

Abbreviations and Acronyms

BMP	Best Management Practice
BWSR	Board of Water and Soil Resources
chl- <i>a</i>	Chlorophyll- <i>a</i>
Commission	Pioneer-Sarah Creek Watershed Management Commission
DNR	Department of Natural Resources
DO	Dissolved Oxygen
EPA	Environmental Protection Agency
F-IBI	Index of Biotic Integrity for Fish
HCEE	Hennepin County Environment and Energy
IBI	Index of Biotic Integrity
LA	Load Allocation
LGU	Local Government Unit
LWMP or LSMP	Local Water (or Stormwater) Management Plan
MDA	Minnesota Department of Agriculture
MDH	Minnesota Department of Health
MDNR or MnDNR	Minnesota Department of Natural Resources
M-IBI	Index of Biotic Integrity for Macroinvertebrates
MPCA	Minnesota Pollution Control Agency
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
NWI	National Wetland Inventory
NWS	National Weather Service
ppb	parts per billion (µg/L)
Plan	Watershed Management Plan
PSC WMC	Pioneer-Sarah Creek Watershed Management Commission
SAV	Submersed Aquatic Vegetation
SSTS	Subsurface Sewage Treatment Systems
SWPPP	Storm Water Pollution Prevention Program
TMDL	Total Maximum Daily Load
TP	Total Phosphorus
TRPD	Three Rivers Park District
TSS	Total Suspended Solids
µg/L	microgram per liter (ppb)
USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
WCA	Wetland Conservation Act
WLA	Wasteload Allocation
WMC	Watershed Management Commission
WMO	Watershed Management Organization

Acronyms used in water resource management

Minnesota Board of Water and Soil Resources – 11/01

State, Regional, and Local Government

BWSR.....Board of Water and Soil Resources (state)
CAC.....Citizen Advisory Committee
CHS.....Community Health Service (regional)
DNR.....Minnesota Department of Natural Resources (state)
DOER.....Minnesota Department of Employee Relations (state)
JPA.....Joint Powers Agreement (local)
LCMR.....Legislative Commission on Minnesota Resources (state)
LGU.....Local Governmental Unit (local)
MDA.....Minnesota Department of Agriculture (state)
MDH.....Minnesota Department of Health (state)
MDNR or DNR.....Minnesota Department of Natural Resources (state)
MDOT.....Minnesota Department of Transportation (state)
MetC.....Metropolitan Council (regional)
MES.....Minnesota Extension Service (state – old term no longer in use)
MGS.....Minnesota Geological Survey (state)
MPCA or PCA.....Minnesota Pollution Control Agency (state)
OEA.....Minnesota Office of Environmental Assistance (state)
OWM.....Minnesota Office of Waste Management (state)
RC&D.....Resource Conservation & Development, USDA (federal)
RDC.....Regional Development Commission (regional)
SWCD.....Soil and Water Conservation District (local)
TAC.....Technical Advisory Committee
UM Ext.....University of Minnesota Extension Service (state)
WD.....Watershed District (local)
WMO.....Watershed Management Organization (local)

Federal Agencies

ACE or ACOE.....Army Corp of Engineers (federal)
ASCS.....Agricultural Stabilization and Conservation Service, USDA (federal)
(no longer in use, replaced by Farm Services Administration - FSA)
COE.....Army Corp of Engineers (federal)
EPA.....U.S. Environmental Protection Agency (federal)
FEMA.....Federal Emergency Management Agency (federal)
FSA.....Farm Services Administration, USDA (federal)
HUD.....Housing and Urban Development Department (federal)
NRCS.....Natural Resources Conservation Service, USDA (federal)
SCS.....Soil Conservation Service, USDA (federal)
(no longer in use, replaced by Natural Resources Conservation Service - NRCS)
USDA.....U.S. Department of Agriculture
USF&WS.....U.S. Fish & Wildlife Service (federal)
USGS.....U.S. Geological Survey (federal)

(Over . . .)

Organizations

ADA Association of (Watershed) District Administrators (state)
AMC Association of Minnesota Counties (state)
AMT Association of Minnesota Townships (state)
LMC League of Minnesota Cities (state)
MACDE Minnesota Association of Conservation District Employees (state)
MACPZA Minnesota Association of County Planning and Zoning Administrators (state)
MASWCD Minnesota Association of Soil and Water Conservation Districts (state)
MAWD Minnesota Association of Watershed Districts (state)
MLA Minnesota Lakes Association (state)
NACD National Association of Conservation Districts (national)
RCM Rivers Council of Minnesota (state)
SWCS Soil and Water Conservation Society (national with state chapters)

Programs

ACP Agricultural Conservation Program (federal)
CLWP Comprehensive Local Water Planning (state)
CRP Conservation Reserve Program (federal)
CREP Conservation Reserve Enhancement Program (federal and state)
EQIP Environmental Quality Incentive Program (federal)
FDR Flood Damage Reduction (federal)
LAP Lake Assessment Program (state)
MFIP Minnesota Forestry Improvement Program (state)
NEMO Nonpoint Source Education for Municipal Officials (local with national network)
RIM Reinvest in Minnesota Program (state)
SLR Streambank, Lakeshore, and Roadside Program (state)
VSMP Volunteer Stream Monitoring Partnership (metro)
WCA Wetland Conservation Act (state)

Terms

BOD Biological Oxygen Demand
GIS Geographic Information System
GPS Geographic Positioning System
NPS Nonpoint Source Pollution
TDML Total Daily Maximum Load (federal and state)



Overview of Water Management Authorities

Across Minnesota, three primary government structures develop and carry out local water management at the watershed and county level:

Watershed Management Organizations (WMOs) are mandated local units of government (M.S. 103B.201) that exist over the seven-county metro area ([see map](#)). There are 23 WMOs and 14 watershed districts in the area that plan and carry out authorities under this statute. Carver and Scott counties have assumed water-planning responsibilities of WMOs within their jurisdiction, and Dakota has assumed one watershed in the county.

Local Water Management (M.S. 103B.301), also known as County or Comprehensive Local Water Management, is a voluntary process available to the 80 non-metropolitan counties. There are 80 counties with water management plans outside of the metro area.

Counties can delegate local water planning (M.S. 103B.311) to a Soil and Water Conservation District (M.S. 103C), which provide land and water conservation services to owners of private lands.

Watershed Districts (M.S. 103D) cover approximately one-third of the state and can be created in any portion of the state ([see map](#)). There are 46 watershed districts in the state, 14 of which are located in the seven-county metropolitan area.

BWSR approves water plans developed under 103B.201 for WMOs, WDs, and counties within the seven-county metro area.

The agency also approves plans developed by counties outside of the metropolitan area that plan under 103B.301.

The water managers with a state-approved, locally adopted plan generally have the authority to compel local units of government, such as municipalities, to adopt or delegate minimum regulatory controls. They also have the authority to run outreach programs, construct projects, and cooperate with other units of government.



Metropolitan Area Surface Water Management

History

In 1982, the Minnesota Legislature approved the **Metropolitan Area Surface Water Management Act** which requires local units of government in the seven-county Metro Area to prepare and implement comprehensive surface water management plans through membership in a Watershed Management Organization (WMO). Watershed Management Organizations are based on watershed boundaries.

Purpose

WMOs are required in the seven county metro area in order to develop and implement watershed management plans.

Authority

Joint Powers Watershed Management Organizations have the authority to:

- Jointly or cooperatively manage or plan for the management of surface water in a watershed;
- Prepare, adopt, and implement a plan for the watershed;
- Review and approve local water management plans;
- Regulate the use and development of land in the watershed;
- Accept the transfer of drainage systems in the watershed, to repair, improve, and maintain the transferred drainage systems, and to construct all new drainage systems and improvements of existing drainage systems in the watershed;
- Adopt a budget and decide on the total amount necessary to be raised from ad valorem tax levies to meet the budget;
- Certify its budget with the auditor of each county having territory within the joint powers watershed management organization;
- file approved assessment statements with each affected county; and
- Other powers necessary to exercise the authority, including the power to enter into contracts for the performance of functions with governmental units or persons.

Organizational Structure

WMOs can be organized in three ways:

- As a joint powers agreement between the cities and townships within the watershed;
- As a watershed district (a special unit of local government operating under **Minnesota Statutes Chapter 103B**, and concurrently operating under **Minnesota Statutes Chapter 103D**);
- As a function of county government, usually administered by the county planning department.

Board

WMOs are governed by a board appointed by the member municipalities and townships.

Committees

Each WMO is required to have citizen and technical advisory committees to provide input to the managers on projects and activities.

Staff

Some WMOs have paid, full-time staff; others rely on contract employees, primarily for engineering and legal services. BWSR maintains a [Watershed Management Organizations Directory \(pdf\)](#) that contains contact information for board and staff (if applicable), as well as, the district address and telephone number.

In 1992, the Board of Water and Soil Resources developed rules ([Minnesota Rules Chapter 8410](#)) for plan content. WMOs/WDs used these rules in plan revisions, which are required every 5 to 10 years. The rules require, among other items, more specificity in citizen participation, control of erosion and sedimentation, wetland assessment, and the design of new storm water conveyance, ponding, and treatment systems. The rules also require that WMOs establish the necessary authorities to ensure implementation of their programs.

Map

There are two maps available:

- [Simple map](#) showing WMOs, WDs and county boundaries
- [Detailed map](#) that include the boundaries in the simple map plus city/township boundaries.

A Comparison of a Watershed District to a Joint Powers Watershed Management Organization

Governance Issues

Duties and Responsibilities	Watershed District	Metro Area Watershed District	Joint Powers WMO
Adopt a Watershed Management Plan	M	M	M
Prepare an annual report	M	M	M
Appoint an advisory committee	M	M	M [1]
Manage transferred drainage system	M	M	D
Receive drainage system improvement and establishment petitions	M	M	D
Adopt water management rules	M	M	D
Receive petitions for projects	M	M	D
Conduct hearing on annual budget	M	M	D
Hire employees	D	D	D
Enter into contracts and agreements	D	D	D
Regulate development	D	D	D
Initiate projects	D	D	D
Approve local water plans	D	M	M
Financing authority	D	D	D
Ad valorem tax	D	D	D
Special assessments [2]	D	D	D
Stormwater utilities [2]	D	D	D
Fees [2]	D	D	D

[1] A JPA WMO must identify a procedure for establishing citizen and technical advisory committees. (8410.0030, Subp. 1G)

[2] May be assessed on a subwatershed basis by a local unit of government within a WD/WMO

M=Mandatory

D=Discretionary

A Comparison of a Watershed District to a Joint Powers Watershed Management Organization

Governance Issues

Watershed District

3 to 9 Managers

Managers appointed by County Board. (The first WD board of managers is appointed by the Board of Water and Soil Resources. All later replacements are appointed by the County Board.)

Managers cannot be public officers of the county, state, or federal government.

General Fund
(\$250,000 or 0.048% ad valorem)

Organizational Expense Fund
(\$60,000 or 0.01596% ad valorem)

Project Establishment:

- * Capital improvement projects defined in the Plan
- * Basic water management project (0.00798%)
- * By Petition

A local unit of government within a WD may establish a Special Tax District by subwatershed. (103B.245, Subd 1(b)) WD cannot tax by subwatershed.

Programs and Policies are defined in Plan.

County must levy what the WD requests. (Statutes place limits on the amount a WD may levy.)

Joint Powers WMO

Any number, but usually one per member.

Board members are appointed by members.

After December 31, 1999, staff of local units of government that are members of the watershed management organization are not eligible to be appointed to the board (and other limitations as defined in the JPA).

No limit except as defined in the JPA.

No limit except as defined in the JPA.

Project Establishment:

- * Capital improvement projects defined in the Plan
- * Basic water management project
- * By Petition

A local unit of government within a JPA WMO may establish a Special Tax District by subwatershed. (103B.245, Subd 1(b)) JPA WMOs can not tax by subwatershed.

Programs and Policies are defined in Plan.

County may veto capital improvements when county funding is proposed.

Key components of Watershed District and WMO Plans

1. An inclusive and interactive development process
2. Goals and objectives that produce measurable results
3. A comprehensive implementation section that outlines the activities of numerous entities, not just the watershed management organization or watershed district.

Inclusive and interactive plan development process

There are many different approaches to getting public participation and the input of entities managing water and land resources. There is no best way or template to fit all situations. Some common approaches include:

A) Public Meetings

Many planning efforts conduct a number of public meetings to explain the planning process, the goals of the plan and to solicit input. All public meeting must be legally noticed ([see sample](#)) and conducted.

Maps or other materials that depict the resources (extent, condition, threats, etc) of the county are very helpful to have on hand at these meetings.

B) Workshops with Interest Groups:

- Hold a workshop for all interest groups in the watershed, or hold workshops for individual interest groups (e.g., lake associations, cities, etc). Ideas for effective workshops:
- There is well thought-out agenda (with realistic time frames) that achieves the goal for the meeting.
- The workshop is led by an individual who first and foremost is skilled at facilitation, and also understands water management issues.
- Make sure representatives selected to present the whole group's ideas understand what you want them to communicate and how much time they will have.
- Summarize the information gathered at the meeting and distribute it to attendees.

C) Coordination with Other Units of Government

It is important for the WMO/WD to conduct meetings with other unit of governments to coordinate efforts. Focus communication and energy on the implementation portion of the plan. Agreements may be executed to establish responsibilities of various entities to implement the plan.

Understanding the range, scope, and context of relevant plans and controls in the watershed will help identify how this plan will interact with other authorities and plans:

- avoid duplication of actions, regulation and permitting;

- coordinate actions such as monitoring, data collection, education, and land treatment between plans and agencies where common goals and objectives exist;
- identify conflicts or inconsistencies with other plans or controls and develop a strategy to reconcile them;
- identify gaps between existing regulatory controls; and
- identify where the plan or control may be in conflict or overlap with what the county has or is proposing as part of its plan update.

Goals and objectives that result in measurable results

Measuring the results of programs developed through watershed management planning in straightforward ways is important. Unfortunately, too often measures of success are attached to long-term goals that make it difficult to show progress to the citizenry. Results-oriented objectives provide a framework to act and a method for measuring what the expenditure of tax dollars is accomplishing.

The following are examples of what is meant by result-oriented statements:

- Total effective impervious surface in within Stormy Creek will not exceed more than 20 percent when fully developed in 2030.
- Establish buffers at least 20 feet wide will be increased from 30 percent to on 70 percent of the streams with public frontage, and from 8 percent to 35 percent on stream frontage in private ownership by 2020.
- All of the cities in the watershed will have an erosion control ordinance for regulating construction sites by 2006. At a minimum, the ordinance must meet MPCA stormwater standards.
- 75 percent of the known feedlots in the watershed will be in compliance with MPCA rules by 2010.

Focus on implementation

When reviewing the plan for approval, BWSR looks closely at the implementation section (chapters 6 and 7 as described in M.R. 8410). This section should outline activities of numerous entities managing water resources in the watershed. It should clearly define:

- activities to be undertaken and their priority ranking;
- when the activity will commence and be completed;
- the anticipated total cost of the activity; and
- the anticipated cost to the WMO or WD.

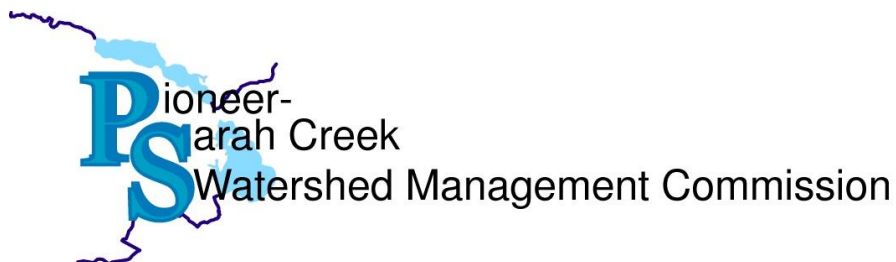
4th Generation Watershed Management Plan



Prepared for:
Pioneer-Sarah Creek Watershed
Management Commission

3235 Fernbrook Lane
Plymouth, MN 55447
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December 2020



The full Fourth Generation Plan can be found on the
Commission's website, pioneersarahcreek.org

Pioneer-Sarah Creek Watershed Management Commission
Fourth Generation Watershed Management Plan
Adopted December 17, 2020

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Appendix D:	Monitoring Program
Appendix E:	Education and Outreach Program
Appendix F:	Capital Improvement Program

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USGS	United States Geological Survey
WCA	Wetland Conservation Act
WLA	Wasteload Allocation
WMC	Watershed Management Commission
WMO	Watershed Management Organization

This Watershed Management Plan (Plan) describes how the Pioneer-Sarah Creek Watershed Management Commission (PSC WMC) will manage activities in the watershed in the ten-year period 2021-2030.

The Pioneer-Sarah Creek Watershed Management Commission is a Watershed Management Organization (WMO) formed in 1984 using a Joint Powers Agreement (JPA) developed under authority conferred to the member communities by Minnesota Statutes 471.59 and 103B.201 through 103B.251. The watershed is in the northwest portion of the Minneapolis-St. Paul seven county Metropolitan Area and is comprised of all or part of the following cities in Hennepin County:

Cities	Area (sq mi)
Greenfield	21.32
Independence	29.72
Loretto	0.26
Maple Plain	0.76
Medina	7.52
Minnetrista	10.70
Total	70.28

The WMO is governed by a Board of Commissioners that is comprised of one member appointed from each community by their respective City Councils. The Commission's purpose is set forth in Minnesota Statutes 103B.210, Metropolitan Surface Water Planning, which codified the Metropolitan Surface Water Management Act of 1982:

- (1) protect, preserve, and use natural surface and groundwater storage and retention systems;
- (2) minimize public capital expenditures needed to correct flooding and water quality problems;
- (3) identify and plan for means to effectively protect and improve surface and groundwater quality;
- (4) establish more uniform local policies and official controls for surface and groundwater management;
- (5) prevent erosion of soil into surface water systems;
- (6) promote groundwater recharge;
- (7) protect and enhance fish and wildlife habitat and water recreational facilities; and
- (8) secure the other benefits associated with the proper management of surface and ground water.

Fourth Generation Watershed Management Plan

The Pioneer-Sarah Creek Watershed Management Commission initiated work on the Fourth Generation Plan in November 2019. The Plan includes a self-assessment and information required in Minnesota Administrative Rules Chapter 8410, Local Water Management: an updated land and water resources inventory, goals and policies; an assessment of problems and identification of corrective actions; an implementation program; and a process for amending the Plan.

Third Generation Plan Self-Assessment

The Third Generation Plan extended from 2015 to 2020. The Commission has completed or is in ongoing implementation of nearly all the work plan activities and strategies identified in the Third Generation Plan. The most successful achievements over the past six years have been:

- Continued identification and implementation of projects and practices to reduce pollutant loading to the lakes and streams in the watershed.
- Lake Rebecca, originally listed as impaired in 2008 for nutrients, now meets phosphorus, chlorophyll-a, and Secchi depth standards and has been removed from the Impaired Waters list.
- Built a sense of Commission and City alignment, highlighted by partnerships that identified implementation projects and grant and cost share funding to complete projects.
- Enhanced the working relationship with the Hennepin County Rural Conservationists to enhance visibility and build ties with the agricultural community.
- The Plan set a goal of improving water quality in the lakes by 10% over the previous ten-year period. Table ES.1 shows change in water quality as measured by Secchi depth (SD) (clarity) and Total Phosphorus (TP) in 5 of the 9 lakes with enough data to perform a trend analysis. The improvement in TP in West Lake Sarah and North Whaletail and clarity in North Whaletail and Lake Ardmore is statistically significant. Independence and Hafften are also trending better.

