



# PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

## AGENDA

Tuesday, February 14, 2023

**6:00 PM**

Council Chambers  
Prior Lake City Hall

### BOARD OF MANAGERS:

**Bruce Loney, President; Frank Boyles, Vice President;  
Christian Morkeberg, Treasurer; Ben Burnett, Secretary; Matt Tofanelli, Manager**

Note: Individuals with items on the agenda or who wish to speak to the Board are encouraged to be in attendance when the meeting is called to order.

### Board Workshop 4:00 PM – *Parkview Conference Room*

- Flood Storage Goals (Emily Dick)
- CAC Board Resolution Request (Elizabeth Frödén)
- Citizen Advisory Committee Bylaws Amendments (Elizabeth Frödén)
- Proposed Amendment to the Scott County 2040 Comprehensive Plan (Joni Giese)
- Sutton Lake IESF Investigations (Emily Dick)
- Liaison Updates

### 6:00 – 6:02 PM 1.0 **BOARD MEETING CALL TO ORDER & PLEDGE OF ALLEGIANCE**

### 6:02 – 6:07 PM 2.0 **PUBLIC COMMENT**

If anyone wishes to address the Board of Managers on an item not on the agenda or on the consent agenda, please come forward at this time. Go up to the podium, turn on the microphone and state your name and address. (The Chair may limit your time for commenting.)

### 6:07 – 6:10 PM 3.0 **APPROVAL OF AGENDA** (Additions/Corrections/Deletions)

### 6:10 – 6:50 PM 4.0 **OTHER OLD/NEW BUSINESS**

- 4.1 Programs & Projects Update (Discussion Only)
- 4.2 Scott SWCD Annual Report Presentation: Troy Kuphal (Discussion Only)
- 4.3 Scott SWCD 2023 Professional Services Agreement (Vote)
- 4.4 PLSLWD 2023 Education and Outreach Plan (Vote)
- 4.5 Spring Lake Association Request to Treat Curly-leaf Pondweed within 150 feet of Shore (Vote)

### 6:50 – 7:00 PM 5.0 **TREASURER'S REPORT**

- 5.1 Monthly Financial Reports (Discussion Only)
  - Financial Report
  - Treasurers Report
  - Cash Flow Projections

7:00 – 7:05 PM    **6.0    CONSENT AGENDA**

The consent agenda is considered as one item of business. It consists of routine administrative items or items not requiring discussion. Items can be removed from the consent agenda at the request of the Board member, staff member, or a member of the audience. Please state which item or items you wish to remove for separate discussion.

- 6.1    Special Meeting Minutes – January 7, 2023
- 6.2    Meeting Minutes – January 10, 2023, Board Workshop
- 6.3    Meeting Minutes – January 10, 2023, Board Meeting
- 6.4    Meeting Minutes – December 8, 2022, CAC Meeting
- 6.5    Claims List & Visa Expenditures Summary
- 6.6    2023 Watershed Based Implementation Funding Grant Agreement
- 6.7    Swamp Lake Phosphorus and Peak Flow Reduction Feasibility Study Contract
- 6.8    Fish Lake Management Plan Update Work Order
- 6.9    I-LIDS Repurchase Agreement
- 6.10   Sutton IESF Follow-Up Work Order
- 6.11   Flood Storage Engagement Work Order
- 6.12   District Engineer Master Services Agreement: 2023 Rate Schedule
- 6.13   Carp Management Equipment Funding Request

6:55 – 7:00 PM    **7.0    UPCOMING MEETING/EVENT SCHEDULE:**

- CAC Meeting, Thursday, February 23, 2023, 6:30 pm (Prior Lake City Hall – Wagon Bridge Conference Room)
- PLOC Cooperators Meeting, Thursday, February 16, 2023, 12:00 pm (Prior Lake City Hall – Parkview Conference Room)
- Board of Managers Workshop, Tuesday, March 14, 2023, 4:00 pm (Prior Lake City Hall – Parkview Conference Room)
- Board of Managers Meeting, Tuesday, March 14, 2023, 6:00 pm (Prior Lake City Hall – Council Chambers)
- Lake Friendly Farm Certification Award Event, Wednesday, March 15, 2023, 12:00 pm (Ridges at Sand Creek)

7:00 PM    **8.0    ADJOURNMENT**



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# PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

## FEBRUARY 2023 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
<b>Sutton Lake Outlet and Lake Management Plan</b> <i>Project Lead: Emily</i>	<b>Lake Management Plan</b> <ul style="list-style-type: none"> <li>Received MnDNR comments on draft plan. Continued to follow up with MnDNR to answer their questions, get clarity on drawdown requirements, and applicable aquatic plant management guidelines.</li> </ul>	<b>Lake Management Plan</b> <ul style="list-style-type: none"> <li>Continue to work with MnDNR to resolve comments to the plan.</li> <li>Prepare final Lake Management Plan and submit to Board of Managers for approval.</li> <li>Determine proposed future management activities after clarifying permissible options with MnDNR.</li> <li>Initiate documentation of response to drought conditions in spring.</li> </ul>
<b>Carp Management</b> <i>Rough Fish Management (Class 611)</i> <i>Carp Management Project (Class 750 &amp; 751)</i> <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> <li><b>Tracking:</b> Tracked radio tagged carp on Spring and Upper Prior Lakes. Radio tracking results show promising locations on both Spring and Upper Prior Lakes. Commercial netters are loading out on another local lake and have been asked to work Spring Lake next. All "successful seine" conditions are currently met, and staff are working to line up an event.</li> <li><b>Other:</b> Performed maintenance on PIT station equipment</li> </ul>	<ul style="list-style-type: none"> <li>Continue to track tagged carp</li> <li>Finish implanting the last 3 new radio-tag transmitters on Spring Lake during removal event.</li> <li>Remove fish under-ice as permit allows. Work with commercial netters where opportunities allow.</li> <li>Plan for bluegill stocking in springtime</li> </ul>
<b>Ferric Chloride System Operations</b> <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> <li>Submitted Tier II and DMR reporting. Updated FeCl Operations and Maintenance Manual.</li> <li>Discussed desired elements to be included in a RFP for a system update and lifetime assessment.</li> </ul>	<ul style="list-style-type: none"> <li>Continue to work on RFP for system update and lifetime assessment.</li> <li>Coordinate with developments on Flood Storage Project Site 1, which proposes a raised elevation of Geis wetland, and therefore would require a FeCl system redesign.</li> </ul>

## FEBRUARY 2023 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
<b>Upper Watershed Projects</b> <i>Buck Wetland, Sutton IESF, Swamp IESF, Buck Chemical Treatment, Ditch 13 Chemical Treatment, Spring Lake West IESF</i> <i>Project Lead: Emily</i>	<b>Buck Wetland Enhancements</b> <ul style="list-style-type: none"> <li>Submitted draft feasibility study to MnDNR and requested comments by January 26, 2023. MnDNR was unable to meet this deadline.</li> <li>Reached landowner not in attendance at November 1<sup>st</sup> meeting.</li> </ul> <b>Spring Lake West IESF/Wetland</b> <ul style="list-style-type: none"> <li>Met with real estate service provider to inform outreach.</li> </ul> <b>Sutton Lake IESF</b> <ul style="list-style-type: none"> <li>Met with landowner to review site concerns and identify alternative sites.</li> <li>Drafted work order to develop design refinements to proposed site and investigate alternative sites.</li> </ul> <b>2023 WBIF Studies</b> <ul style="list-style-type: none"> <li>Worked with Board Conservationist to submit work plan.</li> <li>Prepared WBIF grant agreement, and accompanying consultant contract and work order for Board approval</li> </ul> <b>Potential Flood Storage Projects</b> <ul style="list-style-type: none"> <li>Submitted grant application to MPCA for funds to support two flood storage feasibility studies (starting with Project 6 and 1).</li> <li>Met with real estate service provider and SWCD to inform outreach.</li> </ul>	<b>Buck Wetland Enhancements</b> <ul style="list-style-type: none"> <li>Continue landowner outreach.</li> <li>Adapt feasibility study based on comments from MnDNR.</li> <li>Final study approved by managers (tentative: March).</li> </ul> <b>Spring Lake West IESF/Wetland</b> <ul style="list-style-type: none"> <li>Initiate landowner outreach</li> <li>Coordinate with Scott County on road right of ways.</li> </ul> <b>Sutton Lake IESF</b> <ul style="list-style-type: none"> <li>Start investigating landowner concerns on the proposed site.</li> <li>Begin preliminary outreach and assessment of the alternative sites.</li> </ul> <b>2023 WBIF Studies</b> <ul style="list-style-type: none"> <li>Begin work as soon as possible once the grant agreement is executed and field conditions are amenable.</li> </ul> <b>Potential Flood Storage Projects</b> <ul style="list-style-type: none"> <li>Begin outreach to landowners of Project 6 and 1.</li> <li>Continue to coordinate Project 1 developments with FeCl system update RFP.</li> </ul>
<b>Farmer-Led Council</b> <i>Project Lead: Emily</i>	<ul style="list-style-type: none"> <li>Planned for Lake Friendly Farm awards and FLC meeting to be held on March 15<sup>th</sup> 12-3 pm.</li> </ul>	<ul style="list-style-type: none"> <li>Continue to plan for Lake Friendly Farm awards and FLC meeting.</li> </ul>
<b>Cost Share Incentives</b> <i>Project Lead: Emily</i>	<ul style="list-style-type: none"> <li>No new activity</li> </ul>	<ul style="list-style-type: none"> <li>Review cost share applications with Scott SWCD as needed.</li> </ul>
<b>Website and Media</b> <i>Project Lead: Elizabeth</i>	<ul style="list-style-type: none"> <li><b>Articles posted:</b> None</li> <li><b>Website articles:</b> None</li> <li><b>Social Media</b> – posted on all social channels about: chloride and dissolved oxygen sampling, ice formation information from the University of Minnesota, and a thank you to District volunteers</li> </ul>	<ul style="list-style-type: none"> <li>Submit article for the Spring Lake Association's spring newsletter</li> <li>Continue writing posts and updates about projects on the website</li> <li>Continue updating Facebook, and Instagram about projects &amp; news</li> </ul>

## FEBRUARY 2023 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
<b>Citizen Advisory Committee</b> <i>Project Lead: Elizabeth</i>	<ul style="list-style-type: none"> <li>Meeting held on January 26<sup>th</sup></li> <li>CAC proposed amendments to their bylaws with staff input</li> <li>CAC put together a memo regarding wave impact on lakes</li> <li>CAC elections took place and the positions of Chair, Vice Chair, and Secretary for 2023 went to Christopher Crowhurst, Loren Hanson, and Ron Hoffmeyer, respectively</li> </ul>	<ul style="list-style-type: none"> <li>Prepare for February 23<sup>rd</sup> CAC meeting</li> <li>Future potential CAC educational seminars: City of Prior Lake Water Resources Engineer and Minnesota DNR (2023)</li> <li>Discuss potential further CAC bylaw amendments</li> <li>Process CAC applications (including any members with terms ending March 2023)</li> </ul>
<b>Education Program</b> <i>Project Lead: Elizabeth</i>	<ul style="list-style-type: none"> <li>No education or outreach activities</li> <li>Updated 2023 Education and Outreach Plan</li> <li>Met with Scott County SWCD to discuss partnership opportunities between SCWEP and the District</li> <li>See Website and Media section</li> </ul>	<ul style="list-style-type: none"> <li>No upcoming events</li> <li>Prepare presentation for Spring Lake Township meeting (March 14<sup>th</sup>)</li> <li>Prepare presentation for Spring Lake Association annual meeting (April 23<sup>rd</sup>)</li> </ul>
<b>Monitoring Program</b> <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> <li>Completed first of 3 winter dissolved oxygen (DO) and chloride monitoring events. Shallow lakes are experience very low DO levels leading to winterkill conditions and observations.</li> <li>Completed 2022 Lake Report Card for Tier 1 lakes.</li> <li>Continue migrating data into WISKI.</li> <li>Analyze 2022 Stream and Lake data.</li> <li>Worked on finding a solution to FTP site. This is needed to transmit real time lake level data to the District's website.</li> </ul>	<ul style="list-style-type: none"> <li>Continue working on solution to connect telemetry loggers, WISKI database, and website.</li> <li>Complete Lake Report cards for Tier 2 and 3 lakes based on 3-year rotations.</li> <li>Work on 2022 lake and stream reporting.</li> <li>Continue WISKI database data migration.</li> </ul>
<b>Aquatic Vegetation Management and Surveys</b> <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> <li>Worked on setting up contracts for 2023.</li> </ul>	<ul style="list-style-type: none"> <li>Post Biobase report on website.</li> </ul>
<b>AIS</b> <i>Project Lead: Shauna</i>	<ul style="list-style-type: none"> <li>Completed Annual AIS Prevention Aid metrics report.</li> <li>Received I-LIDS Repurchase Agreement.</li> <li>Work on Waterfront Restoration (boat inspections) contract renewal.</li> <li>Outreach to other organizations to solicit information on typical boat inspector hours and placement to inform 2023 Waterfront Restoration contract.</li> </ul>	<ul style="list-style-type: none"> <li>Share County led AIS Plans with CAC and managers.</li> <li>Renew 2023 contract with Waterfront Restoration.</li> <li>Complete final steps for close-out of I-LIDS program with I-LIDS Contractor.</li> </ul>

## FEBRUARY 2023 PROGRAMS AND PROJECTS UPDATE

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<b>Rules Revisions</b> <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> <li>Meeting with LGU partners to:               <ul style="list-style-type: none"> <li>Discuss identified gaps, if any, between District and LGU rules.</li> <li>Discuss issues associated with implementation of linear cost caps and stormwater implementation fund.</li> <li>Discuss how to better integrate PLSLWD into LGU permitting process.</li> </ul> </li> <li>Prepared draft equivalency agreements and submitted to legal counsel for review.</li> </ul>	<ul style="list-style-type: none"> <li>Revise equivalency agreements based on legal review and work to approve with implementing partners whose rules are deemed equivalent to District rules.</li> <li>Continue to consult with other LGUs regarding process to bring their rules to be equivalent with District rules.</li> <li>Manager approval of cost cap and stormwater implementation fund rates.</li> </ul>
<b>BMPs &amp; Easements</b> <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> <li>Continued coordination with Spring Lake Estates Association (aka Stemmers Ridge) regarding an easement amendment.</li> <li>Preparation of easement files for 2023 inspections.</li> <li>Worked with landowner on easement amendment for their parcel.</li> </ul>	<ul style="list-style-type: none"> <li>Finalize in-progress easement amendments.</li> <li>Continue to follow-up with property owners on outstanding. Development Agreements and Conservation Easements.</li> <li>Continue to work with landowners to resolve identified easement violation issues on their properties.</li> </ul>
<b>Permitting</b> <i>Project Lead: Jeff/Joni</i>	<ul style="list-style-type: none"> <li>Closed out permit #17.01</li> <li>Reviewed materials submitted associated with conditional approval of Spring Lake Regional Park permit.</li> <li>Provided comments on Scott County permit variance request.</li> </ul>	<ul style="list-style-type: none"> <li>Issue permit for Spring Lake Regional Park once all conditional approval materials are submitted and reviewed.</li> <li>Issue permit and stormwater deficit MOA revision with City of Prior Lake associated with 2023 street reconstruction project.</li> <li>Close out permit #19.01</li> <li>Continue other closeout procedures as appropriate.</li> </ul>
<b>Planning Activities</b> <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> <li>Discussed creation of SCALE Water Committee with SCALE Service Delivery Committee and Executive Committee.</li> <li>Participated in Lower MN East 1W1P Advisory Committee.</li> <li>Started preparation of PLSLWD 2022 Annual Report.</li> </ul>	<ul style="list-style-type: none"> <li>Present findings of Watershed Study and announce creation of Water Committee at SCALE meeting.</li> <li>Initiate SCALE Water Committee convening.</li> <li>Continued participation in Lower MN East 1W1P Advisory Committee.</li> <li>Complete 2022 Annual report and submit for Board approval in March.</li> </ul>



## FEBRUARY 2023 PROGRAMS AND PROJECTS UPDATE

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<b>Outlet Channel Projects and Administration</b> <i>Project Lead: Emily/Jeff</i>	<ul style="list-style-type: none"> <li>Completed annual report.</li> <li>Prepared proposed revisions to the Prior Lake Outlet Control Structure Management Policy and Operating Procedures (MPOP).</li> <li>Worked on outlet structure monitoring equipment telemetry connections.</li> <li>Discussed upper watershed snowpack and potential rise in springtime water levels.</li> <li>Prepared a draft RFQ for pipe lining to be discussed at February Cooperators meeting.</li> </ul>	<ul style="list-style-type: none"> <li>Share annual report with Cooperators and DNR.</li> <li>Continue MPOP approval procedures</li> <li>Calculate Upper watershed snowpack water equivalent and projects water rise.</li> <li>Issue RFQ for pipe lining.</li> </ul>
<b>General Administration</b> <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> <li>Continued contract negotiations for 2023 District accounting services.</li> <li>Started preparing for annual audit.</li> <li>Continued to inventory files and develop approach for archiving.</li> </ul>	<ul style="list-style-type: none"> <li>Continue file archiving process.</li> <li>Various contract negotiations.</li> <li>Annual Staff performance reviews.</li> <li>Continue audit preparation (Audit scheduled for March 16 and 17).</li> </ul>



**Subject |** Scott SWCD Annual Report Presentation

**Board Meeting Date |** February 14, 2023

**Item No |** 4.2

**Prepared By |** Joni Giese, District Administrator

**Attachments |** Summary of Scott SWCD 2022 Accomplishments

**Action |** None – Presentation and Discussion Only

### **Background**

The SWCD performs a wide variety of conservation services in PLSLWD to support implementation of its Water Resources Management Plan. Primary services include cost-share program implementation (landowner engagement, technical assistance, project design and engineering, financial assistance), farmer-led council support, education programming, and water quality and flow monitoring.

### **Discussion**

Troy Kuphal with Scott SWCD will be summarizing the work performed and accomplishments achieved by Scott SWCD within PLSLWD in 2022.

### **Action Item**

No action requested. Discussion only.



## ANNUAL SUMMARY REPORT OF ACCOMPLISHMENTS 2022

### NUMBERS AT A GLANCE

Measure	2020	2021	2022
New requests for conservation assistance	57	53	60
Landowners assisted	65	74	85
Cost share projects approved	27	20	20
Cost share projects completed	22	21	21
Phosphorus reduced (Lbs./year)	369	408	222
Sediment reduced (Tons/year)	264	298	159
Cover crops seeded (acres)	598	578	469
Lake-friendly farms certified (acres)	425	147	0
Stream flow measurements	50	19	18
Education workshops/webinars	3	4	4

\*Figures are yearly totals

## Introduction

The SWCD performs a wide variety of conservation services in the PLSLWD to support implementation of its Water Resources Management Plan. Primary services include cost share program implementation (landowner engagement, technical assistance, project design and engineering, financial assistance), farmer led council support, education programming, and water quality and flow monitoring.

Most of SWCD services are supported by the District through an annual service agreement that includes a detailed work plan and budget. Individual line-item costs may vary due to unpredicted needs or circumstances through the course of the year; however, the budget is capped with an overall not-to-exceed amount. For 2022 this was \$129,200, including \$65,800 for services. Pass-through expenses including \$63,400 for cost share and FLC practices and expenses constitute the balance.

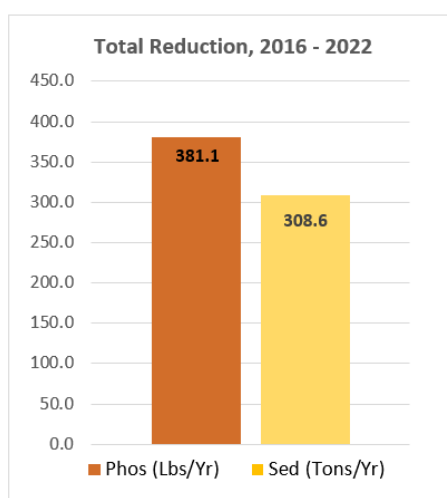
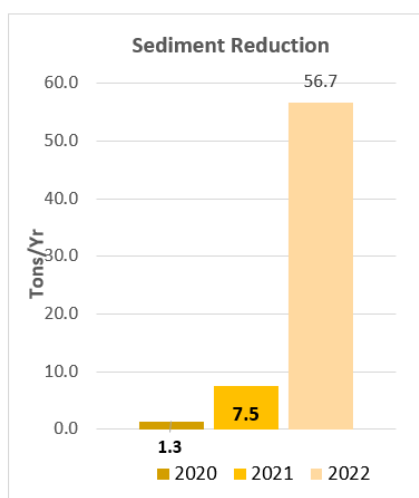
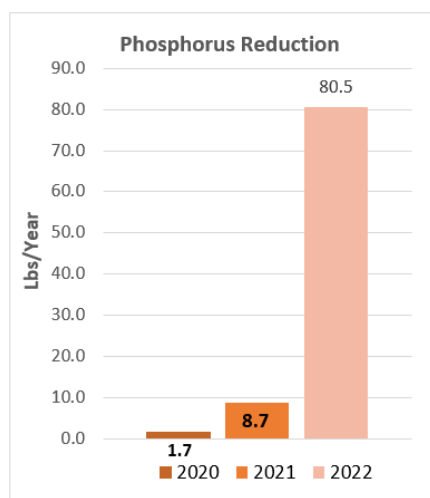
The SWCD provides quarterly reports throughout the year which provide a detailed accounting of the activities and services completed within the previous quarter. This annual report summarizes those accomplishments for priority metrics as identified by the Board of Managers.

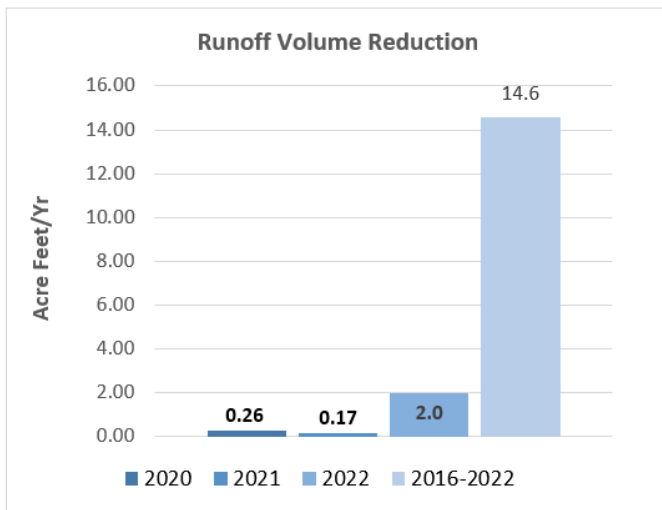
## I. Cost Share Program

The SWCD implements a countywide Technical Assistance and Cost Share (TACS) program designed to increase adoption of conservation practices by removing barriers to conservation, including lack of awareness, knowledge and/or ability, and economic constraints.

In PLSLWD, program efforts are targeted primarily towards reducing phosphorus, sediment, and flooding (i.e. runoff volumes) consistent with the District's watershed management and TMDL implementation plans. We may also work with landowners who seek our assistance based on their own resource issues or concerns, which may not always align with District priorities. A balance of targeted and responsive approaches is needed to ensure positive and trusting relationships are fostered within the watershed community. Water quality cannot improve unless private landowners in the watershed change day-to-day practices. Without trusting relationships, our water quality message is less likely to be accepted, and landowners will be more hesitant to invest time or capital into pro-water quality practices and behaviors.

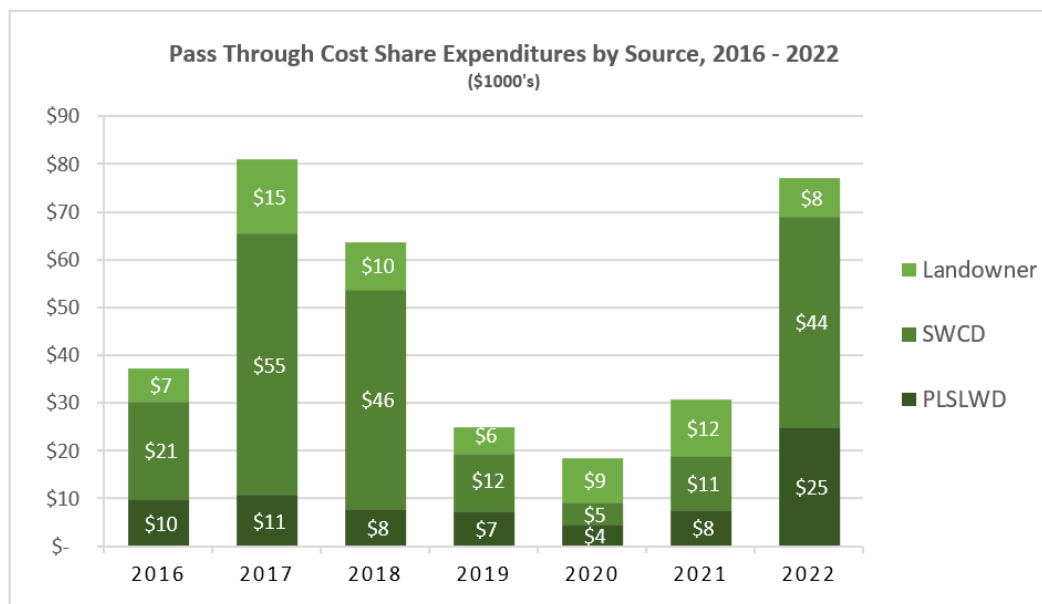
The following graphs show Phosphorus, sediment, and runoff volume reductions the past three years, and total reductions since 2016. Note the values do not include projects funded solely through the Farmer Led Council, which are accounted for in Section II, below.





### Pass Through Cost Share Expenditures

Total cost share expenditures in 2022 were \$77,059, of which the District contributed \$24,851, or 32.25%. Contributions by the SWCD (\$44,146, or 57.29%) and landowners themselves (\$8,062, or 10.46%) made up the remaining share. Since 2016, the total cost of all installed projects was \$333,373, of which the District contributed \$72,489 (21.75%), the SWCD contributed \$193,433 (58.04%) through its various grants, and landowners contributed \$67,351 (20.21%). Figures shown are based on the year payments were made, which is not necessarily the same year they were certified complete (i.e. sometimes payment will occur the subsequent year if the project was installed late).



### Results by practice

The following tables list practices that have been installed in the District through its cost share program over the past seven (7) years (2016 to 2022). The first table includes practices that do not have a measurable pollution reduction benefit but are still eligible for funding under the approved cost share policy (docket). The second table lists practices that do have measurable pollution reduction benefits, along with the comparative unit cost benefit of each practice. Figures shown are based on the year practices were certified complete, which is not necessarily the same year they were paid.

## Practices without measurable pollution reduction

Practice Name	Units	Quantity Installed			
		2020	2021	2022	2016-2022
Nutrient management	Acres	84.3	34.4	0.0	118.7
Well Decommission	Each	7.0	2.0	2.0	11.0
Turf Conversion*	Sq Ft	0.0	8135.0	37244.0	45379.0

\*Turf conversion (new in 2021) consists of projects implemented through BWSR's "Lawns-to-Legumes" grant program, of which PLSLWD was a non-funding partner. A total of 19 projects were installed, consisting of pocket plantings, raingardens, natural shoreline buffers, and "bee lawns". Costs for technical assistance and cost share were covered solely by the SWCD.

## Practices with measurable Phosphorus benefits

Practice Name	Units	Qty Installed		Cost Benefit			
		2021	2022	2016-2022	Lbs P/Yr	District \$	\$/Lb P*
Conservation Cover	Acres	0.0	4.3	23.9	52.3	\$ 8,114.0	\$ 15.51
Cover Crop**	Acres	0.0	147.8	191.5	80.6	\$ 10,432.0	\$ 43.14
Critical Area Planting†	Acres	0.0	0.0	1.1	14.3	\$ 7,400.0	\$ 51.75
Filter Strip	Acres	0.6	0.6	5.7	78.8	\$ 5,209.0	\$ 6.61
Grassed Waterway	Lin Ft	0.0	0.0	2560.0	130.7	\$ 6,767.0	\$ 5.18
Lined Waterway	Lin Ft	0.0	145.0	215.0	8.9	\$ 7,773.0	\$ 87.34
Shoreline Protection	Lin Ft	200.0	0.0	875.0	14.3	\$ 9,529.0	\$ 66.64
<b>Total Reduction</b>					<b>379.9</b>	<b>\$ 55,224.0</b>	

\* Cost to District over the effective life of the practice (typically 10 years but ranges from 3 to 10 years). Does not include cost for technical assistance.

\*\* Includes projects funded through the District's regular cost share (TACS) program. Projects funded solely through the FLC are captured in the FLC section of this report.

† Critical area planting is a practice used to establish vegetation on highly erosive sites where local and/or upland disturbances have resulted in instability that cannot be resolved without intervention.

## II. Farmer Led Council

The SWCD has provided support and technical assistance to the Farmer Led Council (FLC) since 2013. The FLC continuously explores ways to promote and support the agricultural community's role in protecting and improving water quality in the District. Its two primary incentive programs include Cover Crop Promotion and Lake-Friendly Farm (LFF) Certification.

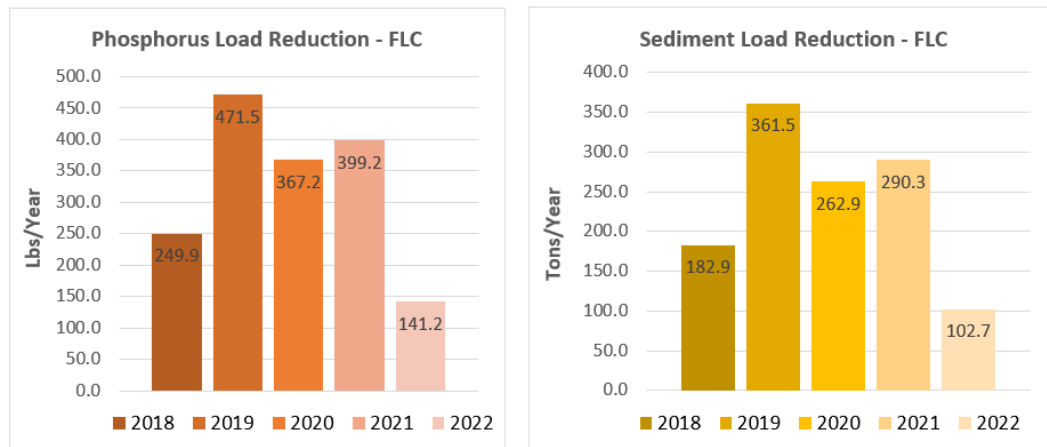
The goal of its cover crop program is to expand the use of regenerative cropping practices on the 5,745 acres of cropland throughout the District. This is a top priority because cover crops are one of few conservation practices that provide significant and quantifiable water quality benefits while being compatible with production agriculture. Benefits include preventing loss of nutrients and sediment and improving the soil's ability to absorb and infiltrate precipitation thus reduce runoff volumes and downstream flooding. In 2022, 321 acres of cover crops<sup>1</sup> were seeded resulting in an estimated single-year Phosphorus reduction of approximately 141 pounds. Since 2018, a total of 2,652 acres of cover crops have been planted resulting in estimated total Phosphorus reductions of 1,345 pounds, or an average of 269 pounds/year.

The goal of the LFF Certification program is to demonstrate to the watershed community how farmers are doing their part to protect and improve water quality. Through the certification process, the PLSLWD is able to track and verify the pro-water quality actions farmers have committed to implementing, as well as to document the environmental benefits being achieved. In 2022, there were no certified farms; however, planning was initiated on two farms totaling 64 acres that will likely be certified in 2023. Since 2019 a total of 784 acres have been

<sup>1</sup> Does not include 147.8 acre of cover crops funded through the TACS program.

certified “Lake Friendly”. This represents 13.6% of all cropland within the District and an estimated total Phosphorus reduction of 275 pounds/year.

The graphs below illustrate total estimated annual Phosphorus and sediment load reductions from 2018 through 2022 for both Cover Crops and LFF Certification programs.



\*Reductions for cover crops in 2018, 2020, and 2021 are based on an average of 0.41 Lbs/acre for Phosphorus and .30 Tons/ac for Sediment. Reductions in 2022 are based on an average of 0.44 Lbs/acre for Phosphorus and .32 Tons/ac for Sediment. These averages are derived from benefits analyses conducted by the SWCD across 2,400 acres enrolled in cover crop programs throughout Scott County from 2018-2022. Actual per acre reductions will vary depending on soil type, slope, cropping practices, proximity to water, and other field-specific characteristics.

The below table shows the cost benefit for Phosphorus reduction achieved by the FLC Cover Crop and LFF Certification programs.

