events

- UMWA monthly meeting- Thursday, June 17, 2021, 12:30 pm; in person meeting in Newport, MN at the home of Greg Genz – contact administrator to attend.
- [Hennepin County Landslide Assessment](#) Briefing – Monday, June 21, 2021, 2:00 to 3:00 pm – Contact Administrator for information to join meeting
- [Burnsville Sanitary Landfill Expansion Project Supplemental Environmental Impact Statement](#) - virtual public meeting – Wednesday, June 23, 2021, 7:00tp 9:00 pm, use this link to participate <https://minnesota.webex.com/minnesota/j.php?MTID=mf1a5cbae526109e95f47bbff805def6e>
- [2021 Salt Symposium](#) -
- 2021 USACE River Resource Forums -August & December 2021
- Metro MAWD, Tuesday, July 20, 2021 and October 19, 2021



Capitol Region Watershed District

595 Aldine Street • Saint Paul, MN 55104
T: 651-644-8888 • F: 651-644-8894 • capitolregionwd.org

June 2, 2021

Mr. John Jaschke, Executive Director
MN Board of Water & Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

RE: Metro WBIF - MAWD Policy Analysis and Recommendations

Dear Mr. Jaschke:

Capitol Region Watershed District (CRWD) staff has been directly involved in local implementation of the two pilot rounds of metro watershed-based implementation funding (WBIF) offered by Board of Water and Soil Resources (BWSR). As BWSR has sought feedback on the structure and delivery of this program from its metro implementation partners through meetings and surveys, CRWD is concerned that the recommendations being offered by metro Watershed Management Organizations (WMOs) have not been fully considered. The CRWD Board of Managers discussed and supports the April 30, 2021 policy analysis and recommendation prepared by the Minnesota Association of Watershed Districts (MAWD). CRWD Board of Managers voted on May 5th to support this approach and has authorized and directed me to write this letter accordingly.

Specifically, CRWD Board of Managers supports the recommendation that BWSR distribute metro WBIF among the 23 WMOs with state-approved comprehensive, multiyear 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).

Thank you for considering our position on this matter.

Sincerely,


Joe Collins, President

enc: Metro WBIF - MAWD Policy Analysis and Recommendations

cc: CRWD Board of Managers, w/enc.
Kevin Bigalke, Assistant Director, BWSR, w/enc
Marcey Westrick, Central Region Manager, BWSR, w/enc.
Emily Javens, Executive Director, MAWD, w/enc.

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RAMSEY-WASHINGTON
METRO WATERSHED DISTRICT

June 4, 2021

John Jaschke
MN Board of Water and Soil Resources
Executive Director
john.jaschke@state.mn.us

RE: Metro Watershed Based Implementation Funding (WBIF) Policy and Recommendations

Dear Mr. Jaschke,

As you are aware, the Ramsey-Washington Metro Watershed District (RMWMD) has been involved in the two pilot rounds of metro WBIF led by the Board of Water and Soil Resources. District staff has attended meetings, provided feedback, and worked with other watersheds to develop suggestions that more closely align with the program's goals and the goals of RWMWD.

The RWMWD Board of Managers discussed and supports the April 30, 2021 policy analysis and recommendation prepared by the Minnesota Association of Watershed Districts (MAWD) that states that BWSR considers distributing metro WBIF among the 23 WMOs with state-approved, comprehensive, multiyear 103B watershed management plans. We concur that these plans are multijurisdictional and prioritize projects on a watershed scale. We meet with our conservation districts, counties, and cities multiple times a year to ensure that all agency water quality priorities are identified and pursued. Much of our project money is funding projects that help our local partners achieve their water quality goals.

The RWMWD Board of Managers voted on May 5 to support this approach and authorized me to send this letter on their behalf. Thank you for your consideration of this recommendation.