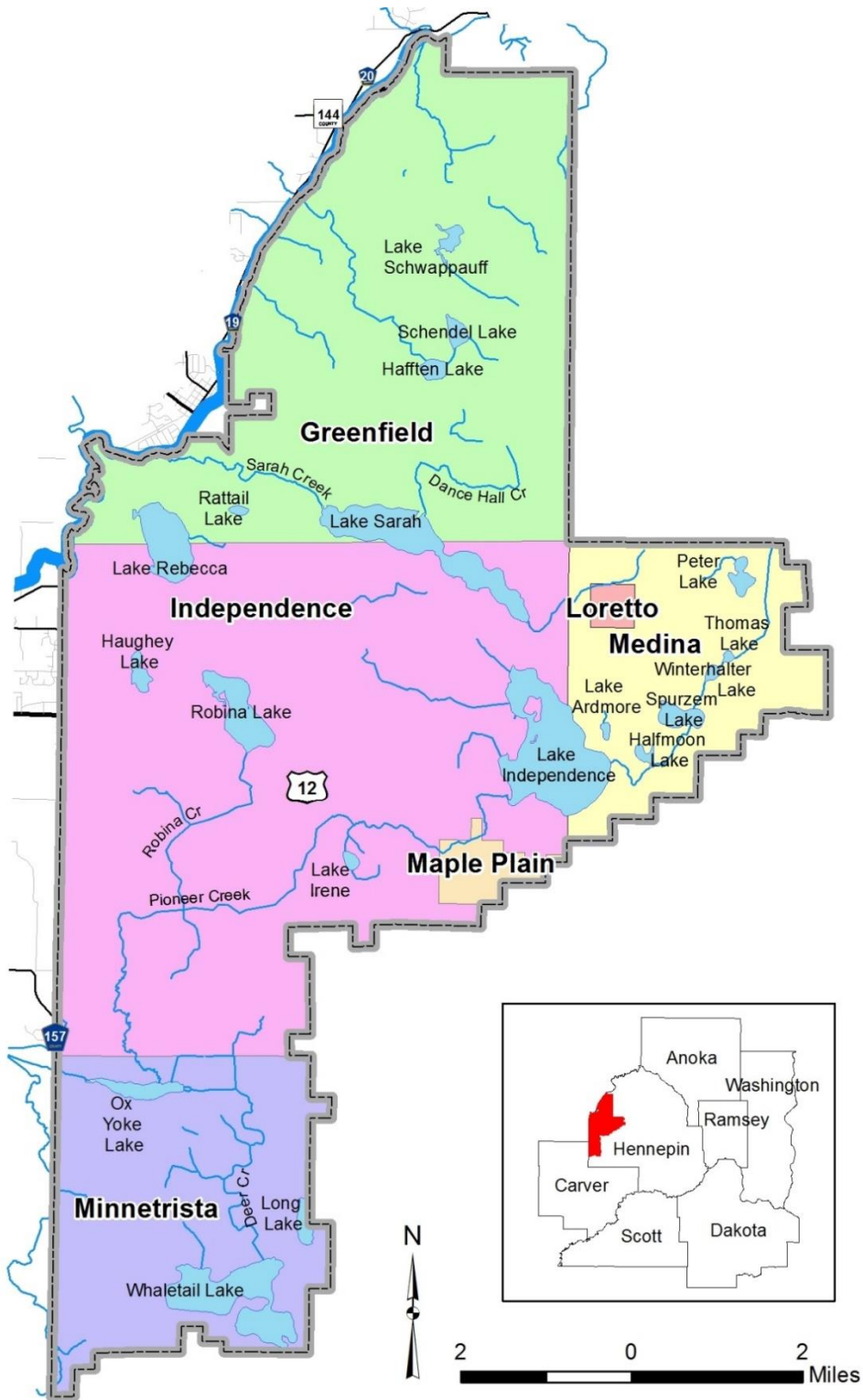
Table ES.1. Ten-year change in lake water quality.

Lake	SD Change*	TP Change*
Lake Ardmore	+28%	+9.5%
Hafften Lake	+23%	-15%
Lake Independence	+43%	-10%
Peter Lake	-3%	+24%
Lake Sarah-East	+36%	N/A
Lake Sarah-West	+38%	-18%
Spurzem Lake	+38%	N/C
North Whaletail	+16%	-23%
South Whaletail	+16%	-5%

*Note: a positive Secchi depth change is an improvement, while a negative TP change is an improvement. Values in **bold italic** are significant based on a Mann-Kendall trend analysis ($p=0.05$).

Areas where the Commission fell short include:

- No assessment of progress toward meeting Total Maximum Daily Load (TMDL) load reductions, Watershed Restoration and Protections Strategies (WRAPS) study, or water quality goals has been completed.
- Because much of the implementation opportunity in the watershed is on privately-owned property, there is heavy reliance on finding willing landowners. Additional implementation projects could have been completed had property owners been willing to participate.



• 33 Figure ES.1: Cities in the Pioneer-Sarah Creek watershed.

Fourth Generation Management Plan Issues and Priorities and Goals

The Commission and Citizen and Technical Advisory Committees identified the following issues and issue areas during the planning process:

- Impaired Waters Implementation
- Agricultural Community Outreach
- General Education and Outreach
- Effective Operations

The Pioneer-Sarah Creek watershed is primarily residential and agricultural in land use, with a very limited commercial and industrial tax base. Its financial capacity is limited, but the Commission has been successful at obtaining grants to supplement local funding sources, and at building partnerships to leverage resources. In implementing this Plan, the Commission will continue to work on identifying opportunities, securing grant and other funding, and working jointly with member cities, Hennepin County Environment and Energy (HCEE), the Three Rivers Park District (TRPD), public and private entities, and individual property owners to maximize the cost-effectiveness of implementation activities. The success of this Plan is dependent on continuing and expanding those partnerships and outside resources.

Through the identification of issues in the watershed, the PSC WMC developed the following priorities and goals to guide water resources planning and management functions.

FOURTH GENERATION MANAGEMENT PLAN PRIORITIES

1. Make systematic progress toward achieving lake water quality goals by 2030:
 - a. Delist South Whaletail Lake.
 - b. Protect Lake Rebecca so it continues to meet water quality standards.
 - c. Meet state water quality standards in the following lakes: Independence, Sarah, Spurzem, Half Moon, and Ardmore.
 - d. Achieve a 10% reduction in Total Phosphorus concentration in the other monitored lakes over the previous ten years.
2. Work in a coordinated way with urban and rural property owners, cities, lake associations, public and private entities, Hennepin County, and TRPD building partnerships to conserve our water and natural resources and deliver implementation projects
3. Raise the profile of the Commission across the watershed, within Hennepin County, the western Metro area, and the Crow River Watershed.
4. Serve as an informational and technical resource for the cities and the citizens and property owners in the watershed.

Guided by the identification and prioritization of issues in the watersheds, the Commission has established goals that will guide activities over the coming decade.

Goal Area A. Water Quantity

- Goal A. 1. Maintain the post-development 2-year, 10-year, and 100-year peak rate of runoff at pre-development level for the critical duration precipitation event.
- Goal A. 2. Maintain the post-development annual runoff volume at pre-development volume.
- Goal A. 3. Prevent the loss of floodplain storage below the established 100-year elevation.

Goal Area B. Water Quality

- Goal B. 1. Protect Lake Rebecca and achieve delisting of South Whaletail Lake.
- Goal B. 2. Meet state standards in Spurzem, Half Moon, Ardmore, Independence and Sarah Lakes, making progress towards their removal from the list of Impaired Waters.
- Goal B. 3. Improve water quality in the impaired lakes by 10% over the average of the previous ten years by 2030.
- Goal B. 4. Maintain or improve water quality in the lakes and streams with no identified impairments.
- Goal B. 5. Conduct a TMDL/WRAPS progress review every five years.
- Goal B. 6. Foster implementation of Best Management Practices in the watershed through technical and financial assistance.

Goal Area C. Groundwater

- Goal C. 1. Promote groundwater recharge by requiring abstraction/infiltration of runoff from new development and redevelopment.
- Goal C. 2. Protect groundwater quality by incorporating wellhead protection study results into development and redevelopment Rules and Standards.

Goal Area D. Wetlands

- Goal D. 1. Preserve the existing functions and values of wetlands within the watershed.
- Goal D. 2. Promote the enhancement or restoration of wetlands in the watershed.

Goal Area E. Drainage Systems

- Goal E. 1. Continue current Hennepin County jurisdiction over county ditches in the watershed.

Goal Area F. Commission Operations and Programming

- Goal F. 1. Identify and operate within a sustainable funding level that is affordable to member cities.
- Goal F. 2. Foster implementation of TMDL and other implementation projects by sharing in their cost and proactively seeking grant funds.
- Goal F. 3. Operate a public education and outreach program prioritizing elected and appointed officials' education and building better understanding between all stakeholders.

- Goal F. 4. Operate a monitoring program sufficient to characterize water quantity and quality and biotic integrity in the watershed and to evaluate progress toward TMDL goals.
- Goal F. 5. Maintain rules and standards for development and redevelopment that are consistent with local and regional TMDLs, federal guidelines, source water and wellhead protection requirements, nondegradation, and ecosystem management goals.
- Goal F. 6. Serve as a technical resource for member cities and residents.

Implementation

This Fourth Generation Watershed Management Plan continues and expands activities that have been successful in the past and introduces some new activities, including the development of Lake Management Plans for key resources. The Commission's partnerships with HCEE and TRPD have led to successes such as the delisting of Lake Rebecca from the state's list of Impaired Waters.

Rules and Standards. In the Third Generation Plan the Commission updated stormwater management and water resources protection policies and standards for new development and redevelopment. These were compiled and codified into a Rules and Standards document. In general, those Rules and Standards apply to all development and redevelopment one acre or more in size and require at a minimum: no increase in pollutant loading or stormwater volume; no increase in the peak rate of runoff from the property; and the abstraction/infiltration of 1.1 inches of runoff from impervious surfaces. The Commission reviews 4-8 development projects per year for conformance with those Rules.

Monitoring Program. The monitoring program continues routine monitoring for flow and water quality on Pioneer and Sarah Creeks, with periodic monitoring on other smaller streams and tributaries on a rotating or as-needed basis. Five lakes – Independence, Sarah, both basins of Whaletail, and Little Long – have been classified by the Commission as “Sentinel Lakes,” and are monitored every year. Other lakes are monitored on a rotating basis.

Education and Outreach. The Commission has an Education and Outreach program that identifies stakeholder groups in the watershed and key education messages, and uses Web and social media, local newspapers and cable TV to share useful information. In recent years the Commission has partnered with Hennepin County rural conservationists and water resources specialists to expand outreach opportunities for rural and agricultural stakeholders. The Commission also participates in Metro-wide education and outreach initiatives such as Blue Thumb, Watershed Partners and Northland NEMO.

TMDL Implementation. The Commission was identified as being a partner in certain implementation activities in the lake and stream TMDLs and WRAPS in the watershed. Many of those activities are included in the monitoring, education and outreach, and Capital Improvement actions in this Plan.

Capital Improvement Program. The primary focus of the Commission's Capital Improvement Program (CIP) is to systematically make progress toward meeting TMDLs by focusing resources on one or two lakes at a time, periodically reviewing progress and updating realistic five to ten year working plans.

- *Lake Management Plans.* The Commission will prepare lake management plans for Lake Independence, Lake Sarah, and Lake Ardmore that will summarize progress toward their TMDLs and update models and data as necessary. The plans will focus on holistic, whole-lake ecological management that include actions to manage aquatic vegetation and fish communities and internal load in addition to watershed load reductions.
- *Subwatershed Assessments and Studies.* The Commission will complete subwatershed assessments and special studies that will identify cost-effective practices and projects. A priority for assessment is the area tributary to Spurzem Lake, which is tributary to Lake Independence.
- *Capital Projects.* The Commission will focus on subwatershed assessments and other studies and will prioritize cost-share in TMDL/WRAPS implementation projects, starting with Lake Independence and Lake Sarah. The Commission will annually solicit capital projects and cost-share activities from the member cities. The Commission will also consider a policy to supplement Hennepin County incentives for cost-share practices in priority areas.

Local and Watershed Plan Amendments

After final approval of the Plan, cities will update their Local Water Management Plans (LWMPs) as a part of their next Comprehensive Plans. These updates will be expected to include:

- Updated land use, hydrologic, and hydraulic data, and existing or potential water resource related problems that may have changed since the last LWMP.
- An explanation of how the member city will help to implement the actions set forth in the Commission's Plan.
- Action steps detailing how the member city will work to achieve the load reductions and other actions identified in and agreed to in TMDL Implementation Plans.
- Updated Implementation Plan identifying the specific structural, nonstructural, and programmatic solutions to the problems and issues identified in the LWMP.
- Set forth an implementation program including a description of adoption or amendment of official controls and local policies necessary to implement the Rules and Standards; programs; policies; a capital improvement plan; and estimates of cost and funding mechanisms.

This watershed management plan provides direction for PSC WMC activities through the year 2030. The Commissioners intend the Plan to provide a flexible framework for managing the watershed and, as such, may initiate amendments to this plan at any time. The Commission will annually review and refine the budget, monitoring program, education and outreach plan and Capital Improvement Program and may adopt plan amendments adding or revising proposed capital improvement projects or making other revisions to the Plan.

1.0 Introduction and Purpose

The cities of Independence, Minnetrista, Medina and the Hennepin Conservation District created the Pioneer Creek Watershed Management Commission on January 13, 1978. When the 1982 Surface Water Management Act required that all watersheds within the Metro area be governed by watershed management organizations, Greenfield requested that the Sarah Creek watershed be merged with Pioneer Creek to form a joint watershed management organization (WMO). The Pioneer-Sarah Creek Watershed Management Commission was officially established in December 1984 through a Joint Powers Agreement (JPA) signed by Corcoran, Greenfield, Independence, Loretto, Maple Plain, Medina, and Minnetrista, Watertown Township, and Hennepin Conservation District, under the authority conferred through Minnesota Statutes Chapters 471.59 and 103B.211. Since that time, Watertown Township and Corcoran left the Watershed Management Commission. The JPA governing the WMO is included in Appendix A.

The watershed is in the northwest portion of the Minneapolis-St. Paul seven county metropolitan area (Figure 1.1) in the Crow River basin of the Upper Mississippi River watershed. The Commission's purpose is set forth in Minnesota Statutes 103B.210, Metropolitan Surface Water Planning, which codified the Metropolitan Surface Water Management Act of 1982.

- (1) protect, preserve, and use natural surface and groundwater storage and retention systems;
- (2) minimize public capital expenditures needed to correct flooding and water quality problems;
- (3) identify and plan for means to effectively protect and improve surface and groundwater quality;
- (4) establish more uniform local policies and official controls for surface and groundwater management;
- (5) prevent erosion of soil into surface water systems;
- (6) promote groundwater recharge;
- (7) protect and enhance fish and wildlife habitat and water recreational facilities; and
- (8) secure the other benefits associated with the proper management of surface and ground water.

1.1 PREVIOUS GENERATION PLANS

The Commission adopted its First Generation Management Plan in July 1986, Second Generation Plan in June 2003, and Third Generation Plan in May 2015. The Third Generation Plan was amended three times between 2015 and 2020: once to conform the plan to Minnesota Rules Section 8410 revisions, and twice to revise the Capital Improvement Program (CIP). While not amending the plan, on August 22, 2019 the Commission relinquished its Wetlands Conservation Act (WCA) Local Government Unit (LGU) authority to the respective cities.

Table 1.1. Record of revisions to the Third Generation Watershed Management Plan.

Number	Type	Date of Adoption	Summary of Revisions
1	Minor	11/19/2015	Conform the plan to revisions in MR 8410
2	Minor	7/20/2017	Amend the CIP
3	Minor	6/21/2018	Amend the CIP

1-1 | Pioneer-Sarah Creek Watershed Management Commission
Fourth Generation Watershed Management Plan
December 2020

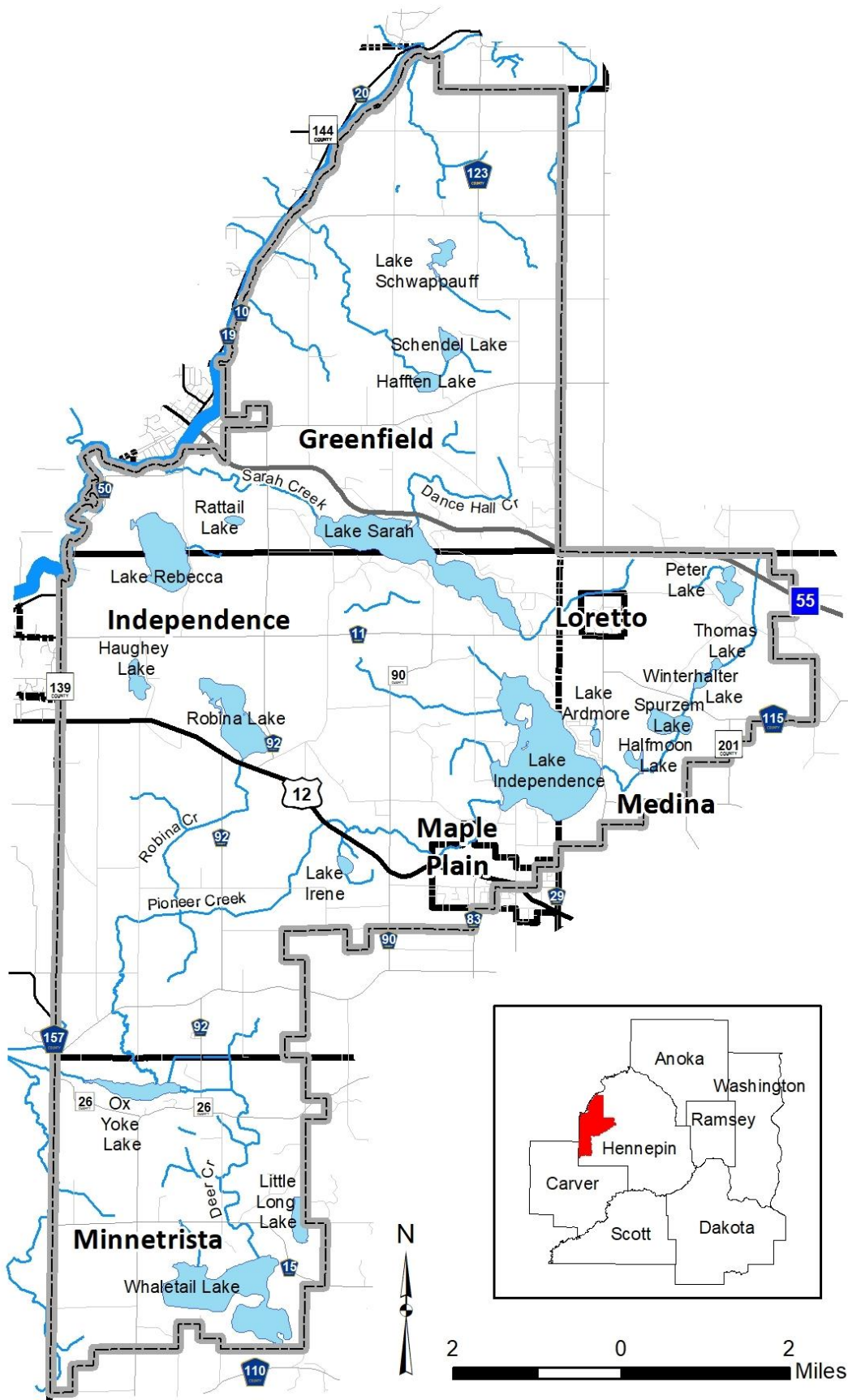


Figure 1.1. The Pioneer-Sarah Creek watershed in Hennepin County, Minnesota.

1.2 PLAN REQUIREMENTS

Minnesota Statutes 103B.201 to 103B.253 and Minnesota Rules Chapter 8410 specify the basic content of the watershed management plan. The plan must:

- Describe the existing physical environment and land use in the area, as well as the proposed environment, land use, and development outlined in existing local and metropolitan comprehensive plans.
- Present information on the hydrologic system and its components and potential problems related thereto.
- State objectives and policies including management principles, alternatives and modifications, water quality, and protection of natural characteristics.
- Set forth a management plan including the desired hydrologic and water quality conditions and significant opportunities for improvement.
- Describe the effect of the plan on existing drainage systems.
- Identify high priority areas for wetland preservation, enhancement, restoration, and establishment and describe conflicts with wetlands and land use in those areas.
- Describe conflicts between the watershed plan and existing plans of Local Governmental Units (LGUs).
- Set forth an implementation program consistent with the management plan that includes a capital improvement program, standards, and schedules for amending the comprehensive plan and official controls of LGUs in the watershed to bring conformance with the plan.
- Set out procedures and timelines for amending the plan.

1.3 PLAN ORGANIZATION

This plan is divided into four sections:

1 – Introduction and Purpose: Describes the authority and composition of the PSC WMC, the purpose of the Surface Water Management Act and the components of this watershed management plan.

2 – Inventory and Condition Assessment: A thorough physical inventory of the watershed was completed for the Third Generation Plan and is summarized but not reproduced here. However, new information regarding current and planned land use and updated information on the lakes, streams, and wetlands in the watersheds is presented.

3 – Watershed Organization and Operations: This section provides information about the Commission, how it is organized, its history, and its responsibilities, and discusses ongoing operations. This section also provides an evaluation of the successes of the Third Generation Plan and the areas where the Commission may have fallen short of its goals for the 2015-2020 period.

4 – Implementation Plan: This section sets forth the goals the Commission will work to achieve in the ten-year period covered by this Plan, and descriptions of the Commission’s proposed operating programs, the Capital Implementation Program, and a discussion of implementation costs and financing. It also discusses the methods by which the Commission will evaluate progress towards achieving the goals set forth in the Plan, the process that will be followed should this Plan need to be Amended, and the requirements for Local Stormwater Management Plans prepared by the member cities in the watershed.

2.0 Inventory and Condition Assessment

This section documents existing conditions and resource characteristics within the Pioneer-Sarah Creek watersheds. Where the Third Generation Watershed Management Plan included a detailed inventory of conditions, that data is not repeated here. A summary of that information is provided for context, with new or updated information presented in more detail.

The Physical Environment subsection describes the watershed’s physical setting, geology and geomorphology, soils, and water resources. The Biological Environment subsection describes vegetation, biodiversity and native communities, unique features, and the biology of lakes and streams. The subsection Human Environment describes land use and growth patterns, recreational resources, and potential environmental hazards. The lakes, streams, and wetlands in the watershed are described in the Water Resources section.

2.1 WATERSHED PHYSICAL ENVIRONMENT

2.1.1 Location

The Pioneer-Sarah Creek watershed covers just over 70 square miles in west-central Hennepin County. There are six municipalities with land in the watershed (Figure 1.1, Table 2.1).

Table 2.1. Cities in the Pioneer-Sarah Creek watershed.