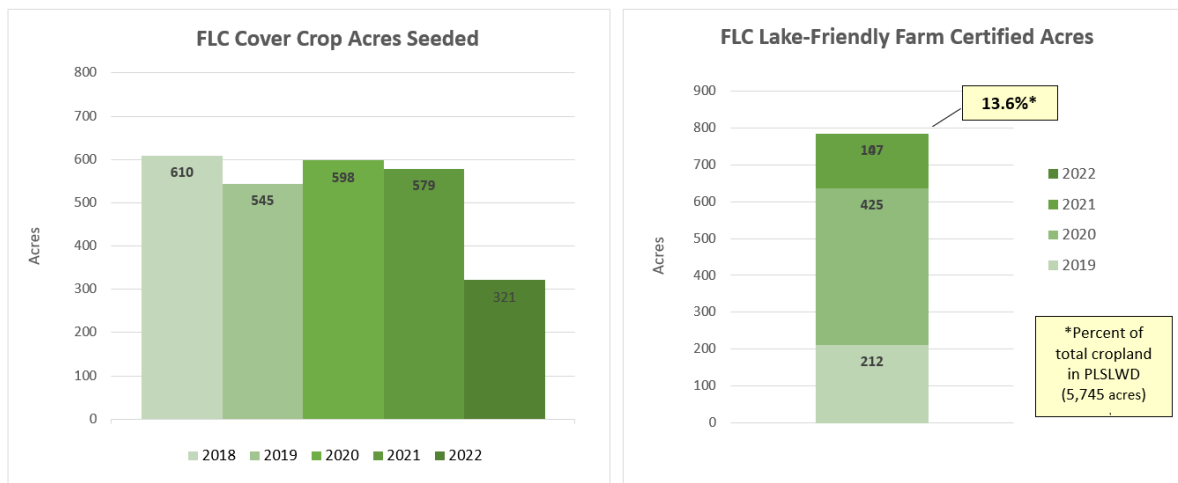
Practice Name	Units	Installed 2019-2022	Phos Cost Benefit (2019-2022)		
			Lbs P/Yr	District \$	\$/Lb P†
Cover Crop*	Acres	2,042	1095	\$ 70,443	\$ 64.32
LFF Certification**	Acres	784	275	\$ 3,657	\$ 1.33
<b>Total Reduction</b>			<b>1370</b>	<b>\$ 74,100</b>	

\*Phosphorus reductions for cover crops in 2020 and 2022 are based on an average of 0.41 Lbs/acre and 0.44 Lbs/acre, respectively. These averages are derived from a benefits analysis conducted by the SWCD on 2,400 acres enrolled in cover crop programs across Scott County from 2018-2022. Actual per acre reductions may vary depending on soil type, slope, cropping practices, proximity to water, and other field-specific characteristics.

\*\* P reductions are based on changes required by the producer to become certified. Costs reflect the incentives provided through the FLC to complete the planning process and commit to implementing changes. Out-of-pocket costs for practices required for certification are typically covered by the farmer.

† Based on pass-through costs (i.e. cost share and incentives); does not include technical assistance.

The following graphs summarize implementation progress that has been made over the past three years for the Cover Crop and Lake-Friendly Farm programs. As shown, 13.6% of all cropland in the District is verified to be meeting the rigorous standards required to be certified “Lake-Friendly”, including but not limited to buffers, soil erosion, and nutrient management.



As can be seen in the above graph, the number of cover crop acres in 2022 was significantly less than in previous years. While we anticipated as many or even more acres would be seeded, the continuing drought kept fields extremely dry creating unfavorable conditions for germination and plant growth. Consequently, expenditure of approximately \$15,500 of FLC funds originally encumbered for soil health practices by District farmers in 2022 will be delayed for cover crop seeding (and to a lesser extent no-till) that will now occur in 2023.

### III. Educational Workshops

The SWCD assisted District staff with coordinating and hosting two Soil Health Workshops. They also designed and hosted two other workshops, including Planting for Pollinators and Planting Native Prairie.

#### Growing Healthy Soils Part 1 (January 13)

- Esteemed speakers Rick Clark and Andy Linder spoke on their sustainable agriculture and soil-saving no-till and cover crop operations. The event was open to attendees countywide.
- 66 total attended; 9 from PLSLWD

#### Growing Healthy Soils Part 2 (March 16)

- Esteemed speakers Dave Brandt and Lance Klessig spoke on their sustainable agriculture and soil-saving no-till and cover crop operations. This Part 2 was also open to attendees countywide.
- 63 total attended; 6 from PLSLWD

#### Planting for Pollinators (April 12)

- Dr. Elaine Evans gave an identification overview of local pollinators including the rusty patched bumble bee. Promotion was done on natural landscaping conservation projects. This was a Webinar with invitation open to all county residents.
- 29 total attended; 9 from PLSLWD

#### Planting Native Prairie (June 5)

- SWCD specialists provided information on native prairie benefits, site preparation, maintenance, and cost share opportunities. This was an in-person event with invitation open to all county residents.
- 19 total attended; 13 from PLSLWD



#### IV. Budget Summary

Following is a summary of the budget as provided in the 2022 SWCD Services Agreement, along with SWCD expenses and contributions. As shown the SWCD invoiced \$6,940 less than the total budget amount; we also contributed an additional \$63,467 towards the cost share program.

Task	Budget	Invoiced	+/-	Other Contributions	
				SWCD*	Landowners
I - Cost Share Program	\$ 57,300	\$ 60,032	\$ (2,732)	\$ 63,467	\$ 6,110
II - Farmer Led Council	\$ 57,400	\$ 54,914	\$ 2,486	\$ -	\$ -
III - Monitoring	\$ 9,000	\$ 4,262	\$ 4,738	\$ -	\$ -
IV - Misc Tech/Field Services	\$ 2,000	\$ -	\$ 2,000	\$ -	\$ -
V - Education	\$ 3,500	\$ 3,052	\$ 448	\$ -	\$ -
<b>Total</b>	<b>\$ 129,200</b>	<b>\$ 122,260</b>	<b>\$ 6,940</b>	<b>\$ 63,467</b>	<b>\$ 6,110</b>

\*Includes \$41,104 for project cost share and \$22,363 for targeted BMP marketing and technical assistance.

**PLSLWD Board Staff Report**

February 7, 2023



# PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

**Subject |** Scott SWCD 2023 Professional Services Agreement

**Board Meeting Date |** February 14, 2023

**Item No |** 4.3

**Prepared By |** Joni Giese, District Administrator

**Attachments |** Scott SWCD 2023 Professional Services Agreement with Exhibit A (2023 Scope of Work and Budget) and Exhibit B (2023 Conservation Practice Financial Assistance Program Policy Manual)

**Action |** Staff recommends board approval of the Scott SWCD 2023 Professional Services Agreement

## **Background**

Historically, the SWCD performs a wide variety of conservation services in PLSLWD to support implementation of its Water Resources Management Plan. Primary services include cost-share program implementation (landowner engagement, technical assistance, project design and engineering, financial assistance), farmer led council support, education programming, and water quality and flow monitoring.

## **Overview**

The 2023 scope of services includes one revised task and one new task. Task IV, 648-Permitting has been revised for the purpose of having Scott SWCD staff assist PLSLWD with District permitting activity. Task VI, 626-Upper Watershed has been included for the purpose of having Scott SWCD to provide landowner liaison assistance, as requested.

## **TASK & BUDGET SUMMARY**

Task	PLSLWD Budget Category	Description	Amount	
I	611 - Cost Share	TACS services	\$32,000	\$58,000
		TACS cost share (pass-through)	\$21,000	
		TACS management	\$5,000	
II	611 - Farmer-Led Council	FLC Services	\$19,000	\$51,000
		FLC cost share (pass-through)	\$32,000	
III	637 - Monitoring Program	Monitoring Services: DMP	\$3,000	\$3,500
	839 - PLOC Flow Monitoring	Monitoring Services: PLOC	\$500	
IV	648 - Permitting	Permit review, inspection, easement and MS4 Services	\$42,000	\$49,000
		Start-up coordination	\$4,000	
		Administration and coordination	\$3,000	
V	652 - Education & Outreach	Education services	\$4,500	\$4,500
VI	626-Upper Watershed	Landowner liaison consulting	\$4,000	\$4,000
<b>Total</b>			<b>\$170,000</b>	

Within Exhibit B, the 2023 Conservation Practice Financial Assistance Program Policy Manual, Appendix A has been revised from the 2022 policy manual. In the 2022 policy manual, Appendix A, Section II PLSLWD Special Provisions, Paragraph D, stated that raingardens were not eligible for PLSLWD funding. Within the body of the 2022 policy manual, the cost share for residential rain gardens was 50 percent of the project cost, along with the requirement that the rain garden be identified as a project in an approved local water plan. In the 2023 policy manual, Appendix A, Section 1.2 PLSLWD Special Provisions does not exclude rain gardens from funding. Within the body of the 2023 policy manual, the cost share for residential rain gardens is \$250 for rain gardens less than 300 square feet and \$500 for rain gardens greater than 300 square feet. While rain gardens typically have one of the highest per pound of phosphorus removed, staff recommends District funding for rain gardens given the limited funds allocated to rain garden per the policy manual funding formula. In addition staff believes that rain gardens provide public education and rain garden vegetation typically supports pollinators.

Finally, within the 2023 policy manual, Appendix A, Section 1.2 PLSLWD Special Provisions, Paragraph E has been included and states, *The PLSLWD Board may, on a case-by-case basis, contribute additional funds towards a project the Board deems a high priority based on its identification in an approved study, Capital Improvement Plan or grant work plan, or other unique circumstances. Projects where this provision applies shall be approved by the PLSLWD Board and may cover up to and including 100% of the costs.* Previously the policy manual did not provide an approach for the District to contribute funds greater than the funding formulas.

### **Action Requested**

Staff recommends board approval of the Scott SWCD 2023 Professional Services Agreement.

**AGREEMENT BETWEEN THE PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT  
AND THE SCOTT SOIL AND WATER CONSERVATION DISTRICT FOR THE  
PROVISION OF PROFESSIONAL CONSERVATION SERVICES**

This Agreement is made this \_\_\_\_ day of \_\_\_\_\_ 2023, by the **PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT**, a governmental subdivision of the State of Minnesota (the "DISTRICT") and the **SCOTT SOIL AND WATER CONSERVATION DISTRICT**, governmental subdivision of the State of Minnesota (the SWCD) for the period January 1, 2023 through December 31, 2023.

**1. SCOPE OF SERVICE AND AUTHORIZATION.** The DISTRICT retains the SWCD to provide services related to conservation promotion, landowner technical assistance, monitoring, permitting, education, and other miscellaneous technical and field services (Services), as set forth in the Scope of Work and Budget, attached hereto as Exhibit A; and as set forth in the 2022 Conservation Practice Financial Assistance Program Policy Manual, as adopted by the Scott SWCD Board of Supervisors on December 15, 2022, attached hereto as Exhibit B.

**2. FEES AND PAYMENT.** DISTRICT will compensate for the Services in Exhibit A on an hourly basis and reimburse for direct costs in accordance with Exhibit A. The SWCD will invoice the DISTRICT on a quarterly basis for time and materials associated with delivery of Services for the preceding quarter. Payment for undisputed work will be due within 30 days of receipt of the invoice. Direct costs not specified in Exhibit A will not be reimbursed except with prior written approval of the DISTRICT Administrator. Subcontractor fees and subcontractor direct costs, as incurred by SWCD, will be reimbursed by DISTRICT at the rate specified in DISTRICT's written approval of the subcontract. The SWCD will not invoice for mileage reimbursement.

The total payment for an individual task may exceed the amount specified for that task in Exhibit A, but the total payment for Services will not exceed \$170,000. Total payment in each respect means all sums to be paid whatsoever, including but not limited to fees and reimbursement of direct costs and subcontractor costs, whether specific in this agreement or subsequently authorized by the administrator.

SWCD will maintain all records pertaining to fees or costs incurred in connection with the Services for six years from the date of completion of the Services. SWCD agrees that any authorized DISTRICT representative or the state auditor may have access to and the right to examine, audit and copy any such records during normal business hours.

**3. PROFESSIONAL RESPONSIBILITY.** The SWCD shall perform the Services consistent with that level of care and skill ordinarily exercised by members of its profession practicing under similar conditions at the time the Services are performed.

**4. DISTRICT'S RESPONSIBILITY.** At the SWCD's reasonable request, the DISTRICT shall provide to the SWCD all reports, data, studies, plans, specifications, documents, and other information in its possession that are relevant to the Services. The SWCD shall be responsible only for the accuracy of the data, interpretations, and recommendations it generates or makes. The SWCD will not be responsible for any interpretations or recommendations generated or made by others, which are based, in whole or in part, on the SWCD's data, interpretations or recommendations.

**5. INDEMNIFICATION.**

(a) The SWCD shall indemnify and hold harmless the DISTRICT and its managers, officers, employees, agents, and successors from and against any and all losses, damages, claims, liabilities, costs, and expenses, including legal fees and costs of investigation, resulting from or arising out of (i) a material breach by the SWCD of any term or provision of this Agreement, or (ii) any negligent act or omission or intentional misconduct of the SWCD in the performance of this Agreement or the Services.

(b) The DISTRICT agrees to indemnify and hold harmless the SWCD and its officers, employees, agents, and successors, from and against any and all losses, damages, claims, liabilities, costs, and expenses, including legal fees and costs of investigation, resulting from or arising out of any negligent or wrongful act or omission of the DISTRICT, its officers, directors, or employees.

**6. INSURANCE.** At all times during the term of this agreement, the SWCD will have and keep in force the following insurance coverages:

(a) General: \$1.5 million, each occurrence and aggregate, covering SWCD's ongoing and completed operations on an occurrence basis and including contractual liability.

(b) Professional liability: \$1.5 million each claim and aggregate. Any deductible will be SWCD's sole responsibility and may not exceed \$50,000. Coverage may be on a claims-made basis, in which case CONSULTANT must maintain the policy for, or obtain extended reporting period coverage extending, at least three (3) years from completion of the Services.

(c) Automobile liability: \$1.5 million combined single limit each occurrence coverage for bodily injury and property damage covering all vehicles on an occurrence basis.

(d) Workers' compensation: in accordance with legal requirements applicable to SWCD.

The DISTRICT will be named as an additional insured with primary coverage under the general liability policy. The SWCD will provide certificates of insurance and other insurance documentation on reasonable request. The certificate will name the DISTRICT as a holder and will state that the DISTRICT will receive written notice before cancellation, nonrenewal or a material change in any described policy under the same terms as the SWCD.

## **7. OWNERSHIP AND MAINTENANCE OF DOCUMENTS.**

All materials obtained or generated by the SWCD in performing the Services, including documents in hard and electronic copy, software, and all other forms in which the materials are contained, documented or memorialized, are the DISTRICT's property. As to those materials, the SWCD hereby assigns and transfers to the PLSLWD all right, title and interest in: (a) its copyright, if any, in the materials; any registrations and copyright applications relating to the materials; and any copyright renewals and extensions; (b) all works based on, derived from or incorporating the materials; and (c) all income, royalties, damages, claims and payments now or hereafter due or payable with respect thereto, and all causes of action in law or equity for past, present or future infringement based on the copyrights. The SWCD will execute all papers and perform such other proper acts as the DISTRICT may deem necessary to secure for the DISTRICT or its assignee the rights herein assigned.

The DISTRICT may immediately inspect, copy or take possession of any materials on written request to the SWCD. The SWCD may maintain a copy of any materials except for those designated by the DISTRICT as confidential or non-public under applicable law, a copy of which may be maintained by the SWCD only pursuant to written agreement with the DISTRICT specifying terms.

If the SWCD receives a request under the Data Practices Act, Minnesota Statutes chapter 13 (DPA), that may encompass data (as that term is defined in the DPA) the SWCD possesses or has created as a result of this agreement, it will inform the DISTRICT immediately and transmit a copy of the request. If the request is addressed to the DISTRICT, the SWCD will not provide any information or documents, but will direct the inquiry to the DISTRICT. If the request is addressed to the SWCD, the SWCD will be responsible to determine and meet its legal obligations but will notify and consult with the DISTRICT before replying.

Nothing in the preceding sentence supersedes the SWCD's obligations under this Agreement with respect to protection of DISTRICT data, property rights in data or confidentiality.

**8. RELATIONSHIP OF PARTIES.** The SWCD shall be an independent contractor in performing the Services and shall not act as an agent or an employee of the DISTRICT. The SWCD shall be solely responsible for its employees, subcontractors, and agents and for their compensation, benefits, contributions, insurance and taxes, if any. The SWCD shall not have any right or authority to make any representation or to assume or create any obligation, expressed or implied, on behalf of the DISTRICT.

The SWCD will comply with the laws and requirements of all federal, state, local and other governmental units in connection with performing the Services and will procure all licenses, permits and other rights necessary to perform the Services. In performing the Services, the SWCD will ensure that no person is excluded from full employment rights or participation in or the benefits of any program, service or activity on the ground of race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status or national origin; and no person who is protected by applicable federal or state laws, rules or regulations against discrimination otherwise will be subjected to discrimination.

**9. ASSIGNMENT.** Neither party shall assign, or otherwise transfer, its rights or obligations hereunder without the written consent of the other party.

**10. AUDIT.** All documents and records relating to this Agreement shall be available for inspection by the DISTRICT and the state auditor for six years. The DISTRICT may audit all records of the SWCD relating to the costs, expenses and Services performed. If the audit shows that the payment by the DISTRICT to the SWCD exceeds the amount due the SWCD, the excess amount shall be returned to the DISTRICT and the SWCD shall bear the expense of the audit.

**11. DISPUTES.** All disputes between the SWCD and the DISTRICT shall be subject to non-binding mediation before either party may commence suit. Either party may demand mediation by serving a written notice stating the essential nature of the dispute, the amount of time or money claimed, and requiring that the matter be mediated within 60 days of service of notice. The parties shall agree on a mediator.

**12. TERMINATION.** This agreement is effective when fully executed by the parties and will remain in force until December 31, 2023, unless earlier terminated as set forth herein.

This Agreement shall be terminable at will by either party effective immediately upon written notice to the other party via certified mail. Termination of this Agreement does not relieve either party of its obligations with regard to services provided prior to the time of termination. Insurance obligations; duty of care; obligations to defend, indemnify and hold harmless; and document-retention requirements will survive the completion of the Services and the term of this agreement.

**13. NO WAIVER.** The failure of either party to insist on the strict performance by the other party of any provision or obligation under this agreement, or to exercise any option, remedy or right herein, will not waive or relinquish such party's rights in the future to insist on strict performance of any provision, condition or obligation, all of which will remain in full force and affect. The waiver of either party on one or more occasion of any provision or obligation of this agreement will not be construed as a waiver of any subsequent breach of the same provision or obligation, and the consent or approval by either party to or of any act by the other requiring consent or approval will not render unnecessary such party's consent or approval to any subsequent similar act by the other.

Notwithstanding any other term of this agreement, PLSLWD waives no immunity in tort. This agreement creates no right in and waives no immunity, defense or liability limit with respect to any third party.

**14. GOVERNING LAW.** This Agreement is governed by and shall be construed according to the laws of Minnesota.

**15. NOTICES.** All notices and communications to the SWCD under this Agreement shall be to Director, 7151 W. 190<sup>th</sup> Street, Jordan, MN, 55352. All notices and communications to the DISTRICT under this Agreement shall be to Administrator, 4646 Dakota Street SE, Prior Lake, MN 55372.

**16. ENTIRE AGREEMENT.** This Agreement including any attachments incorporated constitutes the entire understanding between the DISTRICT and the SWCD. Any modifications to this Agreement shall be in writing and signed by authorized representatives of the parties.

**For the PRIOR LAKE-SPRING LAKE WATERSHED  
DISTRICT**

Signed: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**For the SCOTT SOIL and WATER CONSERVATION  
DISTRICT**

Signed: \_\_\_\_\_  
Title: Rob Casey, Chair  
Date: \_\_\_\_\_

## EXHIBIT A

### 2023 SCOPE OF WORK AND BUDGET

The Scott Soil and Water Conservation District (SWCD) will provide the Prior Lake Spring Lake Watershed District (DISTRICT) with a variety of conservation services, in support of the goals and objectives in its Water Resources Management Plan, Spring Lake-Upper Prior Lake TMDL Implementation Plan, and Upper Watershed Blueprint.

Services will be delivered on a time and materials basis. Individual line items may vary as the year progresses due to unpredicted needs and circumstances; however, this Scope is capped with an overall not-to-exceed amount of **\$170,000**. The SWCD may be requested to provide services outside of and in addition to this Scope. These services will be provided on an as-requested basis via separate work order or memoranda, the costs of which will not apply to the not-to-exceed amount.

#### **Task I. Technical Assistance and Cost Share (TACS)**

##### **Description**

The SWCD will provide information, technical, and cost share assistance to landowners within the DISTRICT in support of implementation of conservation behaviors, actions, and best management practices that reduce soil erosion, decrease runoff volume, and improve water quality.

##### **A. Conservation Marketing and Promotion**

The SWCD will continue marketing initiatives to promote adoption of conservation practices aimed at phosphorus and sediment reductions. Focus in 2023 will be practices targeted in the SWCD's 2020 CWF grant, prioritizing the Spring Lake and Fish Lake watersheds. SWCD staff will also assist with outreach for the Upper Watershed Blueprint as requested. Activities generally include:

- Identifying targeted parcels and landowners and gathering contact information
- Preparing letters, mail lists, and informational materials
- Making personal calls and in-person visits
- Tracking and reporting progress

##### **B. Livestock/Commodity Producer Assistance**

The SWCD will provide technical support to livestock and commodity producers on conservation measures providing water quality benefits.

- Provide Equipment Rental Program services for cover crops, no-till and other conservation seeding
- Assist with livestock facility, animal waste, and pasture management planning
- Provide information and assistance related to state feedlot regulations, including planning, permitting, inspections, complaint response and pollution discharge

##### **C. Cost Share**

The SWCD will administer cost share in accordance with approved policies. These services will be provided to landowners who either respond with interest to marketing efforts under Task IA or contact the SWCD on their own.

- Follow up
  - Calls and meetings with landowners
  - Initial site assessment/feasibility
  - Provide information on potential solutions and available assistance
- Project Development
  - Complete technical feasibility, site surveys, and environmental assessments
  - Prepare concept plans and cost estimates
  - Meet with landowner to finalize decisions and secure commitments
  - Review and score new cost share applications with DISTRICT staff, as applicable
- Cost share activities
  - Prepare and process contract applications and fact sheets
  - Prepare and send letters of decision
  - Prepare and issue cost share payments
  - Review and prepare recommendations regarding current and future cost share policies
- Design activities
  - Prepare project designs, specifications, final cost estimates, and construction drawings



- Apply for/secure applicable permits
- Prepare Conservation Plans and Operation and Maintenance agreements
- Submit design packet to the DISTRICT for review prior to construction when needed/requested
- Construction activities
  - Coordinate and lead pre-construction meetings
  - Stake projects; inspect/supervise construction
  - Prepare as-built drawings; provide construction certification

**D. Status Reviews**

Projects installed using DISTRICT funds will be inspected to ensure they are complying with their Operations and Maintenance (O&M) plans, in accordance with cost share contract requirements. Inspections are completed the 1<sup>st</sup>, 5<sup>th</sup>, and 9<sup>th</sup> year following certification.

- Conduct site visit and inspection of project site
- Prepare inspection report
- Conduct follow up inspection and landowner technical assistance, if necessary

**E. Management/Other**

- Prepare, review and present cost share policy updates
- Prepare quarterly and annual accomplishment reports (not limited to TACS)
- Miscellaneous services on an as-requested basis

**Budget<sup>1</sup>**

TACS services	\$32,000
TACS cost share (pass through):	\$21,000
TACS Management	\$5,000
	<u>\$58,000</u>

**Task II. Farmer Led Council**

**Description**

The SWCD will provide administrative and technical support to the Farmer Led Council (FLC) including but not limited to:

- Meeting with DISTRICT staff for program planning, coordination, and reporting
- Providing input and support on policy and program implementation
- Participating in FLC meetings
- Conduct follow up with current and prospective participants to promote FLC goals and programs
- Assist cooperators with FLC program participation, including but not limited to delivering and placing water quality inlets; coordinating and implementing the cover crop initiative; conducting lake-friendly farm certification assessments; preparing conservation plans
- Assist DISTRICT staff with certification recognition and other special initiatives and events

**Budget**

Staff services	\$19,000
Expenses (pass through)	\$32,000
Total	<u>\$51,000</u>

**Task III. Monitoring and Data Collection**

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<sup>1</sup> Budget amounts in these categories may vary depending on number and types of projects, as well as the availability of other sources of funding for cost share and incentives. For example, additional funds may be dedicated for TA in order to leverage grant funds that can be used for project cost share and incentives.

**Description**

The SWCD will assist the DISTRICT with planning and implementing its 2023 water monitoring plan, including flow measurement and survey measurements for stream level logger benchmarking. Other monitoring services may be provided on an as-requested basis, subject to availability and budget.

**Budget**

Monitoring Services: DMP	\$3,000
Monitoring Services: PLOC	<u>\$500</u>
Total	<b>\$3,500</b>

**Task IV. PERMIT PROGRAM AND EASEMENT SUPPORT**

**Description**

The SWCD will provide various regulatory services in support of the DISTRICT's permitting program. Activities will include the following:

**A. Manage District Permit Program**

- Review District permit applications and make recommendations to the Board of Managers (Board) for permit approvals, variances, or exceptions.
  - Assist permit applicants with interpretation of District rules, policies, and procedures.
  - Prepare correspondence with permit applicants or their representatives.
  - Coordinate review of all permits with District Administrator and District Engineer.
  - Inspect and monitor permitted sites to ensure compliance with District rules and to address any violations.
  - Provide inspection reports to project stakeholders on a timely basis.
- Develop and/or maintain database and filing systems for permits and permitting related issues.
  - Manage and track fees, sureties, and permit reimbursements.
  - Manage and track outstanding conditions on permits conditionally approved by the Board.
  - Maintain complete records of permit applications and activities.
  - Coordinate with District Engineer on review of as-built plans for permits with completed construction.
- Coordinate with partner local government units (LGUs) that enforce District rules through equivalent permit rules agreements.
  - Coordinate the review site plans and associated materials with the District Engineer and provide review comments to the permitting LGU. Monitor permitting process to ensure District rules are being applied and enforced.
  - Participate in partner LGU development review meetings.
- Coordinate and advise with District staff on the Wetland Conservation Act applications.

**B. Secure Project and Conservation Easements**

- Coordinate with landowners or their representatives and District Engineer to develop, secure, and record development agreements and easements.
- Prepare and present development agreement and easement recommendations.
- Monitor and enforce placement of conservation easement boundary monumentation and vegetation establishment.
- Manage and track fees, sureties, and easement reimbursements.
- Maintain complete records.

**C. Manage Existing Easements**

- Coordinate annual conservation easement inspections.
- Communicate with landowners before and after inspections to ensure compliance, remedy identified violations, and maintain good relationships.

- Manage District conservation easement records, including updating baseline document reports, easement inspections findings, compliance, and violation communications.

**D. Municipal Separate Storm Sewer System (MS4) General Permit Compliance**

- Oversee and coordinate compliance activities of the District's MS4 program.
- Apply for MS4 permit application renewals when needed

**E. Program Administration and Coordination**

- Meet with District to ascertain status of existing permits, processes, and procedures.
- Identify and develop strategies and procedures for management of existing and new permit data, including forms, correspondence, reports, and other documents.
- Develop protocols, procedures and strategies for communication, coordination, and data sharing between the SWCD and District staff, Board, and Engineer.
- Prepare and provide updates and status reports

**Budget**

Permitting, inspection, easement and MS4 Services	\$42,000
Start-up coordination	\$4,000
Administration and coordination	\$3,000
	<b>\$49,000</b>

**Task V. EDUCATION PROGRAMMING**

**Description**

The SWCD will provide various educational services in support of the DISTRICT's 2023 Education & Outreach Plan. Activities will include but are not necessarily limited to:

- Planning and hosting "how-to" workshops
- Developing promotional and informational materials and resources
- Plan and implement media marketing/promotion to include promoting DISTRICT and SWCD cost share and other program opportunities
- Coordinate and manage registrations and venue set-up and take-down
- Conducting post-event review and follow up with landowners

**Budget**

Services:	<b>\$4,500</b>
Supplies:	Per request

**Task VI. Upper Watershed**

**Description**

The SWCD will provide landowner outreach and engagement services in support of DISTRICT goals for storage and water quality improvements in the Upper Watershed. All tasks will be specifically requested or authorized by, and/or provided in conjunction with, DISTRICT staff.

**Budget**

Landowner liaison consulting	<b>\$4,000</b>
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## TASK & BUDGET SUMMARY

Task	PLSLWD Budget Category	Description	Amount	
I	611 - Cost Share	TACS services	\$32,000	\$58,000
		TACS cost share (pass-through)	\$21,000	
		TACS management	\$5,000	
II	611 - Farmer-Led Council	FLC Services	\$19,000	\$51,000
		FLC cost share (pass-through)	\$32,000	
III	637 - Monitoring Program	Monitoring Services: DMP	\$3,000	\$3,500
	839 - PLOC Flow Monitoring	Monitoring Services: PLOC	\$500	
IV	648 - Permitting	Permit review, inspection, easement and MS4 Services	\$42,000	\$49,000
		Start-up coordination	\$4,000	
		Administration and coordination	\$3,000	
V	652 - Education & Outreach	Education services	\$4,500	\$4,500
VI	626-Upper Watershed	Landowner liaison consulting	\$4,000	\$4,000
<b>Total</b>				<b>\$170,000</b>

## BILLING RATES

All services will be billed on a time and materials basis, according to the following hourly rates:

Position Title	Rate
District Director	\$90
Resource Conservationist II, Finance and Accounting Specialist	\$80
Resource Conservationist I, Natural Resources Specialist	\$75
Water Resource Specialist, Agricultural Programs Specialist, Ditch and Soil Erosion Specialist; Outreach and Education Specialist	\$70
Resource Conservation Technician	\$65
Administrative Assistant	\$60
Conservation/Seasonal Intern	\$45

# 2023 CONSERVATION PRACTICE FINANCIAL ASSISTANCE PROGRAM POLICY MANUAL



LOWER MINNESOTA RIVER  
WATERSHED DISTRICT

Adopted by the SWCD Board December 15, 2022

## OVERVIEW

The Scott Soil and Water Conservation District (District) operates a financial assistance program to assist land occupiers – including landowners, renters, businesses, citizen groups, or local units of government – to implement conservation practices that protect and preserve soil, water, and related natural resources in Scott County.

Funding for the Conservation Practice Financial Assistance Program (CPFAP) is provided through partnerships with local water management agencies, including the Scott Watershed Management Organization (SWMO), Prior Lake spring Lake Watershed District (PLSLWD), Vermillion River Watershed Joint Powers Organization (VRWJPO), and Lower Minnesota River Watershed District, depending on location. Funding from these partner agencies is provided for both technical assistance (staff times, primarily) and project implementation. The District also contributes funding through various state grants it receives. The CPFAP is referred to more commonly as our Technical Assistance and Cost Share, or TACS, program.

Requests for financial assistance are made via an application process and are subject to approval by the approving authority. By default, the approving authority is the District Board of Supervisors; however, it can also be the local water management agency board or administrator depending on a variety of factors including for example a proposed project's total cost, environmental benefit, and/or type of practice. Generally, consideration to approve or deny an application is based on the proposed project's feasibility, cost effectiveness, and overall public value.

This Policy and Procedures Manual, hereafter referred to as the "Docket", describes the policies and procedures associated with the program's application and approval process. It also lists the specific conservation practices eligible for financial assistance, along with maximum funding limits, conditions and criteria associated with each specific practice.

This Docket consists of three sections: Program Provisions, General Conservation Practice Provisions, and Specific Conservation Practice Provisions. The Program and General Conservation Practice Provisions list the requirements that are applicable to all or multiple practices. The Specific Provisions list the payment method, rates and limits, practice Contract Term, and specific provisions for each conservation practice.

In certain instances, policies and procedures differ between the District and local water management agencies, as well as between local water management agencies themselves. Where they exist, these differences are described in Appendix A. Where policies and procedures conflict, the stricter is always observed.

# 1 PROGRAM PROVISIONS

The following provisions are requirements for financial assistance under this program.

## 1.1 ELIGIBILITY

- 1.1.A Only practices listed in this Docket are eligible for financial assistance. Other practices required for the effective implementation of a primary Docket practice may be eligible for financial assistance as component practices. Reimbursement for component costs will be included with the primary practice payment.
- 1.1.B Financial assistance may only be authorized for conservation practices that:
- 1) Are designed and constructed in accordance with current, industry-recognized technical standards. By default, this includes the USDA NRCS Field Office Technical Guide. It may, however, also include but not be limited to the MPCA Stormwater Manual, the NPDES General Stormwater Permit for Construction Activity, the Minnesota Urban Small Sites BMP Manual, or other recognized local, state, or federal standards consistent with this Docket.
  - 2) Meet the general and specific conservation practice provisions for each practice included in the Docket.
  - 3) Except as otherwise noted, provide measurable environmental benefits, including but not limited to nutrient, sediment, and runoff volume reductions.
  - 4) Do not address erosion resulting from the direct impacts of development, unless the development occurred prior to applicable standards, such as NPDES permitting or local municipal or water management agency rules.
  - 5) Unless prohibited by another funding agency's policy, payment for work not performed or constructed according to applicable technical standards may be authorized subject to approval by the approving authority, based on a determination by the Technical Representative or a professional engineer that the effective life and intended environmental benefits of the project will not be compromised.
  - 6) Financial and technical assistance costs for projects benefitting a water resource that lies outside the jurisdictional watershed within which it is physically located shall be split equally between both organizations unless one or the other has available funding (e.g., a grant) and agrees to cover a greater share or the entire amount.
- 1.1.C Financial assistance may be authorized for repairs to existing practices if:
- 1) The project is beyond the contract term and the risk of failure poses significant threat to water quality or infrastructure; or
  - 2) The project is within the contract term, but the damage was not the result of negligence by the landowner or land occupier or failure to adhere to the Operation and Maintenance Plan.
  - 3) Notwithstanding the above, approval from the Board of Water and Soil Resources (BWSR) is required prior to use of any state grant funds for projects involving the maintenance or repair of any practice if/when it is unclear whether such use of state funds is allowed after researching applicable grant policies.
  - 4) Cost share for projects deemed eligible pursuant to paragraph b., above, may be provided at the same rate as the original contract if the repair is completed within three (3) years of the original certification date; otherwise, the current rate shall apply.