Sincerely,

Lawrence Swope, RWMWD Board President

enc: Metro WBIF – MAWD Policy Analysis and Recommendations

cc: RWMWD Board of Managers
Kevin Bigalke, Assistant Director, BWSR
Marcey Westrick, Central Region Manager, BWSR
Emily Javens, Executive Director, MAWD

Minnesota Association of Watershed Districts

Policy Analysis and Recommendations

Metro Watershed Based Implementation Funding

Introduction and Purpose:

The Board of Water and Soil Resources (BWSR) has been piloting options for long term funding through its watershed based implementation funding (WBIF) program for the metro area, as it moves away from competitive based funding for clean water projects.

This paper analyzes those policy options using criteria established by the Board of Water and Soil Resources, Minnesota statutes and the Local Government Water Roundtable (LGWR) – including that state funds be provided in a streamlined, efficient, predictable manner for prioritized, targeted and measurable clean water implementation at a watershed scale.

Policy Recommendation:

Based on the analysis, the Minnesota Association of Watershed Districts (MAWD) finds that the policy option that best meets these stated goals is:

Funding distributed to organizations with state approved comprehensive, multiyear 103B watershed management plans that deliver on multijurisdictional priorities at a watershed scale.

Policy Parameters:

1. Portions of the metro that are within a One Watershed One Plan (1W1P) should be funded through the 1W1P program and NOT through the Metro WBIF. Specifically, the North Fork Crow River, South Fork Crow River, Rum River, Lower St. Croix River and North Cannon River within the metro should be funded through their respective 1W1P.
2. The remaining metro area should have grants distributed to the 23 water management organizations (WMO) wholly located within the metro for implementation.
3. Projects may be the work of any eligible local government identified in the WMO plan (including soil and water conservation districts, counties, or cities), or subsequently integrated into the WMO plan through the well-established planning processes outlined in MN Statute 103B.

Background and Context:

Local Government Water Roundtable:

In 2013, the Local Government Water Roundtable (LGWR) Comprehensive Water Planning and Management Policy Paper recommended that, *“long-term predictable state funding should be provided for implementation of actions identified in watershed-based plans.”*

The 2013 Policy Paper outlined that, *“the funding mechanisms should allow streamlined administration to maximize efficiency, minimize redundancy, and prevent duplication of efforts.”*

In 2016, the LGWR Funding Workgroup Policy Paper found that:

- *“When the voters of Minnesota approved the Clean Water, Land and Legacy Amendment to increase sales tax, they did so with the intent that actions would take place that would result in cleaner water.”*

- *“Once implementation strategies are developed it is imperative that funding is aligned to be distributed to implement actions effectively.”*
- *“More predictable funding for implementation will make it more likely to achieve progress on the goals of clean water which the citizens of Minnesota supported.”*
- *“Watershed management is an effort that takes time and would benefit from a more stable base of funding than is provided through current grants.”*
- *“In the Twin Cities metropolitan area, mandatory planning has been required since 1982. Since these plans exceed what is expected in 1W1P, at this time they are not anticipating going through the 1W1P process. However, their comprehensive watershed management plans are in need of predictable funding from the state.”*
- *“Long-term, predictable state funding should be provided in the form of Comprehensive Watershed Implementation Block Grants (CWIBGs) for management and implementation of actions identified in comprehensive watershed management plans.”*
- *“A new funding mechanism should . . . be resource driven where strategies and actions identified in the comprehensive watershed management plans drive what gets done.”*
- *“The most significant question remaining for the Metro is how future state funds could be equitably and more efficiently distributed, both for planning and implementation.”*

Board of Water & Soil Resources Watershed Based Implementation Funding Pilot:

The Board of Water and Soil Resources has established pilot watershed based implementation funding programming in the metropolitan area. Based on BWSR literature, these pilot programs are intended to:

- Ensure a simplified administrative process;
- Be driven by locally led collaboration;
- Provide reliable support for local water management;
- Be prioritized, targeted and measurable; and
- Depend on comprehensive watershed management plans to address the largest pollution threats and provide the greatest environmental benefit to each watershed

Stakeholder Engagement in BWSR Watershed Based Implementation Funding Pilot:

Pilot programming for watershed based implementation funding was implemented in the 2018-2019 and 2020-2021 biennium as a means to developing best practices for the long-term sustained implementation of WBIF.