Cities	Area (sq mi)	% of City in Watershed
Greenfield	21.32	100%
Independence	29.72	86
Loretto	0.26	100
Maple Plain	0.76	71
Medina	7.52	28
Minnetrista	10.70	33
Total	70.28	

2.1.2 Topography and Drainage

The drainage pattern in the watershed is typical of a glaciated morainic area- gently rolling with low, round-top hills and numerous small wetlands in low areas. The southern watershed drains through Pioneer Creek to Ox Yoke and Rice Lakes to the South Fork Crow River, while the central watershed drains through Sarah Creek to the Crow River. The northern watershed drains through several small channels to the Crow River. Portions of the Pioneer Creek drainage area are in Wright and Carver Counties, outside the legal boundary of the watershed. Figure 2.1 shows the major watershed drainage features, including subwatershed boundaries, lakes, streams, and ditches.

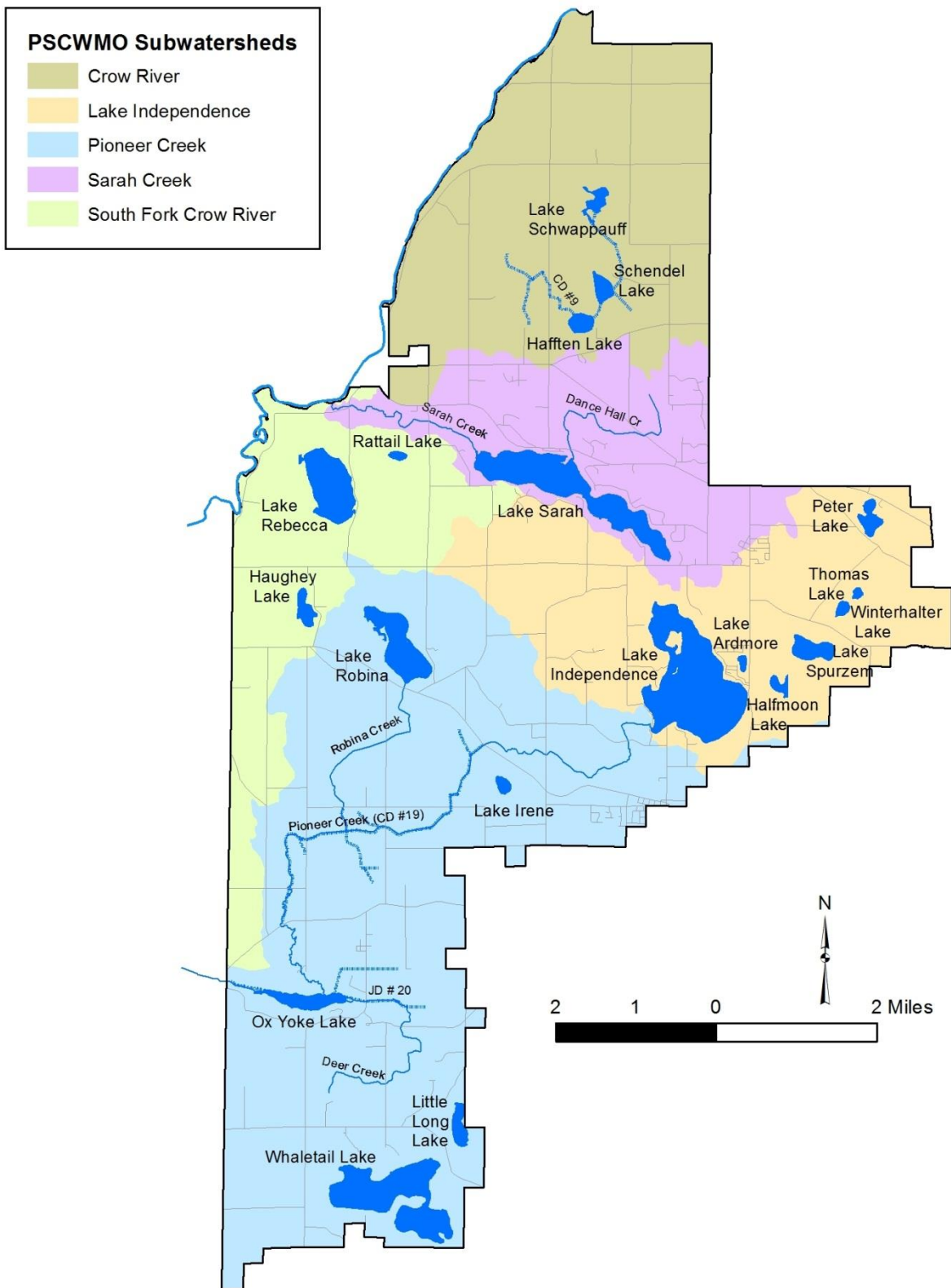


Figure 2.1. Pioneer-Sarah Creek watershed drainage systems.

Source: Minnesota DNR.

Overview of Total Maximum Daily Loads (TMDLs)

On this page:

- [What is a TMDL?](#)
- [What triggers the need for a TMDL?](#)
- [Who is responsible for developing a TMDL?](#)
- [How are TMDLs developed?](#)
- [Public participation in TMDL development](#)
- [What are the components of a TMDL document?](#)
- [What happens after the TMDL is approved by EPA?](#)

What is a TMDL?

A TMDL is the calculation of the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards for that particular pollutant. A TMDL determines a pollutant reduction target and allocates load reductions necessary to the source(s) of the pollutant.

Pollutant sources are characterized as either point sources that receive a wasteload allocation (WLA), or nonpoint sources that receive a load allocation (LA). For purposes of assigning WLAs, point sources include all sources subject to regulation under the National Pollutant Discharge Elimination System (NPDES) program, e.g. wastewater treatment facilities, some stormwater discharges and concentrated animal feeding operations (CAFOs). For purposes of assigning LAs, nonpoint sources include all remaining sources of the pollutant as well as natural background sources. TMDLs must also account for seasonal variations in water quality, and include a margin of safety (MOS) to account for uncertainty in predicting how well pollutant reductions will result in meeting water quality standards.

Expressed mathematically, the TMDL equation is:

$$\text{TMDL} = \Sigma \text{WLA} + \Sigma \text{LA} + \text{MOS}$$

Where **WLA** is the sum of wasteload allocations (point sources), **LA** is the sum of load allocations (nonpoint sources and background) and **MOS** is the margin of safety.

Each pollutant causing a waterbody to be impaired or threatened is referred to as a waterbody/pollutant combination, and typically a TMDL is developed for each

waterbody/pollutant combination. For example, if one waterbody is impaired or threatened by three pollutants, three TMDLs might be developed for the waterbody. However, in other cases, a single TMDL document may be developed to address several waterbody/pollutants combinations. Neither the CWA nor EPA's regulations define or limit the scale of TMDLs. Some states have been developing TMDLs on a watershed-scale basis. Such state TMDLs may also cover multiple watersheds.

What triggers the need for a TMDL?

According to the Clean Water Act, each state must develop TMDLs for all the waters identified on their Section 303(d) list of impaired waters, according to their priority ranking on that list.

Who is responsible for developing a TMDL?

As a general matter, states are responsible for developing TMDLs and submitting them to EPA for approval. Even if third parties assist in the development of the TMDL or its supporting analysis, such TMDLs must still be submitted to EPA by the states.

Under the CWA, the EPA reviews and either approves or disapproves the TMDL. If EPA disapproves a state TMDL, EPA must develop a replacement TMDL.

How are TMDLs developed?

The objective of a TMDL is to determine the loading capacity of the waterbody and to allocate that load among different pollutant sources so that the appropriate control actions can be taken and water quality standards achieved. The TMDL process is important for improving water quality because it serves as a link in the chain between water quality standards and implementation of control actions designed to attain those standards.

TMDLs are developed using a range of techniques, from simple mass balance calculations to complex water quality modeling approaches. The degree of analysis varies based on a variety of factors including the waterbody type, complexity of flow conditions and pollutant causing the impairment.

All contributing sources of the pollutants (point and nonpoint sources) are identified, and they are allocated a portion of the allowable load that usually contemplates a reduction in their pollution discharge in order to help solve the problem. Natural background sources, seasonal variations and a margin of safety are all taken into account in the allocations.

The approach normally used to develop a TMDL for a particular waterbody or watershed consists of five activities:

- Selection of the pollutant(s) to consider.
- Estimation of the waterbody's assimilative capacity (i.e., loading capacity).
- Estimation of the pollutant loading from all sources to the waterbody.
- Analysis of current pollutant load and determination of needed reductions to meet assimilative capacity.
- Allocation (with a margin of safety) of the allowable pollutant load among the different pollutant sources in a manner such that water quality standards are achieved.

TMDLs should clearly identify the links between the waterbody use impairment, the causes of impairment, and the pollutant load reductions needed to meet the applicable water quality standards.

Public participation in TMDL development

EPA's regulations require public involvement in developing TMDLs, however, the level of citizen involvement in the TMDL process varies by state.

Local citizens sometimes know more about what is happening in their watersheds than state agencies, and this knowledge can be a valuable aspect of TMDL development. The public often contributes useful data and information about an impaired waterbody. The public can often offer insights about their community that may ensure the success of one pollutant reduction strategy over another. Citizen information and participation can improve the quality of TMDLs that are developed and can ultimately speed cleanup of impaired waters or secure protection of threatened waters. Public/stakeholder roles in the TMDL process can include:

- Providing data and information to the states.
- Reviewing and commenting on impaired water list.
- Reviewing and commenting on draft TMDLs.
- Assisting in the development of TMDLs.

What are the components of a TMDL document?

EPA issued review guidelines for TMDL submissions in [Guidelines for Reviewing TMDLs under Existing Regulations Issued in 1992](#). Below is a TMDL Review Checklist with the minimum recommended elements that should be present in a TMDL document.

- Identification of Waterbody, Pollutant of Concern, Pollutant Sources and Priority Ranking.
- Applicable WQS and Numeric Water Quality Target.
- Loading Capacity.
- Load Allocations and Waste Load Allocations.*
- Margin of Safety.
- Consideration of Seasonal Variation.
- Reasonable Assurance for PS/NPS.
- Monitoring Plan to Track TMDL Effectiveness.
- Implementation Plan.
- Public Participation.

What happens after the TMDL is approved by EPA?

TMDL wasteload allocations (those pollutant allocations assigned to point sources) are generally implemented through EPA's National Pollutant Discharge Elimination System (NPDES) permits under CWA section 402. This section of the Act requires that point source discharges be controlled by including water quality-based effluent limits in permits issued to point source entities. Under EPA's permitting regulations, water quality-based discharge limits in NPDES permits must be "consistent with the assumptions and requirements" of wasteload allocations in EPA-approved TMDLs.

Non-point source load reduction actions are implemented through a wide variety of programs at the state, local and federal level. These programs may be regulatory, non-regulatory or incentive-based e.g., a cost-share program. In addition, waterbody restoration can be assisted by voluntary actions on the part of citizen and/or environmental groups. The EPA section 319 program provides grant money to the states to fund specific projects aimed at reducing the nonpoint source pollution.

Although states are not explicitly required under section 303(d) to develop TMDL implementation plans, many states include some type of implementation plan with the TMDL. When developed, TMDL implementation plans may provide additional information on what point and nonpoint sources contribute to the impairment and how those sources are being controlled, or should be controlled in the future.

[Impaired Waters Restoration Process: Planning](#)



Using WRAPS Reports in Local Water Planning

This document provides a general overview of connections between a Watershed Restoration and Protection Strategies (WRAPS) report and a water plan, and outlines how local governments can incorporate the elements of a WRAPS report into their local water planning process. It is important to connect local water management programs and activities and WRAPS reports because each informs the other. Water plan in this document refers to County Water Plans, Watershed District Plans, Watershed Management Organization Plans, and Comprehensive Watershed Management Plans (One Watershed, One Plan).

Reports Available Through the MPCA & the WRAPS Process

Watershed Restoration and Protection Strategies Report (WRAPS)

This report summarizes the reports listed below, and uses that information to determine what actions are needed to improve or maintain water quality. The report includes current and past assessments of water quality, diagnostic studies and TMDL work, water quality (and in some cases drinking water) goals, and outlines ways to prioritize waters and focus implementation actions and strategies to enhance measurable outcomes. The WRAPS also provides:

- Water quality goals/targets for each assessed water
- Identification of critical source areas based on pollutant loading and/or hydrologic parameters (peak flows and volumes);
- An overview of civic engagement efforts that were conducted and that may be useful for future planning and implementation efforts
- Recommended strategies and timelines needed to fully meet restoration goals, protection targets, and groundwater and/or drinking water goals where appropriate

How to use the WRAPS report in water planning: The information in the WRAPS report can be valuable to understanding the broader watershed-wide water quality and water resource issues by providing information such as the relative magnitude and type of contributing pollutant sources and the relationships between water management practices and water quality conditions. The protection-related information in WRAPS is designed to help prioritize, target, and deliver measurable improvements in protection outcomes. The WRAPS may also incorporate statewide water quality plans, such as the Nutrient Reduction Strategy and sediment strategy reports where available; potentially streamlining the development of local water plan priorities. WRAPS strategies to restore impaired waters should be incorporated into a water plan. If WRAPS strategies are not identified as local priorities, the plan should include a description of why not.

Monitoring and Assessment Report

Identifies the results and status of sampled waters within the watershed over the most recent 10-year period and collects baseline information on a watershed's physical characteristics. The report provides valuable information on the specific resources monitored and assessed as well as any long-term trends within the watershed. Key information found in the report includes:

- Locations of permitted groundwater and surface water withdrawals and summaries of groundwater quality and quantity in the watershed
- Biological condition (fish, macroinvertebrates, and/or aquatic plants) for streams, rivers, and lakes;
- Habitat information documented during each fish sampling visit
- Stream channel stability information
- Watershed hydrology information
- Pollutant loading data at the major watershed outlet (and in some cases for some minor watersheds)
- Water chemistry results representing the outlet of the minor watersheds;
- A summary of lake water quality results
- A summary of drinking water protection needs where appropriate.

How to use the Monitoring and Assessment Report in water planning: This report characterizes the water quality conditions in the watershed. Data collected in support of the report (such as the physical characteristics) can be valuable for land and water resources inventory and subsequent prioritization of resources in a plan. Additionally, understanding the monitoring section of the report can assist with development of ongoing monitoring actions within the water plan.

Stressor Identification Report

Summarizes the key causes or “biotic stressors” contributing to impaired fish, aquatic macroinvertebrate, and aquatic plant communities and includes a comprehensive review of existing biological, chemical, and physical data to assess the stressors on stream and lake health (examples: low oxygen, excess sedimentation, temperature, poor water clarity, interrupted connectivity, and lack of habitat).

How to use the Stressor Identification Report in water planning: Stressors identified in the report should be identified as concerns or issues within the water plan. If these biotic stressors are not identified as priorities, the plan should describe why not. Management actions in the implementation sections of water plans should address the stressors to the extent possible.

TMDL Report

After impaired waters are listed, the MPCA addresses each of the impairments with a Total Maximum Daily Load (TMDL). The TMDL process identifies all sources of the pollutant and determines how much each source must reduce its contribution in order to meet the standard. Implementation recommendations are provided in the TMDL report and/or incorporated directly into the WRAPS report. Each TMDL project may contain one or more waterbodies or segments of a waterbody. A TMDL is the maximum amount of a pollutant a water body can receive without violating water quality standards, and an allocation of that amount to the pollutant’s sources. TMDLs may directly impact municipal stormwater (MS4), wastewater facilities, and permitted/regulated businesses with required pollutant load reductions.

How to use the TMDL in water planning: The source reduction strategies form the basis of the TMDL implementation plan which is further refined during the water planning process. The TMDL sets pollution reduction goals (examples: nitrogen, phosphorus, sediment), to be achieved through implementation of the water plan. The TMDL will also provide insight into capital projects and other practices that may be implemented within a watershed to address impairments. The TMDL report identifies the sources of the impairment while the associated TMDL modeling information provides further details about the water quality impairment that are useful for estimating future restoration costs and for funding applications.

Connecting WRAPS to the Water Planning Process

In the water planning process, data and information are used in the context of local values and needs to set priorities. The following table provides a general overview of the water plan development process and how a WRAPS report connects with those steps. Note that not all the steps are part of every planning process, not every WRAPS is complete, and that local water plans will address many items beyond those in the WRAPS. The connections outlined above may apply to other state plans, e.g. Groundwater Restoration and Protection Strategies report (GRAPS), the Nonpoint Priority Funding Plan.

	Planning Process Step	WRAPS Connection
Planning Start-up	Initial meetings of local government planning staff to discuss planning process	In the meeting, local staff are encouraged to include a discussion of the current status of the WRAPS
	Advisory committee or water plan task force meeting(s) shortly prior to plan initiation	MPCA staff may be asked to provide a WRAPS overview to the Advisory Committee (timing may be more appropriate after plan initiation).
	Governing Board passes a resolution to update the water plan	Local staff may want to consider including a commitment to the WRAPS in the resolution to update the plan.
	Local government requests initial input on the plan or Priority Concerns Scoping Document (PCSD) for County Water Planning	All agencies – be sure to reference WRAPS report and include critical items in the response letter (not all items in the WRAPS can be addressed in a 10-year water plan; specificity about agency priorities early on will help in the planning and approval processes)
County Water Planning PCSD	Local government develops the PCSD	Local staff encouraged to discuss approach for incorporating WRAPS into the PCSD with MPCA project manager, the WRAPS technical core team, or other experts the project manager references.
	Local government response to comments on the PCSD	Review response to comments to ensure any comments regarding WRAPS are addressed.
	Recommendation to BWSR Region Planning Committee (PCSD)	BWSR staff will specifically note if/how PCSD addresses critical issues identified in WRAPS in memo and presentation to board committee.
Plan Development	Local government hosts a plan kickoff meeting and ongoing Advisory Committee or task force meetings	Local staff should be communicating with MPCA staff about providing a WRAPS overview at the kick off meeting and/or to the advisory committee. All agencies should be discussing the WRAPS as appropriate at advisory committee meetings.
	Local government drafts the water plan. Drafts of the plan or plan sections may be provided along the way for feedback.	Go back to response letter submitted during plan start-up and make sure items in letter are addressed in the water plan. Agency staff will coordinate with local and BWSR staff if items are not addressed.
	Public hearing held on the water plan	No specific connection to the WRAPS Report.
Final Plan	Final water plan is submitted to BWSR.	BWSR reviews the plan against statute, rule, and policy requirements and agency letters received. BWSR ensures that critical issues identified in the WRAPS report have been incorporated into the water plan. BWSR will communicate

		with agencies about final review and coordinate if discrepancies are found in the plan.
	Presentation of the final plan to the BWSR Regional Planning Committee of the Board.	In presenting to this committee, LGUs are encouraged to specifically note how the water plan addresses critical issues identified in the WRAPS report. If the WRAPS is not sufficiently addressed in the plan, the committee may not recommend approval to the full BWSR Board.
	Final approval of the water plan by the BWSR Board	No specific connection to the WRAPS Report.

Information Used in WRAPS That Could Inform Local Water Planning

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Municipal stormwater (MS4)

Rain and snow melt run over the many hard surfaces in urbanized areas — roads, sidewalks, driveways, parking lots, roof tops, etc. — and pick up pesticides, fertilizers, oils, metals, road salt, sediment, trash, and other pollutants and carry them into storm drains. Storm drains discharge directly into lakes rivers, streams, and wetlands (the water is not treated first) so stormwater runoff is a leading source of water pollution.

Image

Why do we care about stormwater?

By being careful about what goes down our storm drains, we can keep our lakes and rivers clean.



Leaks



Grass & leaves



Leaks & runoff



Salt & sand



Fertilizer



Trash



Poop

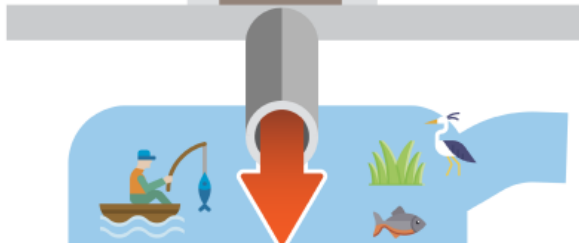


Dirt

Our cities and towns have lots of paved surfaces that carry rain and pollution to storm sewers.



Storm sewers deliver rain and pollution directly to our lakes and rivers.



We want clean water for fishing, boating & swimming.

Healthy ecosystems need clean water.

In addition, stormwater runoff from hard urban surfaces travels quickly and in large quantities, which results in damage to rivers, streams, and wetlands; destruction of aquatic habitats; and elevated pollutant levels reaching surface waters. Pavement and other hard surfaces also prevent stormwater from soaking into the ground and recharging groundwater. Local public entities that own or operate municipal separate storm sewer systems (MS4) play a key role in preventing stormwater runoff from harming Minnesota's valuable water resources.

What is an MS4?

A municipal separate storm sewer system (MS4) is a conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, etc.) that is also:

- Owned or operated by a public entity (which can include cities, townships, counties, military bases, hospitals, prison complexes, highway departments, universities, sewer districts, etc.)
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Minnesota state rule (Minn. R. 7090) establishes criteria and a process for designating future MS4s.