- 1.1.D A contract may be amended to cover costs associated with re-grading, re-seeding, and re-mulching a project that has experienced erosion prior to final certification, as determined reasonable and necessary by the Technical Representative. The percent-based rate shall not exceed the rate set in the approved contract. Such costs may be covered through an amendment to the financial assistance agreement. For practices where vegetation establishment is required, partial payment may be made at the discretion of the Technical Representative, and final payment can be made after stabilization of the project is determined to be fully achieved.
- 1.1.E Financial assistance may be authorized for expenses associated with installation of more protective erosion control measures, including but not limited to using erosion control blankets, as determined reasonable and cost effective by the Technical Representative. When feasible temporary erosion control blankets made with natural and biodegradable netting shall be preferred over ones made with nylon or other non-biodegradable material. Temporary products that require UV-light to biodegrade (i.e., photodegradable) are not acceptable as they do not effectively biodegrade in shaded conditions. Product availability and/or effectiveness may be considered when determining feasibility.
- 1.1.F Payment may not be authorized for any practice or portion thereof that has commenced prior to official approval of an application and a cost share contract being executed, except as follows:
- 1) Cover crop projects provided a signed application has been submitted prior to being seeded and for which only local funds are being used; and
  - 2) Site preparation activities for ecological practices, up to but not including seeding or planting, may commence prior to a cost share contract being executed. Reimbursement may be provided using local funds but would not be eligible for reimbursement from grant funds.
- 1.1.G The approving authority may require an applicant to implement additional practices as a condition of financial assistance when deemed necessary to ensure the integrity of the original practice.
- 1.1.H Financial assistance for practices that have a maximum payment amount, including but not limited to cover crops and nutrient management, shall be limited to a single application per family or common farm operation or enterprise, whether formally or informally organized.
- 1.1.I Contracts may be amended to increase the approved financial assistance amount based on any of the following reasons, subject to prior approval the Technical Representative:
- 1.1.J Changes to the final design prior to or during construction result in increased costs;
- 1.1.K Unforeseen or unanticipated circumstances result in higher-than-expected construction costs;
- 1.1.L The original cost estimate is determined to be too low based on recent changes in market prices for similar materials or services and/or limited contractor availability; or
- 1.1.M A minimum of 2 bids were received and the lowest reasonable bid exceeds the original cost estimate.
- 1.1.N Filter strip and conservation cover projects are eligible for one-time re-enrollment. A Participant may apply for a one-time funding for up to 10 additional years upon expiration of their original contract. Application for renewals shall be made within one (1) year of the original contract expiration date. The approving authority may, at its discretion, approve, approve with modification, or deny any such application, based on its determination of public benefit and/or available funding. Public benefit considerations shall include cost relative to potential water quality impacts should the land return to agricultural use in whole or part; b) whether a different practice or fewer number of acres would achieve comparable water quality benefits at a lower cost; and c) the level of impairment of the receiving water resource. The approving authority may place a cap on the maximum rate per acre that is less than the rate indicated under the Specific Conservation Practice Provisions section, below.



## 1.2 TYPES OF FINANCIAL ASSISTANT

1.2.A Two forms of financial assistance are authorized, including Flat Rate and Percent Based<sup>1</sup>, as follows:

- 1) FLAT RATE: Flat Rate payments are payments based on a specified dollar amount per unit installed (e.g., \$/acre). There are two types of Flat Rate payments:
  - a. One-time: Total payment is calculated by multiplying the unit rate by the number of units installed. A single payment is issued in full upon certification of practice installation.
  - b. Annual: Total payment is calculated by multiplying the unit rate times the number of units installed times a set number of years (e.g., the contract term). Payments are made in installments over the course of two or more years, the first being subject to certification of installation and subsequent being subject to continued maintenance.

Unit rates are identified in the Specific Practice Provisions section, below. Flat rate payments designed to help land occupiers mitigate risk or losses associated with installing or adopting land management practices that improve or protect soil and water resources are referred to as “incentives” and are noted accordingly.

- 2) PERCENT BASE: Percent-based financial assistance is a reimbursement to the Participant to help offset the construction and/or establishment costs associated with implementing a practice. The maximum percent-based rate is listed for each practice in the Specific Practice Provisions section and shall be considered the maximum rate of actual construction costs or the estimated cost, whichever is less, of implementing the practice.

For certain practices where the primary objective is establishment of perennial vegetation, including but not limited to Conservation Cover, Tree/Shrub Establishment, and Wetland Restoration, cost associated with dedicating land necessary for implementation of the conservation practice and therefore loss of its otherwise reasonable use for agricultural or other purposes for the term of the contract is an eligible expense. The cost of land dedication is determined by multiplying the countywide rental rate by the contract term less any years for which incentives were provided. By adoption of this policy document on December 15, 2022, the Board established the countywide rental rate for 2023 at \$200/acre. Payment for land dedication follows the same method and schedule as are used for making Flat Rate payments.

## 1.3 APPROVAL PROCESS

- 1.3.A An individual or entity may request financial assistance for the installation of a conservation practice by submitting a completed application form provided by the District. Applications shall be reviewed by the District staff to determine project eligibility, potential funding sources, and whether sufficient funds are available. Staff may use a scoring system to screen and rank applications based on relevant criteria including without limitation practice type, available funding, and environmental benefits. Applications passed through screening shall be presented to the appropriate approving authority for formal consideration at the earliest reasonable opportunity. Action to approve, approve with modification, or deny shall be documented in the meeting minutes..
- 1.3.B Approvals of applications for financial assistance are subject to funding availability. If approved, the applicant and approving authority shall enter into a binding cost share contract provided by the

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<sup>1</sup> The term “cost share” is often used when referring to Flat Rate and/or Percent Based financial assistance.

District, which must be signed by both parties prior to the practice commencing except as provide under paragraphs 1.1.F, above. If the application and contract are one in the same, the application automatically becomes a binding contract upon execution by the approving authority. The individual or entity that signs the contract shall be the party to whom payment will be issued, whether that is the landowner or land occupier, and upon execution of the contract is henceforth referred to as Participant. If the individual or entity is not the landowner, then the landowner must also sign the contract unless the project is limited to a single-year incentive payment.

- 1.3.C Changes to an executed contract are considered an amendment to the contract and subject to review and approval by the approving authority. Amendments are limited to extensions of completion dates, increases or decreases to estimated project cost, changes to practice type(s), or to identify a different land occupier. Amendments will be considered only when circumstances such as weather, unforeseen cost or soil conditions, or other uncontrollable events occur. The procedure to amend a contract is as follows:
- 1) The Participant provides information justifying the need for an amendment and completes the amendment form. Assistance may be provided by the Technical Representative.
  - 2) The Technical Representative reviews the proposed amendment and certifies the change(s) are reasonable and necessary.
  - 3) The District Board reviews the amendment request and either approves or denies the request.
    - a. If approved, the date of approval is recorded at the top of the original contract and the amendment form is signed and dated by the organization. A copy of the approved amendment is sent to the Participant and landowner, if different.
    - b. If denied, the Participant should be notified in writing of the reason for denial of the application.
  - 4) Contract amendments must be filed in advance of and approved prior to final payment request from the Participant.
- 1.3.D The District shall send a letter notifying the applicant(s) of action taken by the approving authority on their application or any amendment to an existing contract. The letter shall also, at a minimum, explain next steps and be accompanied by a copy of the signed and dated contract or amendment, as applicable. Letters shall also be sent when action by the appropriate approving authority is taken to cancel a contract. Letters and copies of approved and executed contracts and amendments may be sent in hard copy or electronic form, at the Participant's option.

## **1.4 CONTRACT TERMS AND MAXIMUM AMOUNTS**

- 1.4.A The term of an approved contract must extend through the designed effective life of the practice, or the minimum term required by the funding source policy, whichever is greater. This applies to projects involving construction of a new practice and repairs to an existing practice. For projects involving repairs to a practice that was installed under a previous contract, the new contract must extend through the full effective life of the practice.
- 1.4.B The flat and percent-based cost share rates are listed in Section 3, Specific Practice Provisions. The approving authority has discretion to approve lower rates depending on public benefit. The total financial assistance paid to an applicant shall not exceed the maximum flat and percent-based rates allowed by the funding source's governing policies. The maximum local financial assistance paid to an applicant shall not exceed the maximum flat or percent-based rates listed in this Docket. An applicant may request less than the maximum authorized amount to avoid IRS income reporting requirements.

Other program rules regarding maximum payment rates and other limitations shall be observed.

- 1.4.C Federal, state, and other non-local sources of funding shall be used to the maximum extent practicable. Likewise, local funds shall be used to piggy-back other funding sources to the maximum extent practicable. Non-local funds may be deemed not practical upon the District's determination that compliance with this provision would delay project construction resulting in a significant increase in risk to public health, safety, or the environment; or administrative overhead to secure such funds, including but not limited to time, paperwork, and other restrictions, would place an unreasonable burden on the applicant and/or District.
- 1.4.D The amount of financial assistance provided for a project shall be based on the minimum amount required for the practice to be installed according to applicable design standards and specifications. Costs associated with additional or alternative work or materials shall be the responsibility of the owner. Maximum rates for in-kind labor costs shall be consistent with the most current Iowa Custom Rate Survey. Higher rates may be allowed in special circumstances, as determined reasonable by the District.
- 1.4.E Financial assistance for seeding or planting is limited to those costs associated with implementing the seed or planting plan as approved by the Technical Representative.
- 1.4.F Contracts exceeding \$20,000 in total financial assistance shall be recorded on the property title at the County Recorder's office. Recording of the contract notifies subsequent buyers of the existence of the practice or practices on the property and their obligation to maintain these practice(s) during the effective life. Procedures for recording shall follow guidance developed by the Board of Soil and Water Resources for the recording conservation practices. A variance to this provision may be granted at the discretion of the Board for structural practices in cases where funding from any single agency is less than \$20,000 and the likelihood of the project being removed or not maintained is determined to be minimal.
- 1.4.G Notwithstanding the amounts listed in the Specific Practice Provisions section, the maximum cost share amount for municipalities shall be 50%.

## **1.5 COST SHARE RATE ADJUSTMENTS**

- 1.5.A Maximum cost share rates listed in Section 3, Specific Practice Provisions, may be increased in accordance with this section for the following practices:
  - Conservation Cover
  - Critical Area Planting
  - Diversion
  - Grassed or Lined Waterway
  - Grade Stabilization Structure
  - Sensitive Field Borders
  - Streambank Stabilization
  - Terrace
  - Tree and Shrub Establishment
  - Underground outlet
  - Water and Sediment Control Basin

1.5.B Cost share rates may be adjusted for projects deemed by the District to be high priority. To be deemed high priority, a project must meet the following criteria:

- 1) The cost benefit for phosphorus and sediment reduction both fall in the top 20% of similar practices (as defined by BWSR's practice categories) based on a) the average for other similar practices installed in the past 5-years and b) 10-year practice life; or
- 2) The project is identified in a subwatershed assessment completed after 2020 and is in the top 10% of projects within the same category based on phosphorus and sediment cost benefit; and
- 3) The practice is identified as a high priority and/or supports a priority goal in the approved Scott SWCD Comprehensive Plan or applicable watershed management plan; and
- 4) The Participant agrees to operate and maintain the practice for 15 years (contract term), except for Conservation Cover and Tree/Shrub Establishment projects which may remain at 10 years.
- 5) For Conservation Cover and Tree/Shrub Establishment projects, the cost benefit for sediment and runoff reduction must be in the top 20% based on a) the average for similar practices installed in the past 5-years and b) a 10-year practice life.

1.5.C Percent-based Cost Share

- 1) Percent-based cost share rates listed under Section 3 may be exceeded on a case-by-case basis, up to and including 90%, for a project determined by the District to meet one of the following criteria:
  - a. It is deemed a high priority under Section 1.5.B.; or
  - b. It is specifically identified and targeted as a priority project for funding under a state or federal grant.
- 2) Notwithstanding the above, Participants that own or operate cropland may be eligible for up to 90% cost share for projects that are not necessarily deemed high priority providing the following:
  - a. If upland treatment is required, the Participant signs and follow a Conservation Plan that achieves upland treatment pursuant to Section 2.12 on any cropland that drains to the practice and that they either own or occupy during the term of their cost share contract.
  - b. Achieve a minimum of 30% residue cover, after planting, during the term of their contract as prescribed in a Conservation Pan. Residue cover may be from the current and previous year's crop, cover crops, and/or permanent vegetation.
  - c. The number of acres where residue management is required is based on incentivizing residue management at a rate of \$10/acre over ten years. The following formula is used to determine the number of acres that must be applied:

$$\text{Total Project Cost Estimate} \times .002$$

The number of acres to be applied shall be adjusted based on actual project costs; however, if the final cost is within 10% of the cost estimate then no adjustment is necessary. When identifying where residue management will be applied, priority shall be given to a) fields within the drainage area of the practice, and b) fields where slope exceed 2% and/or that pose greater risk to water quality.

- d. Complete a Conservation Assessment under Section 2.11 on all cropland on the parcel where the project will be installed plus any contiguous parcels owned by the Participant.

1.5.D Flat Rate Cost Share

- 1) The Flat Rate amount listed under Section 3 may be increased by up to and including 40%, for a project determined by the District to meet one of the following criteria:
  - a. It is deemed a high priority under Section 1.5.B.; or
  - b. It is specifically identified and targeted as a priority project for funding under a state or federal grant.

## **1.6 PAYMENT PROCESS**

- 1.6.A An individual with appropriate Job Approval Authority (JAA) or a licensed professional engineer must prepare and/or certify project cost estimates and design plans and must certify installation was installed in accordance with applicable standards and specification. The following documentation shall be required as a condition for payment:
  - 1) Certification the project was installed in accordance with applicable standards and specification, such as for example record plans signed by an individual with appropriate JAA or a licensed PE;
  - 2) A completed, signed, and approved Voucher Form; and
  - 3) For percent-based payments, copies of receipts and/or paid invoices for all out-of-pocket and in-kind expenses. Applicants requesting reimbursement for in-kind services shall submit a signed statement indicating the services provided, dates provided, rate, and quantity.
- 1.6.B If a property is sold prior to final payment being issued, any outstanding payments shall by default be issued to the new landowner(s) subject to them signing, and the Board approving, a new financial assistance contract that extends through the remaining years of the original contract term. If a new contract cannot be secured, then any outstanding amount shall be forfeited and, if possible, made available for use towards another approved project.
- 1.6.C Should the applicant remove or fail to maintain the practice during its effective life, the applicant is liable to the District or other financial assistance source agency for one hundred fifty percent (150%) of the financial assistance received to install and establish the practice. The applicant is not liable for cost-share assistance received if the failure was caused by reasons beyond the applicant's control. Sale of the property may not alone be cause for determining if failure was beyond the applicant's control.
- 1.6.D Temporary erosion and sediment control measures (e.g., silt fence and synthetic bio-logs), if used, shall be removed and properly disposed of prior to issuance of any payment.

## **1.7 GRANT PROVISIONS**

- 1.7.A For projects utilizing funds from a federal, state, or other non-local grant source, the flat and percent-based rates, eligible practices, and other related provisions set forth in the approved grant agreement, if different, shall prevail. Examples of these instances include but are not limited to 1) if a practice is required to use native species as a requirement of the grant and this policy allows for non-native species, the grant requirement will prevail and, in this example, native species will be required; 2) if the grant requires that a project is paid in full before the grant expires then the grant requirement will prevail.
- 1.7.B If an amendment request involves dates outside the executed state grant agreement date, outside the contract practice install date, or grant program policies, BWSR staff must be consulted, and a grant agreement amendment may be required.
- 1.7.C BWSR approval will be obtained prior to using any state grant funds for projects involving the maintenance or repair of any practice for which state grant funds are proposed to be used, if/when there is a question or doubt whether such maintenance/repair is allowed after researching applicable

or State Cost Share or CWF grant program policies.

- 1.7.D Practices funded with Clean Water or other BWSR-issued grant funds shall have a minimum effective life of 10 years, except for certain nonstructural management practice such as cover crops and nutrient management which may have a minimum effective life of 3 years.
- 1.7.E Native seed mixes consistent with BWSR's Native Vegetation Establishment and Enhancement Guidelines, as updated, shall be specified for any project using state grant funds and has a vegetation restoration component. Non-native vegetation may be used for temporary cover/cover crops for soil health and soil stabilization, grass waterways, and projects to meet MN Buffer Law that will be hayed, grazed, and/or exposed to pesticides. Subject to prior approval from BWSR, non-native species may also be used on any other structural projects/practices including but not limited to terraces, diversions, waterways, water and sediment control basins, and grade stabilization structures if either of the following conditions applies: a) the post-project land use involves agricultural production as required by the land owner or occupier; or b) use of non-native species is necessary for initial stabilization and long term function of the practice as deemed necessary by the project engineer or District technical representative with appropriate JAA.
- 1.7.F State grant funds may not be used towards land dedication costs. Land dedication costs made within the grant period may, however, be counted as match.

## **1.8 STAFF CREDENTIALS**

- 1.8.A The District will ensure staff has the necessary skill, training, and experience to plan, design and construct projects according to applicable standards and specifications. Building credentials and maintaining or seeking certifications to retain knowledgeable staff is a high priority of the District, and funding for training purposes is incorporated into the District's approved annual budget.
- 1.8.B As of January 1, 2023, technical expertise of the District includes:
  - 3 certified professionals in erosion and sediment control;
  - 1 certified wetland delineator and 1 certified wetland delineator in-training; and
  - 7 staff with USDA–NRCS Job Approval Authority for ecological and/or engineering sciences
- 1.8.C When professional engineering is required by law, or the size or complexity of a specific conservation practice requires expertise above District technical capacity, the District will hire or contract with a professional engineer licensed to practice in the State of Minnesota, or an appropriately licensed engineer employed with the Minnesota Board of Water and Soil Resources or the USDA-NRCS.

## **1.9 DELEGATION OF AUTHORITY**

- 1.9.A By adoption of this Conservation Practice Financial Assistance Program Policy, the Scott SWCD Board delegates the following authorities to the District Director for projects within the District:
  - 1) Sign financial assistance applications and amendments approved by the Board;
  - 2) Approve partial and final payments; and
  - 3) Approve amendments limited to date extensions, a different land occupier, and/or changes in funding source.
- 1.9.B Action taken by the District Director pursuant to 2) and 3) shall be certified by the Board at their next or subsequent regular meeting.

## **1.10 SUPPLY COSTS**

- 1.10.A The District may provide project-related supplies to the applicant at cost for projects that are approved for financial assistance (original Board motion 5.f, April 2019.)

#### **1.11 COMPLIANCE**

- 1.11.A The District shall seek to resolve any known contract violation in accordance with the flow chart provided in Appendix B.

## 2 GENERAL PRACTICE PROVISIONS

- 2.1 The following provisions apply to the design and construction of conservation practices under this Docket:
- 2.2 Effective Life: All projects must be designed to achieve the practice's minimum effective life as per the applicable practice design standard or grant policy, whichever is longer.
- 2.3 Soil Testing: A soil test shall be performed for any practice requiring seeding of cool season, non-native grasses if the cooperator or contractor applies fertilizer in excess of the following rate per acre: Nitrogen (N) 80 lbs., Phosphoric Acid (P2O5) 80 lbs. and Potash (K2O) 80 lbs. All soil tests shall be from a soil testing laboratory shown on the Minnesota Department of Agriculture's list of approved Soil Testing Laboratories. Application rates of lime, commercial fertilizer, and manure shall be based on University of Minnesota recommendations. Soil testing requirements may be waived if acceptable soil tests from the site were taken within the previous three years.
- 2.4 Upland Treatment: Where specified under the Specific Practice Provisions section, Participants shall comply with applicable upland treatment requirements as detailed in a conservation plan prepared by the District. The plan shall adequately address potential adverse impacts to the conservation practice for which they are receiving cost share assistance. Adverse impacts to conservation practices include, but are not limited to, increased siltation by water and/or wind-borne soils, excessive runoff, degradation of vegetation practice components by pesticides transported in runoff and sediment, and degradation of wildlife habitat. Upland treatment shall, at a minimum, include controlling sheet and rill erosion to "T" and controlling all ephemeral gully erosion within the drainage area of the practice. For community and non-residential raingardens, a device that captures larger sand particles and trash shall be used as pre-treatment in lieu of upland treatment.
- 2.5 Materials: New materials must be utilized in the construction of practices, unless used material are approved by a Technical Representative with appropriate JAA or licensed Engineer prior to installation.
- 2.6 Land Rights: Participants proposing to construct a practice that will impact land they do not own are responsible for obtaining easements, permits, right-of-way, water rights or other permission necessary to perform and maintain the practices. Expenses incurred due to these items are not eligible for financial assistance. The permission from the authority must be in writing and a copy must be provided to the Scott SWCD office prior to installation being made on the practice. Participants proposing to construct a practice on land they do not own shall have the landowner sign the contract.
- 2.7 Permits: The Participant is responsible for obtaining all permits required in conjunction with the installation and establishment of the practice prior to starting construction of the project. Expenses incurred for permits are not an eligible expense for cost-share.
- 2.8 Operation and Maintenance: The applicant is responsible for the operation and maintenance of the conservation practice for the minimum contract term listed in the Specific Practice Provisions section.
- 2.9 Compliance: Financial assistance may not be provided to a landowner or occupier that is determined to be in violation of any of the following:
- 1) Minnesota state rules, including
    - a. MN Rule 7020 (governing feedlots);



- b. MN Rule 8420 (governing wetlands);
  - c. MN Statute 103F.48 (governing buffers);
  - d. MN Rule 8400 (governing Excessive soil Loss Control); and
  - e. MN Rule 1573 (governing nitrogen application restrictions in high susceptibility areas)
- 2) Current Scott County Ordinances, including:
- a. Ordinance No. 3, Chapter 70-8-11 (governing Shoreland zone);
  - b. Ordinance No. 4 (governing septic systems, as evidenced based on visual observation of surface discharge or formal notification by the county); and
  - c. Ordinance No. 3, Chapter 6. Article F (governing bluff setbacks and protection)
  - d. An existing financial assistance contract
- 3) Regulatory compliance shall only apply to the following:
- a. The parcel of land on which the practice is being implemented; and
  - b. Any parcel owned (or co-owned) by the applicant that is contiguous to the parcel on which the practice is being implemented. Parcels separated only by road right-of-way or water feature, or which touch at a property corner, shall be deemed contiguous; and
  - c. The applicant's primary residence and/or farmstead, if applicable.
- 4) Compliance with the buffer requirements under MN Statute 103F.48 shall be required as a condition of cost-share, regardless of applicability dates provided in the law. Compliance with the Excessive Soil Loss Control rule shall apply only if there is an outstanding formal complaint received by the County or District.
- 5) Notwithstanding the above, an applicant may be eligible for cost-share regardless of non-compliance, provided they sign and agree to implement a Conservation Plan that details specific actions and timelines for correcting non-compliance, and/or their financial assistance application is for a project intended to resolve the compliance issue.
- 6) An applicant may apply for a waiver from this section using a form provided by the District. The local funding authority may approve a waiver request upon determination of the following:
- a. Allowing the non-compliant situation to continue serves the greater public good than not installing the conservation practice for which financial assistance is being requested; or
  - b. Gaining compliance is impractical due to engineering or physical limitations that cannot be reasonably overcome or resolved without creating economic hardship.
- 2.10 Seed Plans: When preparing a seed plan the following standards will be used based on the funding source(s) involved: Vegetation Requirements for BWSR Funded Projects (BWSR 2019, as amended); Practice Standard 327 Conservation Cover (USDA – NRCS eFOTG, as amended); and/or Agronomy Tech Note #31 (USDA – NRCS 2021, as amended)
- 2.11 Conservation Assessments: Where required, Conservation Assessments shall, at a minimum, address the following resource concerns on all parcels contiguous to the parcel on which the practice will be applied: sheet, rill, inter-rill, and gully erosion; buffers; manure management practices; open tile intakes; feedlot runoff, and sedimentation on neighboring property due to excessive soil loss.

Farms and parcels separated only by a road, driveway, easement, or water feature, or which share a common corner, shall be deemed contiguous.

- 2.12 Upland Treatment: Where required, upland treatment shall include preventing ephemeral or classic gully erosion and controlling soil sheet and rill erosion to tolerable soil loss rate and must be applied to any cropland that a) drains to the practice and b) the Participant either owns or occupies (i.e., rents).
- 2.13 Reimbursement for crop damage: The destruction of actively growing small grain and cash crops is eligible for reimbursement when such damage results from accommodating mid- to late-summer construction of the conservation practice. Reimbursement may only be provided using local funds, subject to availability. The intent of this provision is to encourage construction during a time of year when successful stabilization and contractor availability can be maximized. The maximum reimbursement amount shall be consistent with the rate for pre-construction cover provided under Section 3.2. If anticipated, the estimated cost of crop damage should be included in the total project cost and be listed on the cost estimate. Otherwise, the expense may be added through a contract amendment after the fact, if actual construction costs exceed the original amount approved.

### 3 SPECIFIC PRACTICE PROVISIONS

Practices eligible for financial assistance are listed below along with notes detailing specific conditions that apply to each.

#### 3.1 BIORETENTION BASINS

	NRCS	Flat Rate		Percent Based	Contract Term
	Code	Type	Amount	Maximum Rate	
Bioretention Basins with quantifiable benefits (Redevelopment/Community)	570			75%	10 years

1. Pre-treatment is required. See General Conservation Practice Provision #30.
2. Materials eligible for financial assistance include plants, bio-logs, erosion control blankets, site preparation materials, edging, mulch, stakes, and other items critical to the proper function of the rain garden. Materials not eligible for financial assistance include those items that do not benefit practice function, such as ornamental rock or other decorative items.
3. To qualify for percent-based funding, the project must have quantifiable environmental benefits or be identified as a project in an approved local water plan, and be in a community or other public setting. This section is not intended for private residential raingarden projects.

#### 3.2 CONSERVATION COVER

Definition: Establishing and maintaining perennial vegetative cover to protect soil and water resources on lands needing permanent protective cover that will not be used for forage production.

	NRCS Code	Flat Rates		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Conversion of agricultural land to Native Prairie (see 2. below for exceptions):					
All projects	327	Annual	\$200 /ac Incentive	N/A	10 years
Portion of a project that is ≥2 acres and <5 acres	327			50% for establishment and 90% for land dedication	10 years
Portion of a project that is ≥5 acres and <20 acres.	327			50% for establishment and 70% for land dedication	10 years
Portion of a project that is ≥20 acres.	327			50% for establishment and 50% for land dedication	10 years
Conversion of agricultural land to non-native species:					
Conversion to introduced perennial grasses, grains, and legumes	327	Annual	\$100/acre	N/A	10 years
Establishment of oats, rye, or other small grains for pre- construction cover	TN 31	One-time	\$150/ac, not to exceed 10 acres	N/A	
Conversion of agricultural land to Native Prairie – <b>WETLAND RESTORATION</b>					

Component of a wetland restoration project	327	Annual	\$270 /ac Incentive	135% for land dedication	10-15 years
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1. Eligible agricultural land includes any areas where annually seeded crops (e.g.: corn, soybeans, small grains, vegetables, etc.) have been grown and harvested 4 of the past 6 years, or otherwise meets cropping history as defined under CRP . Cropland in a forage rotation (e.g., hay/alfalfa) is eligible provided forage has not constituted more than 50% of the rotation in the previous 10 years. A variance to the cropping history requirements may be authorized by the appropriate approving authority based on extenuating circumstances.
2. Incentives may only be provided for the initial three (3) years of the contract. Payment for land dedication may only be provided for the remaining term of the contract.
3. To qualify for the wetland restoration rate, the land must be contiguous to and part of a wetland restoration project completed in cooperation with and certified by the District, and the rate only applies to the area that will be actual wetland. In lieu of a formal delineation, wetland area may be assumed to be the area below the permanent pool elevation plus one and a half (1.5) feet. Any area above this, including any buffer, may be eligible for the non-wetland rate. Vegetation restoration standards under Practice Standard 657 may be followed, as applicable.
4. Areas that cannot be seeded following BWSR's Native Vegetation Establishment and Enhancement Guidelines, as updated, may not be eligible for state grant funds.
5. Funding assistance shall be limited to a maximum amount such that the overall total cost benefit for volume reduction does not exceed \$2000 per acre foot of runoff.
6. Unless otherwise required for grant purposes, payments shall be made in two (2) equal lump sum installments; however, the Participant may request up to four (4) annual installments over a maximum of 4 years. The first payment shall be subject to the District certifying the seeding was completed in accordance with the approved seed plan. First year payments for spring and summer plantings are also subject to adequate and timely maintenance (e.g., mowing). The second payment shall be subject to the District certifying the seeding has established according to the approved plans (typically after one full growing season) and is being maintained in an adequate and timely manner. Any subsequent payments shall be subject to the District certifying the seeding is being maintained in accordance with the signed O & M Plan, and noxious weeds are under control. A single payment may be authorized for a project if the site is already well established, meets minimum stand density and diversity requirements, and noxious weeds are under control.
7. Eligible establishment costs include site prep, seed, and seeding. Site prep may include but is not limited to one-time temporary seeding to mitigate for potential herbicide carry-over issues.
8. Upland treatment is required.
9. The minimum project size for any funding assistance is 2 acres. See Natural Landscaping for projects <2 acres.
10. All payment amounts shall be pro-rated based on actual acres established.
11. Projects involving the conversion of eligible agricultural land to introduced perennial grasses/legumes shall be maintained by regular harvesting and/or grazing in accordance with a plan approved by the District. If grazing is proposed, the District shall evaluate proposed stocking densities, paddock layout, grass species, and other relevant factors to determine whether or not grazing is a suitable maintenance option. Applications will not be accepted where proposed grazing is determined not suitable to ensure proper maintenance.
12. Land where the maintenance of permanent natural vegetation is required under Chapter 70-8-11, Scott County Zoning Ordinance or other state or local regulation is not eligible for funding.
13. Application through CRP or related program is prerequisite for projects over 20 acres, if the site meets CRP program eligibility requirements and the CRP program is currently accepting applications or USDA has announced it will be begin accepting applications in the current calendar year.
14. By default, Practice Standard 327 will be used. Practice Standards 342, 643 or 645 may be used if preferred by the applicant, allowed by the funding source, and deemed technically feasible by the Technical Representative; maximum costs shall, however, shall be based on meeting 327. Planting of trees within the conservation cover may

be allowed if approved by the SWCD and included the Conservation Plan. Areas planted to trees may not be eligible for financial assistance under this practice; however, they may be eligible for financial assistance under the Tree/Shrub Establishment practice (Practice Standard 612) subject to meeting applicable requirements therein.

15. An applicant may apply for Pre-Construction Cover payment for land seeded to temporary grasses or small grains for the purpose of accommodating construction of conservation practices when cash grain crops would otherwise be growing. The intent of this payment is to offset lost revenues in order to encourage mid- to late-summer construction when successful stabilization and contractor availability can be maximized. Species selection and seeding rates and methods must be consistent with Technical Note #31, as revised, and must be completed in the fall or spring prior to planned construction. Payments shall be subject to construction of the proposed project being completed between July 1st and September 10th. Pre-construction cover shall be included as an eligible component of the primary practice, not as a separate, stand-alone practice.
16. A Participant may apply for a one-time re-enrollment pursuant to Par. 10, under the Eligibility section above.

### 3.3 CONTOUR BUFFER STRIPS

Definition: Strips of perennial grass alternated with wider cultivated strips that are farmed on the contour. Vegetation in strips consists of adapted species of grasses or a mixture of grasses and legumes.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Contour Buffer Strips	332	Annual	\$275/acre	50%	10 years

1. CRP funding shall be used when available for projects exceeding 10 acres.
2. Buffer strips must be harvested at least every other year, unless harvesting is prohibited by one or more funding sources (e.g., CRP).
3. Eligible costs include site prep, seed, and seeding.

### 3.4 CONTOUR FARMING

Definition: Use of ridges, furrows, and roughness formed by tillage, planting and other farming operations at a grade near the contour to alter the velocity or the direction of water flow.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Contour Farming	330	1-time	\$200/acre	N/A	10 years

1. Eligibility for funding is limited to projects where contouring is implemented in conjunction with buffer strips or terraces, and dominant slopes in the field are 6% or greater.
2. This Flat Rate is only available where current cropping practices would not meet the 330 Practice Standard.