Throughout that time metro watershed management organizations have repeatedly provided critical insight, feedback, and concrete policy guidance to BWSR based on real world experience with implementing the pilot programs; measured against the stated goals of BWSR – stemming from prior recommendations from the LGWR.

In addition to consistent feedback regarding the lack of specific and measurable goals, opaque process, and inconsistent communication from BWSR to stakeholders; metro watershed management organizations have repeatedly recommended that BWSR’s “watershed based” funding program be truly

watershed based – relying on metropolitan watershed management plans – in order to achieve policy objectives of:

- Ensuring a simplified administrative process;
- Being driven by locally led collaboration;
- Providing reliable support for local water management;
- Being prioritized, targeted and measurable; and
- Depending on watershed management plans to address the largest pollution threats and provide the greatest environmental benefit to each watershed

In response to feedback, BWSR has communicated that the watershed based funding pilot program “*is truly a pilot program,*” and that it was committed to working with local government partners to leverage the feedback and learning gathered through the pilot process. Unfortunately, to date the consistent recommendations from metro watersheds have not been meaningfully or transparently integrated into BWSR’s policy evaluation or decision making.

From the beginning, and throughout the pilot program, metro watersheds have repeatedly pleaded with BWSR to:

1. Articulate how the pilot programs are being measured relative to the stated policy objectives;
2. Communicate those data driven findings to stakeholders;
3. Identify criteria being used to evaluate the many policy options regarding the long term mechanics of watershed based implementation funding; and
4. Clearly communicate its analysis and findings ahead of decision making regarding the long-term use of constitutionally dedicated legacy funding.

With ongoing concerns related to the lack of transparent communication and unclear frameworks for analysis by BWSR, MAWD has worked with metro watershed management organizations to identify and apply evaluative criteria to the various WBIF options to support a clear and focused policy recommendation to BWSR.

MAWD Analysis of BWSR Watershed Based Implementation Funding Policy:

Introduction:

For purposes of evaluating WBIF options MAWD has used the well-established public policy analysis framework below.

- Define the problem
- Assemble the evidence
- Construct the alternatives
- Identify evaluative criteria
- Project the outcomes
- Confront the tradeoffs
- Decide

Define the Problem:

For purposes of MAWD’s analysis, LGWR has already assembled evidence and defined the problem, that to achieve the clean water objectives voted on in the constitutional amendment, a source of *long-term predictable state funding should be provided for implementation of actions identified in watershed based*

plans – with funding mechanisms maximizing efficiency, minimizing redundancy, and preventing duplication of efforts.

Construct the Alternatives:

Throughout the implementation of the WBIF pilot programs a variety of alternatives have been identified. These are outlined in the attached policy analysis matrix (Attachment A), and include:

- A. Allocate funds by BWSR defined 10 Metro Watershed Areas.
 - a. Eligible LGUs meet in each of the 10 WS Areas to decide distribution of funds. *Used in FY2020-2021 cycle
- B. Allocate funds by BWSR defined 33 Metro Watershed Areas.
 - a. Eligible LGUs meet in each of the 33 WS Areas to decide distribution of funds.
- C. Allocate each eligible entity in Metro (WMO, SWCD, County, up to 47 entities) to fund each plan.
- D. Metro-wide competitive grant for all eligible entities.
- E. Allocate funds by BWSR defined 3 Metro Watershed Areas based on major river basins (MN, Miss, St Croix).
 - a. Eligible LGUs meet in each of the 3 WS Areas to decide distribution of funds.
- F. Allocate funds to each of the 33 Metro Watershed Management Organizations with approved plans. WMO/WDs decide the distribution of funds.
- G. Allocate funds to each of the 23 Metro Watershed Management Organizations with approved plans that are not part of a 1W1P. WD/WMOs decide the distribution of funds.

Identify the Evaluative Criteria:

To objectively evaluate the aforementioned WBIF options, a set of seven criteria were used drawing from BWSR policy and guidance, statute, and LWGR policy recommendations, which include.