The MS4 general permit is designed to reduce the amount of sediment and other pollutants entering state waters from stormwater systems. Entities regulated by the MS4 general permit must develop a stormwater pollution prevention program and adopt best practices. Learn more on the [Complying with the MS4 general permit](#) page. A general permit covers multiple entities with similar operations and types of discharges. Issuing general permits allows for faster and more efficient permitting compared to issuing individual permits.

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Draft concepts to address the main issues were prepared and used to frame the work group discussions. Below is the list of main issues the MPCA plans to focus its' efforts on for this permit reissuance; and the meeting notes which contain the draft concepts for each issue, with stakeholder comments.

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- Post construction BMP operation & maintenance
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- Minimum control measure for education
-  [Permit Concepts and Issues Work Group Meeting Notes](#) (wq-strm4-85a)

Proposed Timeline

(revised 3/3/2011)

Task	Date(s)
Gather stakeholder input <ul style="list-style-type: none">• Small work group stakeholder meetings through April 2010.• Ongoing meetings with stakeholders on approach to TMDLs through January 2011.	January 2010 - January 2011
MPCA drafts permit	May 2010 - April 2011
Public notice draft permit	May 2011
Respond to comments/requests, finalize permit	June - November 2011
MPCA Citizens' Board	December 2011
Effective date new MS4 General Permit (date to be determined)	January 2012

Stormwater Program for Construction Activity

Program Update - November 2009

US EPA's Final Rule on Effluent Guidelines for Discharges from Construction and Development Sites is now available on the [EPA's Web site](#).

The MPCA will need to comply with new monitoring requirements in the rule when the Construction Stormwater Permit is reissued in 2013. At a minimum, the state permit must be as stringent as the new federal regulations. In the interim, permittees should comply with the existing [Construction Stormwater Permit](#).

Overview

When stormwater drains off a construction site, it carries sediment and other pollutants that harm lakes, streams and wetlands. According to the 1996 National Water Quality Inventory, stormwater runoff is a leading source of water pollution. The U.S. Environmental Protection Agency (EPA) estimates that 20 to 150 tons of soil per acre is lost every year to stormwater runoff from construction sites.

Many studies indicate that controlling erosion can significantly reduce the amount of sedimentation and other pollutants transported by runoff from construction sites. To keep Minnesota's valuable water resources clean the Minnesota Pollution Control Agency (MPCA) issues permits to construction site owners and their operators to prevent stormwater pollution during and after construction.



Site owners and their construction operators must sign off on a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater General Permit. As part of the application for this legal document, the owner and operator must create a stormwater pollution prevention plan (SWPPP) that explains how they will control stormwater.

Once they complete their stormwater pollution prevention plan, applicants may choose to apply online in order to receive quicker permit coverage and prevent errors in their application.

Who Needs an NPDES/SDS Permit

You need an NPDES/SDS permit if you are the owner or operator for any construction activity disturbing:

- One acre or more of soil.
- Less than one acre of soil if that activity is part of a "larger common plan of development or sale" that is greater than one acre.
- Less than one acre of soil, but the MPCA determines that the activity poses a risk to water resources.






Most construction activities are covered by the general NPDES stormwater permit for construction activity, but some construction sites need individual permit coverage. Owners and operators are both responsible for submitting the permit application.


How to Apply for a NPDES/SDS Permit

Owners and operators of construction activity must complete several steps before completing a permit application and beginning construction. Owners and operators determine their eligibility for coverage under the general NPDES permit by following these steps:

- [Steps to Construction](#)

Permit and Program Forms

Permit/Application	Summary	Instructions and Fact Sheets
 <p>General Stormwater Permit for Construction Activity (MN R100001)</p>	<p>Permit Number: MN R 100001, issued on August 1, 2008</p>	
<p>Online Stormwater Permit Application</p> 	<p>This is the online version of the General Stormwater Permit Application (listed above) that can be completed and submitted electronically using MPCA's Online Services.</p> <p>Advantages of using the online application:</p> <ul style="list-style-type: none"> • Get permit coverage quicker - In most cases, you may start work in only two days. • Avoid delays - The online application prevents inaccuracies and omissions in applications. • Join other professionals - A growing number of companies and agencies are using the online application. 	<p>Complete the Steps to Construction before beginning the online process because partially completed applications cannot be saved.</p> <p>Visa or Master cards are accepted for fee payment</p> <p>A project is NOT eligible for online processing and must complete a paper form if:</p> <ul style="list-style-type: none"> • The project includes treatment methods for permanent stormwater management, which requires application submittal 90-day prior to the anticipated construction start date. • The project will disturb 50 or more acres AND has a discharge point within one mile of an impaired or special water listed in Appendix A of the construction stormwater general permit AND the discharge flows to these waters. Applications are due 30-days before the anticipated construction start date. • The project already has a permit. The online form is for new permit applications only. • The project is owned by a Tribal unit, which obtain permit coverage from the US Environmental Protection Agency.
 <p>General Stormwater Permit Application</p>	<p>A General Stormwater Permit is necessary for owners and operators of construction activities disturbing:</p> <ul style="list-style-type: none"> • One acre or more of soil • Less than one acre of soil if that activity is part of a "larger common plan of development or sale" that is greater than one acre 	<p> Construction Stormwater Permit Overview</p> <p> How to Determine Latitude and Longitude</p>



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 Notice of Termination/Permit Modification Form	Use the Notice of Termination application to terminate permit coverage of the original Stormwater Permit number or the Subdivision Registration permit number.	 How to Use the Notice of Termination/ Permit Modification Form
Construction Stormwater Permit Search	View the status of your permits online.	<p>Search by:</p> <ul style="list-style-type: none"> Permit ID (Complete Permit ID) Owner Name (any portion of name) Contractor Name (any portion of name) City (any portion of name) County (any portion of name) <p>Search results:</p> <ul style="list-style-type: none"> Permit ID Project Name County City Owner Name Contractor Name Coverage Start Date Status (active or inactive)

Special Waters and Impaired Waters

NPDES/SDS permits for construction sites near specially-protected and impaired waters require additional controls, conditions or an individual permit:

- Sites that discharge near waters with qualities that warrant extra protection (special waters) must use additional best management practices and enhanced runoff controls.
- Sites that discharge near an "impaired water," impaired for phosphorous, turbidity, dissolved oxygen, and biotic impairment, must meet special conditions.
- Sites that discharge to calcareous fens, need a letter of approval from the Department of Natural Resources.

The MPCA has several documents and an interactive map called Special Waters Search to help project planners identify those waters near their site that may require extra protections or an individual permit. The specific requirements are outlined in the General Stormwater Permit.

-  [Special Waters List](#)
-  [Known Calcareous Fens List](#)
- [General Information about Impaired Waters and the Current TMDL List of Impaired Waters](#)
- [Special and Impaired Waters Search](#): This is an electronic map tool using Geographic Information Systems (GIS) technology. Find the construction site location, draw the site boundaries and create a list of special waters.
Note: This is best viewed using Internet Explorer 5.0 or higher or Netscape 6.0 or higher, with pop-up blockers disabled and screen resolution set to 1024x768 or higher.



Using WRAPS Reports in Local Water Planning

This document provides a general overview of connections between a Watershed Restoration and Protection Strategies (WRAPS) report and a water plan, and outlines how local governments can incorporate the elements of a WRAPS report into their local water planning process. It is important to connect local water management programs and activities and WRAPS reports because each informs the other. Water plan in this document refers to County Water Plans, Watershed District Plans, Watershed Management Organization Plans, and Comprehensive Watershed Management Plans (One Watershed, One Plan).

Reports Available Through the MPCA & the WRAPS Process

Watershed Restoration and Protection Strategies Report (WRAPS)

This report summarizes the reports listed below, and uses that information to determine what actions are needed to improve or maintain water quality. The report includes current and past assessments of water quality, diagnostic studies and TMDL work, water quality (and in some cases drinking water) goals, and outlines ways to prioritize waters and focus implementation actions and strategies to enhance measurable outcomes. The WRAPS also provides:

- Water quality goals/targets for each assessed water
- Identification of critical source areas based on pollutant loading and/or hydrologic parameters (peak flows and volumes);
- An overview of civic engagement efforts that were conducted and that may be useful for future planning and implementation efforts
- Recommended strategies and timelines needed to fully meet restoration goals, protection targets, and groundwater and/or drinking water goals where appropriate

How to use the WRAPS report in water planning: The information in the WRAPS report can be valuable to understanding the broader watershed-wide water quality and water resource issues by providing information such as the relative magnitude and type of contributing pollutant sources and the relationships between water management practices and water quality conditions. The protection-related information in WRAPS is designed to help prioritize, target, and deliver measurable improvements in protection outcomes. The WRAPS may also incorporate statewide water quality plans, such as the Nutrient Reduction Strategy and sediment strategy reports where available; potentially streamlining the development of local water plan priorities. WRAPS strategies to restore impaired waters should be incorporated into a water plan. If WRAPS strategies are not identified as local priorities, the plan should include a description of why not.

Monitoring and Assessment Report

Identifies the results and status of sampled waters within the watershed over the most recent 10-year period and collects baseline information on a watershed's physical characteristics. The report provides valuable information on the specific resources monitored and assessed as well as any long-term trends within the watershed. Key information found in the report includes:

- Locations of permitted groundwater and surface water withdrawals and summaries of groundwater quality and quantity in the watershed
- Biological condition (fish, macroinvertebrates, and/or aquatic plants) for streams, rivers, and lakes;
- Habitat information documented during each fish sampling visit
- Stream channel stability information
- Watershed hydrology information
- Pollutant loading data at the major watershed outlet (and in some cases for some minor watersheds)
- Water chemistry results representing the outlet of the minor watersheds;
- A summary of lake water quality results
- A summary of drinking water protection needs where appropriate.

How to use the Monitoring and Assessment Report in water planning: This report characterizes the water quality conditions in the watershed. Data collected in support of the report (such as the physical characteristics) can be valuable for land and water resources inventory and subsequent prioritization of resources in a plan. Additionally, understanding the monitoring section of the report can assist with development of ongoing monitoring actions within the water plan.

Stressor Identification Report

Summarizes the key causes or “biotic stressors” contributing to impaired fish, aquatic macroinvertebrate, and aquatic plant communities and includes a comprehensive review of existing biological, chemical, and physical data to assess the stressors on stream and lake health (examples: low oxygen, excess sedimentation, temperature, poor water clarity, interrupted connectivity, and lack of habitat).

How to use the Stressor Identification Report in water planning: Stressors identified in the report should be identified as concerns or issues within the water plan. If these biotic stressors are not identified as priorities, the plan should describe why not. Management actions in the implementation sections of water plans should address the stressors to the extent possible.

TMDL Report

After impaired waters are listed, the MPCA addresses each of the impairments with a Total Maximum Daily Load (TMDL). The TMDL process identifies all sources of the pollutant and determines how much each source must reduce its contribution in order to meet the standard. Implementation recommendations are provided in the TMDL report and/or incorporated directly into the WRAPS report. Each TMDL project may contain one or more waterbodies or segments of a waterbody. A TMDL is the maximum amount of a pollutant a water body can receive without violating water quality standards, and an allocation of that amount to the pollutant’s sources. TMDLs may directly impact municipal stormwater (MS4), wastewater facilities, and permitted/regulated businesses with required pollutant load reductions.

How to use the TMDL in water planning: The source reduction strategies form the basis of the TMDL implementation plan which is further refined during the water planning process. The TMDL sets pollution reduction goals (examples: nitrogen, phosphorus, sediment), to be achieved through implementation of the water plan. The TMDL will also provide insight into capital projects and other practices that may be implemented within a watershed to address impairments. The TMDL report identifies the sources of the impairment while the associated TMDL modeling information provides further details about the water quality impairment that are useful for estimating future restoration costs and for funding applications.

Connecting WRAPS to the Water Planning Process

In the water planning process, data and information are used in the context of local values and needs to set priorities. The following table provides a general overview of the water plan development process and how a WRAPS report connects with those steps. Note that not all the steps are part of every planning process, not every WRAPS is complete, and that local water plans will address many items beyond those in the WRAPS. The connections outlined above may apply to other state plans, e.g. Groundwater Restoration and Protection Strategies report (GRAPS), the Nonpoint Priority Funding Plan.

	Planning Process Step	WRAPS Connection
Planning Start-up	Initial meetings of local government planning staff to discuss planning process	In the meeting, local staff are encouraged to include a discussion of the current status of the WRAPS
	Advisory committee or water plan task force meeting(s) shortly prior to plan initiation	MPCA staff may be asked to provide a WRAPS overview to the Advisory Committee (timing may be more appropriate after plan initiation).
	Governing Board passes a resolution to update the water plan	Local staff may want to consider including a commitment to the WRAPS in the resolution to update the plan.
	Local government requests initial input on the plan or Priority Concerns Scoping Document (PCSD) for County Water Planning	All agencies – be sure to reference WRAPS report and include critical items in the response letter (not all items in the WRAPS can be addressed in a 10-year water plan; specificity about agency priorities early on will help in the planning and approval processes)
County Water Planning PCSD	Local government develops the PCSD	Local staff encouraged to discuss approach for incorporating WRAPS into the PCSD with MPCA project manager, the WRAPS technical core team, or other experts the project manager references.
	Local government response to comments on the PCSD	Review response to comments to ensure any comments regarding WRAPS are addressed.
	Recommendation to BWSR Region Planning Committee (PCSD)	BWSR staff will specifically note if/how PCSD addresses critical issues identified in WRAPS in memo and presentation to board committee.
Plan Development	Local government hosts a plan kickoff meeting and ongoing Advisory Committee or task force meetings	Local staff should be communicating with MPCA staff about providing a WRAPS overview at the kick off meeting and/or to the advisory committee. All agencies should be discussing the WRAPS as appropriate at advisory committee meetings.
	Local government drafts the water plan. Drafts of the plan or plan sections may be provided along the way for feedback.	Go back to response letter submitted during plan start-up and make sure items in letter are addressed in the water plan. Agency staff will coordinate with local and BWSR staff if items are not addressed.
	Public hearing held on the water plan	No specific connection to the WRAPS Report.
Final Plan	Final water plan is submitted to BWSR.	BWSR reviews the plan against statute, rule, and policy requirements and agency letters received. BWSR ensures that critical issues identified in the WRAPS report have been incorporated into the water plan. BWSR will communicate

		with agencies about final review and coordinate if discrepancies are found in the plan.
	Presentation of the final plan to the BWSR Regional Planning Committee of the Board.	In presenting to this committee, LGUs are encouraged to specifically note how the water plan addresses critical issues identified in the WRAPS report. If the WRAPS is not sufficiently addressed in the plan, the committee may not recommend approval to the full BWSR Board.
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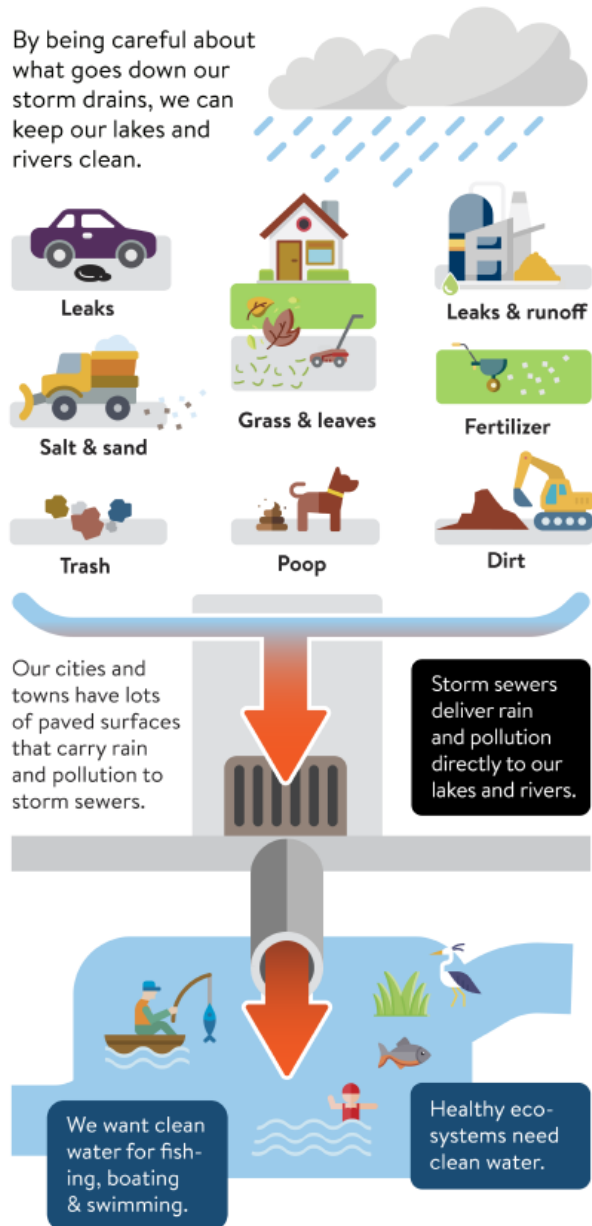
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- One size does not fit all
- Minimum control measure for education
-  [Permit Concepts and Issues Work Group Meeting Notes](#) (wq-strm4-85a)

Proposed Timeline

(revised 3/3/2011)

Task	Date(s)
Gather stakeholder input <ul style="list-style-type: none">• Small work group stakeholder meetings through April 2010.• Ongoing meetings with stakeholders on approach to TMDLs through January 2011.	January 2010 - January 2011
MPCA drafts permit	May 2010 - April 2011
Public notice draft permit	May 2011
Respond to comments/requests, finalize permit	June - November 2011
MPCA Citizens' Board	December 2011
Effective date new MS4 General Permit (date to be determined)	January 2012

Stormwater Program for Construction Activity

Program Update - November 2009

US EPA's Final Rule on Effluent Guidelines for Discharges from Construction and Development Sites is now available on the [EPA's Web site](#).

The MPCA will need to comply with new monitoring requirements in the rule when the Construction Stormwater Permit is reissued in 2013. At a minimum, the state permit must be as stringent as the new federal regulations. In the interim, permittees should comply with the existing [Construction Stormwater Permit](#).

Overview

When stormwater drains off a construction site, it carries sediment and other pollutants that harm lakes, streams and wetlands. According to the 1996 National Water Quality Inventory, stormwater runoff is a leading source of water pollution. The U.S. Environmental Protection Agency (EPA) estimates that 20 to 150 tons of soil per acre is lost every year to stormwater runoff from construction sites.

Many studies indicate that controlling erosion can significantly reduce the amount of sedimentation and other pollutants transported by runoff from construction sites. To keep Minnesota's valuable water resources clean the Minnesota Pollution Control Agency (MPCA) issues permits to construction site owners and their operators to prevent stormwater pollution during and after construction.



Site owners and their construction operators must sign off on a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater General Permit. As part of the application for this legal document, the owner and operator must create a stormwater pollution prevention plan (SWPPP) that explains how they will control stormwater.

Once they complete their stormwater pollution prevention plan, applicants may choose to apply online in order to receive quicker permit coverage and prevent errors in their application.

Who Needs an NPDES/SDS Permit

You need an NPDES/SDS permit if you are the owner or operator for any construction activity disturbing:

- One acre or more of soil.
- Less than one acre of soil if that activity is part of a "larger common plan of development or sale" that is greater than one acre.
- Less than one acre of soil, but the MPCA determines that the activity poses a risk to water resources.






Most construction activities are covered by the general NPDES stormwater permit for construction activity, but some construction sites need individual permit coverage. Owners and operators are both responsible for submitting the permit application.



How to Apply for a NPDES/SDS Permit

Owners and operators of construction activity must complete several steps before completing a permit application and beginning construction. Owners and operators determine their eligibility for coverage under the general NPDES permit by following these steps:

- [Steps to Construction](#)

Permit and Program Forms

Permit/Application	Summary	Instructions and Fact Sheets
 <p>General Stormwater Permit for Construction Activity (MN R100001)</p>	<p>Permit Number: MN R 100001, issued on August 1, 2008</p>	
<p>Online Stormwater Permit Application</p> 	<p>This is the online version of the General Stormwater Permit Application (listed above) that can be completed and submitted electronically using MPCA's Online Services.</p> <p>Advantages of using the online application:</p> <ul style="list-style-type: none"> • Get permit coverage quicker - In most cases, you may start work in only two days. • Avoid delays - The online application prevents inaccuracies and omissions in applications. • Join other professionals - A growing number of companies and agencies are using the online application. 	<p>Complete the Steps to Construction before beginning the online process because partially completed applications cannot be saved.</p> <p>Visa or Master cards are accepted for fee payment</p> <p>A project is NOT eligible for online processing and must complete a paper form if:</p> <ul style="list-style-type: none"> • The project includes treatment methods for permanent stormwater management, which requires application submittal 90-day prior to the anticipated construction start date. • The project will disturb 50 or more acres AND has a discharge point within one mile of an impaired or special water listed in Appendix A of the construction stormwater general permit AND the discharge flows to these waters. Applications are due 30-days before the anticipated construction start date. • The project already has a permit. The online form is for new permit applications only. • The project is owned by a Tribal unit, which obtain permit coverage from the US Environmental Protection Agency.
 <p>General Stormwater Permit Application</p>	<p>A General Stormwater Permit is necessary for owners and operators of construction activities disturbing:</p> <ul style="list-style-type: none"> • One acre or more of soil • Less than one acre of soil if that activity is part of a "larger common plan of development or sale" that is greater than one acre 	<p> Construction Stormwater Permit Overview</p> <p> How to Determine Latitude and Longitude</p>



	<ul style="list-style-type: none"> Less than one acre of soil, but the MPCA determines that the activity poses a risk to water resources 	
 Notice of Termination/Permit Modification Form	Use the Notice of Termination application to terminate permit coverage of the original Stormwater Permit number or the Subdivision Registration permit number.	 How to Use the Notice of Termination/ Permit Modification Form
Construction Stormwater Permit Search	View the status of your permits online.	<p>Search by:</p> <ul style="list-style-type: none"> Permit ID (Complete Permit ID) Owner Name (any portion of name) Contractor Name (any portion of name) City (any portion of name) County (any portion of name) <p>Search results:</p> <ul style="list-style-type: none"> Permit ID Project Name County City Owner Name Contractor Name Coverage Start Date Status (active or inactive)

Special Waters and Impaired Waters

NPDES/SDS permits for construction sites near specially-protected and impaired waters require additional controls, conditions or an individual permit:

- Sites that discharge near waters with qualities that warrant extra protection (special waters) must use additional best management practices and enhanced runoff controls.
- Sites that discharge near an "impaired water," impaired for phosphorous, turbidity, dissolved oxygen, and biotic impairment, must meet special conditions.
- Sites that discharge to calcareous fens, need a letter of approval from the Department of Natural Resources.