### 3.5 COVER CROPS

Definition: Growing a crop of grass, small grain, or legumes primarily for seasonal protection and soil improvement.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Cover Crops – Multi-year	340	Annual	\$60/acre Incentive	N/A	3 Year

Cover Crops – Annual	340	1-time	\$40/acre Incentive	N/A	1 Year
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- Maximum payment for the annual incentive is \$18,000 per applicant (100 acres x \$60/acre x 3yrs).
- Maximum payment under the one-time incentive is \$4,000.
- To qualify for the multi-year incentive, cover crops must be planted on the same number of acres for a minimum of 3 consecutive years, or 3 out of 5 consecutive years, with the first application occurring in the first year of the contract. The years in which cover crops will be applied must be documented in the signed Conservation Plan.
- Payment shall be issued each year after the Technical Representative has certified seeding.
- An applicant may, after an initial contract for multi-year incentives has been completed in accordance with applicable terms and conditions, be eligible to apply for additional multi-year incentives, up to a maximum of \$18,000, provided the applicant continues to plant cover crops on all acreage covered under previous contract(s) totaling at least 100 acres, and all land covered under the new contract is additional to any previous contract. Continued cover crop application required under this provision shall be documented in a signed Conservation Plan Agreement. Preference for cost share shall be given to first-time applicants.
- Seeding rates and dates may vary from NRCS practices standard guidelines subject to prior approval of a District Technical Representative with applicable knowledge and expertise. Payment for projects for which seeding rates, mixes, and/or dates deviate from NRCS guidelines shall be delayed until such time that successful establishment – based on density and health of the cover crop - can be evaluated and verified at the appropriate time based on species. Cover crops established through volunteer growth of residual seed from a previous cover or small grain crop may be eligible for incentive payment under this variance provided the technical representative is able to verify that the volunteer crop achieves the practice standard's same purpose and objectives in terms of adequate species type and cover. Cover is to be determined by the density of live, germinated plants per unit area.
- For multi-year contracts: If an applicant loses control of land for which they have already received payment, they may request to transfer equal acreage to other field(s) via a contract amendment. If approved, the applicant shall be eligible to receive payment for remaining funds according to existing terms and conditions of their contract. If transferring acreage violates the terms of any grant agreement, the applicant may not amend their contract and shall only be eligible for payment on land they continue to control.
- Cover crop incentives may be provided for a maximum of 3 years on any given field, whether through annual or multi-year contracts. A multi-year contract may be required if the funding source(s) requires a minimum number of years.

### 3.6 CRITICAL AREA PLANTING

Definition: Establishes permanent vegetation on sites that have, or are expected to have, high erosion rates, and on sites that have physical, chemical or biological conditions that prevent the establishment of vegetation with normal practices.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Critical Area Planting	342			70%	10 years

- Upland treatment and conservation assessment required. See General Conservation Practice Provision #30.
- Critical Area Planting (342) must be completed following an approved establishment and management plan.

### 3.7 DIVERSION

Definition: An earthen channel that is installed across a slope with a supporting ridge on the downhill side.

	NRCS	Flat Rate	Percent Based	
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	Code	Type	Amount \$	Maximum Rate	Contract Term
Diversion	362			70%	10 years

1. Upland treatment and conservation assessment are required. See General Conservation Practice Provision #30.
2. The use of tile or other underground pipe to drain hillside seeps, low or wet spots in fields may be eligible as a stand-alone practice or component of this practice.
3. Diversion (362) is allowed as a stand-alone practice for feedlots when used as a clean water diversion.
4. If a Diversion (362) is a component of Wastewater and Feedlot Runoff Control (784), cost sharing is not authorized for the Diversion (362) as a stand-alone practice. The cost will be included in the cost of Wastewater and Feedlot Runoff Control (784).

### 3.8 FILTER STRIP

Definition: Area of vegetation established for removing sediment, organic material, and other pollutants from runoff and wastewater.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Filter Strip - New	393	Annual	\$300/ac for the NRCS minimum; \$150/ac for the area beyond the minimum, up to a maximum of 75'	50% of establishment costs	10-15 years
Sensitive Field Border (Harvestable)	393	Annual	\$150/ac		10 years

1. Eligible establishment costs include site prep, seed, and seeding when using native species only. Site prep may include but is not limited to one-time temporary seeding to mitigate for potential herbicide carry-over issues.
2. The rates listed are maximums amounts from all public sources combined.
3. Sensitive field borders include the edges of fields that are not included in Standard 393, such as road ditches, drainage ditches without seasonal perennial stream characteristics, or other areas deemed sensitive. Minimum width is 33'.
4. Filter strips must be harvested at least every other year, unless harvesting is prohibited by one or more funding sources (e.g., CRP).
5. Upland treatment required.
6. New filter strips must have crop history 4 of the past 6 years unless there are extenuating circumstances approved by the Watershed Planning Commission or County Board.
7. Filter strip payments shall be split over two to four years. The first-year payment shall be subject to the District certifying that seeding was completed in accordance with the approved filter strip design. Subsequent payments shall be subject to the District certifying that the filter strip has become well established (typically after one full growing season) and is being adequately maintained through timely mowing and weed control. Flat rates for renewal filter strips where vegetation is already established and consistent with applicable standards and specifications are eligible for full payment in the first year.
8. Sites where upland runoff does not flow through the filter strip due to the presence of a levee (e.g., spoil piles) or negative slope shall not be eligible under this practice. They may, however, be eligible under the Riparian Buffer Practice.

9. The NRCS minimum shall be based on removal of sediment and sediment associated material removal, as set forth in Table 1 of Practice Standard 393, except in cases where the local water plan identified soluble material and pathogen removal as a priority, in which case the minimum may be as specified under the soluble materials and pathogens section of Table 1 of the Standard.
10. Livestock grazing may be used for maintenance, provided it is performed in accordance with an approved grazing plan.
11. A Participant may apply for a one-time re-enrollment pursuant to Par. 10, under the Eligibility section above.

### 3.9 GRADE STABILIZATION STRUCTURE

Definition: Used to control the grade and head cutting in natural or artificial channels.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Grade Stabilization	410			70%	10 years

1. Upland treatment and conservation assessment required. See General Conservation Practice Provision #30.
2. Eligible costs include materials, earthwork and any seed and seeding expenses.

### 3.10 GRASSED AND LINED WATERWAY

Definition: A shaped or graded channel that is established with suitable vegetation to convey surface water at a nonerosive velocity using a broad and shallow cross section to a stable outlet.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Grassed Waterway	412 or 468			70%	10 years

1. Upland treatment and conservation assessment required. See General Conservation Practice Provision #30.
2. Cost is for earthwork, materials, and any seed and seeding expenses.

### 3.11 MAINTENANCE FOR NATIVE PRAIRIE AND TREE/SHRUB ESTABLISHMENT PROJECTS

	Practice Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Tree Stand Improvement Supplemental Planting and/or Chemical Release	666	One-Time	\$100/acre		N/A
Prescribed Burning	338			50% up to \$100/ac max.	N/A
Mowing		One-Time	\$85/acre		
Prescribed grazing	528			50% up to \$100/ac max.	N/A

1. Cost share under this practice may only be provided for maintenance conducted within the term of an active contract and as deemed appropriate by the Technical Representative.



2. Cost share may be provided for projects not under an active contract, provided a burn is deemed technically feasible and appropriate by the Technical Representative and the Participant agrees to a cost share contract term of five (5) years, to include maintaining the prairie being burned.
3. For tree/shrub project maintenance, cost share is authorized for bringing stocking level up to 300 stems/acre. Chemical release would entail a pre-emergent herbicide in the fall when plants are dormant.
4. A District-approved grazing plan is required for maintenance projects that involve grazing by cattle, goats, or other livestock.
5. The following provision shall apply for Prescribed Burn projects:
  - a. Cost share may only be provided for reimbursement of work completed by a private vendor with demonstrated experience and qualifications related to prescribed burning. Evidence of adequate insurance coverage must be provided prior to any commencing the burn.
  - b. A detailed burn plan is required and shall at a minimum describe the objective, species to be controlled and species to be benefited, timing, suitable weather conditions, and relevant management guidelines. The plan must also clearly state the Participant is solely liable for any and all damages that may be caused by fire.
  - c. All laws and regulations pertaining to burning must be followed.
  - d. It is the Participant's responsibility to obtain all permits from the local unit of government and/or the fire marshal and to notify surrounding landowners that may be affected. Costs associated obtaining permits and notifying neighbors are the Participant's responsibility.

### 3.12 NATURAL LANDSCAPING

Definition: Practices whose primary focus is to convert turf or non-native vegetation to native vegetation with a primary focus on reducing runoff and creating pollinator-friendly habitat.

	Practice Code	Flat Rate		Project Size	Contract Term
		Type	Amount	Minimum	
Conversion of cropland <2 acres or existing or former pastureland, hay land or turf	327 and 612	One-Time	\$500/acre up to \$2000 max.	½ Acre	10 years
Residential Raingardens	720M	One-Time	\$250 for projects under 300 sq ft; \$500 for projects 300 sq ft and greater;	150 Sq ft	5 years
Natural Shoreline Buffers		One-Time	\$2/square foot up to \$1500 max.	See Note #4	5 years
Residential Pollinator Planting - Pocket Plantings	719M	One-Time	\$1/square foot up to \$1500 max.	150 Sq ft	5 years
Residential Pollinator Planting - Beneficial Trees and/or Shrubs	721M	One-Time	\$1/square foot up to \$1500 max.	150 Sq ft	5 years
Residential Pollinator Planting - Pollinator Meadow	723M	One-Time	\$750/acre up to \$1500 max.	¼ Acre	5 years

Residential Pollinator Planting – Bee Lawn	724M	One-Time	\$.25/sq foot not to exceed \$500	150 Sq ft	5 years
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1. Cost share may only be provided for projects that will result in the conversion of turf or other non-native landscape areas to native species.
2. Pollinator planting projects shall follow guidance provided by the District.
3. Projects intended to serve as raingardens should be designed and constructed in accordance with guidelines provided by the SWCD. To be eligible for reimbursement the project must at a minimum be constructed consistent with the size, depth, and planting specifications identified in a District-approved plan.
4. Natural Shoreline Buffer projects must be at least 10 feet wide and span no less than 50 linear feet or 50% of the total width of the lot, whichever is less, less the footage of shoreline having existing natural and desirable vegetation. To be eligible for funding for shoreline buffer, the projects must be on or adjacent to a DNR-protected water body. Shoreline projects on or adjacent to stormwater infrastructure or a private water body are not eligible for funding.
5. Items eligible for reimbursement include seed, live plants, erosion control blankets, site preparation (e.g., herbicides, tillage and landscaping equipment use or rental), mulch, and other materials critical to success of the project, as determined by the District Technical Representative. Materials that do not contribute to or benefit practice function, such as ornamental rock or other decorative items, are not eligible for reimbursement. Labor is also not eligible for reimbursement.

### 3.13 NUTRIENT MANAGEMENT

Definition: Manage rate, source, placement, and timing of plant nutrients and soil amendments while reducing environmental impacts.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Manure Testing	NA			100% of Actual Cost	1 year
Variable Rate Application (VRA) – Multi-year	NA	Annual	\$15/ac*		3 years
Variable Rate Application (VRA)	NA	1-time	\$15/ac Incentive		1 year

1. Manure testing kits are available through Scott SWCD.
2. Eligibility for VRA is limited to a maximum of \$4,500 per applicant, through either single- or multiple-year contract. A multi-year contract may be required if the funding source(s) requires a minimum number of years.
3. To qualify for the multi-year incentives, VRA must be implemented on the same number of acres and on the same fields for a minimum of 3 consecutive years, or 3 out of 5 consecutive years, with the first application occurring in the first year of the contract. The years in which VRA will be applied must be documented in the signed Conservation Plan.
4. Funds for VRA shall be prioritized for producers that do not already use VRA as the primary means of fertilizer application for their operation.
5. Sheet and rill erosion shall be controlled to tolerable soil loss rates, and ephemeral gully erosion shall be controlled on all cropland covered under the VRA application, as determined by a conservation assessment. If current practices do not meet T or control ephemeral erosion, then the applicant may become eligible for VRA incentives by agreeing to follow a Conservation Plan.
6. Manure shall be credited, and all fertilizer application rates shall be consistent with U of M recommendations.

7. Copies of paid invoices from the applicator (if not the applicant) and maps showing grid sampling results, organic matter, and prescription rates shall be submitted as a condition of payment. The applicator shall attest that application was completed in accordance with the prescription map, by signing a form prepared by the District. If the applicant is the applicator, they shall submit an itemized invoice for their work and maps showing grid sampling results, organic matter, and prescription rates shall be submitted as a condition of payment
8. The Technical Representative has discretion to withhold payment for acreage where sampling results and or application rates do not appear reasonable or accurate.
9. VRA incentives may be provided for a maximum of 3 years on any given field, whether through annual or multi-year contracts.

### 3.14 OTHER PRACTICES

	Flat Rate		Percent Based	Contract Term
	Type	Amount \$	Maximum Rate	
Innovative Practices (Redevelopment/Community)			50%	10 years
Innovative Practices (New Development)			50%	10 years
Non-Conventional Stormwater Runoff, Sedimentation or Pollution Control			50% - 70% as determined by approving authority	10 years
Stormwater Retrofit			50%	10 years
Conservation Drainage			70%	10 years
Chloride Reduction Practices			50% - 70% as determined by approving authority	1 - 10 years

1. Interest in financial assistance for projects under this category shall be discussed with appropriate funding authority staff prior to the District accepting an application.
2. Projects having tentative support of the funding authority shall be taken by the District and forwarded to the appropriate funding authority for consideration.
3. Innovative practices include cutting edge techniques and technologies that will, as determined by the funding authority, have a high likelihood of success but which have either never been used before or have not been used or applied other than experimentally.
4. Approved applications are assigned to Scott SWCD for technical assistance.
5. Eligible non-conventional stormwater practices may include regenerative dustless street sweepers, porous pavers, porous pavement, green roofs, sediment basins, and other practices determined on a case-by-case basis.
6. Conservation drainage practices include, but are not limited to denitrifying bioreactors, water quality surface inlet protection, and vegetative subsurface drain outlets.
7. Chloride reduction practices including but not limited to equipment
8. For Non-Conventional Stormwater Projects: The maximum eligible amount for a private residential project is \$5000 and the applicant shall allow for public education as a component of the project.
9. Cost share for stormwater retrofit is limited to construction and material costs associated with improvements to a facility that does not meet current standards for water quality treatment and/or peak flow or volume reduction. Improvements must result in the facility meeting or exceeding current applicable WMO/WD or municipal standards, whichever is more restrictive. Funding is limited to use of state and/or federal grant funds.

### 3.15 RESIDUE MANAGEMENT - NO-TILL & STRIP TILL

Definition: The residue and tillage management, no till practice addresses the amount, orientation, and distribution of crop and other plant residue on the soil surface year-round. Crops are planted and grown in narrow slots or tilled strips established in the untilled seedbed of the previous crop.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
No-Till/Strip Till	329	Annual	\$30/ac	N/A	5 years

1. Funding is not eligible for areas where this practice is required as a condition of cost share funding received for another practice, a state or local certification program, and/or federal farm program eligibility.
2. One of the five years must be planted to corn.
3. Applicants are only eligible for this practice one-time.
4. The maximum amount of acreage that can be enrolled is 100 acres.
5. Funds for this practice shall be prioritized for producers not already using it as part of their tillage methods.

### 3.16 RIPARIAN BUFFER

Definition: An area predominantly covered by trees and/or shrubs located adjacent to and up-gradient from a watercourse or water body.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Herbaceous or Forested Buffer Establishment	390 or 391	Annual	\$150/ac up to 50' width	70% of actual seed, stock, and establishment costs, not to exceed 70% of cost estimate	10-15 years

1. Eligible establishment costs include site prep, seed, planting stock, and seeding and planting.
2. Projects can be either new establishment or renovation.
3. Plan required from the District.
4. Costs associated with Minnesota Conservation Corps labor may be counted towards total project cost.

### 3.17 STREAMBANK AND SHORELINE PROTECTION

Definition: Streambank and shoreline protection consists of applying vegetative or structural measures to stabilize and protect banks of streams, lakes, estuaries, or excavated channels from scour or erosion.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Streambank projects	580			70%	10 years
Shoreline projects	580			90%, except max 50% for rock rip rap (material and placement)	10 years

1. Funding for hard armor practices (e.g., rock riprap) are not eligible for funding unless bio-engineering methods are determined to be an insufficient means of needed stabilization.

- Upland treatment is required and shall include at a minimum a 10 ft wide buffer of native vegetation for the entire length of the stabilization project. Costs associated with establishing the buffer are eligible for cost share as a component practice
- To be eligible for funding for shoreline stabilization, the projects must be on or adjacent to a DNR-protected water body. Shoreline projects on or adjacent to stormwater infrastructure or a private water body are not eligible for funding.
- Projects for which labor is provided free-of-charge (e.g., through CCM) shall not be eligible for cost share.

### 3.18 TERRACE

Definition: An earth embankment or a combination ridge and channel, constructed across the field slope.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Terrace	600			70%	10 years

- Upland treatment and conservation assessment required.
- Eligible costs include materials, earthwork and any seed and seeding expenses
- The use of Subsurface Drain (606) or Underground Outlet (620) to drain hillside seeps, low or wet spots in fields is not an eligible single component of this practice. The land occupier shall identify, in writing the purpose of the larger tile and indicate the area that it will serve. The difference in the cost of installing tile larger than that specified by the technician will be borne by the producer.
- Cost sharing for Underground Outlet (620) is limited to the diameter and length needed to convey water from surface intakes to a safe outlet as determined by the designer.
- Cost sharing for Subsurface Drain (606) is limited to drains needed in the impounded area of the terrace as determined by the designer.

### 3.19 TREE/SHRUB ESTABLISHMENT

Definition: Tree/shrub establishment involves planting seedlings or cuttings, seeding, or creating conditions that promote natural regeneration.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Conversion of Eligible Agricultural Land to Trees and Shrubs:					
All projects	612	Annual	\$200 Incentive	N/A	10 years
Portion of a project that is ≥2 acres and <5 acres	612			50% for establishment and 90% for land dedication	10 years
Portion of a project that is ≥5 acres and <20 acres.	612			50% for establishment and 70% for land dedication	10 years
Portion of a project that is ≥20 acres.	612			50% for establishment and 50% for land dedication	10 years

- Eligible agricultural land includes any areas where annually seeded crops (e.g.: corn, soybeans, small grains, vegetables, etc.) have been grown and harvested 4 of the past 6 years. Cropland in a forage rotation (e.g., hay/alfalfa) is eligible provided forage has not constituted more than 50% of the rotation in the previous 10 years. A variance to the cropping history requirements may be authorized by the appropriate approving authority based on extenuating circumstances.

2. Notwithstanding 2., above, payment shall be limited to a maximum amount such that the overall total cost benefit for volume reduction does not exceed \$2000 per acre foot of runoff.
3. Incentives may only be provided for the first three (3) years of the contract, and land dedication may only be provided for the balance of the contract.
4. Payments shall be made following the same schedule as specified for Conservation Cover.
5. Eligible establishment costs may include site preparation, seeding (to establish cover between rows or groupings), tree/shrub stock, mats, shelters, and installation (by hand or mechanical depending on planting size). The maximum cost for tree/shrub stock shall be based on the lowest reasonable market value of bare root seedlings up to 18". Only those species listed in Appendix C are eligible for financial assistance. The maximum cost for tree shelters shall be based on mesh-style tubes unless solid tubes are deemed necessary by the SWCD.
6. Upland treatment is required
7. The minimum project size shall be 2 acres.
8. Land where the maintenance of permanent natural vegetation is required under Chapter 70-8-11, Scott County Zoning Ordinance and/or other state or local regulation, is not eligible for cost share.
9. Establishment of trees/shrubs within a Conservation Cover project may be eligible for funding provided: a) it is approved by the SWCD and included a signed Conservation Plan; and b) installation of both practices complies with their respective practice standards (327 and 612).
10. Non-native species may be used subject to approval by the District and not exceeding 10% of the planting; non-native species are ineligible for financial assistance.
11. Species diversity shall be considered a priority objective of the tree planting plan.
12. The tree planting plan shall not consist of more than 15% conifers.
13. Existing stands, regardless of whether or not financial assistance was previously provided, shall not be eligible.
14. Establishment of perennial cover for erosion control and weed suppression within the tree planting area is an eligible expense.

### 3.20 UNDERGROUND OUTLET

Definition: A conduit or system of conduits installed beneath the ground surface to convey surface water to a suitable outlet

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Underground Outlet	620			70%	10 years

1. Financial assistance eligibility may include replacing existing surface tile inlets with water quality, rock tile, or other closed surface inlets.
2. May be used as a stand-alone practice if intercepting surface base flows is determined to be the most practical and cost-effective solution and a second practice (e.g., grassed waterway or critical area planting) would not be required.
3. Upland treatment required on a case-by-case basis, as determined by the technical representative.

### 3.21 VEGETATED TREATMENT AREA

Definition: Vegetated treatment areas are used to improve water quality by reducing loading of nutrients, organics, pathogens, and other contaminants associated with animal manure and other wastes and wastewater by treating agricultural wastewater and runoff from livestock holding areas.

	NRCS	Flat Rate	Percent Based	
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	Code	Type	Amount \$	Maximum Rate	Contract Term
Level 2 to 4 Vegetated Treatment Area	635			70%	10 years

1. Payment is limited to where the implementation of this practice will correct an existing pollution problem. As outlined by the EQIP manual, any EQIP contract that includes an animal waste storage or treatment facility will provide for the development of a CNMP prior to implementation of the storage or treatment. MPCA's definition is used to define a pollution problem.
2. Consult EQIP General Provision 12 for Comprehensive Nutrient Management Plan (CNMP) requirements.
3. Consult EQIP General Provision 13 for requirements related to manure application land base and/or manure applications on land not owned or controlled by the EQIP contract holder.
4. Payment for Vegetated Treatment Area on operations with pollution problems less than 5 years old is not authorized. Examples:
  - a. Producer A operates a dairy farm for 20 years. Producer B purchases and continues operating the dairy. Any pollution problem is greater than 5 years old and producer B meets this eligibility requirement.
  - b. A producer has a dairy operation on farm A. He purchases farm B and moves the dairy operation to farm B where there was no previous pollution problem. Farm B would be considered a new facility and would not be eligible.
5. Payment is not authorized for Vegetated Treatment Area on operations where the system establishment is required as a result of judicial or court action. MPCA Stipulation Agreement and Schedule of Compliance (SOC) are not considered a judicial or court action, and practice implementation is still considered voluntary for EQIP eligibility purposes, even if fines have been levied by the MPCA.
6. Application through the USDA-NRCS EQIP program during a scoring and ranking period is prerequisite.

### 3.22 WASTE STORAGE FACILITY

Definition: An agricultural waste storage impoundment or containment made by constructing an embankment, excavating a pit or dugout, or by fabricating a structure.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Concrete or Metal Tank	313			70%	10 years
Stacking Slab	313			70%	10 years
Pond – composite liner	313			70%	10 years
Pond – membrane liner	313			70%	10 years
Pond – no liner	313			70%	10 years
Pond – soil liner	313			70%	10 years
Concrete slab	313			70%	10 years
Non liquid tight deep pack – concrete wall	313			70%	10 years
Certification				70% up to a maximum of \$1000	

1. The eligible volume of storage is the total storage volume, including the design storage volume plus freeboard as required in the standard. As outlined in Waste Storage Facility (313), the maximum design storage period is 14 mos.

2. The max. allowable storage volume is based on the current capacity of the existing facility plus up to 25% expansion.
3. Payment is limited to where the implementation of this practice will correct an existing pollution problem. As outlined by the EQIP manual, any EQIP contract that includes an animal waste storage or treatment facility will provide for the development of a CNMP prior to the implementation of the 313. MPCA's definition is used to define a pollution problem.
4. Consult EQIP General Provision 13 for Comprehensive Nutrient Management Plan (CNMP) requirements.
5. Consult EQIP General Provision 14 for requirements related to manure application land base and/or manure applications on land not owned or controlled by the EQIP contract holder.
6. For purposes of this practice, "waste" refers to raw manure and urine; runoff water contaminated through contact with manure and urine; milking center wastewater; and silage leachate as appropriate.
7. Silage storage facilities are not eligible components. Payment for components addressing silage leachate concerns under Waste Storage Facility start at the edge of the silage storage facility.
8. For livestock operations that are not or will not be permitted under the NPDES system, silage leachate systems can be funded as stand-alone practices if these systems are the only livestock related practices being requested. The development of a CNMP IS required with a silage leachate system but the CNMP does NOT have to be implemented.
9. Payment is authorized for tanks that serve as foundations for buildings, however eligible costs are those associated with the storage function only. Payment is not authorized for production-oriented building components.
10. Payment for Concrete Slab is authorized for concrete agitation and pump out pads, pond lining, ramps, and chutes within the pond.
11. Payment is authorized for feedlot relocation, with the following provisions:
  - a. The payment for relocation shall be based on the most practical and feasible waste management facility at the existing site.
  - b. Payment at the new site is only authorized for components applicable to waste transfer, storage, or treatment.
  - c. Existing location is to be abandoned in an environmentally safe manner as outlined in MPCA guidelines.
  - d. Operator must agree to permanently remove all livestock from the existing location along with any other designated pollution sources. The following statement shall be included in the EQIP contract: "As a condition of EQIP Payment on feedlot relocation, the producer agrees to permanently eliminate all animals and designated pollution sources at this facility. Failure to comply with this provision may result in a recovery of federal Payment funds."
  - e. In the event of a change in ownership, the abandoned lots will permanently not be eligible for future USDA Payment on waste management practices.
12. Payment for Waste Storage Facility (313) on operations with pollution problems less than 5 years old is not authorized. Examples:
  - a. Producer A has had a dairy farm operation for 20 years. Producer B purchases the dairy and continues milking. This pollution problem is greater than 5 years old and producer B meets this eligibility requirement for payment assistance.
  - b. A producer has a dairy operation on farm A. He purchases farm B and moves the dairy operation to farm B where there was no previous pollution problem. Farm B would be considered a new facility and would not be eligible for payment assistance.
13. Payment is not authorized for Waste Storage Facility (313) on operations where the system establishment is required as a result of judicial or court action. MPCA Stipulation Agreement and Schedule of Compliance (SOC) are not considered a judicial or court action, and practice implementation is still considered voluntary for EQIP eligibility purposes, even if fines have been levied by the MPCA.
14. State NRCS Conservationist approval is required for systems involving agricultural waste generated off-site.



15. Payment for Waste Storage Facility is capped at \$250,000. This cap applies to the total facility being installed under 313. Other components such as manure transfer, safety fence, etc. are allowed in the contract in addition to the capped \$250,000 for the 313 practice.
16. Non-Liquid Tight Deep Pack – Concrete Wall is authorized only for stacking slabs where enough bedding or organic matter is added to the manure to eliminate liquid runoff or leaching and therefore a concrete floor is not required. The manure and organic pack resulting from the operation of a “Compost Barn” as defined by the University of Minnesota meets this definition.
17. Certification must be by an appropriately licensed professional engineer.
18. Application through the USDA-NRCS EQIP program during a scoring and ranking period is prerequisite.

### 3.23 WASTEWATER TREATMENT

Definition: Use of mechanical, chemical, or biological technologies to change the characteristics of manure and agricultural waste.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Flocculation Treatment	629			70%	10 years
Vegetated Dosing Area	629			70%	10 years
Bark Bed	629			70%	10 years
Aerobic Treatment	629			70%	10 years

1. Payment is limited to where the implementation of this practice will correct an existing pollution problem. As outlined by the EQIP manual, any EQIP contract that includes an animal waste storage or treatment facility will provide for the development of a CNMP prior to implementation of the storage or treatment. MPCA’s definition is used to define a pollution problem.
2. Consult EQIP General Provision 13 for Comprehensive Nutrient Management Plan (CNMP) requirements.
3. Consult EQIP General Provision 14 for requirements related to manure application land base and/or manure applications on land not owned or controlled by the EQIP contract holder.
4. Payment for Wastewater Treatment on operations with pollution problems less than 5 years old is not authorized. Examples:
  - a. Producer A operated a dairy farm for 20 years. Producer B purchases it and continues milking cows. Any pollution problem is greater than 5 years old and producer B meets this eligibility requirement for payment assistance.
  - b. A producer has a dairy operation on farm A. He purchases farm B and moves the dairy operation to farm B where there was no previous pollution problem. Farm B would be considered a new facility and would not be eligible for payment assistance.
5. Payment is not authorized for Wastewater Treatment on operations where the system establishment is required as a result of judicial or court action. MPCA Stipulation Agreement and Schedule of Compliance (SOC) are not considered a judicial or court action, and practice implementation is still considered voluntary for EQIP eligibility purposes, even if fines have been levied by the MPCA.
6. Payment rate includes components needed for the actual waste treatment. Components needed for temporary storage and transfer of wastes are covered under separate practices.
7. Application through the USDA-NRCS EQIP program during a scoring and ranking period is prerequisite.

### 3.24 WATER AND SEDIMENT CONTROL BASIN

Definition: An earth embankment or a combination ridge and channel constructed across the slope of a minor drainageway. Definition: An earth embankment or a combination ridge and channel constructed across the slope of a minor drainageway.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Water & Sediment Control Basin	638			70%	10 years

1. The use of Subsurface Drain (606) or Underground Outlet (620) to drain hillside seeps, low or wet spots in fields is not an eligible single component of this practice. The land user shall identify, in writing the purpose of the larger tile and indicate the area that it will serve. The difference in cost of installing tile larger than that specified by the technician will be borne by the producer.
2. Upland treatment and conservation assessment required. See General Conservation Practice Provision #30.
3. Eligible costs include materials, earthwork and any seed and seeding expenses
4. Cost sharing for Subsurface Drain (606) is limited to drains needed in the impounded area of the basin as determined by the designer.
5. Financial assistance for a farmable WASCOD may only be provided at the full applicable Tier rate if it is the most practical alternative, as determined by the Technical Representative. If a farmable WASCOD is not determined to be the most practical alternative, then the applicant shall be responsible for the difference in cost between a narrow based/grassed backed WASCOD and a farmable WASCOD. In addition, a farmable WASCOD berm must be constructed at least 1' higher than the required design, not including end blocks.
6. This practice may be used and designed for purposes of detention, and sediment, volume, and peak flow reduction.

### 3.25 WELL DECOMMISSIONING (UNUSED WELL SEALING)

Definition: The sealing and permanent closure of an inactive, abandoned, or unusable water or monitoring well.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Well Decommissioning	351			70%	10 years

1. Maximum financial assistance amount from all sources shall be \$1,000, except for wells that are being abandoned as part of a public water supply expansion project. The maximum financial assistance amount for these shall be \$400.
2. Maximum financial assistance from state cost share is 50%.

### 3.26 WETLAND RESTORATION

Definition: Wetland restoration is returning a former or degraded wetland to its original condition or close approximation thereof.

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Wetland Restoration (conversion from non-wetland to wetland)	657			90% for construction costs and 135% for land dedication	10-15 years
Wetland Enhancement (conversion or expansion of an existing)	659			50% for construction costs	10 years

wetland to a higher quality type)					
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1. Financial assistance shall be limited to projects that fully restore wetlands that have been partially or completely impacted by a subsurface tile and/or drainage ditch system, or by sedimentation. Projects that partially restore wetlands may be eligible for financial assistance but at a reduced rate, as approved by the funding authority.
2. Land dedication payments under this practice may only be provided for the area that: a) is wetland; and b) does not qualify for payment under Conservation Cover. In lieu of a formal delineation, wetland area may be assumed to be the area below the permanent pool elevation plus one and a half (1.5) feet. Payment for the land dedication portion shall be made along with payment for construction.
3. Eligible costs include materials, earthwork and any seed and seeding expenses.
4. The applicant is responsible for obtaining easements, right of ways, local, state, and federal permits, and other permission necessary to perform and maintain the practice. Expenses incurred due these items are not cost shared. Financial assistance payment will not be made until proof of necessary permits has been provided.
5. The restored area shall not be used for irrigation or livestock watering purposes, to produce agricultural commodities, or for grazing livestock.
6. Upland Treatment is required.
7. Wetlands restored as part of a required mitigation plan or for wetland banking are not eligible for funding.
8. A 30-foot minimum native buffer on all sides of the wetland is required and shall be planted to a suitable mix of native grasses and forbs if the existing land use is agricultural. If the existing land is a perennial vegetation and is deemed a suitable buffer, then conversion to native cover is not required. Percent-based and flat-rate cost share may be provided for required buffer areas in accordance with the Conservation Cover practice, except there is no minimum acreage.
9. An approved application through the Conservation Reserve Enhancement Program (CREP) or Reinvest in Minnesota (RIM) for the proposed perpetual restoration is required in order to be eligible for funding under this section.
10. Bids shall be submitted to the District using a form provided by District, or local water management agency.
11. The District shall, with concurrence of the local water management agency when applicable, set a time period during which bids must be submitted.
12. The approving authority reserves the right to refuse any and all bids.
13. The owner(s) of a neighboring property that may be affected by a proposed wetland restoration (e.g., increased flooding and/or saturation of soil near the surface) are eligible for the flat rate cost share, provided they sign a separate financial assistance contract and agrees maintain the affected area in permanent vegetative cover and avoid tillage and applying chemical and fertilizers.