- Projects are prioritized, targeted and measurable (PTM)
- The Plan is sufficiently cooperative and coordinated with cities, SWCD, and counties in the metro
- The process to distribute identify and fund projects, implement, and report is efficient and streamlined
- Work is PTM at a watershed scale
- Projects must be identified in a comprehensive watershed plan developed under 103B
- The Plan underwent a public agency review
- WBIF funds are a predictable source of funds

Project the Outcomes:

The evaluation of options A-G, using the aforementioned seven criteria are outlined in the attached policy analysis matrix (Attachment A). An executive summary of this analysis is provided below.

Watershed management planning processes outlined in MN Statute §103B.231 have proven, over 40 years of practice, to be one of the most effective single means of comprehensively integrating multijurisdictional water and land use planning – resulting in truly collaborative, prioritized, targeted and measurable water resource improvement strategies coordinated efficiently at a watershed scale.

As the LGWR acknowledged in 2016, the content requirements of these metro watershed plans exceed what is expected in 1W1P, and require meaningful collaboration with towns, statutory and home rule charter cities, soil and water conservation districts, state review agencies, the Metropolitan Council and the Board of Water and Soil Resources.

Following plan adoption, every single metro water management organization implements annual processes to maintain their comprehensive watershed management plans, through careful and intentional collaboration with agency partners at a local and regional scale, to integrate emerging issues, priorities, and management strategies identified within the watershed.

As needed, based on this routine and real-time level of locally led collaboration, watershed plans are amended to integrate adjusted priorities identified through partnership with cities, soil and water conservation districts, counties and others. These amendments are reviewed by all member towns, cities, counties, the Metropolitan Council, state review agencies, before ultimately being approved by BWSR.

This process, designed by the legislature, is explicitly designed to contemplate and integrate, at a watershed scale, the physical environment, the hydrologic system, and the policies and plans of all other agencies within the jurisdiction, in order to develop a comprehensive, prioritized, and targeted plan for measurable watershed improvement.

Juxtaposed against existing and proven processes in 103B, BWSR has promoted a new “convene” policy, which at its core invents a new regional governance framework and planning process ([Metro Area Watershed Based Funding Process](#)), accompanied with significant overhead and duplications beyond the proven metro watershed planning already in place.

BWSR’s proposal contradicts the established goals and policy recommendations of the LGWR to establish funding mechanisms that *maximize efficiency, minimize redundancy, and prevent duplication of efforts*; and BWSR’s own claim that, *“The efficiencies created by this change will benefit both organizations and landowners by streamlining processes, which will allow more projects to be implemented in a timely manner and ensure limited resources are spent where they are needed most.”*

103B watershed management planning exists today, under statute, as an efficient, streamlined process to integrate and prioritize water resource management at a multi-jurisdictional level – bringing city, soil and water conservation districts and county goals under one umbrella. It is unclear how developing new bureaucracy that exists in parallel with statute and rule already in place serves the stated objectives of LGWR, BWSR, or taxpayers, as it increases the overhead and process for local agencies beyond those that were previously required to seek clean water funds competitively.

If the state wishes to develop an efficient, streamlined, predictable source of funding for prioritized watershed scale implementation on a coordinated versus competitive basis, funding 103B watershed management plans completed under existing statute and rule is the alternative that achieves these goals.

Attachment A

Policy Recommendation and Analysis

Policy Recommendation:

Funding distributed to organizations with state approved comprehensive, multiyear 103B watershed management plans that synthesize multijurisdictional priorities at a watershed scale.

Parameters

1. Portions of the metro that are within a One Watershed One Plan (1W1P) should be funded through the 1W1P program and NOT through the Metro WBIF. Specifically, the North Fork Crow River, South Fork Crow River, Rum River, Lower St. Croix River and North Cannon River within the metro should be funded through their respective 1W1P.
2. The remaining metro area should have grants distributed to the 23 water management organizations (WMO) wholly located within the metro for implementation.
3. Projects may be the work of any eligible local government identified in the WMO plan (including soil and water conservation districts, counties, or cities), or subsequently integrated into the WMO plan through the well-established planning processes outlined in MN Statute 103B.