The MPCA has several documents and an interactive map called Special Waters Search to help project planners identify those waters near their site that may require extra protections or an individual permit. The specific requirements are outlined in the General Stormwater Permit.

-  [Special Waters List](#)
-  [Known Calcareous Fens List](#)
- [General Information about Impaired Waters and the Current TMDL List of Impaired Waters](#)
- [Special and Impaired Waters Search](#): This is an electronic map tool using Geographic Information Systems (GIS) technology. Find the construction site location, draw the site boundaries and create a list of special waters.
Note: This is best viewed using Internet Explorer 5.0 or higher or Netscape 6.0 or higher, with pop-up blockers disabled and screen resolution set to 1024x768 or higher.

Overview of Total Maximum Daily Loads (TMDLs)

On this page:

- [What is a TMDL?](#)
- [What triggers the need for a TMDL?](#)
- [Who is responsible for developing a TMDL?](#)
- [How are TMDLs developed?](#)
- [Public participation in TMDL development](#)
- [What are the components of a TMDL document?](#)
- [What happens after the TMDL is approved by EPA?](#)

What is a TMDL?

A TMDL is the calculation of the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards for that particular pollutant. A TMDL determines a pollutant reduction target and allocates load reductions necessary to the source(s) of the pollutant.

Pollutant sources are characterized as either point sources that receive a wasteload allocation (WLA), or nonpoint sources that receive a load allocation (LA). For purposes of assigning WLAs, point sources include all sources subject to regulation under the National Pollutant Discharge Elimination System (NPDES) program, e.g. wastewater treatment facilities, some stormwater discharges and concentrated animal feeding operations (CAFOs). For purposes of assigning LAs, nonpoint sources include all remaining sources of the pollutant as well as natural background sources. TMDLs must also account for seasonal variations in water quality, and include a margin of safety (MOS) to account for uncertainty in predicting how well pollutant reductions will result in meeting water quality standards.

Expressed mathematically, the TMDL equation is:

$$\text{TMDL} = \Sigma \text{WLA} + \Sigma \text{LA} + \text{MOS}$$

Where **WLA** is the sum of wasteload allocations (point sources), **LA** is the sum of load allocations (nonpoint sources and background) and **MOS** is the margin of safety.

Each pollutant causing a waterbody to be impaired or threatened is referred to as a waterbody/pollutant combination, and typically a TMDL is developed for each

waterbody/pollutant combination. For example, if one waterbody is impaired or threatened by three pollutants, three TMDLs might be developed for the waterbody. However, in other cases, a single TMDL document may be developed to address several waterbody/pollutants combinations. Neither the CWA nor EPA's regulations define or limit the scale of TMDLs. Some states have been developing TMDLs on a watershed-scale basis. Such state TMDLs may also cover multiple watersheds.

What triggers the need for a TMDL?

According to the Clean Water Act, each state must develop TMDLs for all the waters identified on their Section 303(d) list of impaired waters, according to their priority ranking on that list.

Who is responsible for developing a TMDL?

As a general matter, states are responsible for developing TMDLs and submitting them to EPA for approval. Even if third parties assist in the development of the TMDL or its supporting analysis, such TMDLs must still be submitted to EPA by the states.

Under the CWA, the EPA reviews and either approves or disapproves the TMDL. If EPA disapproves a state TMDL, EPA must develop a replacement TMDL.

How are TMDLs developed?

The objective of a TMDL is to determine the loading capacity of the waterbody and to allocate that load among different pollutant sources so that the appropriate control actions can be taken and water quality standards achieved. The TMDL process is important for improving water quality because it serves as a link in the chain between water quality standards and implementation of control actions designed to attain those standards.

TMDLs are developed using a range of techniques, from simple mass balance calculations to complex water quality modeling approaches. The degree of analysis varies based on a variety of factors including the waterbody type, complexity of flow conditions and pollutant causing the impairment.

All contributing sources of the pollutants (point and nonpoint sources) are identified, and they are allocated a portion of the allowable load that usually contemplates a reduction in their pollution discharge in order to help solve the problem. Natural background sources, seasonal variations and a margin of safety are all taken into account in the allocations.

The approach normally used to develop a TMDL for a particular waterbody or watershed consists of five activities:

- Selection of the pollutant(s) to consider.
- Estimation of the waterbody's assimilative capacity (i.e., loading capacity).
- Estimation of the pollutant loading from all sources to the waterbody.
- Analysis of current pollutant load and determination of needed reductions to meet assimilative capacity.
- Allocation (with a margin of safety) of the allowable pollutant load among the different pollutant sources in a manner such that water quality standards are achieved.

TMDLs should clearly identify the links between the waterbody use impairment, the causes of impairment, and the pollutant load reductions needed to meet the applicable water quality standards.

Public participation in TMDL development

EPA's regulations require public involvement in developing TMDLs, however, the level of citizen involvement in the TMDL process varies by state.

Local citizens sometimes know more about what is happening in their watersheds than state agencies, and this knowledge can be a valuable aspect of TMDL development. The public often contributes useful data and information about an impaired waterbody. The public can often offer insights about their community that may ensure the success of one pollutant reduction strategy over another. Citizen information and participation can improve the quality of TMDLs that are developed and can ultimately speed cleanup of impaired waters or secure protection of threatened waters. Public/stakeholder roles in the TMDL process can include:

- Providing data and information to the states.
- Reviewing and commenting on impaired water list.
- Reviewing and commenting on draft TMDLs.
- Assisting in the development of TMDLs.

What are the components of a TMDL document?

EPA issued review guidelines for TMDL submissions in [*Guidelines for Reviewing TMDLs under Existing Regulations Issued in 1992*](#). Below is a TMDL Review Checklist with the minimum recommended elements that should be present in a TMDL document.

- Identification of Waterbody, Pollutant of Concern, Pollutant Sources and Priority Ranking.
- Applicable WQS and Numeric Water Quality Target.
- Loading Capacity.
- Load Allocations and Waste Load Allocations.*
- Margin of Safety.
- Consideration of Seasonal Variation.
- Reasonable Assurance for PS/NPS.
- Monitoring Plan to Track TMDL Effectiveness.
- Implementation Plan.
- Public Participation.

What happens after the TMDL is approved by EPA?

TMDL wasteload allocations (those pollutant allocations assigned to point sources) are generally implemented through EPA's National Pollutant Discharge Elimination System (NPDES) permits under CWA section 402. This section of the Act requires that point source discharges be controlled by including water quality-based effluent limits in permits issued to point source entities. Under EPA's permitting regulations, water quality-based discharge limits in NPDES permits must be "consistent with the assumptions and requirements" of wasteload allocations in EPA-approved TMDLs.

Non-point source load reduction actions are implemented through a wide variety of programs at the state, local and federal level. These programs may be regulatory, non-regulatory or incentive-based e.g., a cost-share program. In addition, waterbody restoration can be assisted by voluntary actions on the part of citizen and/or environmental groups. The EPA section 319 program provides grant money to the states to fund specific projects aimed at reducing the nonpoint source pollution.

Although states are not explicitly required under section 303(d) to develop TMDL implementation plans, many states include some type of implementation plan with the TMDL. When developed, TMDL implementation plans may provide additional information on what point and nonpoint sources contribute to the impairment and how those sources are being controlled, or should be controlled in the future.

[Impaired Waters Restoration Process: Planning](#)

1 AMENDED AND RESTATED
2 JOINT POWERS AGREEMENT ESTABLISHING
3 THE PIONEER-SARAH CREEK WATERSHED MANAGEMENT COMMISSION
4

5 RECITALS

6 WHEREAS, on July 29, 1993, pursuant to statutory authority, the Cities of Corcoran,
7 Greenfield, Independence, Loretto, Maple Plain, Medina and Minnetrista, the Town of Watertown,
8 and the Hennepin Conservation District adopted a "Joint Powers Agreement to Protect and Manage the
9 Pioneer-Sarah Creek Watersheds" (the "Joint Powers Agreement"); and

10 WHEREAS, in 2000 the City of Corcoran withdrew from the Agreement; and

11 WHEREAS, in 2001 the Town of Watertown withdrew from the Agreement; and

12 WHEREAS, the Cities of Greenfield, Independence, Loretto, Maple Plain, Medina and
13 Minnetrista wish to amend and restate the Agreement's terms in this document.

14 NOW, THEREFORE, pursuant to the authority conferred upon the parties by Minn. Stat §§
15 471.59 and 103B.201, et seq., the parties to this Agreement do mutually agree as follows:

16 SECTION ONE
17 DEFINITIONS
18

19 For purposes of this Agreement, each of the following terms, when used herein with an initial
20 capital letter, will have the meaning ascribed to it as follows:

21 "Agreement" means the Joint Powers Agreement, as amended and restated in this document.

22 "Board" means the Board of Commissioners of the Commission.

23 "BWSR" means the Minnesota Board of Water and Soil Resources.

24 "Commissioner" means an individual appointed by a governmental unit to serve on the Board.

25 The term Commissioner shall include both the representative and alternate representative appointed to
26 serve on the Board.

27 "Pioneer-Sarah Creek Watershed" or "Watershed" means the area within the mapped area
28 delineated on the map filed with BWSR, as may be amended. A complete legal description defining
29 the boundary of the Pioneer-Sarah Creek Watershed is attached hereto and made apart hereof.

1 "Governmental Unit" means any signatory city or township,

2 "Member" means a governmental unit that enters into this Agreement.

3 "Watershed Management Organization ("WMO") means the organization created by this
4 Agreement, the full name of which is "Pioneer-Sarah Creek Watershed Management Commission." The
5 Commission shall be a public agency of its respective governmental units.

6 SECTION TWO
7 ESTABLISHMENT
8

9 The parties create and establish the Pioneer-Sarah Creek Watershed Management Commission.
10 The Commission membership shall include the Cities of Greenfield, Independence, Loretto, Maple Plain,
11 Medina and Minnetrista. In addition to other powers identified in this Agreement, the Commission shall
12 have all of the authority for a joint powers watershed management organization identified in Minn. Stat. §
13 103B.211.

14 SECTION THREE
15 PURPOSE STATEMENT
16

17 The purpose of this Agreement is to establish an organization within the Pioneer-Sarah Creek
18 Watershed to (a) protect, preserve, and use natural surface and groundwater storage and retention systems,
19 (b) minimize public capital expenditures needed to correct flooding and water quality problems, (c) identify
20 and plan for means to effectively protect and improve surface and groundwater quality, (d) establish more
21 uniform local policies and official controls for surface and groundwater management, (e) prevent erosion of
22 soil into surface water systems, (f) promote groundwater recharge, (g) protect and enhance fish and wildlife
23 habitat and water recreational facilities, and (h) secure the other benefits associated with the proper
24 management of surface and ground water, as identified in Minn. Stat. § 103B,201, including but not limited
25 to aesthetic values when owned by the public or constituting public resources, as defined in Minn. Stat. Ch.
26 116B.

27 The Commission's Members agree to (a) provide a forum for exchanging information in the
28 management of land use and land use techniques and control, (b) provide a forum for resolution of
29 intergovernmental disputes relating to management and protection of the Pioneer-Sarah Creek Watershed;

1 and (c) cooperate on a united basis on behalf of all units of government within the Pioneer-
2 Sarah Creek Watershed with all other levels of government for the purpose of facilitating natural
3 resource protection and management in the Watershed.

4 SECTION FOUR
5 BOARD OF COMMISSIONERS
6

7 4.1. Appointment. The governing body of the Commission shall be its Board. Each
8 Member shall be entitled to appoint one representative to serve on the Board and one alternate who
9 may sit when the representative is not in attendance, and said representative or alternative
10 representative shall be called a "Commissioner." It is expected that each Member ensure that its
11 Commissioner will attend each meeting of the Board.

12 4.2. Term. Each Member shall determine the term length for its Commissioner's
13 appointment to the Board. The representatives to the Commission shall serve at the pleasure of the
14 governing body of the Member appointing such representative to the Commission. The Commission
15 and its Members shall fill all Board vacancies pursuant to Minn. Stat. § 103B.227, subd. 1 and 2, as
16 may be amended from time to time.

17 4.3. Compensation. Commissioners shall serve without compensation from the
18 Commission, but this shall not prevent a Member from providing compensation to its Commissioner
19 for serving on the Board.

20 4.4. Officers. No later than the first meeting in February of each year, the Commission
21 shall elect from its membership a chairperson, a vice-chairperson, a treasurer and a secretary and such
22 other officers as it deems necessary to reasonably carry out the purposes of this Agreement. No
23 Commissioner may be elected to more than one office. All officers shall hold office for terms of one
24 year and until their successors have been elected by the Commission. An officer may be reelected to
25 the same office for unlimited terms. A vacancy in an office shall be filled from the Board membership
26 by election for the remainder of the unexpired term of such office. The officers' duties include the
27 following:

28 A. Chairperson. The Chairperson shall preside at all Board meetings and shall have
29 all the same privileges of discussion, making motions and voting, as do other

1 Commissioners. The Chairperson may delegate certain responsibilities to the
2 Executive Secretary as necessary to carry out the duties of the office.

3
4 B. Vice-Chairperson. The Vice-Chairperson shall, in the absence or disability of
5 the Chairperson, perform the duties and exercise the powers of the Chairperson.

6
7 C. Treasurer. The Treasurer shall have the custody of the funds and securities of the
8 Commission and shall keep full and accurate accounts of receipts and
9 disbursements in books belonging to the Commission and shall deposit all
10 monies and other valuable effects in the name and to the credit of the
11 Commission in such depository as may be designated by the Commission.
12 He/she shall disburse funds of the Commission as approved by the Commission
13 and shall render to the Commission at regular meetings, or as the Board may
14 request, an account of all his/her transactions as Treasurer and of the financial
15 condition of the Commission. The Treasurer may delegate certain duties to the
16 Executive Secretary as necessary to carry out the duties of the office.

17
18 D. Secretary. The Secretary shall attend all Board meetings, shall act as clerk of such
19 meetings, and shall record all votes and the minutes of all proceedings. He/she
20 shall give notice of all Board meetings. The Secretary may delegate certain
21 duties to the Executive Secretary as necessary to carry out the duties of the
22 office.

23
24 4.5. Executive Secretary. The Commission may appoint an Executive Secretary to coordinate
25 activities of the Commission, accept delegated duties by the Commission officers, and accept business
26 duties not assigned to officers. All notices to the Commission shall be delivered or served at the office
27 of the Executive Secretary.

28 4.6. Quorum and Voting. A majority of all Commissioners with voting privileges shall
29 constitute a quorum. Once a quorum is present, a majority vote is required for approval on an action,
30 unless as provided otherwise in this Agreement.

31 4.7. Meetings. The Board shall schedule meetings at least quarterly (every three months) on a
32 uniform day and place selected by the Commission. Written notice of the location and time of all
33 Commission meetings shall be sent to all Commission representatives and alternate representatives
34 and to the Clerk of each Member. Special meetings may be held at the call of the Chairperson or by
35 any three Commissioners by giving not less than 72 hours written notice of the time, place and
36 purpose of such meeting.

37

1 SECTION FIVE
2 COMMISSION POWERS AND DUTIES
3

4 5.1. Watershed Management Plan. The Commission shall develop a watershed management
5 plan including a capital improvement program in conformance with Minn. Stat. § 103B.231. The
6 Commission shall adopt the plan within 120 days after BWSR's approval of the plan. After adoption, the
7 Commission shall implement the watershed management plan and enforce the regulations set out in the plan.
8 A copy of the adopted plan shall be filed with the clerk of each Member governmental unit.

9 5.2. Local Water Management Plans. The Commission shall review Members' local water
10 management plans as required by Minn, Stat. § 103B.235, subd. 3.

11 5.3. Review Services.

12 A. Where the Commission is authorized or requested to review and make
13 recommendations on any matter, the Commission may charge a reasonable fee for such review services.
14 The Commission's standard fee schedule, as amended from time to time, will be a part of the
15 Commission's Rules.

16 B. The Commission may charge an additional fee when it determines that a
17 particular project will require extraordinary and substantial review services. Before undertaking such
18 review services, the Commission shall provide the party to be charged the additional fee with written
19 notice of the services to be performed and the additional fee therefor. Unless said party objects within
20 5 business days of receipt of such written notice to the amount of the additional fee to be charged,
21 such review services shall be performed and the party shall be responsible for the cost thereof. If said
22 party objects to the proposed additional fee for such services within 5 business days and the party and
23 the Commission are unable to agree on a reasonable alternative amount for review services, such
24 extraordinary and substantial review services shall not be undertaken by the Commission.

25 The Members recognize that from time to time the Commission provides review services
26 regarding a violation under the Minnesota Wetland Conservation Act, and that there currently is no statutory
27 mechanism in place that allows the Commission to recover its costs from the wetland violator

1 for these review services. Therefore, when the Commission provides review services regarding a violation
2 under the Minnesota Wetland Conservation Act, the Commission may seek reimbursement for these
3 services from the Member where the subject property is located.

4 C. Upon request of any Member, the Commission shall review and evaluate any
5 dispute between the Member and other unit(s) of government regarding land use and natural resource
6 protection and management.

7 5.4 Public Participation.

8 A. Technical Advisory Committee. A Technical Advisory Committee ("TAC") to
9 the Commission is hereby created. TAC members and one or more alternate members shall be appointed by
10 the governing body of each Member. TAC members may be, but need not be, Commissioners. TAC
11 members shall serve at the pleasure of the governing body of each Member that appoints them and are
12 not required to meet statutory qualifications for Commissioners. TAC members will undertake
13 projects/tasks as requested or assigned to the TAC by the Commission and may participate in meetings
14 of the Commission pertaining to those assigned projects/tasks.

15 B. Citizen Advisory Committee. If a need is determined by the Commission, the
16 Commission will establish a Citizen Advisory Committee to the Commission, particularly to review and
17 comment on specific projects undertaken by the Commission pursuant to the Watershed Management
18 Plan.

19 5.5. Rules. The Commission shall adopt rules for (a) conducting its business, including but
20 not limited to additional duties of the Commission's officers, (b) the scope of responsibilities of the
21 Technical Advisory Committee and the Citizen Advisory Committee, if one is established, and (c)
22 preparing the annual work plan.

23 5.6. Contracts. The Commission may make such contracts, and enter into any such
24 agreements, as it deems necessary to make effective any power granted to it by this Agreement. No
25 Commissioner shall receive a direct financial benefit from any contract made by the Commission. Every
26 contract for the purchase or sale of merchandise, materials or equipment by the Commission shall be let
27 in

1 accordance with the Uniform Municipal Contracting Law (Minn. Stat. § 47L345) and the Joint Exercise of
2 Powers statute (Minn. Stat. § 47L59). In accordance with Minn. Stat. § 471.59, subd. 3, contracts let and
3 purchases made under this Agreement shall conform to the statutory requirements applicable to the
4 Member cities with a population over 2,500.

5 5.7. Employment. The Commission may contract for services, may use staff of other
6 governmental agencies, may use staff of the Members and may employ such other persons as it deems
7 necessary. Where staff services of a Member are utilized, such services shall not reduce the financial
8 contribution of such Member to the Commission's operating fund unless utilization of staff service is
9 substantial and the Commission so authorizes.

10 5.8. Public/Private Organizations. The Commission may cooperate or contract with the State
11 of Minnesota or any subdivision thereof or federal agency or private or public organization to
12 accomplish the purposes for which it is organized.

13 5.9. Annual Financial, Activity and Audit Reports; Newsletter. The Commission shall submit
14 to its Members and BWSR a financial report, an activity report and an audit report for the preceding
15 fiscal year, in compliance with state law. The Commission shall publish and distribute an annual
16 newsletter in compliance with state law. The Commission shall transmit to the clerk of each Member
17 copies of the reports/newsletter in a format ready for publication. Each Member shall
18 publish/distribute the reports/newsletter as it deems necessary. All of the Commission's books, reports
19 and records shall be available for and open to examination by any Member at all reasonable times.