### 3.27 WHOLE FARM PLANNING

	NRCS Code	Flat Rate		Percent Based	Contract Term
		Type	Amount \$	Maximum Rate	
Whole Farm Planning		One-time	\$5/acre		10 years

1. Maximum financial assistance amount shall be \$1,000 per farm plan.
2. For promotion of the MN Agricultural Water Quality Certification Program (MAWQCP) and other local certification programs. For MAWQCP, the Participant must submit a completed application and complete an assessment following MAWQCP protocol. For a local certification program, the Participant must meet certification requirements and sign a completed conservation plan prepared by the District.

## APPENDIX A

### 1.1 SWMO SPECIAL PROVISIONS

The following provisions shall apply for projects utilizing Scott WMO funding, and shall supersede any conflicting policies and procedures of the Countywide Conservation Financial Assistance Program, above:

- A. The approval authority for financial assistance applications proposing to use WMO funds shall be determined in accordance with Figure 1, WMO Application Approval Decision Flow Chart, copied below.
- B. The District Board shall review and provide an action recommendation to the WMO on applications for which they are determined to be the approval authority under A, above.
- C. Applications for funding are considered by the WMO when completed applications are received. The review and approval process, however, may vary according to the type of practice and the benefits and/or cost effectiveness of the proposed project. In general, those practices and applications which are less cost effective, or for which pollutant removal cannot be readily calculated, may require a higher level of review and/or approval. Pursuant to existing policy of Scott County, approval can be given administratively or by the Scott County Board acting as the Scott WMO. Administrative approval is authorized for applications requesting \$50,000 or less, and that conform to all the specifications in this Policy Manual. Requests exceeding \$50,000 or that include deviations from this Policy Manual require Scott WMO Board approval.
- D. Amendments to financial assistance contracts may be approved by the District Board unless it causes the project to exceed \$100 of WMO funds per ton of sediment (if applicable), or \$50,000 in total WMO funds, in which case the amendment must be approved by the WMO.
- E. The WMO may, at its discretion set a cap on the total financial assistance available for a given practice and/or for individual application amounts. It may also establish sign-up periods during which applications are received, reviewed, and ranked based on factors including but not limited to application request amount, environmental benefit, and cost effectiveness. Highest ranking application will be advanced through appropriate channels for approval. Rejected application may be submitted in a subsequent sign-up period.

Criteria for ranking and batching applications shall be as follows and ranked in order:

#1 Prior Obligation: Funding has already been approved or otherwise promised.

#2 Timing Critical: Expiration of the grant/funding source makes timing critical.

#3 Need for Match: WMO funds are necessary to provide match for a state grant.

#4a Priority Practice (Grant): Practice is identified as a priority for the proposed funding source (applies to grants only)

#4b Priority Practice (Local): Cover Crop or Wetland Restoration with good cost benefit (<\$750/ac ft runoff reduction/<\$75/T Sed)

#5a Primary purpose is Runoff Volume reduction.

#5b Primary purpose is Sediment reduction.

#5c Primary purpose is NOT Runoff Volume or Sediment reduction.

- F. Applications for streambank and shoreline stabilization projects shall be approved by reviewed by the Screening Committee and approved by the WMO, with the financial assistance amount being discretionary depending on project benefits.
- G. Applicants who have failed to comply with corrective actions on an expired contract may, at the WMO's discretion, be deemed ineligible for financial assistance.
- H. Re-enrollment applications for filter strips and conservation cover practices will be considered, if funding is available and on a case-by-case basis, in accordance with the following procedural guidance:

1. General

- a. Approval of a re-enrollment application shall be based on a determination by the SWMO that the project will provide substantial public benefit and other funding source are not available and/or practical to use. Examples of substantial public benefit include, but are not limited to:
  - i. Direct discharge to an MPCA impaired water, DNR protected water, or waterbody identified as a high priority in the WMO's Comp Plan.
- b. The standard re-enroll rate is \$100/acre/year over the term of the contract.
- c. For filter strips, the maximum eligible amount for any area beyond the minimum width specified in the practice standard is \$500/acre (one-time payment).
- d. Cover consistent with Practice Standards are acceptable for conservation cover re-enrollment projects, subject to approval by the Technical Representative.

2. Project details needed for application review

- a. A map showing the following: current aerial photography, soils, contours, watershed boundaries, exiting project boundaries, other information as may be helpful
- b. A project description including resource being protected, path and distance to receiving water, and environmental benefit calculations. The calculations shall be based on field conditions the existed at the time of initial enrollment (e.g., row crops, pasture, hayfield, etc.), except when it is reasonable to assume that future use of the upland area is likely to be non-agricultural, in which case benefit calculations shall be based on the non-agricultural use.
- c. Analysis of cost-effectiveness, including but not limited to whether the project meets the scope and objectives of current practice standards and whether acceptable pollution reduction can be achieved by a smaller or reduced project size.
- d. Consideration of the minimum acreage the applicant is willing to re-enroll. This may be determined via a discussion with the landowner after staff and/or screening committee has reviewed and weighed in the proposed project.

3. Review Process

- a. A re-enrollment application will be reviewed during ranking and batching meetings throughout the year. Above information needs to be available for each of those meetings.
- b. Staff are encouraged to attend the ranking and batching meeting and participate in the discussion about whether/how the project should be considered for approval. If staff is unable to attend, a brief write up covering the above items should be submitted prior to the meeting.
- c. Staff review the application and determine a final recommendation for the Screening Committee.

- d. Application processing will follow the normal Screening Committee route from this point until final approval or denial of the application is achieved.
- I. The maximum cost share amounts listed in this Docket may be exceeded on a case-by-case basis, up to and including 100%, based on unique circumstances or for projects identified as a Capital Improvement Project in an approved grant or other work plan. Projects where this provision applies shall be approved by the WMO Board.
- J. The WMO may not require the application to be a separate form from the contract, as may be discretionary under Section 1.3.B.
- K. WMO funds may not be used for reimbursement for crop damage under Section 2.13.

## 1.2 PLSLWD SPECIAL PROVISIONS

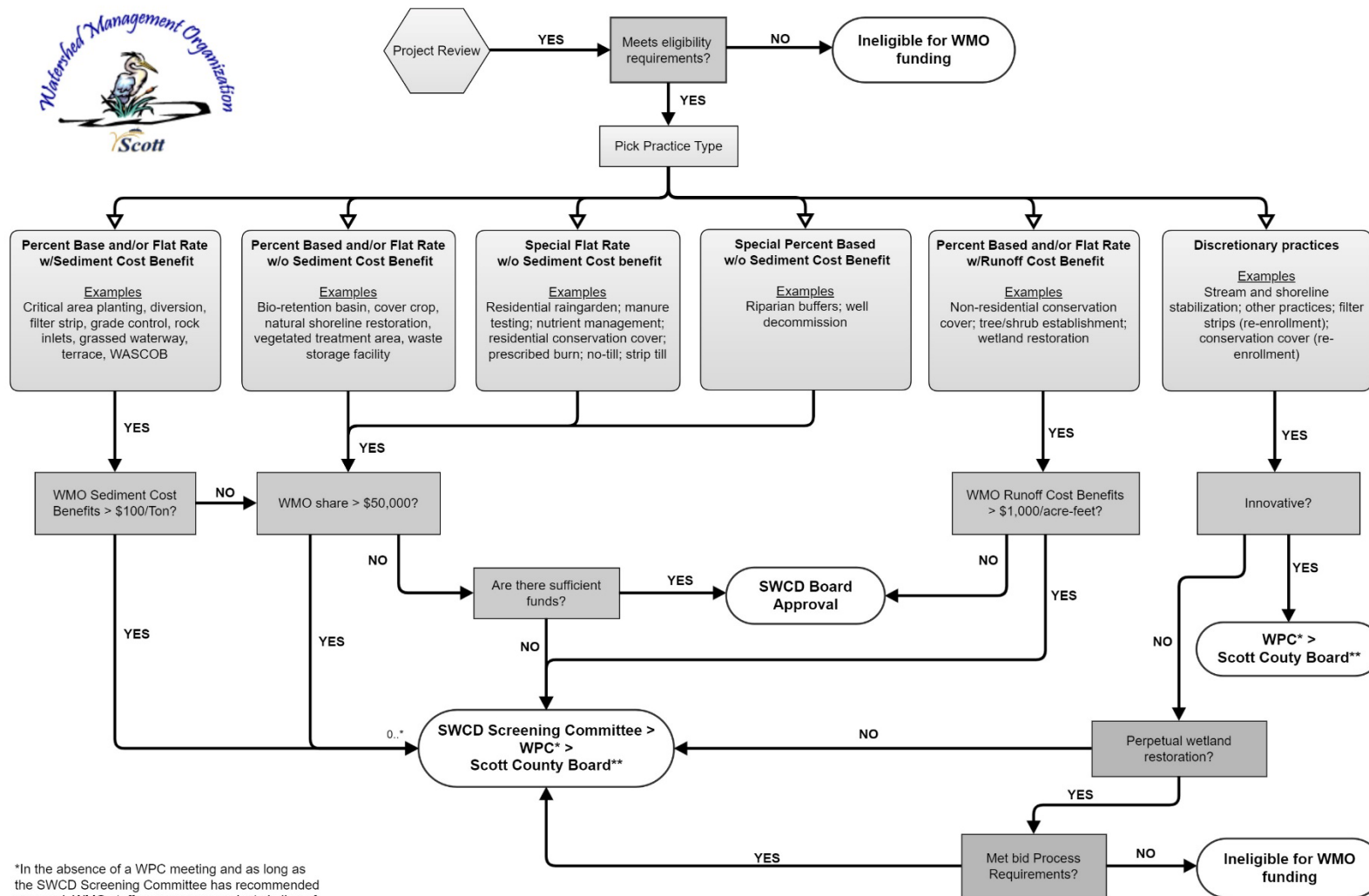
The following provisions shall apply for projects utilizing PLSLWD funding, and shall supersede any conflicting policies and procedures of the Countywide Conservation Financial Assistance Program, above:

- A. The approval authority for financial assistance applications proposing to use PLSLWD funds shall be determined in accordance with Figure 2, PLSLWD Application Approval Decision Flow Chart, copied below. Innovative/Other practices shall automatically require PLSLWD Board approval.
- B. The District Board shall review and provide an action recommendation to the PLSLWD on applications for which it is determined they are the approval authority under A, above.
- C. Amendments of greater than 10% of the original financial assistance amount shall be approved by the PLSLWD if the amendment causes the project to exceed \$100 of PLSLWD funds per pound of Phosphorus and/or to exceed \$7,500 in total PLSLWD financial assistance. Amendments of 10% or less than the original financial assistance amount may be approved by the District.
- D. Prioritizing and ranking: The District will meet with Scott SWCD at least twice per calendar year to assess potential projects and prioritize project selection based on project funding, feasibility, and cost-benefit. The following questions will be used to help prioritize and rank potential projects:
  - WATER QUALITY BENEFITS: How much phosphorus does the project prevent from entering Tier 1 or Tier 2 lakes or wetlands?
  - FLOOD REDUCTION BENEFITS: How much flood reduction benefit does the project provide?
  - COST-EFFECTIVENESS: What is the cost per pound of phosphorus or acre-foot of water volume reduction, and how does it compare to other, similar projects the PLSLWD has funded?
  - COLLABORATION: What is the level of commitment on the part of the landowner, or applicable partner organization to the project (monetary commitment and/or staff time)?
  - LONG-TERM MANAGEMENT: Is there a firm plan for maintaining the project after construction and who is responsible (if applicable)?
- E. The PLSLWD Board may, on a case-by-case basis, contribute additional funds towards a project the Board deems a high priority based on its identification in an approved study, Capital Improvement Plan or grant work plan, or other unique circumstances. Projects where this provision applies shall be approved by the PLSLWD Board and may cover up to and including 100% of the costs.

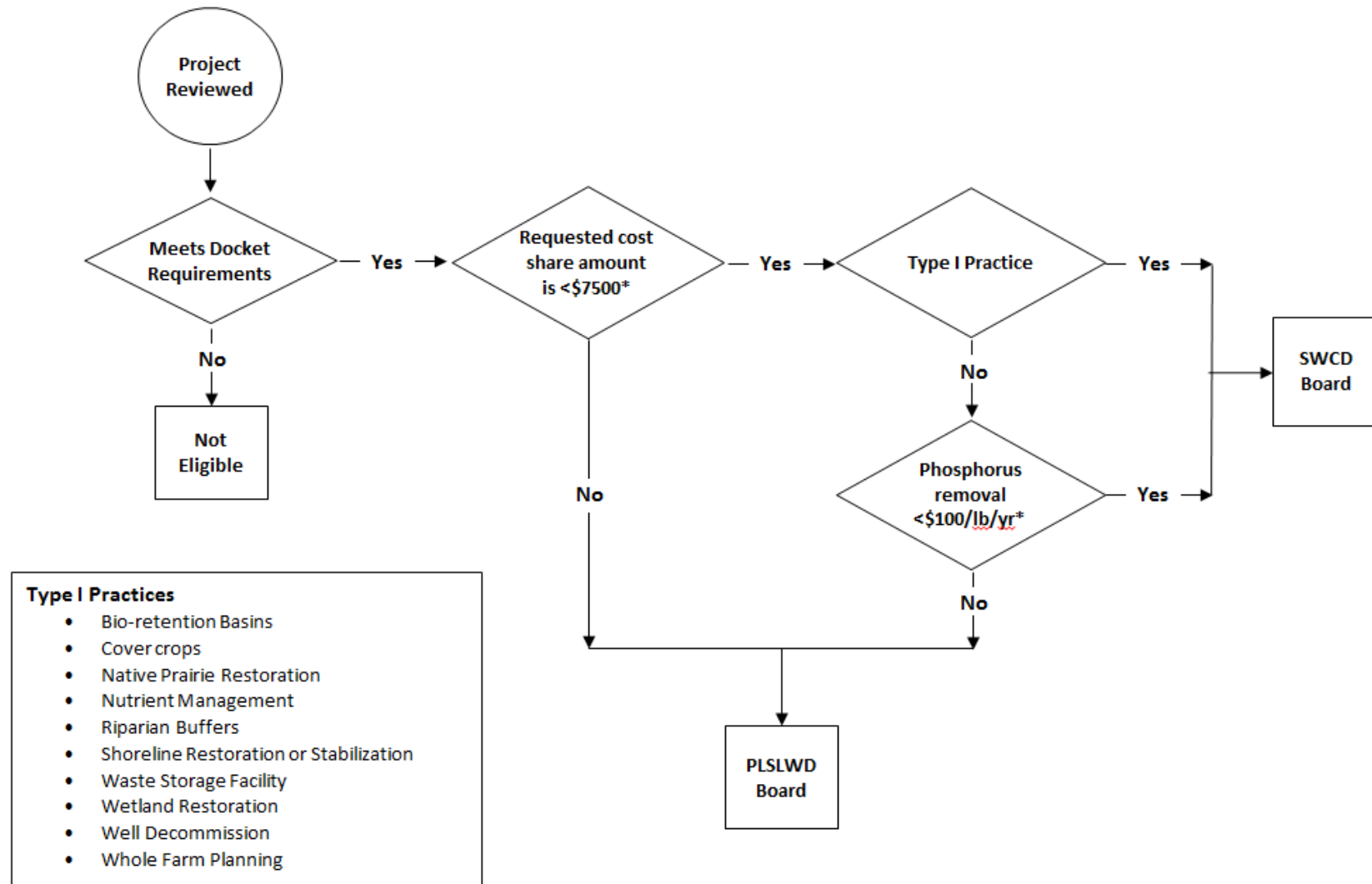
## APPENDIX A (cont.)

## 1.3 FIGURE 1 - SCOTT WMO APPLICATION APPROVAL DECISION FLOW CHART

Figure 1: Scott WMO Application Approval Decision Flow Chart



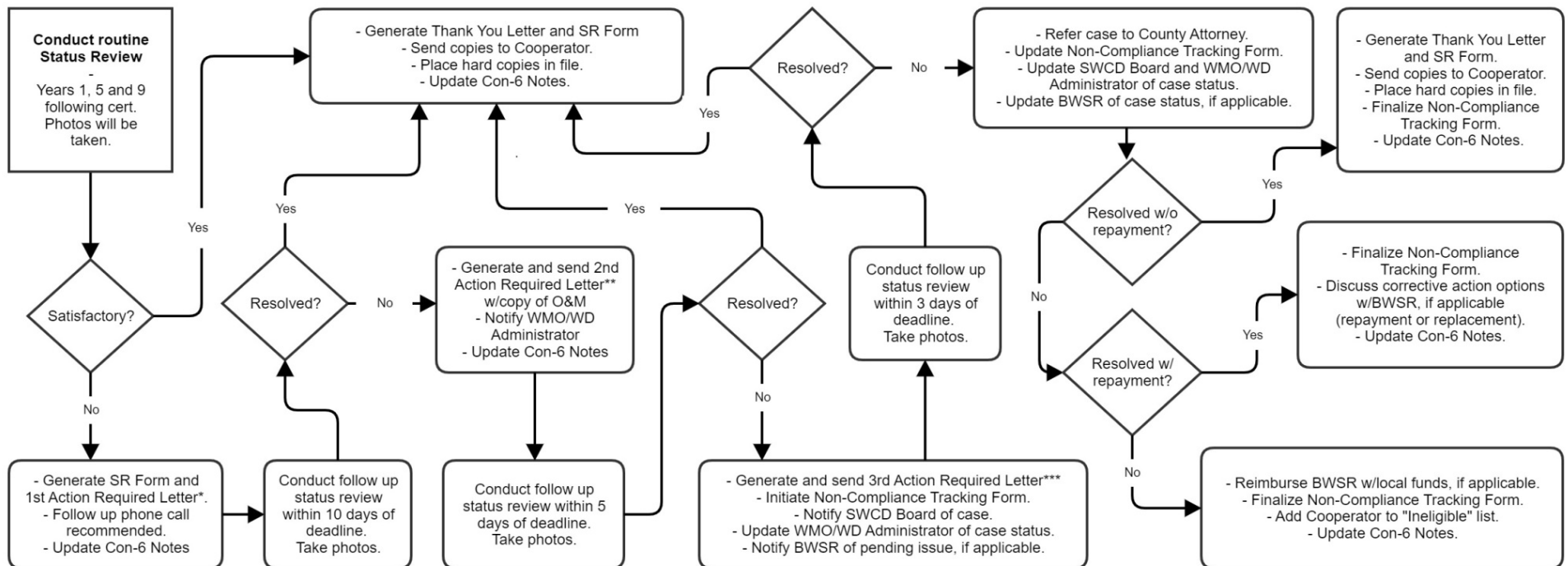
## APPENDIX A (cont.)





## APPENDIX B

### 1.5 COMPLIANCE PROCEDURES FLOW CHART



\* 1st Action Required Letter to include a deadline for action to be taken. Also include a request they call when completed.

\*\* 2nd Action Required Letter to include a revised deadline and references to applicable terms and conditions in contract. Also include a request they call when completed.

\*\*\* 3rd Action Required Letter will include new deadline, options for compliance, and potential consequences for inaction. This letter is signed by the Board Chair and sent via certified mail. Options include correcting non-compliant items or voluntary repayment of funds. Consequences are referral to County Attorney for prosecution and enforcement of up to 150% of funds received.

Note: Notification of the WMO or WD Administrator is required if they provided funding towards the project; otherwise it is optional.

## APPENDIX C

### 1.6 ELIGIBLE SPECIES

The following species are eligible for reimbursement for Tree/Shrub Establishment Projects:

#### Large Trees

<u>Common</u>	<u>Scientific</u>
American basswood	<i>Tilia americana</i>
Big-toothed aspen	<i>Populus grandidentata</i>
Bitternut hickory	<i>Carya cordiformis</i>
Black cherry	<i>Prunus serotina</i>
Black walnut	<i>Juglans nigra</i>
Bur oak	<i>Quercus macrocarpa</i>
Cottonwood	<i>Populus deltoides</i>
Hackberry	<i>Celtis occidentalis</i>
Kentucky coffeetree	<i>Gymnocladus dioica</i>
Northern pin oak	<i>Quercus ellipsoidalis</i>
Northern red oak	<i>Quercus rubra</i>
Paper birch	<i>Betula papyrifera</i>
Pin cherry	<i>Prunus pensylvanica</i>
Quaking aspen	<i>Populus tremuloides</i>
Red maple	<i>Acer rubrum</i>
Silver maple	<i>Acer saccharinum</i>
Sugar maple	<i>Acer saccharinum</i>
Swamp white oak	<i>Quercus bicolor</i>
White oak	<i>Quercus alba</i>
Willows-native	<i>Salix spp</i>

#### Shrubs

<u>Common</u>	<u>Scientific</u>
American Hazelnut	<i>Corylus americana</i>
Arrowwood	<i>Viburnum dentatum</i>
Black Chokeberry	<i>Aronia melanocarpa</i>
Buttonbush	<i>Cephalanthus occidentalis</i>
Common Elderberry	<i>Sambucus canadensis</i>
Common Ninebark	<i>Physocarpus opulifolius</i>
False indigo	<i>Amorpha fruticosa</i>
Hawthorn	<i>Crataegus species</i>
Highbush Cranberry	<i>Viburnum trilobum</i>
Highbush Cranberry	<i>Viburnum trilobum</i>
Nannyberry	<i>Viburnum lentago</i>
Ninebark	<i>Physocarpus opulifolius</i>
Pagoda Dogwood	<i>Cornus alternifolia</i>
Red Osier Dogwood	<i>Cornus stolonifera</i>
Red-berried Elder	<i>Sambuca canadensis</i>
Silky Dogwood	<i>Cornus amomum</i>
Smooth Sumac	<i>Rhus glabra</i>
Staghorn Sumac	<i>Rhus typhina</i>
Witchhazel	<i>Hamamelis virginiana</i>

#### Small Trees

<u>Common</u>	<u>Scientific</u>
American Plum	<i>Prunus americana</i>
Chokecherry	<i>Prunus virginiana</i>
Mountain Ash	<i>Sorbus americana</i>
Red mulberry	<i>Morus rubra</i>
Serviceberry	<i>Amelanchier alnifolia</i>

#### Conifers

<u>Common</u>	<u>Scientific</u>
Eastern red cedar	<i>Juniperus virginiana</i>
Eastern white pine	<i>Pinus strobus</i>
Red pine	<i>Pinus resinosa</i>
White spruce	<i>Picea glauca</i>
Black Hills Spruce	<i>Picea glauca var. densata</i>
Northern White Cedar	<i>Thuja occidentalis</i>



**Subject |** PLSLWD 2023 Education & Outreach Plan

**Board Meeting Date |** February 14, 2023

**Item No: 4.4**

**Prepared By |** Elizabeth Frödén, Water Resources Specialist

**Attachments |** PLSLWD 2023 Education & Outreach Plan

**Proposed Action |** Motion to accept the 2023 Education & Outreach Plan

### **Background**

The education and outreach program follows the goals laid out in the 2020 Water Resources Management Plan and fulfills the requirements of the Municipal Separate Storm Sewer System (MS4) permit for the Prior Lake Outlet Channel (PLOC). The purpose of the Prior Lake-Spring Lake Watershed District's (PLSLWD) education and outreach program is to improve understanding of local water resources and practices among all stakeholders in the District. The best advocate for water resources is an engaged and informed citizenry.

In 2023 the education and outreach program will include coordinated efforts with the Scott Soil and Water Conservation District (SWCD), the Scott County Clean Water Education Program (SCWEP), and other local partners to continue a community-wide approach to develop an understanding of local water resource issues and the impact each citizen has upon them, with special emphasis on flooding, phosphorus reduction, water quality, stormwater runoff, water conservation, aquatic invasive species (AIS), landowner best conservation practices, and illicit discharge.

### **Discussion**

The District's outreach program fulfills the District's MS4 requirements and supports many of the District's other programs including projects, monitoring, and carp management. This year the District plans to continue much of the outreach and communications work it has done in the past including project outreach, submitting articles to the Prior Lake American and SCENE newspapers, updating the website and social media, working with the lake associations, coordinating volunteers and participating in events geared towards youth. The District will continue to work with the Scott SWCD to host education sessions, promote our cost share program, and participate in the annual Outdoor Education Days for local students. Further details can be found in the attached PLSLWD 2023 Education & Outreach Plan, which includes a schedule of 2023 planned activities.

### **Recommendation**

Staff recommends that the Board of Managers accept the 2023 Education & Outreach Plan.

# PLSLWD Education & Outreach Plan

# 2023

*“Our mission is to manage and preserve the water resources of the Prior Lake-Spring Lake Watershed District to the best of our ability using input from our communities, sound engineering practices, and our ability to efficiently fund beneficial projects which transcend political jurisdictions.”*

## Prepared By:

**Emily Dick**  
*Water Resources Project Manager*

**Elizabeth Frödén**  
*Water Resources Specialist*

**Joni Giese**  
*District Administrator*

*February 7, 2023*



*Aquatic Vegetation Identification Seminar 2022*



## Executive Summary

The purpose of the Prior Lake-Spring Lake Watershed District's (PLSLWD) education and outreach program is to improve understanding of local water resources for all stakeholders in the District. The best advocate for water resources is an engaged and informed citizenry. The education and outreach program fulfills the goals laid out in the 2020 Water Resources Management Plan, requirements of the Municipal Separate Storm Sewer System (MS4) permit for the Prior Lake Outlet Channel (PLOC), and when applicable, requirements of current grants. This Education and Outreach Plan will lay out specific activities that will be completed in 2023 to meet the aforementioned goals and requirements.

To the extent feasible, the education and outreach program will coordinate efforts with partners and the Scott County Clean Water Education Program (SCWEP) to promote a community-wide understanding of local water resource issues and the impact each citizen has upon them, with special emphasis on flooding, stormwater runoff, phosphorus reduction, water quality, water conservation, aquatic invasive species (AIS), landowner best conservation practices and illicit discharge. Partners that share the District's goals include:

- Prior Lake Association
- Spring Lake Association
- City of Prior Lake
- City of Savage
- City of Shakopee
- Shakopee Mdewakanton Sioux Community (SMSC)
- Scott County
- Spring Lake Township
- Sand Creek Township
- Scott Soil and Water Conservation District
- Scott County Watershed Management Organization
- Prior Lake-Savage School District

Target audiences of the District's education and outreach program include agriculture/rural landowners, urban and lakeshore residents, District partners, community groups, faith communities, schools, and government.

## Communications & Marketing

Communications and marketing form an important part of the District's education and outreach program. The District anticipates a variety of passive and active marketing techniques to reach out to various stakeholders in the watershed. Anticipated activities include:

- Redesign website for an improved user experience and keep it updated with respect to water quality conditions and trends
- Submit news articles and press releases to the Prior Lake American newspaper, and the Scott County SCENE. Pitch story ideas to local reporters, as applicable
- Write and post articles and information on the District's website and social media
- Present at the Prior Lake and Spring Lake Associations' annual meetings



- Present to the City of Prior Lake's Citizen Engagement Committee (CEC), as requested
- Presentations to the Cities of Prior Lake, Shakopee, Savage; Sand Creek and Spring Lake Townships; Scott County; and others as requested
- Participation at Chamber Fest or local farmers markets, including interactive displays
- Targeted mailings, especially regarding project updates and cost-share programs
- Publish and disperse fact sheets for new projects and Water Quality Report Cards for lakes and streams
- Solicit input from the public, CAC members, PLOC Technical Advisory Committee (TAC) and PLOC Cooperators

## General Outreach and Education

### Scott Clean Water Education Program (SCWEP)

The District will continue to partner with the Scott Clean Water Education Program (SCWEP) to extend its education and outreach efforts. This program is run by the Scott Soil and Water Conservation District (SWCD) and includes the following partners: Scott Watershed Management Organization, Lower Minnesota River Watershed District, Vermillion River Watershed Joint Powers Board, Spring Lake Township, City of Credit River, Jackson Township, Louisville Township, and Scott County.

SCWEP's vision is that making clean water choices becomes "second nature" for people who live and work in Scott County. The key message SCWEP is promoting is, "Clean Water Starts with Me!" and will focus upon illicit discharge, stormwater runoff and how individuals can make a difference. Audiences include agriculture/rural landowners, urban and lakeshore residents, community groups, schools, and government.

SCWEP will:

- Conduct workshops, such as prairie restorations, shoreline restoration, cover crops, and winter maintenance
- Promote cost-share programs, such as cover crops, agricultural nutrient or residue management and shoreline restorations
- Participate in community events
- Develop targeted outreach activities
- Publish rack cards, fact sheets, brochures, and newsletters
- Submit news articles and press releases
- Rotate the Clean Water Display at the Scott County Conservation Center
- Utilize social media to get its messages out
- Further SCWEP plans will be outlined in the SCWEP 2023 work plan that is currently under development.





### Local Schools Partnership

The District will continue collaborating with local area schools as requested. This may include giving classroom presentations or participating in special events.

The District will also participate in SCWEP's Scott County Outdoor Education Days. Staff will help run the stations highlighting water and SWCD staff will run stations highlighting other important natural resources for 1,500 students from local schools.

### Volunteers

Volunteering provides local residents with an opportunity to help further the District's work, learn more about the District's efforts and learn how to improve our local water resources. The District offers the following opportunities for volunteers to get involved with District programs and projects:

- Volunteer observers report the status of ice on and off conditions of District lakes to staff.
- Precipitation volunteers record precipitation data at their property and send staff their data monthly.
- CAMP (Citizen Assisted Monitoring Program) volunteers (*see photo*) monitor water quality on several District lakes bi-weekly throughout the monitoring season.
- Volunteers assist with the carp management program through tracking carp, baiting carp and reporting areas of carp activity.
- Volunteers participate in clean-up events hosted by the District.
- Volunteers can join one of the District's advisory groups: the Citizen Advisory Committee (CAC) and the Farmer-Led Council (FLC).



The District will also continue to partner to with volunteers on other projects as needs arise.

### Events

The District will continue to partner with the City of Prior Lake to host Clean Water Clean-Up events (*see photo to the right*). The clean-ups are a great way to engage volunteers and increase awareness of the District and our work. Past events included leaf raking, buckthorn removals, and storm drain stenciling.

The District is planning to continue storm drain stenciling in 2023 on an ongoing basis. The District will provide stenciling kits and maps of storm drains that need to be stenciled to residents.

Volunteers will be recruited through emails to past volunteers and notices on the District's and City's websites, and the District's





Facebook and Instagram pages. The events will be publicized in the Prior Lake American, and the Scott County SCENE as applicable.

The District is required to host public involvement activities each calendar year as part of the MS4 permit, which must include a pollution prevention or water quality theme. The Clean Water Clean-Up helps the District meet this requirement.

Additionally, the District will have a booth at local events, such as Prior Lake's Chamber Fest or farmers markets, with information and interactive activities for the public. The District will also present at the Spring Lake Association, Prior Lake Association, and Spring Lake Township annual meetings.

In 2022 the District partnered with the City of Prior Lake for its Fishing Clinic by running a booth geared towards educating youth about aquatic invasive species. The District will participate in the 2023 fishing clinic with another interactive AIS booth.

Another new event took place in the summer of 2022, when the District partnered with the Spring Lake Association (SLA) to host an aquatic vegetation seminar. Steve McComas of Blue Water Science gave the seminar to SLA members in person and via livestream, focusing on plant identification, the role aquatic plants play in improving lake water quality, and distinguishing between common native and invasive species. A similar seminar will be hosted again in 2023 and is tentatively planned for July.

### **Citizen Advisory Committee (CAC)**

The District's Citizen Advisory Committee meets monthly and provides the District with feedback and recommendations on District programs, projects, and plans. The committee will be invited to help implement the District's education and outreach activities, as well as research new topics that may assist PLSLWD in improving natural and water resources in the District.

The CAC formed subcommittees in 2021 to focus committee efforts on select topics. Current subcommittees include:

- Shoreline Restoration
- Lake Life & Water Quality, AIS, Fish Stocking
- Storage & Flooding

### **Farmer-Led Council (FLC)**

Agricultural lands make up most of the landscape in the Spring Lake and Upper Prior Lake watersheds. The District will partner with the Scott SWCD to continue its staff support of the Farmer-Led Council (FLC). The FLC meets 3-4 times per year and consists of local farmers within the PLSLWD. The role of the FLC is to develop and guide the implementation of strategies that the District will use to accomplish agriculture's share of nutrient reduction goals. It will:





- Inform decision-makers and the public about soil and water conservation opportunities
- Identify base level and site-tailored practices that are available and needed
- Define the best approach for engaging with and assisting farmers to implement practices
- Identify potential barriers to implementation, along with tools and resources needed to overcome them

In addition to special events and workshops, the FLC sponsors the Lake-Friendly Farm Program, which was created to recognize the farmers that are doing an outstanding job of managing their farms in a way that protects the water resources in the District. Once a farm meets the program criteria, the farm is certified as a Lake-Friendly Farm, and the farmer receives a sign (*see right*) which they can post at their farm. The program both identifies and publicly recognizes existing best management practices in the watershed and assists farmers in identifying areas for improvement to help protect our water resources.