Evaluation Criteria and Policy Analysis:

1. Projects must be identified in a comprehensive watershed plan developed under 103B

- a. Metro WMOs have approved comprehensive plans that meet strict criteria, are comprehensive and have a significant public and agency input and review process.
- b. These plans are comprehensive in nature and by statute, multiyear (10 Years) and are based on the state mandated and established watershed boundaries within the metro area.
- c. The WMO identifies and considers all relevant plans and programs. Reviews any Water Resources and Protection Strategies (WRAPS) reports, Groundwater Restoration and Protection Strategies (GRAPS) reports, and County Groundwater Plans and local water management plans, SWCD Comprehensive plans developed for the area.
- d. 2016 LGWR Funding Workgroup Policy Paper stated, "Metro Area Collaborative PTM Plans (prioritized, targeted, and measurable) should receive Comprehensive Watershed Implementation Block Grants."
- e. Collaborative PTM Plan: A plan for watershed management activities that are prioritized, targeted and measurable that is developed by using the existing comprehensive watershed management plans that exist in Counties of the Seven County Metro Area.

2. Projects are prioritized, targeted and measurable

- a. Plans are required under 8410.0045 to identify priority issues in consideration of:
 - (1) water management problems, including prevention of future water management problems,
 - (2) funding levels; and

(3) regional, county, city, state, and federal water management priorities.

b. Priority issues must be evaluated, addressed, and prioritized in the goals and implementation sections of the plan.

c. Each plan or plan amendment shall contain specific measurable goals that address issues identified.

3. Plan underwent a public and agency review

a. WMOs consults with BWSR Board Conservationist to review the plan update process. Prepare to start the update process approximately 18-26 months prior to the expiration of the current plan to allow adequate time to gather priority concerns, write the plan, and meet the review timelines. Discuss public input ideas. Set a due date for update completion and work backward to develop an internal timeline.

b. WMOs engage committee(s) in the update process. The purpose of the committee(s) are to make recommendations on the issues identified in the plan (8410.0045, Subpart 2). Committee input is solicited and integrated regularly throughout the update process. WMOs have an advisory committee and/or other type of committee, or other public and technical participation.

c. WMOs notifies the required state review agencies, any county, city, township and soil and water conservation district within the watershed area, and MnDOT. The notice describes the initiation of the plan update and requests input on water resource information allowing 60 days for response.

d. WMOs develop a public input process that is WMO Board approved and acceptable to BWSR. At least one public input meeting is required, however, multiple public meetings are often held to explain the planning process, the goals of the plan, and to solicit meaningful input. Citizen surveys and workshops with interest groups are also often used for additional means to gather public input.

4. The plan is sufficiently cooperative and coordinated with cities, SWCD and counties in the metro

a. A simple process already exists in MN Rules 8410 detailing how WMOs entities can amend their plans to incorporate requests from the cities, counties and SWCDs to include projects be added to comprehensive watershed plans if not already included. WMOs will continue to seek input projects and priorities as part of our annual budgeting process to members of our Technical Advisory Committee.

b. BWSR already has a review process for the comp watershed plans (PRAP or complaint-driven) and therefore can identify shortcomings in coordination or implementation and enforce change. Plans may be amended periodically to include partner project and program requests. The amendment process includes review by BWSR and all state review agencies.

c. Metro WDs/WMO can utilize their existing Technical Advisory Committees (TAC) to assist in the prioritization of watershed projects funded through WBIF. The TAC will also provide input on the plan amendment process and keeping the WD/WMOs apprised of the latest implementation strategies and technology.