20 5.10. Gifts, Grant, Loans. The Commission may, within the scope of this Agreement, accept
21 gifts, apply for and use grants or loans of money or other property from the United States, the State of
22 Minnesota, a unit of government or other governmental unit or organization, or any person or entity for the
23 purposes described herein; may enter into any reasonable agreement required in connection therewith;
24 may comply with any laws or regulations applicable thereto; and may hold, use and dispose of such
25 money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

1 5.11. Boundary Change in the Pioneer-Sarah Creek Watershed.

2 A. Enlargement. Proceedings for the enlargement of the Pioneer-Sarah Creek
3 Watershed shall be initiated by a request from affected Member(s) to the Commission, or as mandated by
4 law. Such request should include a map and legal description of the affected area. In reviewing such a
5 request, the Commission should consider, among other things, (a) whether the affected area is
6 contiguous to the existing Pioneer-Sarah Creek Watershed, (b) whether the affected area can be feasibly
7 administered by the Commission; and (c) the reasons why it would be conducive to the public health and
8 welfare to add the area to the existing Pioneer-Sarah Creek Watershed. Upon deliberation, if it appears to
9 the Commission that the enlargement of the Watershed as requested would be for the public welfare and
10 public interest and the purpose of resource management would be served, or that in fact the enlargement
11 is mandated by law, the Commission shall by its findings and order enlarge the Pioneer-Sarah Creek
12 Watershed and file a copy of said findings and order with the appropriate governmental offices.

13 B. Transfer of Territory. Proceedings to transfer territory that is within the
14 Pioneer-Sarah Creek Watershed to the jurisdiction of another watershed management organization or a
15 watershed district shall be initiated by a request from affected Member(s) to the Commission, or as
16 mandated by law. Such request should include a map and legal description of the affected area. Upon
17 deliberation, if it appears to the Commission that the transfer of territory as requested would be for the
18 public welfare and public interest and the purpose of resource management would be served, the
19 Commission shall by its findings and order change the Pioneer-Sarah Creek Watershed boundaries
20 accordingly and file a copy of said findings and order with the appropriate governmental offices.

21 5.12. Subdistricts. The Commission may define and designate drainage subdistricts within the
22 Watershed and shall have authority to separate the Watershed into such different subdistricts and to
23 allocate capital improvement costs to a subdistrict area if that subdistrict is the only area that materially
24 benefits from the capital improvement.

25 5.13. Monitor Water Quality. In connection with its water management plan, the Commission
26 will establish a comprehensive water quality-monitoring plan for lakes and streams within the Watershed.

1 The Commission will also establish goals for judging the adequacy of its water quality protection
2 programs.

3 5.14 Ratification. The Commission may, and where required by this Agreement shall, refer
4 matters to the governing bodies of the Members for ratification. Within 60 days, the governing bodies of
5 the Members shall take action upon any matter referred for ratification.

6 5.15. Statutory Powers. The Commission may exercise all other powers necessary and
7 incidental to the implementation of the purposes and powers set forth herein and as outlined and authorized
8 by Minn. Stat. §§ 103B.201, et seq,

9 SECTION SIX
10 FINANCIAL MATTERS

11
12 6.1. Depositories/Disbursements. The Commission may collect and receive money and
13 services subject to the provisions of this Agreement from the parties and from any other sources approved
14 by the Commission and it may incur expenses and make expenditures and disbursements necessary
15 and incidental to the effectuation of the purposes of this Agreement. The Board shall designate a
16 national, state, or private bank or banks as a depository of Commission funds, Funds may be expended
17 by the Commission in accordance with procedures established herein. Orders, checks and drafts shall
18 be signed by two officers.

19 6.2. General Administration. Each voting Member agrees to contribute each year to a general
20 fund to be used for general administration purposes including, but not limited to, salaries, rent, supplies,
21 development on an overall plan, insurance, bonds, and to purchase and maintain devices to measure
22 hydrological and water quality data. The funds may also be used for normal maintenance of facilities
23 and capital improvements. The annual contribution by each voting Member shall be based on its share
24 of the taxable market value of all real property within the Watershed.

25 6.3. Budget Approval and Appeal Process. On or before July 1 of each year, the Board shall
26 adopt a budget for the following calendar year for the purpose of providing funds to conduct the
27 Commission's business in accordance with its annual work plan, Budget approval shall require a

1 majority vote of all Commissioners eligible to vote. At least 45 days before each Member governmental
2 unit must certify its levy to Hennepin County, the Commission shall certify the budget to the clerk of each
3 Member governmental unit together with a statement of the proportion of the budget to be provided by
4 each Member. The schedule of payments by the Members shall be determined by the Board in such a
5 manner as to provide for an orderly collection of the funds needed.

6 The governing body of each Member agrees to review the budget, and the Board shall upon notice
7 from any Member received prior to August 15, hear objections to the budget, and may amend the budget
8 (except the fee due cannot be increased), and then give notice to the Members of any and all
9 modifications or amendments.

10 SECTION SEVEN
11 CAPITAL IMPROVEMENT PROGRAM
12

13 7.1. Assessments. If a capital improvement ordered by the Commission may result in payment
14 from any Member, or if a capital improvement ordered by the Commission may result in a levy by a
15 Member against privately or publicly owned land within the Watershed, said capital improvement
16 shall follow the statutory procedure outlined in Minn. Stat. Ch, 429, except as herein modified.

17 7.2. Preliminary Reports/Public Hearings. For those improvements initiated by the
18 Commission or so designated in the Commission's watershed management plan to be constructed by the
19 Board, the Board shall secure from its engineers or some other competent person a preliminary report
20 advising it whether the proposed improvement is feasible and as to whether it shall best be made as
21 proposed or in connection with some other improvement and the estimated cost of the improvement as
22 recommended.

23 The Board shall then hold a public hearing on the proposed improvement after mailed notice to the
24 clerk of each Member governmental unit within the Watershed. The Commission shall not be required to
25 mail or publish notice except by said notice to the clerk, Said notice shall be mailed not less than 45
26 days before the hearing, shall state the time and place of the hearing, the general nature of the
27 improvement, the estimated total cost and the estimated cost to each Member governmental unit. The

1 Board may adjourn said hearing to obtain further information, may continue said hearing pending
2 action of the Member governmental units or may take such other action as it deems necessary to carry out
3 the purpose of this Commission.

4 A resolution setting forth the order for a capital improvement project shall require a favorable vote
5 by (a) at least two-thirds of all Commissioners eligible to vote, and (b) all Commissioners representing
6 Members who will directly benefit from the project. In all cases other than to order a capital improvement
7 project, a majority vote of all Commissioners eligible to vote shall be sufficient to adopt an action. The
8 order shall describe the improvement, shall allocate in percentages the cost between the Member
9 governmental units, shall designate the engineers to prepare plans and specifications, and shall designate
10 the Member who will contract for the improvement.

11 After the Board has ordered the improvement or if the hearing is continued while the Member
12 governmental units act on said proposal, it shall forward said preliminary report to all Member
13 governmental units with an estimated time schedule for the construction of said improvement. The Board
14 shall allow an adequate amount of time, and in no event less than 45 days, for each Member
15 governmental unit to conduct hearings, in accordance with the provisions of the aforesaid Chapter 429 or
16 the charter requirements of any Member city, or to ascertain the method of financing which said Member
17 governmental unit will utilize to pay its proportionate share of the costs of the improvement. Each Member
18 governmental unit shall ascertain within a period of 90 days the method it shall use to pay its proportionate
19 share of the costs.

20 If the Commission proposes to use Hennepin County's bonding authority as set forth in Minn. Stat.
21 § 103B.251, or if the Commission proposes to certify all or any part of a capital improvement to Hennepin
22 County for payment, then and in that event all proceedings shall be carried out in accordance with the
23 provisions set forth in said Section 103B,251.

24 The Board shall not order and no engineer shall prepare plans and specifications before the Board
25 has adopted a resolution ordering the improvement. The Board may direct one of its Members to prepare
26 plans and specifications and order the advertising for bids upon receipt of notice from each Member

1 governmental unit who will be assessed that it has completed its hearing or determined its method of
2 payment or upon expiration of 90 days after the mailing of the preliminary report to the Members.

3 7.3. Appeals/Arbitration. Any Member governmental unit being aggrieved by the Board's
4 determination as to the cost allocation of said capital improvement shall have 30 days after the Commission
5 resolution ordering the improvement to appeal said determination. Said appeal shall be in writing and shall
6 be addressed to the Board asking for arbitration, The determination of the Member's appeal shall be
7 referred to a Board of Arbitration. The Board of Arbitration shall consist of three persons; one to be
8 appointed by the Board of Commissioners, one to be appointed by the appealing Member governmental
9 unit, and the third to be appointed by the two so selected. In the event the two persons so selected do no
10 appoint the third person within 15 days after their appointment, then the Chief Judge of the Hennepin
11 County District Court shall have jurisdiction to appoint, upon application of either or both of the two earlier
12 selected, the third person to the Board of Arbitration. The third person selected shall not be a resident of
13 any Member governmental unit and if appointed by the Chief Judge said person shall be a person
14 knowledgeable in the subject matter. The arbitrators' expenses and fees, together with the other expenses,
15 not including attorney fees, incurred in the conduct of the arbitration shall be divided equally between the
16 Commission and the appealing Member, Arbitration shall be conducted in accordance with the Uniform
17 Arbitration Act, Minn, Stat. Ch. 572,

18 7.4. Contracts for Capital Improvements. All contracts which are to be let as a result of the
19 Board ordering a capital improvement, and for which two or more Member governmental units shall be
20 responsible for the costs, shall be let in accordance with the provisions of Minn. Stat, § 429.041. The
21 bidding and contracting of said work shall be let by any one of the Member governmental units, as ordered
22 by the Board, after compliance with the statutory requirements. Contracts and bidding procedures shall
23 comply with the legal requirements applicable to statutory cities.

24 The Commission shall not have the authority to contract in its own name for any improvement
25 work for which a special assessment will be levied against any private or public property under the
26 provisions of Chapter 429 or under the provisions of any Member city charter. These contracts shall be

1 awarded by action of the governing body of a Member and shall be in the name of a Member
2 governmental unit. This section does not preclude the Commission from proceeding under Minn. Stat. §
3 103B.251.

4 7.5. Contracts with Other Governmental Bodies. The Commission may exercise the powers
5 set forth in Section 7.4 but said contracts for a capital improvement shall require a majority vote of all
6 Commissioners eligible to vote.

7 7.6. Supervision. All improvement contracts shall be supervised by the entity awarding the
8 contract. The Commission staff shall also be authorized to observe and review the work in progress and the
9 Members agree to cooperate with the Commission staff in accomplishing its purposes. Representatives of
10 the WMO shall have the right to enter upon the place or places where the improvement work is in
11 progress for the purpose of making reasonable tests and inspections, The Commission staff shall report and
12 advise and recommend to the Board on the progress of the work,

13 7.7. Land Acquisition. The Commission shall not have the power of eminent domain and shall
14 not own any interest in real property. All interests in lands shall be held in the name of the Member wherein
15 said lands are located.

16 7.8. Capital Improvement Fund. The Commission shall establish an improvement fund or
17 funding mechanism for each capital improvement project. The Commission may fund all or part of the cost
18 of a capital improvement contained in the capital improvement program of the plan in accordance with
19 Minn. Stat. § 103B.251, The Commission and Hennepin County may establish a maintenance fund to be
20 used for normal and routine maintenance of an improvement constructed in whole or in part with money
21 provided by Hennepin County pursuant to Minn, Stat, § 103B.251. The levy and collection of an ad
22 valorem tax levy for an improvement, payment of bonds, or maintenance shall be by Hennepin County
23 based upon a tax levy resolution adopted by a majority vote of all eligible Members of the Board and
24 remitted to the County on or before the date prescribed by law each year. If it is determined to levy for
25 maintenance, the Commission shall be required to follow the hearing process established by Minn. Stat.

1 Ch. 103D. Mailed notice shall also be sent to the clerk of each Member governmental unit at least 30
2 days before the hearing.

3 7.9. Capital Improvement Cost Allocation.

4 A. All costs of improvements designated in the Board's adopted watershed
5 management plan for construction by the Board, which the Board determines will benefit only one
6 Member, shall be paid for entirely by that Member.

7 B. All costs of improvements designated in the Board's adopted watershed
8 management plan for construction by the Board, which the Board determines benefit more than one
9 Member, shall be apportioned by the Board by the following bases:

- 10 (1) A negotiated amount to be arrived at by the Members who have
11 lands in the subdistrict responsible for the capital improvement; or
12
- 13 (2) On the basis of each Member's share of the taxable market value of
14 all real property within the Watershed; or
15
- 16 (3) Capital costs allocated under option (2) above may be varied by the
17 Commission by a favorable vote by (a) at least two-thirds of all
18 Commissioners eligible to vote and (b) all Commissioners
19 representing Members who will directly benefit from the project, if
20 (i) any Member community receives a direct benefit from the
21 capital improvement which benefit can be defined as a lateral as
22 well as a trunk benefit, or (ii) the capital improvement provides a
23 direct benefit to one or more Members which benefit is so
24 disproportionate as to require in a sense of fairness a modification
25 in the formula.

26
27 C. If the project is constructed and financed pursuant to Minnesota Statutes
28 103B.251, the Members understand and agree that said costs will be levied on all taxable property in
29 the watershed as set forth in the statute.

30 SECTION EIGHT
31 WITHDRAWAL FROM AGREEMENT
32

33 Withdrawal of any Member may be accomplished by filing written notice with the
34 Commission and the other Members 60 days before the effective date of withdrawal. No Member may
35 withdraw from this Agreement until the withdrawing Member has met its full financial obligations for
36 the year of withdrawal and prior years.

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SECTION NINE
DISSOLUTION OF COMMISSION

9.1. This Agreement may be terminated upon the unanimous consent of the parties. If the Agreement is to be terminated, a notice of the intent to dissolve the Commission shall be sent to Hennepin County and BWSR at least 90 days before the date of dissolution.

9.2. In addition to the manner provided in Section 9.1 for termination, any Member may petition the Commission's Board to dissolve the Commission. Upon 90 days notice in writing to the clerk of each member governmental unit and to Hennepin County and BWSR, the Board shall hold a hearing and upon a majority vote of all Commissioners eligible to vote, the Board may by Resolution recommend that the Commission be dissolved. Said Resolution shall be submitted to each Member governmental unit and if ratified by three-fourths of the governing bodies of all eligible Members within 60 days, said Board shall dissolve the Commission allowing a reasonable time to complete work in progress and to dispose of personal property owned by the Commission.

9.3. Winding Up. Upon dissolution, all personal property of the Commission shall be sold and the proceeds thereof, together with monies on hand after payment of all obligations, shall be distributed to the Members. Such distribution of Commission assets shall be made in approximate proportion to the total contributions to the Commission for such costs made by each Member, All payments due and owing for operating costs under Section 6.2, or other unfilled financial obligations, shall continue to be the lawful obligation of the Members. In no event may this Agreement be terminated until all of the planning and plan implementation provisions of the Act, which are required of a watershed management organization, have been completed.

SECTION TEN
MISCELLANEOUS PROVISIONS

10.1. Special Assessments. The Commission shall not have the power to levy a special assessment upon any privately or publicly owned land. All such assessments shall be levied by the Member wherein said lands are located. The Commission shall have the power to require any Member to contribute the costs allocated or assessed according to the other provisions of this agreement.

1 10.2. Member's Construction Projects that Will Affect Pioneer-Sarah Creek. Each Member
2 agrees that it will not directly or indirectly collect or divert any additional surface water to or from Pioneer-
3 Sarah Creek or its tributaries without approval from the Commission. Such approval may be granted
4 by the Commission for a Member to proceed with the construction or reconstruction of improvements
5 within the individual corporate Member's boundaries and at said Member's sole cost upon a finding (a)
6 that there is an adequate outlet, (b) that said construction is in conformance with the overall plan, and
7 (c) that the construction will not adversely affect other Members.

8 10.3. Member Vote Suspension for Failure to Contribute. Any Member who is more than 60
9 days in default in contributing its proportionate share to the general fund shall have the vote of its Board
10 representative suspended pending the payment of its proportionate share. Any Member who is more
11 than 60 days in default in contributing its proportionate share of the cost of any improvement to the
12 contracting Member shall upon request of the contracting Member have the vote of its Board
13 representative suspended, pending the payment of its proportionate share, Any Member whose Board
14 representative vote is under suspension shall not be considered as an eligible Member as such
15 membership affects the number of votes required to proceed on any matter under consideration by the
16 Board.

17 10.4. Amendment. The Commission may recommend changes and amendments to this
18 Agreement to the Members. Amendments shall be acted upon by the Members within 90 days of referral.
19 Amendments shall be evidenced by appropriate resolutions of the Members filed with the Commission and
20 shall, if no effective date is contained in the amendment, become effective as of the date all such
21 filings have been completed.

22 10.5. Termination of Prior Agreement. By executing this document, the parties hereby agree to
23 terminate the prior joint powers agreement, adopted July 29, 1993.

24 10.6. Counterparts. This Agreement and any amendment may be executed in several
25 counterparts and all so executed shall constitute one Agreement or amendment, binding on all of the parties
26 hereto notwithstanding that all of the parties are not signatory to the original or the same counterpart.

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- 10.7. Effective Date. This Agreement shall be in full force and effect when all governmental units delineated in Section 2 have executed this Agreement. All Members need not sign the same copy.
- 10.8. Duration. This Agreement shall have an unlimited duration.
- 10.9. Statutory References. All statutory references include all future amendments.

Dated: 8/17/04

CITY OF GREENFIELD
 By: Thomas G. Swann
 Its Mayor
 Attest: Christa Okerman
 Its City Clerk

Dated: 2-24-04

CITY OF INDEPENDENCE
 By: Lewis D. John
 Its Mayor
 Attest: Ron Hunsel
 Its City Clerk

Dated: 3/9/2004

CITY OF LORETTO
 By: Kent C. Torce
 Its Mayor
 Attest: Kelly Bruninell
 Its City Clerk

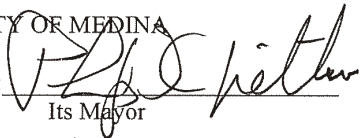
Dated: 3/23/04

CITY OF MAPLE PLAIN
 By: Jack Vigoren
 Its Mayor
 Attest: Debbie Hudson
 Its City Clerk

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Dated: 3-16-04


CITY OF MEDINA

By: 
Its Mayor

Attest: 
Its City Clerk

Dated: 3/15/04

CITY OF MINNETRISTA

By: 
Its Mayor

Attest: 
Its City Clerk

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**RULES OF THE
PIONEER-SARAH CREEK WATERRSHED MANAGEMENT COMMISSION**

The purpose of these rules is to provide procedures for the operation of the Pioneer-Sarah Creek Watershed Management Commission, pursuant to and by the authority of its Joint Powers Agreement.

I. OFFICERS AND APPOINTEES

A. The officers of the Pioneer-Sarah Creek Watershed Management Commission (hereafter, "Commission") shall be the Chair, Vice Chair, Secretary and Treasurer. An Executive Secretary, Deputy Treasurer, Technical Advisor and Attorney will be appointed by the Commission.

B. The Chair shall be the presiding officer of the Commission. He/she shall preside at all meetings of the Commission and shall have all of the same privileges of discussion, making motions and voting as do other members. The Chair may delegate certain responsibilities to the Executive Secretary as necessary to properly carry out the duties of the office.

C. The Vice Chair shall, in the absence or disability of the Chair, perform the duties and exercise the powers of the Chair.

D. The Treasurer shall have the custody of the funds and securities of the Commission and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Commission and shall deposit all monies and other valuable effects in the name and to the credit of the Commission in such depository as may be designated by the Commission. He/she shall disburse the funds of the Commission as ordered by the Commission and shall render to the Commission at regular meetings, or as they may request, an account of all his/her transactions as Treasurer and of the Financial condition of the Commission. No Commission funds shall be disbursed without the signature of at least two officers of the Commission. For the purpose of disbursing funds, the Deputy Treasurer will be considered an officer of the Commission. The Treasurer may delegate certain responsibilities to the Executive Secretary or Deputy Treasurer as necessary to properly carry out the duties of the office.

E. The Secretary or his/her delegate shall attend all meetings of the Commission and shall act as Clerk of such meetings and shall record all votes and the minutes of all proceedings in files kept for that purpose. He/she shall give notice of all meetings of the

Commission and shall perform such other duties as may be prescribed by the Commission. The Secretary may delegate certain responsibilities to the Executive Secretary as necessary to properly carry out the duties of the office. The office of the Executive Secretary shall serve as the official mailing address of the Commission and the location of the Commission's official bulletin board for the posting of all notices.

F. The Hennepin County Department of Environmental Services (hereafter, "HCDES") shall serve as the Technical Advisor to the Commission and shall be a non-voting member of the Commission with no financial responsibilities. The HCDES shall perform such technical and advisory services as are agreed upon from time to time in addition to those specified by these rules.

G. The Executive Secretary is appointed by the Commission to coordinate activities of the Commission, accept delegated duties by the Commission officers, and accept administrative duties not assigned to officers.

H. The Attorney is appointed by the Commission to represent the Commission and to advise the Commission in legal matters.