### Residential and Agricultural Cost-Share

In addition to SCWEP, the District will continue to contract with the SWCD to meet with landowners to promote rural and urban incentive and cost-share programs and encourage their participation. For residential incentive programs, PLSLWD will promote citizen participation in the SCWEP workshops as well as District cost-share programs.



Part of the goal of the District's cost-share program is to create a "culture of conservation" which inspires residents and results in residents pursuing conservation projects beyond the cost-share program and as a natural extension of their everyday activities.

In rural areas, the District will provide incentive payments for filter strips, wetland restoration, well decommissioning, water and sediment control basins (WASCOB) and other best management practices (BMP).

The District annually approves the SWCD Conservation Practice Payment Docket, which defines practices, payments, and evaluation tools. A scoring system is used to select cost share projects for funding. The scoring system prioritizes projects that will have the highest benefit to reducing phosphorus and runoff volume to priority waterbodies.



## Project Outreach

The District will continue to promote District projects and efforts to improve local water quality, reduce flooding and prevent the spread of AIS. The District will provide information on these projects through project factsheets, social media, the District website, meetings/articles for lake associations and press releases to the Prior Lake American, and the Scott County SCENE.

Staff will conduct literature drops to residents residing near PLSLWD construction projects. If necessary, letters may be sent to the residents and neighborhood meetings may be scheduled.



## Carp Management Outreach

The District will continue to communicate carp management activities with the public, including information about removals, barriers, fish stocking and other carp management activity. Carp management continues to be an area of high interest to the public. Communication methods includes emails to the carp email notification list inviting the public to some removal events, website updates, posts on social media and news releases.

## District Tours

District staff will organize at least one District tour in 2023 to highlight current or past projects. Past tours include the Prior Lake Outlet Channel (PLOC), Ferric Chloride Treatment Facility, and the Sutton Lake Outlet Modification Project.

*Right: Sutton Lake project tour*



## Fish Lake Restoration Project

The District partnered with Spring Lake Township to complete a restoration and demonstration project at the Spring Lake Town Hall. The town hall hosts conservation workshops for residents and has many visitors visiting the town hall and grounds for other events; this visibility makes the site a great location for a demonstration project. The site already had a large rain garden and this project added both an enhanced shoreline and a restored prairie which allows visitors to see demonstrations of several different types of beneficial projects at one site. Interpretative signs highlighting the restorations and how residents can complete their own projects were installed in 2022 and will continue to provide educational benefits in 2023 and beyond.



### Spring Lake Parcel

The District owns a stretch of shoreline along the north side of Spring Lake. The District restored the property's 350 feet of shoreline in 2016, removing buckthorn and seeding the site with native plants. Two interpretive signs highlighting the restoration were installed in 2017. This site continues to function as a shoreline restoration demonstration site for residents.

### Stormwater & Storage Projects

To approach stormwater management more comprehensively, the District completed the Upper Watershed Blueprint study in 2021. Water quality projects within the upper watershed will improve stream and lake water quality downstream. It will be necessary to partner with landowners to achieve these goals. Outreach will be targeted towards landowners living near potential projects. The District will hold informational meetings with surrounding landowners while looking for feedback from landowners regarding these potential projects. Should these projects move towards implementation, staff will write relevant website articles and press releases.

### Conservation Easements

The District has 51 conservation easements, which are inspected annually. In the spring, landowners receive an annual newsletter and reminder letters to remedy any issues if violations were present. Landowners also receive a pre-inspection letter prior to the annual site visit and a post-inspection letter noting the inspection findings, including any violations. Landowners are encouraged to join staff on site visits if they are interested. In 2023, staff will continue to follow-up and work with landowners to correct previously identified violations along with any newly identified violations.

### Budget

In 2022, \$2,952 was expended on education and outreach activities. The 2023 budget for Education and Outreach activities increased from \$10,000 in 2022 to \$40,000 in 2023 (see table below) to account for a website update. The budget includes \$4,500 for SCWEP, \$3,500 for the CAC, and \$2,000 for MS4 activities. It should be noted that the budget does not include staff time.

Project	2022 Budget	2023 Budget
MS4 Education	\$2,500	\$2,000
SCWEP (SWCD)	\$3,500	\$4,500
Schools Partnership	\$500	\$0
Website update	\$0	\$30,000
CAC	\$3,500	\$3,500
<b>TOTAL:</b>	<b>\$10,000</b>	<b>\$40,000</b>



## Outcomes & Evaluation

The desired outcome for education and outreach in 2023 is to improve District stakeholders' understanding of local water resources; this strategic goal will be evaluated primarily by the District's compliance with the MS4 permit and following our 2020 Water Resources Management Plan. A large part of the Storm Water Pollution Prevention Program (SWPPP), a component of the MS4 permit, requires identification and documentation of BMPs undertaken to reduce the discharge of pollutants from the MS4 to the maximum extent practicable. Metrics used to measure the impact of marketing strategies include:

- Number of participants at a specific District hosted event or workshop
- Number of direct mailings, brochures, and newsletters distributed
- Number of submitted press releases and published articles

To maintain compliance with the MS4 permit, District staff will continue to record and quantify the above metrics, which help document the success or benefit of each event, project, and program.





## 2022 Completed Activities\*

Activities & Events	Schedule	Partners	Engagement
Growing Healthy Soils Part 1 (FLC Event)	Jan 13	Scott SWCD	64
Spring Lake Township Presentation	Mar 8	Spring Lake Township	NA**
Growing Healthy Soils Part 2 (FLC Event)	Mar 17	Scott SWCD	53
Plant Native Prairie Workshop	Apr 12	Scot SWCD	29
SLA Annual Meeting Presentation	Apr 24	Spring Lake Association	50
Mailing highlighting cost share & services	May	Scott SWCD	~50
Install Fish Lake Restoration Project signs	May 11	Spring Lake Township	NA
Conservation easement newsletter	June		188
City of Prior Lake Fishing Clinic	Jul 15	City of Prior Lake	54
Summer FLC Meeting	Aug 2	Scott SWCD	9
Vegetation Identification Seminar	Aug 4	Spring Lake Association	82
Starry Trek	Aug 20		6
Clean Water Clean-Up Darin Stenciling	Fall		11
Farmers Market Booth	Sep 8		~25
PLA Annual Meeting Presentation	Oct 27	Prior Lake Association	60
Winter FLC Meeting	Dec 8	Scott SWCD	12
Submit article for PLA annual newsletter	Winter	Prior Lake Association	1 article
Submit article for SLA annual newsletter	Winter	Spring Lake Association	1 article
Email marketing for pollinator plantings	3 per year	Scott SWCD	281
Submit articles for Scott County Scene	Quarterly		4 articles
Coordinate CAMP program volunteers	Spring – Fall	Met Council	6
Shoreline workshop (video from 2020)	Ongoing	Scott SWCD	51
Citizen Advisory Committee meetings	Ongoing		8
Coordinate ice observation volunteers	Ongoing		29
Coordinate carp volunteers	Ongoing		NA
Social Media Updates	Ongoing		7200***
Continued views on YouTube content	Ongoing		4400****

\* Please note that this is not a comprehensive list of SCWEP Education and Outreach activities, only those with which we were involved.

\*\* Event was pre-recorded and sent virtually – unsure of number of people reached

\*\*\* Based on monthly average from Facebook analytics

\*\*\*\* Based on monthly average from YouTube



## 2023 Planned Activities

Activities & Events	Schedule	Partners
Spring Lake Township Presentation	March 14	Spring Lake Township
SLA Annual Meeting Presentation	April 23	Spring Lake Association
Mailing highlighting cost share & services	Spring/Summer	Scott SWCD
Conservation easement newsletter	Summer	
City of Prior Lake Fishing Clinic	June 23	City of Prior Lake
Vegetation Identification Seminar	July 26	Spring Lake Association
Starry Trek	Summer	
Clean Water Clean-Up Darin Stenciling	Summer/Fall	
Chamberfest or Farmers Market Booth	Summer/Fall	
<i>District tour (tentative)</i>	<i>Summer/Fall</i>	
Outdoor Education Days	Fall	Scott SWCD
PLA Annual Meeting Presentation	Fall	Prior Lake Association
<i>Native Prairie workshop (tentative)</i>	<i>TBD</i>	<i>Scott SWCD</i>
<i>Shoreline workshop (tentative)</i>	<i>TBD</i>	<i>Scott SWCD</i>
Submit article for PLA annual newsletter	Winter	Prior Lake Association
Submit article for SLA annual newsletter	Winter	Spring Lake Association
Winter maintenance workshop (tentative)	Winter	Scott SWCD
Email marketing for pollinator plantings	TBD	Scott SWCD
Submit articles for Scott County Scene, Prior Lake American, and other publications	4 – 6 per year	
FLC Meetings	3 – 4 per year	Scott SWCD
Coordinate CAMP program volunteers	Spring – Fall	Met Council
Citizen Advisory Committee meetings	Ongoing	
Coordinate ice observation volunteers	Ongoing	
Coordinate carp volunteers	Ongoing	
Social media and website updates	Ongoing	
Continued views on YouTube content	Ongoing	
Coordinate precipitation volunteers	Ongoing	
Create project fact sheets	As needed	
Present to partner city councils, township boards, and advisory committees	As requested	
Present to school classrooms	As requested	

**Staff Memo to Board**

January 18, 2023



# PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

**Subject** | Spring Lake Association (SLA) Request to Treat Curly-leaf Pondweed (CLP) within 150 feet of Shore

**Board Meeting Date** | February 14, 2023

**Item No:** 4.5

**Prepared By** | Jeff Anderson, Water Resources Coordinator

**Attachments** | A) SLA CLP Treatment Proposal  
B) PLSLWD Aquatic Plant Management Policy (July 12, 2022)

**Proposed Action** | Staff recommend adhering to the District's current Aquatic Plant Management Policy.

## **Background**

The District has treated Curly-leaf Pondweed (CLP) in Fish, Spring, Upper Prior, and Lower Prior Lakes since at least 2007. The goal of the Aquatic Vegetation Management program is to reduce the negative water quality impacts that CLP causes through treatment, if necessary, on tier one lakes. Successful management includes contracting of pre and post-treatment delineations, deciding on treatment based on projected density and location of CLP, acquiring DNR permits, and contracting the herbicide applicator or harvester to complete the work during a narrow window of approved water temperature. Most of the program through its history has been funded through reimbursement from Scott County or DNR AIS grants. The district has held the position that areas within 150 feet of shore are the responsibility of the adjacent property owner to manage the aquatic vegetation if they so desire. The permits obtained from the DNR by District staff are restricted to areas of the lake beyond 150 feet from shore. The District can take action to receive landowner approval through individual letters or through opt-out notifications to treat the adjacent shoreline areas if approved by the DNR. The District has conducted work within the 150-foot area from shore in 2007 and 2010 with the approval from landowners. Management activities since have moved away from treating in these areas due to additional workload on staff to plan and administer treatments and to recuperate associated costs. In July of 2022, the Board of Managers approved the Aquatic Plant Management Policy which states the District does not treat aquatic plants within 150 feet of shore.

## **Discussion**

During the public comment period at the January 10, 2023, board meeting, Spring Lake Association (SLA) President Wesley Steffen brought forward a proposal for CLP treatment within 150 feet of shore to the Board of Managers for consideration. Attached is Mr. Steffen's formal written proposal submitted to the District on January 11, 2023.

Mr. Steffen's proposal includes:

- As part of a current grant project to treat Eurasian Watermilfoil (EWM) in Spring Lake, SLA organized opt-out notifications in 2022 and will be organizing the same effort again in 2023. Mr. Steffen proposed that SLA could include District anticipated 2023 CLP treatments into the letter, thereby reducing the administrative burden the District.
- SLA would cover the pre-treatment delineation costs occurring within 150 feet of shore which is currently estimated to cost \$400. (Note: PLSLWD currently doesn't request aquatic plant survey contractors to delineate within this zone.)

- CLP treatment within 150 feet of shore would be funded by the District or reimbursed by the Scott County Aquatic Invasive Species Aid funds.

Staff have reviewed the proposal and offer the following comments:

- The current version of the Aquatic Plant Management Policy states the District does not treat CLP within 150 feet of shore. The primary reason offered in the policy is the challenge of soliciting and obtaining consent from all shoreline owners. While staff appreciates the offer by SLA to assist with organizing the opt out notification, the policy's explanation doesn't fully explain the reasoning for not treating within 150 feet of shore. Potential additional staff effort associated with treatment within 150 feet of shore includes lake resident correspondence associated with challenges for not being included in the delineated areas or challenges regarding the effectiveness of treatment. Please note that herbicide applicators have de minimis treatment areas at a quoted cost. Treatment of areas smaller than the de minimis area have a higher associated cost. There are times when areas of projected heavy CLP growth are not treated because the area does not meet applicator de minimis treatment areas.
- Cost
  - In 2023, \$15,000 is budgeted for CLP delineation and treatment costs on all District Lakes that will be covered by a combination of the Scott County Aquatic Invasive Species Aid funds and the DNR AIS grant. Staff believes it unlikely that the District will receive another DNR AIS grant in 2024 or receive Scott County Aquatic Invasive Species Aid funding beyond the District's current allocation. In 2024, expected available Scott County funds will be fully expended for the delineation and treatment of CLP beyond 150 feet of shore on District Lakes. Therefore, any treatments within 150 feet of shoreline will likely come out of District levy funds.
  - District funding of CLP treatment within 150 feet of shore on Spring Lake sets a precedent for other District Lakes.
  - Mr. Steffen's calculation of additional treatment area based on 2021 would result in an almost 50 percent increase in the treatment area in Spring Lake.
  - It should be noted that Scott County does issue opt-out notifications and performs CLP treatments within 150 feet of shoreline on Lake O'Dowd and Cedar Lake. On Cedar Lake, this work is cooperatively funded through the Cedar Lake Improvement District, which is a separate funding source than the County WMO levy.
- Funding CLP treatment within 150 feet of shoreline will result in the need to modify the District's recently adopted Aquatic Plant Management Policy (July 2022) that states the District does not treat aquatic plants within 150 feet of shore and that Lake shoreline owners and/or lake associations are responsible for aquatic plant management within the boundaries of their shoreline property and 150 feet from shore.
- The DNR holds the position that public organizations by default don't treat within 150 feet from shore as that crosses the public-private boundary and increases complexity to the effort.

### **Proposed Action**

Staff recommend adhering to the District's current Aquatic Plant Management Policy.

## **ATTACHMENT A: SLA CLP Treatment Proposal**



January 11, 2023

## Curly Leaf Pondweed (CLP) Treatment Proposal

### History

The Prior Lake Spring Lake Watershed District has been treating CLP for several years. The rationale for treatment is that CLP grows early in the season and then dies off mid-summer with the possibility of creating blue green algae blooms. Past treatment areas however do not appear to treat the riparian area of the Lake (shore out to 150 feet into the lake) leaving this up to the responsibility of the shore owners. The attached spreadsheet shows the treated acres by years 2000-2020 with most acreage being around 15 acres.

Table 1. Curlyleaf pondweed occurrence and acres either harvested or treated with herbicides from 2000 to 2020.

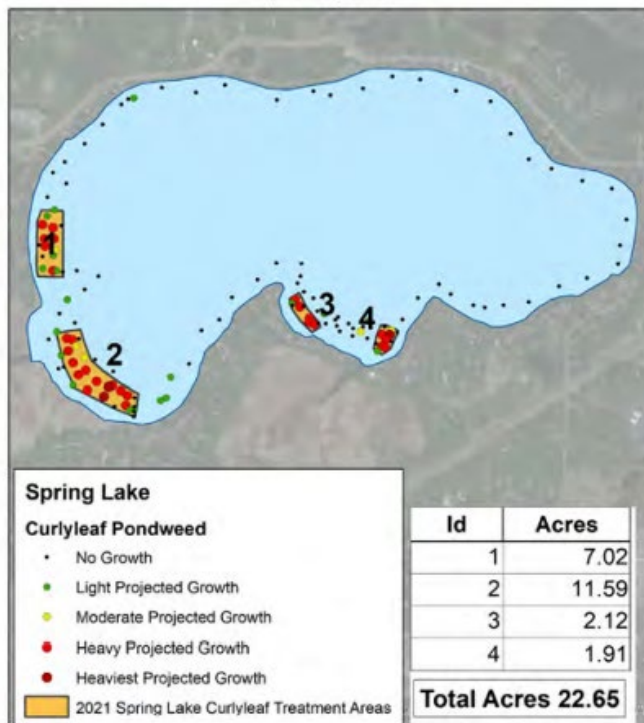
	Iron (kg)	FeCl <sub>3</sub> (gallons)	Curlyleaf Occurrence (based on 50 sites unless noted)	Harvesting Acres	Herbicide Treatment Acres	Total Curlyleaf Treatment (acres)
2000	?		49			
2001	?					
2002	?		43	60	14	74
2003	0	0	35	74	14	88
2004	0	0	40		59	59
2005	2,629	4,232	29		59	59
2006	895	1,440	32		59	59
2007	920	1,481	22			
2008	726	1,168	4			
2009	109	176	5			
2010	0	0	25			
2011	1,491	2,390	10			
2012	0	0	6			
2013	1,248 (J-A)	?	3			
2014	>4,547	>7,275	10			
2015	2,800	4,480	10			
2016	4,206	6,730	11		20.4	20.4
2017	4,544	7,270	11		3.7	3.7
2018	3,656	5,850	4			
2019	3,675	5,880	29 (144 sites)		15.7	15.7
2020			62 (254 sites)		14.92	14.92

In 2021 the delineation and treated area was 22.65 acres. In 2022, 8 acres were delineated for treatment at a cost of around \$1400. The map below shows the CLP Treatment and post survey assessment conducted by Blue Water Science on April 23, 2021. That year heavy growth was observed, and good treatment results were observed on a total of 22.65 acres. The area

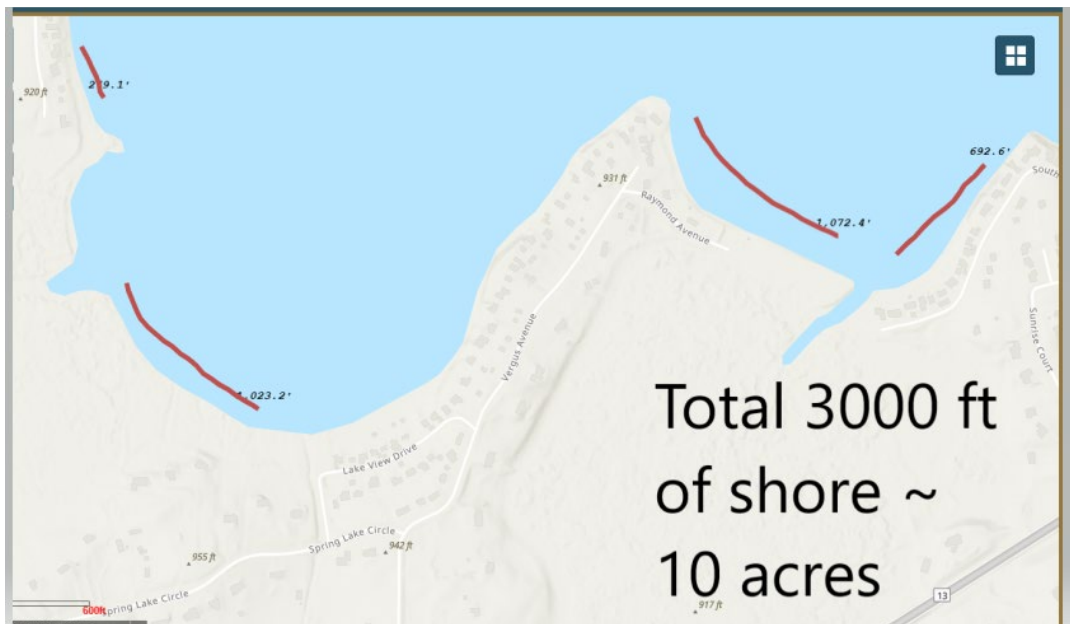
which is the responsibility of shore owners(riparian) was not treated. Several owners of lakeshore use several companies for treating their shoreline. Unfortunately, any treatments done happen usually mid to late June, which allows CLP to have already grown.

To determine how much additional acreage would have been needed to cover this riparian area, the same four areas from the post survey was determined using the Scott County GIS data. The approximate shoreline length for all four areas is approximately 3000 feet. Using the 150 ft riparian length, an additional 10 acres may have been possible to treat  $3000 \times 150 \text{ ft} / 43560 \text{ sq ft/ acre} = 10.33 \text{ acres}$ .

Spring Lake Curlyleaf Pondweed Delineation and Treatment  
April 23, 2021



UTM NAD 1983  
Blue Water Science



## Proposal

### 1. OPT Out Letter

The Spring Lake Association is required to send out an OPT Letter to owners of record on Spring Lake for possible treatment of Eurasian Water Milfoil in 2023. This letter would include both CLP and EWM. An OPT letter was mailed in 2022 based on the possibility of treating for Eurasian Water Milfoil. Only two lake residents Opted out in 2022. The letter and mailing cost would be covered by the SLA.

### 2. Delineation

Blue Water Science has provided a quote of \$400 to survey and delineate the area from shore out to 150 feet based on historical presence of CLP. The SLA would cover this expense. This letter will allow any owner has agreed to fund a delineation of Spring Lake in the riparian zone by Blue Water Science.

### 3. Treatment Expense

Based on the delineation, it is requested that the PLSLWD fund or work with Scott County on any additional treatment acreage for the open water delineation as well as the shore out to 150 feet.

Also, in discussions with Melissa Bokman, Scott County, they have been using OPT Out letters for the other lakes that they are responsible for. Funding provided by them may be used for survey, delineation and treatment purposes up to the maximum acreage littoral limit. It may be possible that they would fund this proposal.

Wesley Steffan

President

Spring Lake Association



## Prior Lake-Spring Lake Watershed District Aquatic Plant Management Policy

**Effective Date: July 12, 2022**

### Purpose and Background

Prior Lake-Spring Lake Watershed District (PLSLWD) 2020-2030 Water Resources Management Plan identifies three guiding principles, two of which directly connect to aquatic plant management:



#### **GUIDING PRINCIPLE #1: To maintain or improve quality of water resources (WQ)**

Maintain or improve water quality in lakes, streams, and wetlands to support healthy ecosystems and provide the public with a wide range of water-based benefits and collaborate with others responsible for groundwater management and protection.



#### **GUIDING PRINCIPLE #2: To manage existing and prevent new Aquatic Invasive Species in the District (AIS).**

Effectively manage existing aquatic invasive species (AIS) that adversely affect the quality of the lakes in the District with public access and take measures to help prevent new AIS from entering these systems.

PLSLWD's current confirmed aquatic invasive plants include Eurasian watermilfoil (EWM) and Curly-leaf pondweed (CLP). CLP is present in all four Tier 1 lakes (Fish, Spring, Upper Prior, Lower Prior) while EWM is in Spring, Upper and Lower Prior Lakes.

- Curly-leaf pondweed generally grows from the shoreline to water depths of 15 feet and can grow up to 15 feet tall. It tolerates low water clarity and will readily invade disturbed areas. Curly-leaf can be distinguished from native pondweeds by its unique life cycle. Turions sprout in the fall, and it is generally the first pondweed to come up in the spring. It typically flowers, fruits, and produces turions in June before dying back in mid-summer. Studies have shown that during summer die offs of CLP, the decomposition process and subsequent release of nutrients internally to the lake can lead to increased algal blooms and reduction in water quality. Since 2007, the District has been actively managing CLP through herbicide treatments and supporting the growth of native aquatic plants through various programs and projects. Treating CLP in late spring may help limit the spread of turions (seeds) and summer die-offs that have greater potential of nutrient release. Treating only dense CLP areas limits the impact on native species.
- Eurasian watermilfoil is a perennial plant that flowers twice a year, usually in mid-June and late-July. It can grow up to 20 feet tall, but typically only grows three to nine feet tall. It creates canopy-like

structures as it grows toward the water's surface. It primarily establishes through vegetative fragmentation—a fragment can break off, settle in the sediment, grow roots, and establish a new plant. The plant dies back in the fall, but the root system can survive the winter and begin growing again in the spring. EWM can be detrimental to native ecosystems by overtaking habitat and outcompeting native plants, however, EWM is not known to be detrimental to water quality and therefore PLSLWD has decided to not treat EWM, but continue to monitor it.

Alum treatments, Best Management Practices, the Ferric Chloride treatment system, and carp removals are additional efforts the District has made towards significant improvements in water clarity that has led to increased aquatic vegetation in District lakes.

## District Aquatic Plant Management

The following outlines the District's approach for aquatic plant management. Prior Lake-Spring Lake Watershed District:

- **Does not manage native or invasive aquatic plants for recreational or aesthetic purposes.** While recreation and navigation are valued elements of our Tier 1 lakes, they are not in alignment with the PLSLWD priority of focusing District resources on improving water quality.
- **Manage Curly-leaf pondweed for internal nutrient release only.** PLSLWD will manage projected dense populations of CLP based on professionally performed CLP survey results.
- **Does not treat aquatic plants within 150 feet of shore.** State statute allows shoreline owners to treat aquatic plants 150 feet into the lake from their shoreline but requires PLSLWD to obtain consent from all shoreline owners within the treatment zones to treat aquatic plants within 150 feet of the shore. Given the logistic challenge of soliciting and obtaining approvals from numerous shoreline owners on a lake annually, PLSLWD does not seek shoreline owner consent or perform treatments within 150 feet from shore.
- **May manage aquatic plants to enhance plant diversity and enhance wildlife habitat.**
- **Uses science-based control strategies and methods.** Plant management is an evolving field. PLSLWD uses the latest scientific frameworks for decision-making.
- **PLSLWD will provide education and outreach to residents and lake users to keep people informed how the increase in native aquatic vegetation supports enhanced water quality.**

Lake Shoreline Owners and/or Lake Associations are:

- **Responsible for aquatic plant management within the boundaries of their shoreline property and 150 feet from shore.** Lake Associations and residents are asked to partner with PLSLWD should treatment plans extent beyond 150 feet from the shoreline.
- **Responsible for shoreland cleanup of aquatic vegetation.** Unrooted, segmented, and floating vegetation often builds up on shorelines. Shoreline owners are responsible for cleanup. See District Bog Policy for more information on bogs.

## State Regulations

All aquatic plant management actions taken by PLSLWD are in accordance with the state law. Under Minnesota law, aquatic plants growing in public waters are the property of the state. Because of their

value to the lake ecosystem, they may not be destroyed or transplanted unless authorized by the Commissioner of the Department of Natural Resources (DNR) as stipulated in the Aquatic Plant Management Rules. Authorization for control methods used by the District will be permitted through the Minnesota DNR. The online DNR aquatic plant management guide is available here: <https://www.dnr.state.mn.us/shorelandmgmt/apg/regulations.html> .

**PRIOR LAKE SPRING LAKE WATERSHED DISTRICT**  
**Financial Report - Cash Basis**  
**January 1, 2023 Through January 31, 2023**

\*\*Reflects bills paid through January 31, 2023\*\*

Program Element	2023 Source of Funds				2023 Actual Results		
	2023 Levy	Budget Reserve	Grant Funds/Fees	2023 Budget	January 2023	YTD	YTD % of Budget
	<b>General Fund (Administration)</b>						
	<b>Revenues</b>						
Property Taxes	\$ 249,200	\$ -	\$ -	\$ 249,200	\$ 2,053	\$ 2,053	1%
Grants	-	-	-	-	-	-	#DIV/0!
Interest	-	-	3,000	3,000	-	-	0%
Other	-	-	-	-	-	-	#DIV/0!
<b>Total Revenues</b>	<b>\$ 249,200</b>	<b>\$ -</b>	<b>\$ 3,000</b>	<b>\$ 252,200</b>	<b>2,053</b>	<b>2,053</b>	<b>1%</b>
	<b>Expenditures</b>						
Administrative Salaries and Benefits	\$ 138,000	\$ -	\$ -	\$ 138,000	3,374	3,374	2%
703 - Telephone, Internet & IT Support	13,200	-	3,000	16,200	1,207	1,207	7%
702 - Rent	28,300	-	-	28,300	2,318	2,318	8%
706 - Office Supplies	9,000	-	-	9,000	212	212	2%
709 - Insurance and Bonds	14,200	-	-	14,200	-	-	0%
670 - Accounting	31,000	-	-	31,000	-	-	0%
671 - Audit	9,000	-	-	9,000	-	-	0%
903 - Fees, Dues, and Subscriptions	1,500	-	-	1,500	3	3	0%
660 - Legal (not for projects)	5,000	-	-	5,000	-	-	0%
<b>General Fund (Administration) Expenditures</b>	<b>\$ 249,200</b>	<b>\$ -</b>	<b>\$ 3,000</b>	<b>\$ 252,200</b>	<b>7,113</b>	<b>7,113</b>	<b>3%</b>
<b>Net Change in General Fund</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(5,060)</b>	<b>(5,060)</b>	

DRAFT - Amounts subject to change during preparation of the Audit



## PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

## 2023 Budget

January 1, 2023 Through January 31, 2023

\*\*Reflects bills paid through January 31, 2023\*\*

Program Element		2023 Source of Funds				2023 Actual Results		
		2023 Levy	Budget Reserve	Funds/Fees	2023 Budget	January 2023	YTD	YTD % of Budget
	<b>Implementation Fund</b>							
	<b>Revenues</b>							
	Property Taxes	\$ 1,670,736	\$ -	\$ -	\$ 1,670,736	13,362	13,362	1%
	Grants/Fees	-	-	120,664	120,664	-	-	0%
	Interest	-	-	67,200	67,200	5,631	5,631	8%
	Sales/Other	-	-	-	-	346	346	#DIV/0!
	Budget Reserves	-	\$ 362,300	-	362,300	-	-	0%
	<b>Total Revenues</b>	<b>\$ 1,670,736</b>	<b>\$ 362,300</b>	<b>\$ 187,864</b>	<b>\$ 2,220,900</b>	<b>19,339</b>	<b>19,339</b>	<b>1%</b>
	<b>Expenditures</b>							
	Program Salaries and Benefits (not JPA/MOA)	\$ 541,900	\$ -	\$ -	\$ 541,900	21,787	21,787	4%
Water Qual	550 Public Infrastructure Partnership Projects	\$ -	\$ -	\$ -	\$ -	-	-	#DIV/0!
Water Qual	611 Farmer-led Council	54,000	-	-	54,000	-	-	0%
Water Qual	611 Cost-Share Incentives	58,000	-	-	58,000	-	-	0%
Water Qual	611 Highway 13 Wetland, FeCl system & Desilt, O&M	30,800	-	67,200	98,000	-	-	0%
Water Qual	611 Fish Point Park Retrofits	-	-	-	-	-	-	#DIV/0!
Water Qual	611 Fish Management, Rough Fish Removal	94,000	-	-	94,000	-	-	0%
Water Qual	611 Spring Lake Demonstration Project Maintenance	1,200	-	-	1,200	-	-	0%
Water Qual	611 Alum Internal Loading Reserve	220,000	-	-	220,000	-	-	0%
Water Qual	611 Upper Prior Lake Phase II Sediment Monitoring	-	-	-	-	-	-	#DIV/0!
Water Qual	611 Fish Stocking	3,000	-	-	3,000	-	-	0%
Water Qual	637 District Monitoring Program	81,000	-	-	81,000	-	-	0%
Water Qual	GRANT Carp Management/Removal	-	-	-	-	-	-	#DIV/0!
Water Qual	626 Planning and Program Development	17,500	-	-	17,500	493	493	3%
Water Qual	626 Fish Lake Management Update	30,404	-	50,896	81,300	-	-	0%
Water Qual	626 LGU Plan Review	4,000	-	-	4,000	-	-	0%
Water Qual	626 Engineering not for programs	15,000	-	-	15,000	-	-	0%
Water Qual	626 Debt Issuance Planning	10,000	-	-	10,000	-	-	0%
Water Qual	648 Permitting and Compliance	25,000	-	5,000	30,000	-	-	0%
Water Qual	648 Update MOAs with cities & county	10,000	-	-	10,000	-	-	0%
Water Qual	648 BMP and easement inventory & inspections	9,500	-	500	10,000	-	-	0%
Water Qual	626 Upper Watershed Blueprint	122,332	362,300	39,868	524,500	-	-	0%
Water Qual	626 District Plan Update	2,500	-	-	2,500	-	-	0%
Water Qual	752 Fish Lake Shoreline Restoration Project Maintenance	-	-	-	-	-	-	#DIV/0!
Water Qual	611 Fish Stocking	-	-	-	-	-	-	#DIV/0!
	<b>WQ TOTAL</b>	<b>\$ 788,236</b>	<b>\$ 362,300</b>	<b>\$ 163,464</b>	<b>\$ 1,314,000</b>	<b>493</b>	<b>493</b>	<b>0%</b>
Water Storage	550 District-wide Hydraulic & Hydrologic model	\$ 5,000	\$ -	\$ -	\$ 5,000	-	-	0%
Water Storage	550 S&I Sutton Lake Outlet Structure Project	-	-	-	-	-	-	#DIV/0!
	<b>WS TOTAL</b>	<b>\$ 5,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 5,000</b>	<b>-</b>	<b>-</b>	<b>0%</b>
AIS	611 Aquatic Vegetation Mgmt	5,600	-	\$ 9,400	\$ 15,000	-	-	0%
AIS	637 Automated Vegetation Monitoring (BioBase)	\$ 2,000	-	-	2,000	-	-	0%
AIS	637 Aquatic Vegetation Surveys	5,500	-	-	5,500	-	-	0%
AIS	637 Boat inspections on Spring, Upper & Lower Prior	17,000	-	15,000	32,000	-	-	0%
	<b>AIS TOTAL</b>	<b>30,100</b>	<b>-</b>	<b>24,400</b>	<b>54,500</b>	<b>-</b>	<b>-</b>	<b>0%</b>
Ed & Out	652 Education and Outreach Program	\$ 40,000	\$ -	\$ -	\$ 40,000	-	-	0%
	<b>E&amp;O TOTAL</b>	<b>\$ 40,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 40,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>
	<b>PLOC Contribution</b>	<b>\$ 185,500</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 185,500</b>	<b>-</b>	<b>-</b>	<b>0%</b>
	<b>Debt Payment Reserve</b>	<b>80,000</b>	<b>-</b>	<b>-</b>	<b>80,000</b>	<b>-</b>	<b>-</b>	<b>0%</b>
	<b>Total Implementation Fund</b>	<b>\$ 1,670,736</b>	<b>\$ 362,300</b>	<b>\$ 187,864</b>	<b>\$ 2,220,900</b>	<b>22,280</b>	<b>22,280</b>	<b>1%</b>
	<b>Net Change in Fund Balance Implementation Fund</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(2,941)</b>	<b>(2,941)</b>	
	<b>Grant Funds/Fees Anticipated</b>							
Water Qual	611 Farmer-led Council (SWCD)			-	-			
Water Qual	611 Farmer-led Council (BWSR Grant)			\$ -	\$ -			
	Interest Income (general fund & Implementation fund)			\$ 70,200	\$ 70,200			
	648 New Easement Acquisition Fees			5,000	5,000			
Water Qual	648 Easement Amendment/violations fees			500	500			
	626 UWB (BWSR Lower MN River South (WBIF-grant)			3,958	3,958			
	Fish Lake Mgmt Plan & Swamp IESF Feas. ('23 WBIF Grant)			82,806	82,806			
	Spring Lake Twnshp Contribution (Fish Lake Mgmt Plan)			4,000	4,000			
	550 S&I Sutton Lake Outlet (DNR Flood Hazard Grant)			-	-			
	AIS Grant for Upper Prior Lake (DNR Grant)			4,335	4,335			
AIS	611 Aquatic Vegetation Mgmt. (Scott County)			20,065	20,065			
	<b>Total Grant Funds/Fees Anticipated</b>			<b>\$ 190,864</b>	<b>\$ 190,864</b>			