5. This approach will make the CWF/WBIF process more efficient and streamlined

a. LGWR 2013 Policy Paper stated, "The funding mechanism should allow streamlined administration to maximize efficiency, minimize redundancy, and prevent duplication of efforts."

b. Provides for the fewest number of grant agreements to implement the program

c. Provides a more consistent statewide approach to fund allocation, priority project selection and implementation.

d. Provides BWSR the best way to ensure WBIF is meeting state defined criteria.

e. The areas within the metro that are part of an existing 1W1P (Rum River, Lower St. Croix, North Cannon, and the Crow River) should be funded through the statewide 1W1P program and not through metro WBIF,

f. This would eliminate the duplication of areas included in a 1W1P. The metro WBIF allocations for these areas should be added to the 1W1P allocations and the partnership should receive ONE allocation from two sources. These organizations have already been funded to write a plan and should now work collaboratively to implement the plan like the rest of the state.

g. Metro Groundwater Plans should be funded from another source to reduce the confusion and redundancy of WBIF also be used for groundwater implementation. There are other groundwater programs that end up getting an allocation for surface water AND an allocation for groundwater due to this duplication of funding.

6. Predictable source of funds

a. LGWR Comprehensive Water Planning and Management Policy Paper in 2013 stated “Long-term predictable state funding should be provided for implementation of actions identified in watershed-based plans.”

b. 2016 – LGWR Funding Workgroup Policy Paper stated “In the Twin Cities metropolitan area, mandatory planning has been required since 1982. Since these plans exceed what is expected of a 1W1P, at this time they are not anticipating going through the 1W1P process. However, their comprehensive watershed management plans are in need of predictable funding from the state.”

7. Watershed Scale

a. Local Government Water Roundtable (LGWR) introduced legislation in 2011 to make changes to allow Comprehensive Local Water Management (CLWM) to be conducted on a watershed basis instead of a county boundary.

b. Under 103B a watershed means a drainage area with boundaries that are substantially coterminous with those of an aggregation of contiguous minor watershed units possessing similar drainage patterns and that cross the borders of two or more local government units.

Metro WBIF Options and Criteria Comparison

	1	2	3	4	5	6	7
Option	1) Projects must be identified in a comprehensive watershed plan developed under the 1W1P or 103B metropolitan surface water management frameworks or groundwater plans	2) Prioritized, Targeted and Measurable	3) In the Metro the plan underwent a public and agency review	4) The Watershed Plan is sufficiently cooperative and coordinated with cities, counties, & SWCDs in the watershed	5) The process to distribute funds, identify projects, implement, report, and measure results is efficient & streamlined	6) WBIF funds are a predictable source of funds to eligible entities	7) Planning and project implementation is completed on a watershed scale
Source for criteria	2019 Session Law https://www.revisor.mn.gov/laws/2019/1/Session+Law/Chapter/2/	BWSR policy/guidance	MS 103B.231 & MR 8410	BWSR policy/guidance	BWSR policy/guidance	LWGR policy 2016	BWSR policy/guidance
A	Allocate funds by BWSR defined 10 Metro Watershed Areas. Eligible LGUs meet in each of the 10 WS Areas to decide distribution of funds. Used in FY2020-2021 cycle						
B	Allocate funds by BWSR defined 33 Metro Watershed Areas. Eligible LGUs meet in each of the 33 WS Areas to decide distribution of funds.						
C	Allocate each eligible entity in Metro (WMO, SWCD, County, up to 47 entities) to fund each plan.						
D	Metro-wide competitive grant for all eligible entities.						
E	Allocate funds by BWSR defined 3 Metro Watershed Areas based on major river basins (MN, Miss, St Croix). Eligible LGUs meet in each of the 3 WS Areas to decide distribution of funds.						
F	Allocate funds each of the 33 Metro Watershed Management Organizations with approved plans. WMO/WDS decide the distribution of funds.						
G	Allocate funds each of the 23 Metro Watershed Management Organizations with approved plans. WD/WMOs decide the distribution of funds.						