I. The officers and appointees of the Commission shall give bond as required by the Commission, and by the Joint Powers Agreement (hereafter "Agreement"), with corporate sureties satisfactory to the Commission for the faithful performance of their duties and for restoration to the Commission, in case of death, resignation, retirement or removal from office, of all books, papers, vouchers, money and property of whatever kind coming into their possession or under their control, belonging to the Commission. The premium on any such bond shall be paid out of Commission funds.

J. Other persons may be engaged to perform any service or hold any office as required by the Commission.

K. The term of office of all officers shall be one year, commencing March 1. Staff persons shall serve at the pleasure of the Commission.

L. The Commission shall hold its election of officers at the first regular meeting during the month of February each year, with newly elected officers assuming office on March 1 of that year. Written notice of the election shall be made in notices of regular meetings for the months of January and February. In any event, the officers shall be held over in their offices until such election occurs.

M. The budget year of the Commission shall be the calendar year.

II. MEETINGS

A. The regular meetings of the Commission shall be held on the third Thursday of each month at 4:00 p.m. at Independence City Center, Independence, Minnesota, unless written notice of a change of meeting time or place is mailed or emailed as requested to the members three days prior to the meeting and posted on the Commission's website and official bulletin board.

B. Written notice of all meetings of the Commission shall be sent to all Commissioners, to duly appointed Alternate Commissioners of all parties, and to the Clerk of each member city.

C. Special meetings of the Commission may be called by the Chair or any other three Commissioners jointly. The purpose of any special meeting shall be stated in the notice of the meeting.

D. Written notice of regular meetings shall be mailed or emailed as requested at least four days prior to each meeting and written notice of special meetings shall be mailed or emailed as requested at least two days prior to each such meeting and posted on the Commission's website and official bulletin board.

E. At any meeting of the Commission, the presence of a majority of the Commissioners shall constitute a quorum. The presence of an Alternate Commissioner in lieu of his/her Commissioner shall count in calculating the majority. Non-voting members shall not be calculated when determining a quorum.

F. If the Secretary is absent from a meeting and he/she has not delegated his/her responsibilities to the Executive Secretary, or if the Executive Secretary is absent from the meeting, the Chair shall appoint a Secretary Pro Tem for the meeting.

G. All meetings shall be conducted in accordance with Robert's Rules of Order Revised, except as otherwise provided in the Agreement of these Rules.

III. COMMITTEES

A. A Technical Advisory Committee ("TAC") to the Commission is hereby created. TAC members and one or more alternate members shall be appointed by the governing body of each Member. TAC members may be, but need not be, Commissioners. The Executive Secretary and a representative from the Hennepin County Department of Environmental Services and the Three Rivers Park District shall also serve as TAC members. TAC

members shall serve at the pleasure of the governing body of each Member that appoints them and are not required to meet statutory qualifications for Commissioners.

1. The purpose of the Technical Advisory Committee shall be to review guidelines, standards and policies used to evaluate plats, plans and proposals of parties to the Joint Powers Agreement and make recommendations thereon to the full Commission, in order to establish procedures to assess flooding, water quality, sedimentation and erosion.

2. The Technical Advisory Committee shall schedule operations to carry out a water quality monitoring program in the watershed according to the policies of the Pioneer-Sarah Creek Watershed Management Plan and will provide technical advisory assistance to any local government unit as requested-

3. The Technical Advisory Committee shall review all local surface water management plans for consistency with the Pioneer-Sarah Creek Watershed Management Plan and the requirements of the current Metropolitan Surface Water Management Statute.

4. Technical Advisory Committee members shall undertake projects/tasks as requested or assigned to the TAC by the Commission and may participate in meetings of the Commission pertaining to those assigned projects/tasks.

B. An Executive Committee of the Commission is hereby created, composed of the four officers, a representative from the HCDES, and the Executive Secretary and shall provide direction for the Commission. Among its duties, the Executive Committee shall assume the role of a steering committee, review these rules, formulate educational programs for the public and member staffs, review legislation and recommend action and direction to the Commission. The Executive Committee may meet from time to time at a place and time designated by the Chairman. Written notices of these meetings shall be mailed or emailed as requested to the members three days prior to the meetings.

C. Citizen Advisory Committee. If a need is determined by the Commission, the Commission will establish a Citizen Advisory Committee to the Commission, particularly to review and comment on specific projects undertaken by the Commission pursuant to the Watershed Management Plan.

IV. PROJECT REVIEWS

A. Construction/Development Requiring Commission Review. In order to protect, preserve and manage the surface water resources of the watershed, the Commission has

developed goals, policies and standards to address issues related to water quantity, water quality, groundwater management, shoreland management, wetland management, and soil erosion management.

B. Procedures. In order to expedite the plan review in each of the categories listed above, along with practical recommendations that will assure the application of standards in a manner consistent with the policies of the Pioneer-Sarah Creek Watershed Plan, the following procedures shall be followed:

1. All plans and proposals will be sent by the member responsible for plan reviews directly to the Administrative Office.

2. Three copies of grading plans, erosion control plans; along with the Commission form requesting plan review, applicable review fees, and the name of the applicant or his/her representative and where he/she can be reached shall be submitted.

3. The Technical Advisor will have ten (10) work days in which to respond.

4. The Technical Advisor shall contact the applicant or his/her representative when additional information is required for review or a revision is required in the submitted plans.

5. One copy of the Technical Advisor's recommendations for changes will be sent to the responsible member, one copy to the applicant or his/her representative, and one copy will be filed in the Administrative Office.

6. If requested by the responsible member or the applicant, the Technical Advisor shall meet with both parties to discuss their recommendations and make revisions thereto if agreed to by the Technical Advisor.

7. The Plan with the Technical Advisor's recommendations shall then be forwarded to the Commission.

C. Commission Approval/Disapproval of Plan Reviews.

1. The Technical Advisor shall provide the Commission with a written report each month describing its disposition of each plan review and listing its recommendations for each plan's approval, contingent approval, or disapproval.

2. In cases where problems are encountered with the plan or proposal that cannot be resolved between the applicant or his/her representative, or member responsible for plan reviews, and the Technical Advisor, all involved persons will receive notice to come before the full Commission to present data and information on the nature of the conflict.

3. After review of the Technical Advisor's recommendations, data and information presented by others, and other pertinent information discussed or presented, the Commission will approve or disapprove each plan review presented in the written monthly report.

4. The Technical Advisor has Staff Authority to approve projects without presentation to the Commission when only erosion and sediment control review is required and when floodplain impact is less than or equal to 100 cubic yards.

5. In the case of project applications involving wetlands, and when the Commission is the Local government Unit (LGU) for the Wetland Conservation Act (WCA), the Technical Advisor has Staff Authority to grant no-loss exemption certificates, de minimis exemptions and certificates, approve pond excavations, and sign off on Technical Evaluation Panel (TEP) findings for wetlands less than or equal to one-half acre in size.

D. Enforcement Policy. In the event that enforcement of the Commission's review actions is required and is not undertaken as a matter of course by the submitting member, the Commission will tender the matter to the member for enforcement by it in accordance with its official controls. This referral policy is in accordance with the Agreement and the statutory powers to which it refers.

V. ANNUAL REQUIREMENTS

A. Requirements for annual financial, activities and audit reports. Within 120 days of the end of the Commission's fiscal year, the Commission shall submit to the Board of Water and Soil Resources a financial report, an activity report, and an audit report for the preceding fiscal year if it has expended or accrued funds during that time. These reports may be combined into a single document. The audit report for the preceding fiscal year must be prepared by a certified public accountant or the state auditor and forwarded to the state auditor's office within 120 days of the end of the fiscal year. For the required contents of these reports, refer to the appropriate State Rule.

B. The Technical Advisor and Executive Secretary shall develop an Annual Work Plan prior to the annual budget meeting of the Commission.

VI. WATER APPROPRIATION FOR NON-ESSENTIAL USES

A. Policy. In order to comply with Minnesota Statutes 103B.211 Subd. 4 and 5, or its successor, which requires permits for non-essential water appropriation uses such as lawn sprinkling, car washing, and golf course and park irrigation, the following standards and

application form have been established by the Commission.

B . Scope. Each tributary of the Pioneer-Sarah Creek Watershed qualifies.

C. Standards and Criteria.

1. From lakes. Permits will be issued to lakeshore (riparian) owners for appropriation for non-essential uses from the lakes. Each permit shall recite a minimum lake level elevation which requires cessation of all appropriation if and when that minimum elevation is reached. In the event such minimum elevations are changed, the elevation recited in permits issued shall remain governing until the permits expire.

2. From Pioneer and Sarah Creeks and their tributaries. Because flows are nominal except during periods of flooding and high water, no permits will be issued. Any lake or waterway frontage (riparian) owner may petition the Commission for revision of this rule. The petition shall be accompanied with the facts, reasons, and photos or other exhibits showing why this rule is unreasonable generally or under the specific circumstance of the petitioning riparian owner.

3. From wetlands. No permits will be issued, except on a showing of hardship or unique circumstances.

4. Permit applications. Permit applications will be in the form included as part of these rules and when executed and delivered by U.S. Mail to the address provided will constitute the permit. Each permit will be valid for two (2) calendar years.

5. No vested rights. No rights to appropriate will vest with the owner, run with the land, or otherwise attach to the property regardless of the renewals made or any other factors.

VII. MISCELLANEOUS

A Code of Ethics is attached as an appendix to these Rules and has been adopted separately.

VIII. AMENDMENTS

These rules, after written notice to the members four days prior to the meeting, may be amended by the affirmative vote of the voting majority of the Commissioners. A majority of a quorum is not sufficient to amend these rules.

Dated: February 19, 2009

CODE OF ETHICS

PIONEER-SARAH CREEK WATERSHED MANAGEMENT COMMISSION

The Rules of the Pioneer-Sarah Creek Watershed Management Commission are amended to include this Code of Ethics:

Purpose

1. The Pioneer-Sarah Creek Watershed Management Commission (hereafter, Commission,) confirms its determination that ethical standards among the Representatives to the Commission (hereinafter Commissioners,) are essential to the proper conduct of its public responsibilities. By eliminating conflicts of interest and providing a guide for conduct in Commission matters, the Commission strives to promote the faith and confidence of the citizens of the Pioneer-Sarah Creek Watershed in their government.
2. The following standards of conduct are intended to serve as guidelines for Commissioners in carrying their public responsibilities. This policy is in addition to any statutory requirements, attorney general opinions or court rulings which prescribe allowable actions for Commissioners.

Standards of Conduct

1. Commissioners shall not use their positions to secure special privileges or exemptions for themselves or others, or to intentionally jeopardize the position or employment of others.
2. Commissioners may not participate in deliberations in any matter before the Commission which affects the Commissioner's financial interests directly or indirectly, or those of a business with which the Commissioner is associated. Whenever such conflict is recognized, the affected Commissioner shall disclose for the record such interest prior to any discussion or vote and disqualify himself/herself from any further official activity on the issue.
3. A Commissioner shall not act as an agent or attorney for another in any matter before the Commission or before any court, administrative board or tribunal in any matter in which the Commission is a party.
4. Commissioners shall not directly or indirectly receive, or agree to receive, any compensation, gift or reward or gratuity as an inducement to support or influence any matter or proceeding connected with, or related to, the duties of the office.
5. Commissioners shall not enter into any contract with the Commission. Any Commissioner who is an officer, director, partner, agent, proprietor or employee of any firm or has a proprietary interest of 10 percent or more in any company, business, enterprise, corporation, partnership, labor union or association doing business with the Commission shall make known that interest in writing as provided in the Disclosure Section of this policy.

Disclosures

No later than (30) days after the date of the adoption of this policy existing Commissioners shall receive a copy of this policy and the disclosure form and return the completed form to the Executive Secretary. Commissioners, elected or appointed, shall no later than (30) days following election or appointment to office and each year thereafter by March 1, complete the disclosure form and return it to the Executive Secretary. All subsequent applicants for membership on the Commission shall file a completed disclosure form. Within thirty (30) days after the acquisition or sale of any property, each Commissioner shall file as a public record with the Clerk of the community he/she represents, a list of all real property in which the Commissioner has a beneficial interest, disclosing each individual item held, and by whom. Homestead shall be excluded from the above disclosure. Each Commissioner shall disclose all positions as officer, director, partner, agent, proprietor or employee of any firm in which such a member has proprietary interest of 10% or more in any company, business, enterprise, corporation, partnership, labor union or association doing business with the Commission and indicate with respect to each such relationship whether services are gratuitous or for compensation.

Disclosure Form

The disclosure information required by this policy shall be set forth on a form which shall be made available by the Executive Secretary and attached hereto.

Discipline

Upon the signed written complaint of any person questioning adherence to this policy or on the Commission's own volition, the Commission shall refer the matter to its Attorney for investigation and the Commission's Attorney shall report the results of his investigation to the Commission within 45 days thereafter. A copy of such report shall be furnished to the person complained against. Such person may request a hearing on this matter before the Commission, which request shall be filed with the Executive Secretary not later than 10 days following receipt by such person of its Attorney's report.

Upon receipt of its Attorney's report and at the conclusion of any hearing on the matter, the Commission by majority vote may dismiss the complaint as having no merit, may adopt a resolution of censure, or may remove the Commissioner from such Commission. The Commissioner complained against shall not participate in the Commission's deliberations or vote with respect thereto.

**CODE OF ETHICS DISCLOSURE FORM
PIONEER-SARAH CREEK WATERSHED MANAGEMENT COMMISSION**

All representatives (hereinafter, Commissioners,) of the Pioneer-Sarah Creek Watershed Management Commission (hereinafter, Commission,) are required to complete and file this disclosure form with the Executive Secretary of the Commission in accordance with the provisions of the Code of Ethics of the Pioneer-Sarah Creek Watershed Management Commission.

1. **Affiliations with agencies doing business with the Pioneer-Sarah Creek Watershed Management Commission.** Identify all positions as officer, director, partner, proprietor or employee of any firm or proprietary interest of 10% or more in any company, business, enterprise, corporation, partnership, labor union or association doing business with the Commission.

Name of Organization	Position Held	Compensation Involved	
		Yes _____	No _____
_____	_____		
_____	_____		
_____	_____		
_____	_____		

2. **Real property owned in the Pioneer-Sarah Creek Watershed.** Real property items owned or being purchased by the Commissioner, his/her spouse or child, or in which the Commissioner has a beneficial interest. The actual value of any item is not required. (Exclude homestead property.)

Property Item	Address/Property Identification Number
_____	_____
_____	_____
_____	_____
_____	_____

3. **Assets.** Identify all ownership or beneficial interests in any company, business, enterprise, corporation, partnership, labor union, or association doing business with the Commission where such interest exceeds ten percent (10%) of the total ownership.

Name of Organization

Date _____

Commissioner

Community

Received by Executive Secretary on _____

**RULES OF THE
PIONEER-SARAH CREEK WATERRSHED MANAGEMENT COMMISSION**

The purpose of these rules is to provide procedures for the operation of the Pioneer-Sarah Creek Watershed Management Commission, pursuant to and by the authority of its Joint Powers Agreement.

I. OFFICERS AND APPOINTEES

A. The officers of the Pioneer-Sarah Creek Watershed Management Commission (hereafter, "Commission") shall be the Chair, Vice Chair, Secretary and Treasurer. An Executive Secretary, Deputy Treasurer, Technical Advisor and Attorney will be appointed by the Commission.

B. The Chair shall be the presiding officer of the Commission. He/she shall preside at all meetings of the Commission and shall have all of the same privileges of discussion, making motions and voting as do other members. The Chair may delegate certain responsibilities to the Executive Secretary as necessary to properly carry out the duties of the office.

C. The Vice Chair shall, in the absence or disability of the Chair, perform the duties and exercise the powers of the Chair.

D. The Treasurer shall have the custody of the funds and securities of the Commission and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Commission and shall deposit all monies and other valuable effects in the name and to the credit of the Commission in such depository as may be designated by the Commission. He/she shall disburse the funds of the Commission as ordered by the Commission and shall render to the Commission at regular meetings, or as they may request, an account of all his/her transactions as Treasurer and of the Financial condition of the Commission. No Commission funds shall be disbursed without the signature of at least two officers of the Commission. For the purpose of disbursing funds, the Deputy Treasurer will be considered an officer of the Commission. The Treasurer may delegate certain responsibilities to the Executive Secretary or Deputy Treasurer as necessary to properly carry out the duties of the office.

E. The Secretary or his/her delegate shall attend all meetings of the Commission and shall act as Clerk of such meetings and shall record all votes and the minutes of all proceedings in files kept for that purpose. He/she shall give notice of all meetings of the

Commission and shall perform such other duties as may be prescribed by the Commission. The Secretary may delegate certain responsibilities to the Executive Secretary as necessary to properly carry out the duties of the office. The office of the Executive Secretary shall serve as the official mailing address of the Commission and the location of the Commission's official bulletin board for the posting of all notices.

F. The Hennepin County Department of Environmental Services (hereafter, "HCDES") shall serve as the Technical Advisor to the Commission and shall be a non-voting member of the Commission with no financial responsibilities. The HCDES shall perform such technical and advisory services as are agreed upon from time to time in addition to those specified by these rules.

G. The Executive Secretary is appointed by the Commission to coordinate activities of the Commission, accept delegated duties by the Commission officers, and accept administrative duties not assigned to officers.

H. The Attorney is appointed by the Commission to represent the Commission and to advise the Commission in legal matters.

I. The officers and appointees of the Commission shall give bond as required by the Commission, and by the Joint Powers Agreement (hereafter "Agreement"), with corporate sureties satisfactory to the Commission for the faithful performance of their duties and for restoration to the Commission, in case of death, resignation, retirement or removal from office, of all books, papers, vouchers, money and property of whatever kind coming into their possession or under their control, belonging to the Commission. The premium on any such bond shall be paid out of Commission funds.

J. Other persons may be engaged to perform any service or hold any office as required by the Commission.

K. The term of office of all officers shall be one year, commencing March 1. Staff persons shall serve at the pleasure of the Commission.

L. The Commission shall hold its election of officers at the first regular meeting during the month of February each year, with newly elected officers assuming office on March 1 of that year. Written notice of the election shall be made in notices of regular meetings for the months of January and February. In any event, the officers shall be held over in their offices until such election occurs.

M. The budget year of the Commission shall be the calendar year.

II. MEETINGS

A. The regular meetings of the Commission shall be held on the third Thursday of each month at 4:00 p.m. at Independence City Center, Independence, Minnesota, unless written notice of a change of meeting time or place is mailed or emailed as requested to the members three days prior to the meeting and posted on the Commission's website and official bulletin board.

B. Written notice of all meetings of the Commission shall be sent to all Commissioners, to duly appointed Alternate Commissioners of all parties, and to the Clerk of each member city.

C. Special meetings of the Commission may be called by the Chair or any other three Commissioners jointly. The purpose of any special meeting shall be stated in the notice of the meeting.

D. Written notice of regular meetings shall be mailed or emailed as requested at least four days prior to each meeting and written notice of special meetings shall be mailed or emailed as requested at least two days prior to each such meeting and posted on the Commission's website and official bulletin board.

E. At any meeting of the Commission, the presence of a majority of the Commissioners shall constitute a quorum. The presence of an Alternate Commissioner in lieu of his/her Commissioner shall count in calculating the majority. Non-voting members shall not be calculated when determining a quorum.

F. If the Secretary is absent from a meeting and he/she has not delegated his/her responsibilities to the Executive Secretary, or if the Executive Secretary is absent from the meeting, the Chair shall appoint a Secretary Pro Tem for the meeting.

G. All meetings shall be conducted in accordance with Robert's Rules of Order Revised, except as otherwise provided in the Agreement of these Rules.

III. COMMITTEES

A. A Technical Advisory Committee ("TAC") to the Commission is hereby created. TAC members and one or more alternate members shall be appointed by the governing body of each Member. TAC members may be, but need not be, Commissioners. The Executive Secretary and a representative from the Hennepin County Department of Environmental Services and the Three Rivers Park District shall also serve as TAC members. TAC

members shall serve at the pleasure of the governing body of each Member that appoints them and are not required to meet statutory qualifications for Commissioners.

1. The purpose of the Technical Advisory Committee shall be to review guidelines, standards and policies used to evaluate plats, plans and proposals of parties to the Joint Powers Agreement and make recommendations thereon to the full Commission, in order to establish procedures to assess flooding, water quality, sedimentation and erosion.

2. The Technical Advisory Committee shall schedule operations to carry out a water quality monitoring program in the watershed according to the policies of the Pioneer-Sarah Creek Watershed Management Plan and will provide technical advisory assistance to any local government unit as requested-

3. The Technical Advisory Committee shall review all local surface water management plans for consistency with the Pioneer-Sarah Creek Watershed Management Plan and the requirements of the current Metropolitan Surface Water Management Statute.

4. Technical Advisory Committee members shall undertake projects/tasks as requested or assigned to the TAC by the Commission and may participate in meetings of the Commission pertaining to those assigned projects/tasks.

B. An Executive Committee of the Commission is hereby created, composed of the four officers, a representative from the HCDES, and the Executive Secretary and shall provide direction for the Commission. Among its duties, the Executive Committee shall assume the role of a steering committee, review these rules, formulate educational programs for the public and member staffs, review legislation and recommend action and direction to the Commission. The Executive Committee may meet from time to time at a place and time designated by the Chairman. Written notices of these meetings shall be mailed or emailed as requested to the members three days prior to the meetings.