DRAFT - Amounts subject to change during preparation of the Audit

**PLSLWD Monthly Treasurers Report**

Treasurer: Christian Morkeberg

*Account balances as of 01/31/2023*

4M Fund (Checking Account)	\$	1,567,555
4M Plus Account	\$	1,172,957
Total Uncleared Transactions	\$	-
<b>SUBTOTAL</b>	<b>\$</b>	<b>2,740,512</b>

**RESTRICTED/COMMITTED FUNDS**

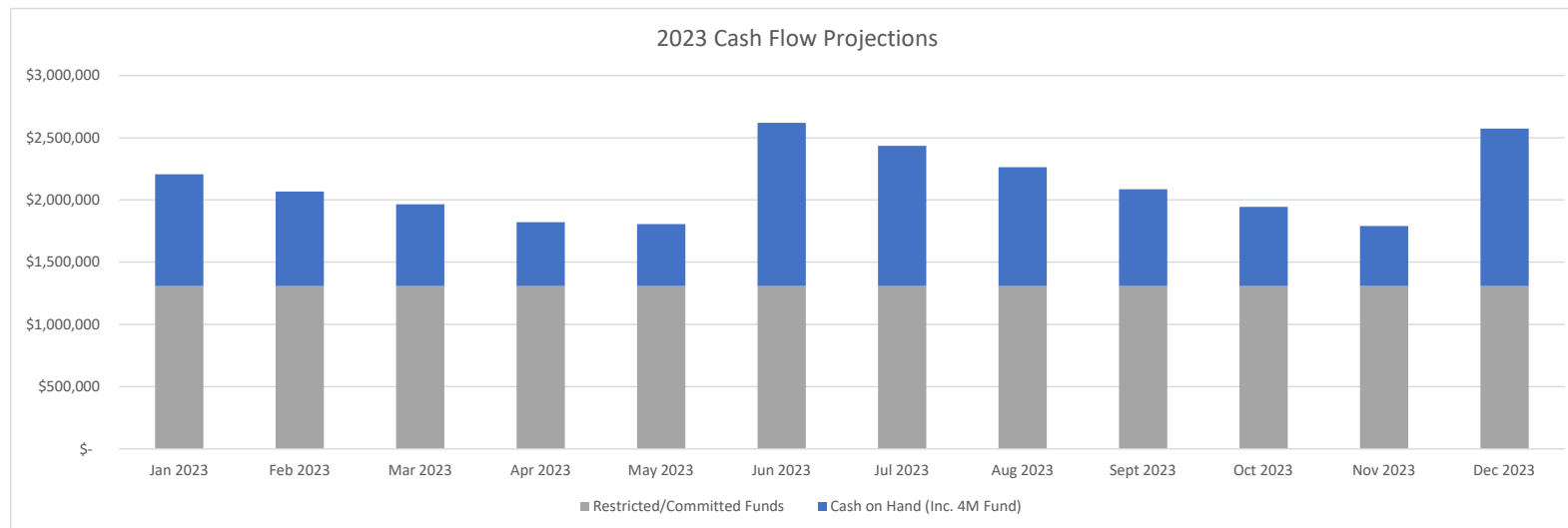
Restricted - Permit Deposits, etc. (350 & 360)	\$	127,001
Restricted - PLOC Contingency Reserve (850)	\$	262,636
Restricted - PLOC O&M Funds (830)	\$	(23,183)
Committed - Alum Internal Loading Reserve	\$	480,000
Committed - Upper Watershed Blueprint Fund Balance	\$	362,300
Committed - Debt Payment	\$	100,000
<b>TOTAL DISTRICT/PLOC RESTRICTED OBLIGATIONS</b>	<b>\$</b>	<b>1,308,754</b>

<b>Available cash at end of January 2023</b>	<b>\$</b>	<b>1,431,758</b>
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*57.9% of 2023 Budget***DRAFT - Amounts subject to change during preparation of the Audit**

## Cash Flow Chart

Month (End of Month)	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Jun 2023	Jul 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023
Cash on Hand (Inc. 4M Fund)	\$ 897,758	\$ 757,847	\$ 656,995	\$ 513,096	\$ 496,053	\$1,311,118	\$1,126,990	\$ 955,141	\$ 777,254	\$ 636,146	\$ 481,027	\$1,264,554
Restricted/Committed Funds	\$1,308,754	\$1,308,754	\$1,308,754	\$1,308,754	\$ 1,308,754	\$1,308,754	\$1,308,754	\$1,308,754	\$1,308,754	\$1,308,754	\$1,308,754	\$1,308,754
Total Cash on Hand	\$2,206,512	\$2,066,601	\$1,965,749	\$1,821,850	\$ 1,804,807	\$2,619,872	\$2,435,744	\$2,263,895	\$2,086,008	\$1,944,900	\$1,789,781	\$2,573,308



4000

## PLSL Watershed District

Starting cash on hand

Cash Minimum Balance Alert \$ 150,000

	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Jun 2023	Jul 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	Total
Cash on hand (beginning of month)	\$ 2,288,334	\$ 2,206,512	\$ 2,066,601	\$ 1,965,749	\$ 1,821,850	\$ 1,804,807	\$ 2,619,872	\$ 2,435,744	\$ 2,263,895	\$ 2,086,008	\$ 1,944,900	\$ 1,789,781	

### Cash Receipts

Property Tax Levy	\$ 15,415	\$ -	\$ -	\$ -	\$ -	\$ 959,968	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 959,968	\$ 1,935,351
BWSR WBIF	-	-	41,403	-	-	-	-	-	-	33,122	-	-	74,525
BWSR BWF - Lower MN River South	-	-	-	-	-	-	-	-	-	-	-	-	-
DNR Flood Hazard Mitigation Grant	-	-	-	-	-	-	-	-	-	-	-	-	-
Grants - Other	-	-	-	-	-	-	-	4,335	-	-	20,065	-	24,400
PLOC Contributions	-	-	-	-	321,316	-	-	-	-	-	-	-	321,316
Interest Income	5,631	5,850	5,850	5,850	5,850	5,850	5,850	5,850	5,850	5,850	5,850	5,850	69,981
Other Receipts	-	-	-	-	500	1,000	1,000	1,000	1,000	1,000	-	4,000	9,500
Total Cash Receipts	\$ 21,046	\$ 5,850	\$ 47,253	\$ 5,850	\$ 327,666	\$ 966,818	\$ 6,850	\$ 11,185	\$ 6,850	\$ 39,972	\$ 25,915	\$ 969,818	\$ 2,435,073
Total Cash Available	\$ 2,309,380	\$ 2,212,362	\$ 2,113,854	\$ 1,971,599	\$ 2,149,516	\$ 2,771,625	\$ 2,626,722	\$ 2,446,929	\$ 2,270,745	\$ 2,125,980	\$ 1,970,815	\$ 2,759,599	

### Cash Paid Out

Salaries and Per Diems	\$ 28,453	\$ 56,658	\$ 56,658	\$ 56,658	\$ 56,658	\$ 56,658	\$ 56,658	\$ 56,658	\$ 56,658	\$ 56,658	\$ 56,658	\$ 56,658	\$ 651,695
Office Expense, Audit, Accounting	7,787	5,751	8,095	9,738	19,199	11,743	15,967	8,024	9,727	6,069	6,024	11,274	119,398
PLSLWSD Program Costs	66,307	70,100	70,100	70,100	70,100	70,100	105,100	105,100	105,100	105,100	105,100	105,100	1,047,407
PLOC Contribution	-	-	-	-	185,500	-	-	-	-	-	-	-	185,500
PLOC Operations	321	13,252	13,252	13,252	13,252	13,252	13,252	13,252	13,252	13,252	13,252	13,259	146,100
Debt Service	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal	\$ 102,868	\$ 145,761	\$ 148,105	\$ 149,748	\$ 344,709	\$ 151,753	\$ 190,977	\$ 183,034	\$ 184,737	\$ 181,079	\$ 181,034	\$ 186,291	\$ 2,150,100
Cash on Hand (end of month)	\$ 2,206,512	\$ 2,066,601	\$ 1,965,749	\$ 1,821,850	\$ 1,804,807	\$ 2,619,872	\$ 2,435,744	\$ 2,263,895	\$ 2,086,008	\$ 1,944,900	\$ 1,789,781	\$ 2,573,308	



# PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

## BOARD OF MANAGERS SPECIAL MEETING MINUTES

*Saturday, January 7, 2023*

*Prior Lake City Hall, Wagonbridge Conference Room*

**9:00 AM**

Members Present:

Bruce Loney, Frank Boyles, Christian Morkeberg  
Matt Tofanelli, Ben Burnett

Staff & Consultants Present: Joni Giese, District Administrator (for 2<sup>nd</sup> half of meeting)

### 1.0 BOARD MEETING CALL TO ORDER & PLEDGE OF ALLEGIANCE

The meeting was called to order by President Loney at 9:02 AM. Everyone present recited the Pledge of Allegiance.

### 2.0 APPROVAL OF AGENDA (Additions/Corrections/Deletions)

Agenda changes: addition of other topics at the end of the meeting.

Motion to approve the amended agenda made by Manager Morkeberg. Second by Manager Tofanelli. Motion carried: 5-0.

### 3.0 BOARD DISCUSSION

#### 3.1 Open Board Discussion

- Manager Loney will be out of the state during the months of March and April.
- Each board manager talked about their thoughts on various issues.
- Open meeting law was discussed.
- Do the Board Meeting packets contain everything we need?
  - Would like more public concerns and feedback, and more background from experts.
  - If the board managers have questions, each will connect Administrator Giese with those questions prior to the board meeting to allow staff time to prepare a response at the meeting.

#### 3.2 2022 Review

- Manager Loney handed out a summary report.
- The District is working to use the services of Scott SWCD better and Scott SWCD is willing to provide additional assistance to the District.

### **3.3 2023 Goals**

- Move more projects from “study” to “implementation.”

### **3.4 ROW Acquisition Process – Revised Project Process**

- Improve how projects are evaluated before time is spent on preparing feasibility studies.
- The number of property owners and level of expected cooperation should be determined before DNR queries and engineering consultant expenses.
- Condemnation/Eminent Domain – this needs to remain on the table, but it is the last resort and PLSLWD wants to avoid, if possible.

### **3.5 Potential Drought Projects**

- If there are cost savings to do projects while the water is low, do them. Snow fall may negate this in the spring.

### **3.6 Small Projects to be Funded with Budget Reserves**

- Can we do more small projects where landowners are more open to projects? Is there a way to try to optimize for these projects, such as working with SWCD and pairing funding opportunities?

## **4.0 BOARD AND ADMINISTRATOR DISCUSSION**

District Administrator Giese joined during this portion of the meeting.

### **4.1 Open Board Discussion Highlights**

- Reviewed previous discussions for Administrator Giese.
- Scott SWCD may be able to do bulk of our permitting work. Retaining Scott SWCD for permitting is pending.
- Scott SWCD is likely to obtain more grant funds this year; PLSLWD need to try to partner with Scott SWCD take advantage of these funds, if possible.
- District desires to improve DNR Relations – Water Resources Project Manager, Emily Dick, is working on this.

### **4.2 Prioritized 2023 Projects**

- Staff is working to establish the next “public” goal associated with flood reduction work.
- Landowner interest should be used as a priority test to determine if projects will move forward to feasibility studies.

#### **4.2.1 Water Quality Projects**

- Regarding water quality, the District is attempting to focus first on projects in the outer reaches of the watershed, as the level of water treatment achieved in the outer projects will inform the design of water quality projects closer to the impaired lakes of Spring and Upper Prior.

### **4.3 ROW Acquisition Process – Revised Project Process**

- Working with real estate consultant to develop potential solutions that may be of interest to landowners.
- New Process:
  - Pre-discuss with landowners, DNR and other agencies.
  - If conditions seem favorable for a successful project, proceed to a feasibility/engineering study.
  - Upon completion of a feasibility study and continued project support, apply for grants.

#### **4.4 CIP (Capital Improvement Projects) Funding (Bonding vs. Grants vs. Budget Reserve)**

- Ehlers was selected by the District to assist with bond planning when we get closer to needing to bond.
- Staff is currently preparing a grant application to cover the cost of several upcoming feasibility studies.
- Staff members Emily and Elizabeth are heading the grant research and application process related to CIP.

#### **4.5 District Permitting**

- Staff is currently working on establishing equivalency agreements.
  - Meetings are scheduled with the Cities of Savage, Prior Lake and Scott County. City of Shakopee does not want to establish an equivalency agreement, which is consistent with prior approach.
  - Staff desire is for other permitting partners to bring PLSLWD into the permitting process sooner than what is typically occurring.

#### **4.6 Scott SWCD Assistance to PLSLWD**

- District staff is currently in discussions with Scott SWCD to determine if Scott SWCD can provide permitting assistance to the District.

#### **4.7 Future Alum Treatments**

- The District has an Alum Reserve Fund
  - The original expectation was that Upper Prior Lake would be the next lake in need of an alum treatment.
  - Based on most recent water quality test results, Spring Lake may be the next lake in need of an alum treatment.
  - Spring Lake is likely receiving runoff with high phosphorus loads from the Upper Watershed via County Ditch 13.
  - Staff will continue to monitor to determine when alum treatments may be necessary.
  - More carp removal is needed from Spring Lake and Upper Prior Lake.

#### **4.8 Watershed Management Study – Future Collaboration Priorities**

- Working with Scott SWCD to provide permitting services is one example of increased collaboration resulting from the study.
- First step: Request the re-establishment of a water-focused team within SCALE.

#### **4.9 CAC Membership and Procedures**

- Working on Bylaws updates.

#### **4.10 Staff Workload**

- 2023 Budget is a full staff workload; this means that anything else suggested or added in 2023 needs to have something drop off (trade off).

#### **4.11 Other**

- Discussed current low lake water levels
  - Various managers have received public inquiries regarding what can be done about the current low lake levels.
  - Reasons – we have no natural process to get more water (we need rain/snow), No reasonable option to add water (wells, aquifer, pump-in water from somewhere else).

### **5.0 ADJOURNMENT**

Motion to approve amended agenda by Manager Burnett. Second by Manager Tofanelli. Motion carried 5-0.

Meeting adjourned at 12:17 pm.

Respectfully submitted,

Ben Burnett, PLSLWD Secretary

1/26/2023





# PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

## WORKSHOP MEETING MINUTES

*Tuesday, January 10, 2023*

*Prior Lake City Hall*

*4:00 PM*

Members Present:

Bruce Loney, Frank Boyles, Christian Morkeberg, Matt Tofanelli,  
Ben Burnett

Staff & Consultants Present:

Joni Giese, District Administrator  
Patty Dronen, Administrative Assistant  
Emily Dick, Water Resources Project Manager  
Elizabeth Froden, Water Resources Specialist  
Carl Almer, District Engineer, EOR

Others Present:

Lisa Quinn, Spring Lake Township  
Jim Fitzsimmons, SWCD  
Jody Brennan, Scott County Commissioner  
Anne Sawyer, BWSR Board Conservationist

The meeting was called to order at 4:02 PM.

**BWSR Board Conservationist, Anne Sawyer**

District Administrator Giese introduced our new Board Conservationist with BWSR, Anne Sawyer. Anne is the liaison for Scott, Dakota and Ramsey counties. She has been with BWSR for about two months. The board inquired if Anne would be willing to come back and provide a follow-up presentation highlighting BWSR priorities and goals, along with a short summary sheet. The board also expressed an interest in learning more about BWSR grant opportunities. Anne indicated she would look at her calendar regarding future presentation and will be a contact for us on grant proposals, knowing that flood storage is one of the main priorities for the PLSLWD in 2023.

**Jody Brennan, Scott County Commissioner**

District Administrator Giese introduced our new liaison with Scott County, Jody Brennan. Jody replaces Mike Beard. She is familiar with our PLOC as she was on the Shakopee City Council. She is a newly elected commissioner and is currently acquainting herself on with County issues.

## Draft Buck Wetland Enhancement

Project Manager, Emily Dick, gave a quick overview of the Buck wetland project, then turned the presentation over to Carl Almer, EOR Engineer.

This project was first presented at the October 2022 workshop. Since that time, a landowner meeting was held, and the draft feasibility study was submitted to the DNR with a request to receive review comments back by January 26.

The project scenarios provide opportunities to enhance the wetland and reduce phosphorous loads and/or reduce flooding. Project scenarios focus only on the west wetland within the study area.

Four scenarios for the project were presented:

Scenario	Focus	Description	Goals
1	Wetland Enhancement	Excavation to increase open water, ditch filling and ditch blocks to restore wetland hydrology by reconnecting runoff to wetland soils and vegetation, and removal of reed canary grass via ~1-ft deep wetland scrape to restore native vegetation.	Increase water levels for events less than the 2-year, 24-hour event to filter particulate phosphorus, increase phosphorus uptake by vegetation, and reduce invasive species cover.
2	Water Quality	Scenario 1 + an Iron-Enhanced Sand Filter (IESF) to filter more particulate phosphorus and capture soluble phosphorus.	Maximize phosphorus load reduction by detaining and filtering as much of the annual runoff volume as possible without negatively impacting wetland enhancement activities.
3	Flood Reduction	Scenario 1 + an earthen berm and gated outlet structure to maximize detention of runoff.	Maximize flood reduction on Prior Lake and Spring Lake.
4	Hybrid	Scenarios 1 + 2 + 3	Maximize benefits of Scenarios 1-3.

Staff believe Scenario 2 is the most feasible based on landowner feedback. Landowners expressed disinterest in scenarios 3 and 4.

Next steps:

1. Consider DNR comments
2. Board acceptance of the feasibility study (possibly at February or March meeting)
3. Continued landowner engagement
4. Pursue landowner agreements and easements
5. Authorize final design and wetland permitting (provided agreements can be secured)

**Board Officer Appointments**

Managers discussed that at the board meeting it will be proposed that current officers maintain their appointments for 2023.

- President, Bruce Loney
- Vice President, Frank Boyles
- Treasurer, Christian Morkeberg
- Secretary, Ben Burnett

**Liaison Appointments**

Managers discussed that at the board meeting it will be proposed the managers maintain their current liaison appointments for 2023, with the addition that Manager Boyles will attend MAWD meetings.

**CAC Updates**

The CAC is planning to review and proposed revisions the CAC bylaws at their January 26<sup>th</sup> meeting. Board of Managers will need to approve any bylaw revisions, which could occur at the February or March board meeting. Some bylaw components currently under consideration for revision include:

- Term Limits
- Code of Conduct
- Participation Expectations

**HR Audit Update**

The Board previously approved retaining a consultant through our insurance broker to perform an HR audit for the District.

That audit was completed over three meetings. Nothing significant was found, however it was determined that our personnel policy should be updated. The last update was made in 2015. Administrator Giese stated the current manual is a good resource for the administrator, but is not an employee-oriented document. Giese would like to break out the manual into two separate documents and put through suggested revisions identified through the audit.

Audit findings also suggested the District should focus more on employee training, specifically training in safety protocols, use of a defibrillator, harassment training, and supervisor training. Prerecorded video training on these these topics are available and are available without charge through our insurance broker.

Respectfully Submitted,  
Patty Dronen  
1/11/2023



# PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

## REGULAR MEETING MINUTES

*Tuesday, January 10, 2023*

*Prior Lake City Hall*

*6:00 PM*

Members Present:

Bruce Loney, Christian Morkeberg, Frank Boyles,  
Matt Tofanelli, Ben Burnett

Staff & Consultants Present:

Joni Giese, District Administrator  
Jeff Anderson, Water Resources Coordinator  
Emily Dick, Water Resources Project Manager  
Carl Almer, EOR, District Engineer

Others Present:

Curt Hennes, Former PLSLWD Board Member  
Jody Brennan, Scott County Commissioner  
Anne Sawyer, BWSR  
Lisa Quinn, Spring Lake Township and SCALE Representative  
Wesley Steffen – Spring Lake Association

• **1.0 CALL TO ORDER & PLEDGE OF ALLEGIANCE:**

- Meeting was called to order by President Loney at 6:01 pm. Everyone present recited the Pledge of Allegiance.

• **2.0 PUBLIC COMMENT**

- Curt Hennes, former PLSLWD Board Manager, presented a eulogy for Steve Pany, former PLSLWD Board Manager, who died on December 23<sup>rd</sup>. Steve was president of the CAC for five years and was instrumental on the group being more active in the community. Other memories of Steve were shared by Manager Loney, Manager Boyles and Manager Morkeberg.
- Wes Steffan (2350 Raymond Avenue Jordan, MN) with the Spring Lake Association (SLA) presented a list of many SLA initiatives that support improved water quality. An AIS training session led by Steve McComas with Blue Water Science will be held in June or July, 2023. SLA is asking the board to help fund Curly-Leaf Pondweed (CLP) treatment within 150 feet of the shoreline. If the SLA does the work of soliciting all the individual landowner consent forms, etc. the expected CLP treatment cost is estimated at approximately \$2,000. SLA is proposing to cover the CLP treatment area delineation costs.
  - The Board asked Mr. Steffan to submit his request to District staff for staff review and consideration by the Board at a future board meeting.

- **3.0 APPROVAL OF AGENDA**

- Manager Boyles moved to approve the agenda. Seconded by Manager Tofanelli. Motion passed 5-0.

- **4.0 OTHER OLD/NEW BUSINESS**

- 4.1 Programs & Projects Update**

- Staff provided a report of its many activities the preceding month.
  - Carp Management – staff continues to track carp and will coordinate a seining event when conditions are favorable.
- Staff will start preparing a proposal to solicit consultants to prepare construction documents for the lining of the PLOC pipe.

- 4.2 2023 Board Officer Appointments**

- Manager Boyles moved to keep the current officers for 2023, since they have only been in place since mid 2022. Seconded by Manager Morkeberg. Motion passed 5.0.
- The 2023 PLSLWD Board officers will be:
  - President – Manager Loney
  - Vice President – Manager Boyles
  - Treasurer – Manager Morkeberg
  - Secretary – Manager Burnett

- 4.3 2023 Board Liaison Appointments**

- Manager Burnett moved to keep the current Board Liaison Appointments the same for 2023 with the addition of Manager Boyles acting as the MAWD representative at their quarterly meetings. Seconded by Manager Tofanelli. Motion passed 5-0.

- 4.4 Scott County Aquatic Invasive Species Prevention Plan (2023-2024)**

- Jeff Anderson presented the plan. There were questions from the Board regarding document accuracy, how rapid response funds are obtained if needed, and the availability of rapid response funds in the future.
- Motion to accept AIS plan was made by Manager Morkeberg. Second by Manager Tofanelli. Motion passed 5.0.

- 4.5 2023 Carp Integrated Pest Management Plan**

- Jeff Anderson presented the plan. There were many questions and comments from the Board. The Board thought the plan were well written and all-in-all a good plan. Jeff said that our current and past Carp Management plans and efforts are being used nationally in other watersheds.
- Motion to accept the Carp Management plan was made by Manager Boyles. Second by Manager Morkeberg. Motion passed 5.0

## **5.0 TREASURER'S REPORT**

- Manager Morkeberg summarized the financial information contained in the packet including:
  - 5.1 Monthly Financial Reports
    - Financial Report
    - Treasurer's Report
    - Cash Flow Projections
  - Quarterly Financial Reports
    - Balance Sheet – it was noted the current PLOC fund shows a deficit and will remain in deficit until 2023 invoices are prepared and sent to the PLOC cooperators.
    - Cost Analysis

## **6.0 CONSENT AGENDA**

- 6.1 Meeting Minutes – December 13, 2022 Board Workshop
  - 6.2 Meeting Minutes – December 13, 2022 Board Meeting
  - 6.3 Claims List and VISA Expenditures Summary
  - 6.4 2023 Permit Fee Schedule
  - 6.5 Schedule of 2023 Regular Board Meetings
  - 6.6 Schedule of 2023 CAC Meetings
  - 6.7 Approval of 2023 CAC Members
  - 6.8 Selecting the 2023 Official Newspaper
  - 6.9 Selecting the 2023 District Depository Banks
  - 6.10 2023 WSB Carp Management Services Contract
- Motion to approve Consent Agenda by Manager Burnett. Second by Manager Tofanelli.  
Motion carried 5-0.

## **7.0 UPCOMING MEETING/EVENT SCHEDULE**

- CAC Meeting – Thursday, January 26, 2023, 6:00-8:00 PM (Prior Lake City Hall, Wagonbridge Conference room)
- Board of Managers Workshop, Tuesday, February 14, 2023, 4:00 PM (Prior Lake City Hall, Parkview Conference Room)
- Board of Managers Meeting, Tuesday, February 14, 2023, 6:00 PM (Prior Lake City Hall, Council Chambers)

## **8.0 ADJOURNMENT**

- Motion to adjourn was made by Manager Morkeberg. Second by Maanger Burnett.  
Motion carried 5-0.

Respectfully submitted,  
Ben Burnett, PLSLWD Secretary  
1/26/2023



### CAC Meeting Minutes

Thursday December 8, 2022  
6:30-8:00 PM

#### Attendees:

CAC Members: 6 of 8 members present = X% ( $\geq 50\%$ )

<input checked="" type="checkbox"/> Christopher Crowhurst (Chair)	<input checked="" type="checkbox"/> Woody Spitzmueller
<input checked="" type="checkbox"/> Matt Newman	<input type="checkbox"/> <del>Loren Hanson (Vice Chair)</del>
<input checked="" type="checkbox"/> Maureen Reeder	<input checked="" type="checkbox"/> David Hagen (secretary)
<input type="checkbox"/> <del>Ron Hoffmeyer</del>	<input checked="" type="checkbox"/> Curtis Witt

Staff: Elizabeth Frödén, Emily Dick, Shauna Capron, & Joni Giese  
 Board members: Bruce Loney  
 Other attendees: Jon Haferman, Jordan Hage, & Peter Easterlund

#### Subcommittee Meetings 6:00 to 6:30

#### Subcommittee Report Backs 6:30

- Water Storage and Flooding status update goals/tasks for 2022
  - Maureen reported
  - 1. Review 2016 study and advocate for pushing storage options: Assigned to Christopher: proposal to CAC and recommendation to board. Status: Completed. Board approved \$100,000 in budget for feasibility studies.
  - 2. Research agricultural and forest preservation incentives and funding: Assigned to Maureen. Report to CAC and then perhaps shared with Farmer-Led Council. Status: Draft report developed and shared with Soil and Water Conservation District resulting in SWCD request to support application for Resource Conservation Partnership Program to promote forestry practices. Research of potential grant requests to support watershed interests will be complete by year end.
  - 3. Research neighboring watershed districts for comparable information and regulations for developers, cities, etc. Assigned to Woody. Information shared with CAC, no recommendations for changes. Woody agreed to meet with Joni to identify gaps for future.
- Lake Life and Water Quality
  - Matt reported
  - Provided on status of findings on phosphorus removal via vegetation harvesting and also mentioned many different resources available in their research.
  - Provided opinions on I-LIDS as a subcommittee
  - Will come back with more information on plant harvesting in the form of a report.
- Shoreline Restoration
  - David only member present. There will be a report next month.

#### CAC Business 6:45

- Approval of the agenda: motion Woody / second Maureen / passed
- Approval of October CAC meeting minutes: motion Maureen / second Woody / passed
- Staff Project Updates
- I-LIDS Summary Report – Shauna Capron (Staff)
  - I-LIDS summary data given since installation. Boating season 2021 – 2150 boat

- launches and boating season 2022 – 1086 boat launches
  - 6 suspected violations in two years
  - Observations made by camera's presences and improvements made in 2022 discussed
  - Do we keep it? / split decision
  - Board has requested a recommendation on how to proceed in 2023 with I-LIDS
- November Board meeting review
  - Bruce Loney, Board President, gave report
  - Flood storage projects and evaluation criteria
  - Budget update from board – recommending a budget increase of 3.8 to 4.9 for next year
  - Special managers workshop
  - Report on I-LIDS
  - Regional Park
  - Regional Management Study – there are aging considerations
  - Finance report – doing well
  - Board reaching out to Edina Realty agent Paul Krueger to help with land negotiations – paid at hourly rate
  - CAC members have been required to attend board meetings – recommendation has been made to see videos instead of attending meeting – may have to update bylaws. Matt suggested to delay further discussion until January.
- Comments from staff on CAC members not contacting staff members directly. Only CAC Chair will have direct contact with District Administrator. CAC members should not reach out to the District Engineer directly. If insight is needed from the engineer, that will be facilitated by staff
- Storage/Flooding
  - Staff gave their recommendations for projects and discussed rationale for evaluation criteria.
  - Christopher presented the flood storage options to the CAC. The chart: Flood Reduction Feasibility Study Prioritization Worksheet was used. He discussed the different options and pointed out different locations of the various projects on Watershed map. He also stated that option #15 PLOC outlet for greater outlet capacity was approved by the Board. Christopher asked for input from each CAC member. Each CAC member gave their thoughts and suggestions in a round table discussion. Maureen gave supporting information on the various options.
  - After considerable discussion on the different options and evaluation criteria, a motion was made for options 1, 6, & 9 to be recommended by the CAC to the board. The motion was seconded and passed unanimously.
- New staff member Emily Dick introduced herself to the CAC.