Scoring

Fully Meets Criteria
Partial Meets Criteria
Does Not Meet Criteria

Definitions

Comprehensive Watershed Plan	A plan that meets all the requirements under 1W1P or 103B including 5-10 year CIP, watershed assessments, program descriptions, public and agency review, etc. as described in MS & MR. This is consistent with 2019 Session Law for the funding.
Prioritized, Targeted and Measurable	Has the meaning as defined by BWSR in its guidance
Public and Agency Review	Has the meaning as describe in MS103B.231, Subd 7 Reviewing draft plan
Sufficiently cooperative and coordinated	Has the meaning as defined by BWSR in its guidance
Efficient & streamlined	This means the process to distribute funds, identify projects, implement, report, and verify is efficient & streamlined for both BWSR and the local eligible entities receiving the funds.
Predictability of Funding	Eligible entities know with a high degree of certainty when and how much funding will be delivered during the biennium.
Scale	BWSR has stated funding must be in a prioritize, comprehensive watershed plan. This only happens at certain scales, e.g. 1W1P (MS 103B.801), Metro plan (MS 103B.231 & MR 8410)

NOTES

BWSR defines Eligible Entities in the seven-county Twin Cities Metropolitan (Metro) Area as counties, watershed districts, watershed management organizations, soil and water conservation districts, and municipalities having a current state approved and locally adopted watershed management plan as required under §103B.231, county groundwater plan authorized under §103B.255, or soil and water conservation district comprehensive plan under Minnesota statutes

"Organizational" plan needs to be defined since BWSR uses this term to describe why watershed plans are not an adequate vehicle to plan and implement the work needed to meet comprehensive watershed management goals.

Options A-C and E can never fully meet the criteria because (1) not all eligible entities have a watershed plan under 103B, (2) is not a source of predictable funding to watersheds as it will vary by entity willingness to distribute by watershed need and not entity need to fund their own organizations, and (3) planning is not done at the watershed scale by all entities.

Main drawback to Option D is it's not a predictable source of funding and it does not promote collaboration at the local level.



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

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Secretary

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Patricia Mraz
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Hennepin

David Raby
Treasurer

Vacant

Scott

Jesse Hartmann
President

May 21, 2021

Senator Amy Klobuchar
425 Dirksen Senate Building
Washington, DC 20510

RE: [Fiscal Year 2022 Community Project Funding](#)
City of Shakopee, MN Riverbank Stabilization and Cultural Corridor

Dear Senator Klobuchar,

The Lower Minnesota River Watershed District (LMRWD) was established in 1960 to be the local sponsor to the U.S. Army Corps of Engineers maintenance of the 9 foot navigation channel in the Minnesota River and to ensure compliance with the Minnesota Watershed Act of 1955. The LMRWD would like to express our support of the application for Fiscal Year 2022 Community Project Funding for the City of Shakopee's request for stabilization of the Minnesota Riverbank and creation of a cultural corridor.

The Lower Minnesota River Watershed District's mission is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater, and to assist and facilitate in providing river navigation. Today, the river is threatened by the long-term erosion of the riverbank which has resulted in poor water quality and the river being impaired for turbidity. Preserving and stabilizing the riverbank is essential to meet the goals for this section of the Minnesota River pertaining to water quality and erosion/sediment control, and to eliminate this impairment.

If you have any questions, please feel free to contact the LMRWD Administrator Linda Loomis at 763.545.4659 or naiadconsulting@gmail.com.