C. Citizen Advisory Committee. If a need is determined by the Commission, the Commission will establish a Citizen Advisory Committee to the Commission, particularly to review and comment on specific projects undertaken by the Commission pursuant to the Watershed Management Plan.

IV. PROJECT REVIEWS

A. Construction/Development Requiring Commission Review. In order to protect, preserve and manage the surface water resources of the watershed, the Commission has

developed goals, policies and standards to address issues related to water quantity, water quality, groundwater management, shoreland management, wetland management, and soil erosion management.

B. Procedures. In order to expedite the plan review in each of the categories listed above, along with practical recommendations that will assure the application of standards in a manner consistent with the policies of the Pioneer-Sarah Creek Watershed Plan, the following procedures shall be followed:

1. All plans and proposals will be sent by the member responsible for plan reviews directly to the Administrative Office.

2. Three copies of grading plans, erosion control plans; along with the Commission form requesting plan review, applicable review fees, and the name of the applicant or his/her representative and where he/she can be reached shall be submitted.

3. The Technical Advisor will have ten (10) work days in which to respond.

4. The Technical Advisor shall contact the applicant or his/her representative when additional information is required for review or a revision is required in the submitted plans.

5. One copy of the Technical Advisor's recommendations for changes will be sent to the responsible member, one copy to the applicant or his/her representative, and one copy will be filed in the Administrative Office.

6. If requested by the responsible member or the applicant, the Technical Advisor shall meet with both parties to discuss their recommendations and make revisions thereto if agreed to by the Technical Advisor.

7. The Plan with the Technical Advisor's recommendations shall then be forwarded to the Commission.

C. Commission Approval/Disapproval of Plan Reviews.

1. The Technical Advisor shall provide the Commission with a written report each month describing its disposition of each plan review and listing its recommendations for each plan's approval, contingent approval, or disapproval.

2. In cases where problems are encountered with the plan or proposal that cannot be resolved between the applicant or his/her representative, or member responsible for plan reviews, and the Technical Advisor, all involved persons will receive notice to come before the full Commission to present data and information on the nature of the conflict.

3. After review of the Technical Advisor's recommendations, data and information presented by others, and other pertinent information discussed or presented, the Commission will approve or disapprove each plan review presented in the written monthly report.

4. The Technical Advisor has Staff Authority to approve projects without presentation to the Commission when only erosion and sediment control review is required and when floodplain impact is less than or equal to 100 cubic yards.

5. In the case of project applications involving wetlands, and when the Commission is the Local government Unit (LGU) for the Wetland Conservation Act (WCA), the Technical Advisor has Staff Authority to grant no-loss exemption certificates, de minimis exemptions and certificates, approve pond excavations, and sign off on Technical Evaluation Panel (TEP) findings for wetlands less than or equal to one-half acre in size.

D. Enforcement Policy. In the event that enforcement of the Commission's review actions is required and is not undertaken as a matter of course by the submitting member, the Commission will tender the matter to the member for enforcement by it in accordance with its official controls. This referral policy is in accordance with the Agreement and the statutory powers to which it refers.

V. ANNUAL REQUIREMENTS

A. Requirements for annual financial, activities and audit reports. Within 120 days of the end of the Commission's fiscal year, the Commission shall submit to the Board of Water and Soil Resources a financial report, an activity report, and an audit report for the preceding fiscal year if it has expended or accrued funds during that time. These reports may be combined into a single document. The audit report for the preceding fiscal year must be prepared by a certified public accountant or the state auditor and forwarded to the state auditor's office within 120 days of the end of the fiscal year. For the required contents of these reports, refer to the appropriate State Rule.

B. The Technical Advisor and Executive Secretary shall develop an Annual Work Plan prior to the annual budget meeting of the Commission.

VI. WATER APPROPRIATION FOR NON-ESSENTIAL USES

A. Policy. In order to comply with Minnesota Statutes 103B.211 Subd. 4 and 5, or its successor, which requires permits for non-essential water appropriation uses such as lawn sprinkling, car washing, and golf course and park irrigation, the following standards and

application form have been established by the Commission.

B . Scope. Each tributary of the Pioneer-Sarah Creek Watershed qualifies.

C. Standards and Criteria.

1. From lakes. Permits will be issued to lakeshore (riparian) owners for appropriation for non-essential uses from the lakes. Each permit shall recite a minimum lake level elevation which requires cessation of all appropriation if and when that minimum elevation is reached. In the event such minimum elevations are changed, the elevation recited in permits issued shall remain governing until the permits expire.

2. From Pioneer and Sarah Creeks and their tributaries. Because flows are nominal except during periods of flooding and high water, no permits will be issued. Any lake or waterway frontage (riparian) owner may petition the Commission for revision of this rule. The petition shall be accompanied with the facts, reasons, and photos or other exhibits showing why this rule is unreasonable generally or under the specific circumstance of the petitioning riparian owner.

3. From wetlands. No permits will be issued, except on a showing of hardship or unique circumstances.

4. Permit applications. Permit applications will be in the form included as part of these rules and when executed and delivered by U.S. Mail to the address provided will constitute the permit. Each permit will be valid for two (2) calendar years.

5. No vested rights. No rights to appropriate will vest with the owner, run with the land, or otherwise attach to the property regardless of the renewals made or any other factors.

VII. MISCELLANEOUS

A Code of Ethics is attached as an appendix to these Rules and has been adopted separately.

VIII. AMENDMENTS

These rules, after written notice to the members four days prior to the meeting, may be amended by the affirmative vote of the voting majority of the Commissioners. A majority of a quorum is not sufficient to amend these rules.

Dated: February 19, 2009

CODE OF ETHICS

PIONEER-SARAH CREEK WATERSHED MANAGEMENT COMMISSION

The Rules of the Pioneer-Sarah Creek Watershed Management Commission are amended to include this Code of Ethics:

Purpose

1. The Pioneer-Sarah Creek Watershed Management Commission (hereafter, Commission,) confirms its determination that ethical standards among the Representatives to the Commission (hereinafter Commissioners,) are essential to the proper conduct of its public responsibilities. By eliminating conflicts of interest and providing a guide for conduct in Commission matters, the Commission strives to promote the faith and confidence of the citizens of the Pioneer-Sarah Creek Watershed in their government.
2. The following standards of conduct are intended to serve as guidelines for Commissioners in carrying their public responsibilities. This policy is in addition to any statutory requirements, attorney general opinions or court rulings which prescribe allowable actions for Commissioners.

Standards of Conduct

1. Commissioners shall not use their positions to secure special privileges or exemptions for themselves or others, or to intentionally jeopardize the position or employment of others.
2. Commissioners may not participate in deliberations in any matter before the Commission which affects the Commissioner's financial interests directly or indirectly, or those of a business with which the Commissioner is associated. Whenever such conflict is recognized, the affected Commissioner shall disclose for the record such interest prior to any discussion or vote and disqualify himself/herself from any further official activity on the issue.
3. A Commissioner shall not act as an agent or attorney for another in any matter before the Commission or before any court, administrative board or tribunal in any matter in which the Commission is a party.
4. Commissioners shall not directly or indirectly receive, or agree to receive, any compensation, gift or reward or gratuity as an inducement to support or influence any matter or proceeding connected with, or related to, the duties of the office.
5. Commissioners shall not enter into any contract with the Commission. Any Commissioner who is an officer, director, partner, agent, proprietor or employee of any firm or has a proprietary interest of 10 percent or more in any company, business, enterprise, corporation, partnership, labor union or association doing business with the Commission shall make known that interest in writing as provided in the Disclosure Section of this policy.

Disclosures

No later than (30) days after the date of the adoption of this policy existing Commissioners shall receive a copy of this policy and the disclosure form and return the completed form to the Executive Secretary. Commissioners, elected or appointed, shall no later than (30) days following election or appointment to office and each year thereafter by March 1, complete the disclosure form and return it to the Executive Secretary. All subsequent applicants for membership on the Commission shall file a completed disclosure form. Within thirty (30) days after the acquisition or sale of any property, each Commissioner shall file as a public record with the Clerk of the community he/she represents, a list of all real property in which the Commissioner has a beneficial interest, disclosing each individual item held, and by whom. Homestead shall be excluded from the above disclosure. Each Commissioner shall disclose all positions as officer, director, partner, agent, proprietor or employee of any firm in which such a member has proprietary interest of 10% or more in any company, business, enterprise, corporation, partnership, labor union or association doing business with the Commission and indicate with respect to each such relationship whether services are gratuitous or for compensation.

Disclosure Form

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Discipline

Upon the signed written complaint of any person questioning adherence to this policy or on the Commission's own volition, the Commission shall refer the matter to its Attorney for investigation and the Commission's Attorney shall report the results of his investigation to the Commission within 45 days thereafter. A copy of such report shall be furnished to the person complained against. Such person may request a hearing on this matter before the Commission, which request shall be filed with the Executive Secretary not later than 10 days following receipt by such person of its Attorney's report.

Upon receipt of its Attorney's report and at the conclusion of any hearing on the matter, the Commission by majority vote may dismiss the complaint as having no merit, may adopt a resolution of censure, or may remove the Commissioner from such Commission. The Commissioner complained against shall not participate in the Commission's deliberations or vote with respect thereto.

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Name of Organization	Position Held	Compensation Involved	
		Yes _____	No _____
_____	_____		
_____	_____		
_____	_____		
_____	_____		

2. **Real property owned in the Pioneer-Sarah Creek Watershed.** Real property items owned or being purchased by the Commissioner, his/her spouse or child, or in which the Commissioner has a beneficial interest. The actual value of any item is not required. (Exclude homestead property.)

Property Item	Address/Property Identification Number
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_____	_____
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3. **Assets.** Identify all ownership or beneficial interests in any company, business, enterprise, corporation, partnership, labor union, or association doing business with the Commission where such interest exceeds ten percent (10%) of the total ownership.

Name of Organization

Date _____

Commissioner

Community

Received by Executive Secretary on _____



Wetland Conservation Act Fact Sheet

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[Local Government Units and Partner Agencies](#)

Purpose: To maintain and protect Minnesota's wetlands and the benefits they provide.

History: In 1991, reacting to public concern about Minnesota's disappearing wetlands, the Minnesota Legislature approved and Governor Arne Carlson signed the Wetland Conservation Act, one of the most sweeping wetlands protection laws in the country.

An interim program became effective January 1, 1992. On January 1, 1994, the full program began. The Legislature has amended the WCA many times, mostly to accommodate the varying needs of the different geographic areas of Minnesota.

Administration: Local government units—cities, counties, watershed management organizations, soil and water conservation districts, and townships—implement the act locally. The Minnesota Board of Water and Soil Resources administers the act statewide, and the Department of Natural Resources enforces it.

Benefits: The Wetland Conservation Act recognizes a number of wetland benefits deemed important, including:

- Water quality, including filtering pollutants out of surface water and groundwater, using nutrients that would otherwise pollute public waters, trapping sediments, protecting shoreline, and recharging groundwater supplies;
- Floodwater and storm water retention, including reducing the potential for flooding in the watershed;
- Public recreation and education, including hunting and fishing areas, wildlife viewing areas, and nature areas;
- Commercial benefits, including wild rice and cranberry growing areas and aquaculture areas;
- Fish and wildlife benefits; and
- Low-flow augmentation during times of drought.

How it works: To retain the benefits of wetlands and reach the legislation's goal of no-net-loss of wetlands, the Wetland Conservation Act requires anyone proposing to drain, fill, or excavate a wetland first to try to avoid disturbing the wetland; second, to try to minimize any impact on the wetland; and, finally, to replace any lost wetland acres, functions, and values. Certain wetland activities are exempt from the act, allowing projects with minimal impact or projects located on land where certain pre-established land uses are present to proceed without regulation.

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Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155
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Send your feedback or technical questions to [BWSR webmaster](#).
All content on this web site is available in alternative formats on request.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North • St. Paul, MN 55155



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TTY: (800) 627-3529 • Web: www.bwsr.state.mn.us

WETLAND BANKING FACT SHEET

What is wetland banking?

Wetland banking is a convenient way to replace wetlands drained or filled for agriculture or urban development. Wetland banking allows a person wishing to drain or fill a wetland to purchase wetland credits from someone who has already restored or created a wetland and “deposited” those wetland credits in the Minnesota Wetland Bank. The Minnesota Board of Water and Soil Resources (BWSR) administers this bank.

Why do we need it?

Under most wetlands regulations in Minnesota, people who drain or fill wetlands need to write a plan outlining how they will either create new wetlands or restore previously drained wetlands to replace the ones lost. This replacement must generally be in the same watershed or county as the original wetlands. Since direct, on-site replacement is often impractical—and the person proposing the project may have no idea of where to create or restore a wetland—purchasing credits from the Minnesota Wetland Bank is a convenient option. Essentially, the wetland banking system helps connect landowners who have already restored or created wetlands with those who need to replace wetlands they plan to drain or fill.

How do I get started?

A good first step for anyone contemplating making a deposit or withdrawal is to contact the local government unit that administers the Wetland Conservation Act (WCA) in the area where the deposit or withdrawal acreage is located. Wetland banking can also be used for wetlands regulated by other programs. If you’re not sure of the appropriate local government office, your local Soil and Water Conservation District (SWCD) can help get you started. SWCD phone numbers are in the county government section of the phone book. You can also go to the interactive map at www.shorelandmanagement.org/contact/index.html.

How do I make a deposit?

To make a deposit, a landowner must file an application and supporting technical information with the local government unit administering the WCA in that area. Forms can be obtained from the local government or at www.bwsr.state.mn.us/wetlands/index.html. After filing with the local government unit, a technical panel inspects the site and advises the local government unit whether or not the application should be approved. If it is approved, the landowner may restore the wetland. A good reference for restoring wetlands is *Native Vegetation in Restored and Created Wetlands* available at www.bwsr.state.mn.us/wetlands/publications/index.html. When construction is completed, the landowner must inform the local government unit; the technical evaluation panel will then inspect the site a second time. If the technical evaluation panel approves the construction/restoration, the landowner must wait for six months (for a restored wetland) or one year (for a created wetland).

After this waiting period, the landowner must again contact the local government unit, which will send the technical evaluation panel to inspect the site for the third time. This waiting period and third inspection are intended to ensure that the wetland has stabilized.



Helping Minnesota's local governments manage and conserve our water and soil resources.

The technical evaluation panel will recommend to the local government the amount of wetland acreage and type to be deposited in the bank. After the local government certifies that all necessary legal documents have been filed and the correct procedures followed, it provides this information to BWSR.

How do I make a withdrawal?

Purchase of wetland credits is a private sales transaction between the buyer and seller. A prospective buyer can see the names and phone numbers of people with wetland credits available for sale in the appropriate area at www.bwsr.state.mn.us/wetlands/wetlandbanking/index.html. A number of steps are involved in purchasing wetland credits, including:

- The buyer and seller must sign a purchase agreement (available from your local government unit or at www.bwsr.state.mn.us/wetlands/wetlandbanking/index.html).
- The buyer must obtain approval from the agency with regulatory authority over the wetland that the buyer wants to drain or fill. Generally, this agency will be the local government unit administering WCA; the Department of Natural Resources; or the Army Corps of Engineers. Again, your local Soil and Water Conservation District should be able to help you with this.
- The parties must close upon the sale, with the buyer paying for the credits and the seller signing an Application for Withdrawal of Wetland Credits (available from your local government or at the web address above) and giving it to the buyer.
- The buyer obtains all necessary signatures on an Application for Withdrawal of Wetland Credits and sends it, along with a completed replacement plan, to the appropriate regulatory authority, which then forwards it to the Board of Water and Soil Resources.

How much do wetland credits typically cost?

Prices vary dramatically, from \$1,000 per acre to \$20,000 or more in the Twin Cities metropolitan area.

Who can I contact for more information?

Your local Soil and Water Conservation District or the nearest BWSR office.

BWSR OFFICES

Central office: (651) 296-3767

St. Paul: (651) 282-9969

Duluth: (218) 723-4752

Bemidji: (218) 755-4235

Brainerd: (218) 828-2383

Marshall: (507) 537-6060

New Ulm: (507) 359-6074

Rochester: (507) 280-2873

Fergus Falls: (218) 736-5445

TTY: (800) 627-3529

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A good first step for anyone contemplating making a deposit or withdrawal is to contact the local government unit that administers the Wetland Conservation Act (WCA) in the area where the deposit or withdrawal acreage is located. Wetland banking can also be used for wetlands regulated by other programs. If you’re not sure of the appropriate local government office, your local Soil and Water Conservation District (SWCD) can help get you started. SWCD phone numbers are in the county government section of the phone book. You can also go to the interactive map at www.shorelandmanagement.org/contact/index.html.

How do I make a deposit?

To make a deposit, a landowner must file an application and supporting technical information with the local government unit administering the WCA in that area. Forms can be obtained from the local government or at www.bwsr.state.mn.us/wetlands/index.html. After filing with the local government unit, a technical panel inspects the site and advises the local government unit whether or not the application should be approved. If it is approved, the landowner may restore the wetland. A good reference for restoring wetlands is *Native Vegetation in Restored and Created Wetlands* available at www.bwsr.state.mn.us/wetlands/publications/index.html. When construction is completed, the landowner must inform the local government unit; the technical evaluation panel will then inspect the site a second time. If the technical evaluation panel approves the construction/restoration, the landowner must wait for six months (for a restored wetland) or one year (for a created wetland).

After this waiting period, the landowner must again contact the local government unit, which will send the technical evaluation panel to inspect the site for the third time. This waiting period and third inspection are intended to ensure that the wetland has stabilized.



Helping Minnesota's local governments manage and conserve our water and soil resources.

The technical evaluation panel will recommend to the local government the amount of wetland acreage and type to be deposited in the bank. After the local government certifies that all necessary legal documents have been filed and the correct procedures followed, it provides this information to BWSR.

How do I make a withdrawal?

Purchase of wetland credits is a private sales transaction between the buyer and seller. A prospective buyer can see the names and phone numbers of people with wetland credits available for sale in the appropriate area at www.bwsr.state.mn.us/wetlands/wetlandbanking/index.html. A number of steps are involved in purchasing wetland credits, including:

- The buyer and seller must sign a purchase agreement (available from your local government unit or at www.bwsr.state.mn.us/wetlands/wetlandbanking/index.html).
- The buyer must obtain approval from the agency with regulatory authority over the wetland that the buyer wants to drain or fill. Generally, this agency will be the local government unit administering WCA; the Department of Natural Resources; or the Army Corps of Engineers. Again, your local Soil and Water Conservation District should be able to help you with this.
- The parties must close upon the sale, with the buyer paying for the credits and the seller signing an Application for Withdrawal of Wetland Credits (available from your local government or at the web address above) and giving it to the buyer.
- The buyer obtains all necessary signatures on an Application for Withdrawal of Wetland Credits and sends it, along with a completed replacement plan, to the appropriate regulatory authority, which then forwards it to the Board of Water and Soil Resources.

How much do wetland credits typically cost?

Prices vary dramatically, from \$1,000 per acre to \$20,000 or more in the Twin Cities metropolitan area.

Who can I contact for more information?

Your local Soil and Water Conservation District or the nearest BWSR office.

BWSR OFFICES

Central office: (651) 296-3767

St. Paul: (651) 282-9969

Duluth: (218) 723-4752

Bemidji: (218) 755-4235

Brainerd: (218) 828-2383

Marshall: (507) 537-6060

New Ulm: (507) 359-6074

Rochester: (507) 280-2873

Fergus Falls: (218) 736-5445

TTY: (800) 627-3529



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Purpose: To maintain and protect Minnesota's wetlands and the benefits they provide.

History: In 1991, reacting to public concern about Minnesota's disappearing wetlands, the Minnesota Legislature approved and Governor Arne Carlson signed the Wetland Conservation Act, one of the most sweeping wetlands protection laws in the country.

An interim program became effective January 1, 1992. On January 1, 1994, the full program began. The Legislature has amended the WCA many times, mostly to accommodate the varying needs of the different geographic areas of Minnesota.

Administration: Local government units—cities, counties, watershed management organizations, soil and water conservation districts, and townships—implement the act locally. The Minnesota Board of Water and Soil Resources administers the act statewide, and the Department of Natural Resources enforces it.

Benefits: The Wetland Conservation Act recognizes a number of wetland benefits deemed important, including:

- Water quality, including filtering pollutants out of surface water and groundwater, using nutrients that would otherwise pollute public waters, trapping sediments, protecting shoreline, and recharging groundwater supplies;
- Floodwater and storm water retention, including reducing the potential for flooding in the watershed;
- Public recreation and education, including hunting and fishing areas, wildlife viewing areas, and nature areas;
- Commercial benefits, including wild rice and cranberry growing areas and aquaculture areas;
- Fish and wildlife benefits; and
- Low-flow augmentation during times of drought.

How it works: To retain the benefits of wetlands and reach the legislation's goal of no-net-loss of wetlands, the Wetland Conservation Act requires anyone proposing to drain, fill, or excavate a wetland first to try to avoid disturbing the wetland; second, to try to minimize any impact on the wetland; and, finally, to replace any lost wetland acres, functions, and values. Certain wetland activities are exempt from the act, allowing projects with minimal impact or projects located on land where certain pre-established land uses are present to proceed without regulation.

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