Sincerely,

Linda Loomis
Administrator
Lower Minnesota River Watershed District

Linda Loomis, Administrator
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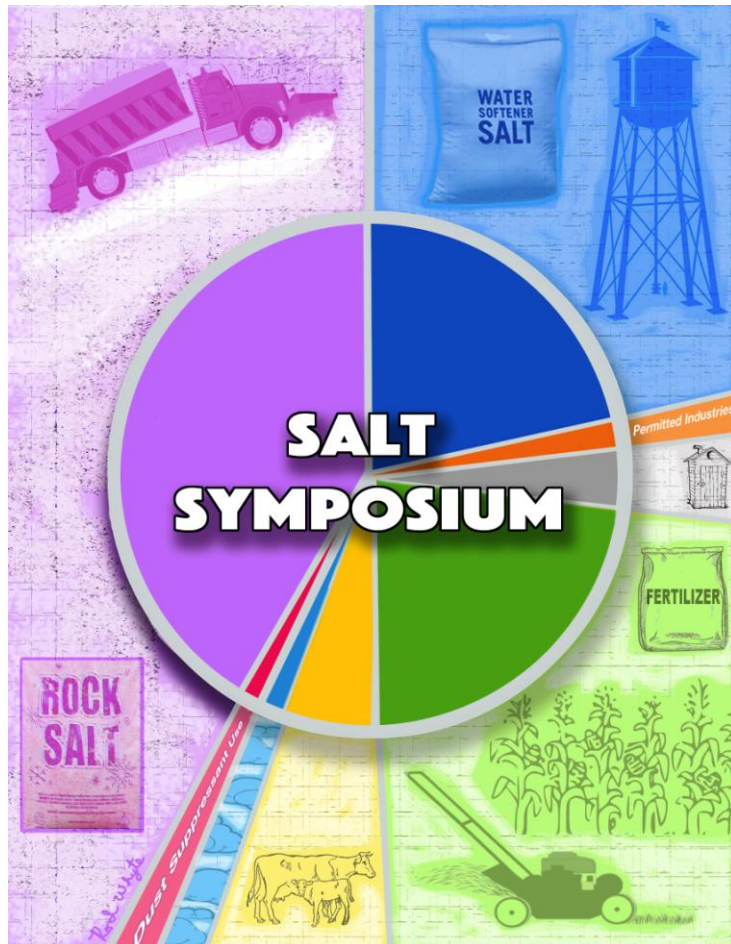
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https://www.swnewsmedia.com/savage_pacer/news/mpca-forever-chemicals-leaked-into-groundwater-by-local-landfills/article_dcc450ba-79ad-5538-9d58-62299921d02b.html

MPCA: 'Forever chemicals' leaked into groundwater by local landfills

By Christine Schuster cschuster@swpub.com

Mar 19, 2021



The Freeway Sanitary Landfill and Dump is a 150-acre site near Interstate 35-W in Burnsville. Courtesy of the Minnesota Pollution Control Agency.

Closed landfills in Scott and Dakota counties are among those leaking high levels of "forever chemicals" into the groundwater, the Minnesota Pollution Control Agency announced Thursday.

The Freeway Landfill in Burnsville and Louisville Sanitary Landfill near Shakopee are among 15 landfill sites with "forever chemical" contamination levels in groundwater exceeding the state's health-based guideline value by more than 10 times.

Both landfills are located along the banks of the Minnesota River.

"With the discovery of PFAS contamination in groundwater, the MPCA will expand its water monitoring to ensure drinking water is monitored and the full extent and magnitude of the contamination is known," the agency stated Thursday.

Statewide, per- and polyfluoroalkyl substances (PFAS) contamination exceeded the state guidelines at 59 closed landfill sites in 41 counties, according to the report.

The agency detected some level of PFAS contamination in the groundwater at 98 of the 101 closed landfills tested.

"Once again, our assessments tell us that PFAS is everywhere in our environment," MPCA Commissioner Laura Bishop said in a statement. "That's why the agency needs the ability to use dedicated funds more flexibly to rapidly respond to these urgent contamination incidents."

Last year, an underground fire broke out at the Louisville Sanitary Landfill near Shakopee. The landfill closed in 1990.

The MPCA's report found seven of the 12 active groundwater monitoring wells at the site detected high levels of PFAS contamination.

The site's PFAS contamination measured 22 times higher than the state's health-based values.

At the Freeway Landfill in Burnsville, the levels tested 714 times higher than the state's health-based values.

The Burnsville site tested second-highest for contamination with the Gofer Landfill in Martin County reaching the highest levels with PFAS testing 1,343 times higher than the state's guidelines.

The agency plans to additionally sample nearby residential water supply wells, the Minnesota River and Gifford Lake in Louisville Township.

The MPCA is requesting state lawmakers allow the agency to use funds from the Closed Landfill Program to rapidly address unexpected environmental incidents.

"Under current state law, the MPCA must wait until the legislature appropriates funding before responding to a contamination incident," the agency stated. "Legislative delays or gridlock could put Minnesota communities at risk."

Christine Schuster

Christine Schuster is a reporter for the Savage Pacer.