Motion to adjourn at 8:00pm – motion Maureen / second Matt / approved



**Prior Lake Spring Lake Watershed District**  
**Claims list for Invoice Payments due for the prior month**

Managers will consider approving this claims list - Staff payroll and Manager per diems have already been paid via ADP. After the managers vote, two Managers will sign checks within three days of the meeting for approve claims. Then, staff will US mail checks (written on the Sterling State Bank) to the claims list parties. Staff will request that all vendors provide information on their invoices to fit into the categories below

Vendor	Invoice Link	Description	Amount
<b>1. Watershed District Projects (excluding staff payroll)</b>			
Gopher State One Call	<a href="#">X</a>	2023 Annual Facility Operator Fee	\$ 50.00
Living Hope Lutheran Church	<a href="#">X</a>	Balance of permit fee deposit released to Permittee	\$ 789.61
Xcel Energy	<a href="#">X</a>	Utilities - 18051 Langford Blvd	\$ 15.26
Scott SWCD	<a href="#">X</a>	Technical Assistance and Cost Share	\$ 20,746.80
		Farmer Led Council	\$ 42,339.50
		Education	\$ 465.00
EOR	<a href="#">X</a>	General Engineering	\$ 3,166.50
		Buck Lake East Wetland Enhancement Feasibility	\$ 854.00
		Sutton Lake Management Plan	\$ 436.90
		Permitting	\$ 1,188.00
		<b>Subtotal</b>	<b>\$ 70,051.57</b>
<b>2. Outlet Channel - JPA/MOA (excluding staff payroll)</b>			
EOR		PLOC Engineering Assistance	\$ 1,398.75
		PLOC Engineering Assistance	\$ 198.00
OTT HydroMet		Monitoring Equipment	\$ 4,813.85
		Telemetry Activation and Plan	\$ 237.04
		<b>Subtotal</b>	<b>\$ 6,647.64</b>
<b>3. Payroll, Office and Overhead</b>			
ADP Manager Per Diems			\$ 714.64
ADP Staff Payroll			\$ 21,421.55
ADP Taxes & Benefits			\$ 14,982.40
Fidelity Investments	<a href="#">X</a>		\$ 165.38
Lively HSA			\$ 115.38
OPTUM	<a href="#">X</a>	Monthly Maintenance Fees	\$ 7.50
NCPERS	<a href="#">X</a>	Life Insurance Premiums - February	\$ 96.00
Reliance Standard	<a href="#">X</a>	February LTD and STD Premiums	\$ 773.03
HealthPartners	<a href="#">X</a>	Health Insurance Premiums	\$ 5,122.83
City of Prior Lake	<a href="#">X</a>	Rent (March 2023)	\$ 2,317.50
Smith Partners	<a href="#">X</a>	CLA Contract and Agreement	\$ 572.70
CLA	<a href="#">X</a>	Monthly Payroll processing	\$ 328.00
		Technology and Client Support Fee	\$ 16.40
CLA	<a href="#">X</a>	Monthly Accounting 17.25 hours	\$ 1,380.00
		Audit Prep	\$ 360.00
		1099 Preparation (Lauren's time)	\$ 280.00
		Preparation of 1099s (Processing fees)	\$ 485.00
		Dec. 2022-Jan. 2023 Bill.com fees	\$ 129.71
		Technology and Client Support Fee	\$ 125.25
Rymark	<a href="#">X</a>	February Billing (10 workstations)	\$ 907.15
Metro Sales	<a href="#">X</a>	Contract base rate 1/8/2023-2/7/2023	\$ 155.00
	<a href="#">X</a>	Contract Usage 9/30/2022-12/29/2022	\$ 396.57
SW Newsmedia	<a href="#">X</a>	Accounting Notice	\$ 68.31
	<a href="#">X</a>	Budget & Levy Notice	\$ 115.36
VISA	<a href="#">X</a>	December-January Billing	\$ 655.76
		<b>Subtotal</b>	<b>\$ 51,691.42</b>
		<b>TOTAL</b>	<b>\$ 128,390.63</b>

Prior Lake-Spring Lake Watershed District  
VISA Transactions 12/25/2022-1/24/2023

Trans Date	Merchant Name	Amount	Receipt Link	Staff Approval	Class	Customer	Expense	Description
12/27/2022	IRONCLAD	\$220.00	<a href="#">x</a>	Jeff Anderson	611 Operations & Maintenance	Fish Mgmt - Equipment, Storage & Maintenance	876 Field Equipment & Maintenance	Equipment storage unit
1/4/2023	VZWRLSS*APOCC VISB	\$28.08	<a href="#">x</a>	Jeff Anderson	648 Regulation	LGU Permit & Inspections	876 Field Equipment & Maintenance	Cell data
		\$30.16		Jeff Anderson	PLOC 839	PLOC Equipment & Maintenance	876 Field Equipment & Maintenance	Cell data
		\$15.08		Jeff Anderson	611 Operations & Maintenance	Fish Mgmt - Equipment, Storage & Maintenance	876 Field Equipment & Maintenance	Cell data
1/11/2023	MICROSOFT	\$4.99	<a href="#">x</a>	Patty Dronen	626 Planning	Planning and Program Development	903 Dues/Fees/Subscriptions	Microsoft Azure
1/10/2023	JIMMY JOHNS	\$94.07	<a href="#">x</a>	Patty Dronen	626 Planning	Planning and Program Development	902 Meals and Lodging	Board Manager dinner
1/18/2023	HOME DEPOT	\$229.00	<a href="#">x</a>	Elizabeth Froden	637 Monitoring & Research	Equipment Storage & Maintenance	876 Field Equipment & Maintenance	New drill
	Finance Charges	\$34.38		Patty Dronen	405 General Fund		903 Dues/Fees/Subscriptions	Finance Charge
	TOTAL	\$655.76						

**PLSLWD Board Staff Report**

February 7, 2023


**PRIOR LAKE  
SPRING LAKE  
WATERSHED DISTRICT**
**Subject |** 2023 Watershed Based Implementation Funding Grant Agreement

**Board Meeting Date |** February 14, 2023

**Item No:** 6.6

**Prepared By |** Emily Dick, Water Resources Project Manager

**Attachments |** 2023 Watershed Based Implementation Funding Grant Agreement

**Action |** Motion to approve the 2023 Watershed Based Implementation Funding Grant Agreement

### **Background**

On a bi-annual basis, BWSR distributes State of Minnesota clean water funds through the Watershed-Based Implementation Funding (WBIF) program to implementing agencies. This is a non-competitive process that funds water quality improvement projects.

### **Discussion**

For FY 2022 – 2023, the Prior Lake-Spring Lake Watershed Planning Area (WPA) received an allocation of \$82,806 for FY 2023.

In accordance with program requirements, PLSLWD initiated a convening process held between watershed partner agencies within the WPA to select two projects to submit to BWSR for funding. Both selected projects: a Fish Lake Management Plan Update and Swamp Lake Phosphorus Reduction Feasibility Study, are identified in the implementation section of the PLSLWD's Water Resource Management Plan, which is a requirement to be eligible for funding.

Staff completed a two-step process where a budget request is first submitted and approved by BWSR, then a final work plan is submitted and approved. The work plan and budget were both approved as of January 25<sup>th</sup>, 2023.

Additional information on the WBIF program and required convening process can be found at [Watershed-based Implementation Funding Program | MN Board of Water, Soil Resources \(state.mn.us\)](https://state.mn.us/water/land-and-soil/watershed-based-implementation-funding-program)

### **Action Requested**

District staff is requesting that the Board of Managers approve the attached 2023 Watershed Based Implementation Funding Grant Agreement.



**FY 2023 STATE OF MINNESOTA  
BOARD OF WATER and SOIL RESOURCES  
WATERSHED-BASED IMPLEMENTATION FUNDING  
GRANT AGREEMENT**

<b>Vendor:</b>	0000195933
<b>PO#:</b>	3000015671

This Grant Agreement is between the State of Minnesota, acting through its Board of Water and Soil Resources (Board) and **Prior Lake-Spring Lake WD, 4646 Dakota Street SE Prior Lake Minnesota 55372** (Grantee).

*This agreement is for the following grant(s):*

C23-0797	Prior Lake Spring Lake WBIF 22/23	\$82,806
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**Total Grant Awarded: \$82,806**

**Recitals**

1. The Laws of Minnesota 2019, 1<sup>st</sup> Special Session, Chapter 2, Article 2, Section 7(a), and the Laws of Minnesota, 2021, 1<sup>st</sup> Special Session, Chapter 1, Article 2, Sec. 6(a) appropriated Clean Water Funds (CWF) to the Board for the FY 2022-2023 Watershed-based Implementation Funding Program.
2. The Board adopted the FY 2022-2023 Clean Water Fund Watershed-based Implementation Funding Program Policy and authorized the allocation of funds for the FY 2022-2023 Watershed-based Implementation Funding Program. through Board Order #21-51.
3. The Grantee has submitted a Board-approved work plan for this Program which is incorporated into this Grant Agreement by reference.
4. The Grantee represents that it is duly qualified and agrees to perform all services described in this Grant Agreement to the satisfaction of the Board.
5. As a condition of the grant, Grantee agrees to minimize administration costs.

**Authorized Representative**

The State's Authorized Representative is James Adkinson, Grants Coordinator, BWSR, 520 Lafayette Road North, Saint Paul, MN 55155, 651-539-2588, or his successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services and performance provided under this Grant Agreement.

The Grantee's Authorized Representative is:

**TITLE**  
**ADDRESS**  
**CITY**  
**TELEPHONE NUMBER**

If the Grantee's Authorized Representative changes at any time during this Grant Agreement, the Grantee must immediately notify the Board.

**Grant Agreement**

**1. Terms of the Grant Agreement.**

- 1.1. **Effective date:** The date the Board obtains all required signatures under Minn. Stat. § 16B.98, Subd. 5. **The Board will notify the Grantee when this Grant Agreement has been executed. The Grantee must not begin work under this Grant Agreement until it is executed.**
- 1.2. **Expiration date:** **December 31, 2025**, or until all obligations have been satisfactorily fulfilled, whichever comes first.
- 1.3. **Survival of Terms:** The following clauses survive the expiration date or cancellation of this Grant Agreement: 7. Liability; 8. State Audits; 9. Government Data Practices; 11. Publicity and Endorsement; 12. Governing Law, Jurisdiction, and Venue; 14. Data Disclosure; and 19. Intellectual Property Rights.

## 2. **Grantee's Duties.**

The Grantee will comply with required grants management policies and procedures set forth through Minn. Stat. § 16B.97, Subd. 4(a)(1). The Grantee is responsible for the specific duties for the Program as follows:

- 2.1. **Implementation:** The Grantee will implement their work plan, which is incorporated into this Grant Agreement by reference and abide by the FY2022-23 Watershed-based Implementation Funding policy.
- 2.2. **Reporting:** All data and information provided in a Grantee's report shall be considered public.
  - 2.2.1. The Grantee will submit an annual progress report to the Board by February 1 of each year on the status of Program implementation by the Grantee. Information provided must conform to the requirements and formats set by the Board. All individual grants over \$500,000 will also require a reporting expenditure by June 30 of each year.
  - 2.2.2. The Grantee will prominently display on its website the Clean Water Legacy Logo and a link to the Legislative Coordinating Commission website.
  - 2.2.3. Final Progress Report: The Grantee will submit a final progress report to the Board by February 1, 2026 or within 30 days of completion of the project, whichever occurs sooner. Information provided must conform to the requirements and formats set by the Board.
- 2.3. **Match:** The Grantee will ensure any local match requirement will be provided as stated in Grantee's approved work plan.

## 3. **Time.**

The Grantee must comply with all the time requirements described in this Grant Agreement. In the performance of this Grant Agreement, time is of the essence.

## 4. **Terms of Payment.**

- 4.1. Funds will be distributed in three installments per grant: 1) The first payment of 50% will be distributed after the execution of the Grant Agreement. 2) The second payment of 40% will be distributed after the first payment of 50% has been expended and reporting requirements have been met. An eLINK Interim Financial Report that summarizes expenditures of the first 50% must be signed by the Grantee and approved by the Board. Selected grantees may be required at this point to submit documentation of the expenditures reported on the Interim Financial Report for verification. 3) The third payment of 10% will be distributed after the grant has been fully expended and reporting requirements are met. The final, 10% payment must be requested within 30 days of the expiration date of the Grant Agreement. An eLINK Final Financial Report that summarizes final expenditures for the grant must be signed by the Grantee and approved by the Board.
- 4.2. All costs must be incurred within the grant period.
- 4.3. All incurred costs must be paid before the amount of unspent funds is determined. Unspent grant funds must be returned within 30 days of the expiration date of the Grant Agreement.
- 4.4. The obligation of the State under this Grant Agreement will not exceed the amount listed above.
- 4.5. This Grant Agreement includes an advance payment of 50 % of each grant's total amount per grant. Advance payments allow the grantee to have adequate operating capital for start-up costs, ensure their financial commitment to landowners and contractors, and to better schedule work into the future.

## 5. **Conditions of Payment.**

- 5.1. All services provided by the Grantee under this Grant Agreement must be performed to the Board's satisfaction, as set forth in this Grant Agreement and in the Board-approved work plan for this Program. Compliance will be determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, State, and local laws, policies, ordinances, rules, FY 2022-2023 Clean Water Fund Watershed-based Implementation Funding Program Policy, and regulations. The Grantee will not receive payment for work found by the Board to be unsatisfactory or performed in violation of federal, State, or local law.
- 5.2. Minnesota Statutes § 103C.401 establishes the Board's obligation to assure Program compliance. If the noncompliance is severe, or if work under the Grant Agreement is found by the Board to be unsatisfactory or performed in violation of federal, State, or local law, the Board has the authority to require the repayment of grant funds or withhold payment on grants from other programs.

## 6. **Assignment, Amendments, and Waiver**

- 6.1. **Assignment.** The Grantee may neither assign nor transfer any rights or obligations under this Grant Agreement without the prior consent of the Board and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Grant Agreement, or their successors in office.
- 6.2. **Amendments.** Any amendments to this Grant Agreement must be in writing and will not be effective until it has been approved and executed by the same parties who approved and executed the original Grant Agreement, or their successors in office. Amendments must be executed prior to the expiration of the original Grant Agreement or any amendments thereto.

6.3. **Waiver.** If the Board fails to enforce any provision of this Grant Agreement, that failure does not waive the provision or its right to enforce it.

7. **Liability.**

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this Grant Agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this Grant Agreement.

8. **State Audits.**

Under Minn. Stat. § 16B.98, Subd. 8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this Grant Agreement or transaction are subject to examination by the Board and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Grant Agreement, receipt and approval of all final reports, or the required period of time to satisfy all State and program retention requirements, whichever is later.

8.1. The books, records, documents, accounting procedures and practices of the Grantee and its designated local units of government and contractors relevant to this grant, may be examined at any time by the Board or Board's designee and are subject to verification. The Grantee or delegated local unit of government will maintain records relating to the receipt and expenditure of grant funds.

9. **Government Data Practices.**

The Grantee and the Board must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the Board under this Grant Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this Grant Agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State.

10. **Workers' Compensation.**

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

11. **Publicity and Endorsement.**

11.1. **Publicity.** Any publicity regarding the subject matter of this Grant Agreement must identify the Board as the sponsoring agency. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Grant Agreement.

11.2. **Endorsement.** The Grantee must not claim that the State endorses its products or services

12. **Governing Law, Jurisdiction, and Venue.**

Minnesota law, without regard to its choice-of-law provisions, governs this Grant Agreement. Venue for all legal proceedings out of this Grant Agreement, or its breach, must be in the appropriate State or federal court with competent jurisdiction in Ramsey County, Minnesota.

13. **Termination.**

13.1. The Board may cancel this Grant Agreement at any time, with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

13.2. In the event of a lawsuit, an appropriation from a Clean Water Fund is canceled to the extent that a court determines that the appropriation unconstitutionally substitutes for a traditional source of funding.

13.3. The Board may immediately terminate this Grant Agreement if the Board finds that there has been a failure to comply with the provisions of this Grant Agreement, that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The Board may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

**14. Data Disclosure.**

Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and State tax agencies and State personnel involved in the payment of State obligations. These identification numbers may be used in the enforcement of federal and State tax laws which could result in action requiring the Grantee to file State tax returns and pay delinquent State tax liabilities, if any.

**15. Prevailing Wage.**

It is the responsibility of the Grantee or contractor to pay prevailing wage for projects that include construction work of \$25,000 or more, prevailing wage rules apply per Minn. Stat. §§ 177.41 through 177.44. All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with these State funds shall be paid wages at a rate not less than those prevailing on projects of a character similar in the locality. Bid requests must state the project is subject to prevailing wage.

**16. Municipal Contracting Law.**

Per Minn. Stat. § 471.345, grantees that are municipalities as defined in Subd. 1 of this statute must follow the Uniform Municipal Contracting Law. Supporting documentation of the bidding process utilized to contract services must be included in the Grantee's financial records, including support documentation justifying a single/sole source bid, if applicable.

**17. Constitutional Compliance.**

It is the responsibility of the Grantee to comply with requirements of the Minnesota Constitution regarding the use of Clean Water Funds to supplement traditional sources of funding.

**18. Signage.**

It is the responsibility of the Grantee to comply with requirements for project signage as provided in Minnesota Laws 2010, Chapter 361, Article 3, Section 5(b) for Clean Water Fund projects.

**19. Intellectual Property Rights.**

The State owns all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents *created and paid for under this grant*. Works means all inventions, improvements, discoveries, (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Grantee, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this grant. Work includes "Documents." Documents are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Grantee, its employees, agents or subcontractors, in the performance of this grant. The Documents will be the exclusive property of the State and all such Documents must be immediately returned to the State by the Grantee upon completion or cancellation of this grant at the State's request. To the extent possible, those Works eligible for copyright protection under the United State Copyright Act will be deemed to be "works made for hire." The Grantee assigns all right, title, and interest it may have in the Works and the Documents to the State. The Grantee must, at the request of the State, execute all papers and perform all other acts necessary to transfer or record the State's ownership interest in the Works and Documents.

***IN WITNESS WHEREOF***, the parties have caused this Grant Agreement to be duly executed intending to be bound thereby.

**Approved:**

**Prior Lake-Spring Lake WD**

**Board of Water and Soil Resources**

**By:** \_\_\_\_\_  
*(print)*

**By:** \_\_\_\_\_

\_\_\_\_\_  
*(signature)*

**Title:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_



**PLSLWD Board Staff Report**

February 7, 2023

**PRIOR LAKE  
SPRING LAKE  
WATERSHED DISTRICT****Subject |** Swamp Lake Phosphorus Reduction Feasibility Study Contract**Board Meeting Date |** February 14, 2023**Item No: 6.7****Prepared By |** Emily Dick, Water Resources Project Manager**Attachments |** Swamp Lake Phosphorus Reduction Feasibility Study Contract**Action |** Motion to approve the Swamp Lake Reduction Feasibility Study Contract**Background**

On a bi-annual basis, BWSR distributes State of Minnesota clean water funds through the Watershed-Based Implementation Funding (WBIF) program to implementing agencies. This is a non-competitive process that funds water quality improvement projects. In accordance with program requirements, PLSLWD initiated a convening process held between watershed partner agencies within the WPA to select two projects to submit to BWSR for funding. One selected project was the Swamp Lake Phosphorus Reduction Feasibility Study.

**Discussion**

Staff received a proposal from Stantec Consulting Inc. to perform the work necessary to complete the Swamp Lake Phosphorus Reduction Feasibility Study. The scope of work includes initial landowner engagement, field surveying, wetland delineation, model updates, four concepts to reduce phosphorus (one of which being an Iron Enhanced Sand Filter), and a 30% design of the preferred alternative. The project is expected to be completed in 2023.

**Action Requested**

District staff is requesting that the Board of Managers approve the attached Swamp Lake Reduction Feasibility Study Contract.

**AGREEMENT BETWEEN  
PRIOR LAKE - SPRING LAKE WATERSHED DISTRICT and  
STANTEC CONSULTING SERVICES, INC.**

**SWAMP LAKE PHOSPHORUS AND PEAK FLOW REDUCTION FEASIBILITY STUDY**

This agreement is entered into by the Prior Lake - Spring Lake Watershed District, a public body with powers set forth at Minnesota Statutes chapters 103B and 103D (PLSLWD), and Stantec Consulting Services Inc., a New York corporation (CONSULTANT). In consideration of the terms and conditions set forth herein and the mutual exchange of consideration, the sufficiency of which hereby is acknowledged, PLSLWD and CONSULTANT agree as follows:

1. Scope of Work

CONSULTANT will perform the work described in the 1/20/23 Scope of Services attached as Exhibit A (the "Services"). Exhibit A is incorporated into this agreement and its terms and schedules are binding on CONSULTANT as a term hereof. PLSLWD, at its discretion, in writing may at any time suspend work or amend the Services to delete any task or portion thereof. Authorized work by CONSULTANT on a task deleted or modified by PLSLWD will be compensated in accordance with paragraphs 5 and 6. The Services shall be performed as expeditiously as is consistent with the Standard of Care, as such term is defined herein.

2. Independent Contractor

CONSULTANT is an independent contractor under this agreement. CONSULTANT will select the means, method and manner of performing the Services. Nothing herein contained is intended or is to be construed to constitute CONSULTANT as the agent, representative or employee of PLSLWD in any manner. Personnel performing the Services on behalf of CONSULTANT or a subcontractor will not be considered employees of PLSLWD and will not be entitled to any compensation, rights or benefits of any kind from PLSLWD.

3. Subcontract and Assignment

CONSULTANT will not assign, subcontract or transfer any obligation or interest in this agreement or any of the Services without the written consent of PLSLWD and pursuant to any conditions included in that consent. PLSLWD consent to any subcontracting does not relieve CONSULTANT of its responsibility to perform the Services or any part thereof, nor in any respect its duty of care, insurance obligations, or duty to hold harmless, defend and indemnify under this agreement.

4. Duty of Care; Indemnification

CONSULTANT will perform the Services with due care and in accordance with national standards of professional care. CONSULTANT will indemnify (but not defend) PLSLWD, its board members, employees and agents from any and all costs, damages and liabilities of any nature (including reasonable attorney fees); and hold each such party harmless, to the extent caused by: (a) CONSULTANT's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty; or (b) a subcontractor's negligent or otherwise wrongful act or omission, or breach of a specific contractual duty owed by CONSULTANT to PLSLWD. For any claim subject to

this paragraph by an employee of CONSULTANT or a subcontractor, the indemnification obligation is not limited by a limitation on the amount or type of damages, compensation or benefits payable by or for CONSULTANT or a subcontractor under workers' compensation acts, disability acts or other employee benefit acts.

5. Compensation

PLSLWD will compensate CONSULTANT for the Services on an hourly basis and reimburse for direct costs in accordance with Exhibit A. Invoices will be submitted monthly for work performed during the preceding month. Payment for undisputed work will be due within 30 days of receipt of invoice. Direct costs not specified in Exhibit A will not be reimbursed except with prior written approval of the PLSLWD administrator. Subcontractor fees and subcontractor direct costs, as incurred by CONSULTANT, will be reimbursed by PLSLWD at the rate specified in PLSLWD's written approval of the subcontract.

The total payment for each task will not exceed the amount specified for that task in Exhibit A. The total payment for the Services will not exceed \$44,650. Total payment in each respect means all sums to be paid whatsoever, including but not limited to fees and reimbursement of direct costs and subcontract costs, whether specified in this agreement or subsequently authorized by the administrator.

CONSULTANT will maintain all records pertaining to fees or costs incurred in connection with the Services for six years from the date of completion of the Services. CONSULTANT agrees that any authorized PLSLWD representative or the state auditor may have access to and the right to examine, audit and copy any such records during normal business hours.

6. Termination; Continuation of Obligations

This agreement is effective when fully executed by the parties and will remain in force until December 31, 2023 unless earlier terminated as set forth herein.

PLSLWD may terminate this agreement at its convenience, by a written termination notice stating specifically what prior authorized or additional tasks or services it requires CONSULTANT to complete. CONSULTANT will receive full compensation for all authorized work performed, except that CONSULTANT will not be compensated for any part performance of a specified task or service if termination is due to CONSULTANT's breach of this agreement.

Insurance obligations; duty of care; obligations to defend, indemnify and hold harmless; obligations to cooperate in the assignment and transfer of intellectual property; and document-retention requirements will survive the completion of the Services and the term of this agreement.

7. No Waiver

The failure of either party to insist on the strict performance by the other party of any provision or obligation under this agreement, or to exercise any option, remedy or right herein, will not waive or relinquish such party's rights in the future to insist on strict performance of any provision, condition or obligation, all of which will remain in full force and affect. The waiver of either party on one or more occasion of any provision or obligation of this agreement will not be construed as

a waiver of any subsequent breach of the same provision or obligation, and the consent or approval by either party to or of any act by the other requiring consent or approval will not render unnecessary such party's consent or approval to any subsequent similar act by the other.

Notwithstanding any other term of this agreement, PLSLWD waives no immunity in tort. This agreement creates no right in and waives no immunity, defense or liability limit with respect to any third party.

#### 8. Insurance

At all times during the term of this Agreement, CONSULTANT will have and keep in force the following insurance coverages:

- A. General: \$1.5 million, each occurrence and aggregate, covering CONSULTANT's ongoing operations on an occurrence basis.
- B. Professional liability: \$1.5 million each claim and aggregate. Any deductible will be CONSULTANT's sole responsibility and may not exceed \$50,000. Coverage may be on a claims-made basis, in which case CONSULTANT must maintain the policy for, or obtain extended reporting period coverage extending, at least three (3) years from completion of the Services.
- C. Automobile liability: \$1.5 million combined single limit each occurrence coverage for bodily injury and property damage covering all vehicles on an occurrence basis.
- D. Workers' compensation: in accordance with legal requirements applicable to CONSULTANT.

CONSULTANT will not commence work until it has filed with PLSLWD a certificate of insurance documenting the required coverages and naming PLSLWD as an additional insured for general liability, along with a copy of the additional insured endorsement establishing coverage for CONSULTANT's ongoing operations as primary coverage on a noncontributory basis. The certificate will name PLSLWD as a holder and will state that PLSLWD will receive written notice before cancellation, nonrenewal or a reduction in the limit of any described policy under the same terms as CONSULTANT.

#### 9. Compliance with Laws

CONSULTANT will comply with all applicable laws and requirements of federal, state, local and other governmental units in connection with performing the Services and will procure all licenses, permits and other rights necessary to perform the Services.

In performing the Services, CONSULTANT will ensure that no person is excluded from full employment rights or participation in or the benefits of any program, service or activity on the ground of race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status or national origin; and no person who is protected by applicable federal or state laws, rules or regulations against discrimination otherwise will be subjected to discrimination.

#### 10. Data and Information

All data and information obtained or generated by CONSULTANT in performing the Services, including documents in hard and electronic copy, software, and all other forms in which the data and information are contained, documented or memorialized, are the property of PLSLWD. CONSULTANT hereby assigns and transfers to PLSLWD all right, title and interest in: (a) its copyright, if any, in the materials; any registrations and copyright applications relating to the materials; and any copyright renewals and extensions; (b) all works based on, derived from or incorporating the materials; and (c) all income, royalties, damages, claims and payments now or hereafter due or payable with respect thereto, and all causes of action in law or equity for past, present or future infringement based on the copyrights. CONSULTANT agrees to execute all papers and to perform such other proper acts as PLSLWD may deem necessary to secure for PLSLWD or its assignee the rights herein assigned.

PLSLWD may immediately inspect, copy or take possession of any materials on written request to CONSULTANT. On termination of the agreement, CONSULTANT may maintain a copy of some or all of the materials except for any materials designated by PLSLWD as confidential or non-public under applicable law, a copy of which may be maintained by CONSULTANT only pursuant to written agreement with PLSLWD specifying terms.

#### 11. Data Practices; Confidentiality

If CONSULTANT receives a request for data pursuant to the Data Practices Act, Minnesota Statutes chapter 13 (DPA), that may encompass data (as that term is defined in the DPA) CONSULTANT possesses or has created as a result of this agreement, it will inform PLSLWD immediately and transmit a copy of the request. If the request is addressed to PLSLWD, CONSULTANT will not provide any information or documents, but will direct the inquiry to PLSLWD. If the request is addressed to CONSULTANT, CONSULTANT will be responsible to determine whether it is legally required to respond to the request and otherwise what its legal obligations are, but will notify and consult with PLSLWD and its legal counsel before replying. Nothing in the preceding sentence supersedes CONSULTANT's obligations under this agreement with respect to protection of PLSLWD data, property rights in data or confidentiality. Nothing in this section constitutes a determination that CONSULTANT is performing a governmental function within the meaning of Minnesota Statutes section 13.05, subdivision 11, or otherwise expands the applicability of the DPA beyond its scope under governing law.

CONSULTANT agrees that it will not disclose and will hold in confidence any and all proprietary materials owned or possessed by PLSLWD and so denominated by PLSLWD. CONSULTANT will not use any such materials for any purpose other than performance of the Services without PLSLWD written consent. This restriction does not apply to materials already possessed by CONSULTANT or that CONSULTANT received on a non-confidential basis from PLSLWD or another party. Consistent with the terms of this section 11 regarding use and protection of confidential and proprietary information, CONSULTANT retains a nonexclusive license to use the materials and may publish or use the materials in its professional activities. Any CONSULTANT duty of care under this agreement does not extend to any party other than PLSLWD or to any use of the materials by PLSLWD other than for the purpose(s) for which CONSULTANT is compensated under this agreement.

12. PLSLWD Property

All property furnished to or for the use of CONSULTANT or a subcontractor by PLSLWD and not fully used in the performance of the Services, including but not limited to equipment, supplies, materials and data, both hard copy and electronic, will remain the property of PLSLWD and returned to PLSLWD at the conclusion of the performance of the Services, or sooner if requested by PLSLWD. Notwithstanding the foregoing, CONSULTANT may retain electronic copies of materials and data contained in routine back-ups created as part of its information technology system back-up and disaster recovery protocols. CONSULTANT further agrees that any proprietary materials are the exclusive property of PLSLWD and will assert no right, title or interest in the materials. CONSULTANT will not disseminate, transfer or dispose of any proprietary materials to any other person or entity unless specifically authorized in writing by PLSLWD.

Any property including but not limited to materials supplied to CONSULTANT by PLSLWD or deriving from PLSLWD is supplied to and accepted by CONSULTANT as without representation or warranty including but not limited to a warranty of fitness, merchantability, accuracy or completeness. However, CONSULTANT's duty of professional care under paragraph 4, above, does not extend to materials provided to CONSULTANT by PLSLWD or any portion of the Services that is inaccurate or incomplete as the result of CONSULTANT's reasonable reliance on those materials.

13. Notices

Any written communication required under this agreement to be provided in writing will be directed to the other party as follows:

To PLSLWD:

Administrator  
Prior Lake - Spring Lake Watershed District  
4646 Dakota Street SE  
Prior Lake MN 55372

To CONSULTANT:

Joshua Accola  
Stantec Consulting Services Inc.  
1 Carlson Parkway, Suite 100  
Plymouth, MN 55447

Either of the above individuals may in writing designate another individual to receive communications under this agreement.

14. Choice of Law; Venue

This agreement will be construed under and governed by the laws of the State of Minnesota. Venue for any action will lie in Scott County.

15. Whole Agreement

The entire agreement between the two parties is contained herein and this agreement supersedes all oral agreements and negotiations relating to the subject matter hereof. Any modification of this agreement is valid only when reduced to writing as an amendment to the agreement and signed by the parties hereto. PLSLWD may amend this agreement only by action of the Board of Managers acting as a body.

16. Waiver of Certain Damages

Neither the PLSLWD nor the CONSULTANT shall be liable to the other or shall make any claim for any incidental, indirect or unforeseeable consequential damages arising out of or connected to this Agreement or the performance of the services on this Project. This mutual waiver includes, but is not limited to, damages related to loss of use, loss of profits, loss of income, unrealized energy savings, diminution of property value or loss of reimbursement or credits from governmental or other agencies.

**IN WITNESS WHEREOF**, intending to be legally bound, the parties hereto execute and deliver this agreement.

**CONSULTANT**

By Accola, Joshua  Digitally signed by Accola, Joshua  
DN: cn=Accola, Joshua\*,  
OU=Internal, OU=users, OU=stantec,  
DC=corp, DC=ads  
Date: 2023.01.23 17:15:52-06'00'

Date: 01/23/2023

Its Authorized Representative

**PRIOR LAKE -SPRING LAKE WATERSHED DISTRICT**

By \_\_\_\_\_

Date: \_\_\_\_\_

Its \_\_\_\_\_

**Exhibit A**  
**Scope of Services**





## SCOPE OF SERVICES

### SWAMP LAKE PHOSPHORUS AND PEAK FLOW REDUCTION FEASIBILITY STUDY

**OVERVIEW OF PROJECT SCOPE:** The purpose of this study is to assess the feasibility of a water quality BMP and/or outlet modification to decrease Total Phosphorus (TP) loads and peak flow rates carried from the Swamp Lake Subwatershed into downstream impaired water bodies of Spring and Prior Lakes. Initial studies suggest that an iron-enhanced sand filter (IESF) downstream of Swamp Lake and potential modification of the existing Swamp Lake outlet (culvert) could reduce TP loads and peak discharge released downstream, respectively.

This potential project was first identified in the Upper Watershed Blueprint (developed in 2021) as a priority stormwater management location to decrease TP loading to Spring and Upper Prior Lakes from the Swamp Lake drainage area. The Upper Watershed Blueprint estimated an annual pollutant loading from Swamp Lake of 322-pounds of TP. The Upper Watershed Blueprint also estimated that an IESF at this location would provide an annual load reduction of 223-pounds of TP. These loading numbers are expected to be refined through this feasibility study.

The main efforts proposed for this feasibility study include field reconnaissance (topographic survey and wetland delineation), existing condition PCSWMM model updates per the site survey, revised annual pollutant loading (TP) estimates per District monitoring data, assessment of site and design alternatives, meetings with District staff, Board, agency and landowners, and preparation of a draft and final feasibility study. These efforts are detailed in the Tasks that follow.

#### SUMMARY OF TASKS

##### **TASK 1: Initial Engagement, Landowner Outreach**

**SUMMARY:** This task includes an initial engagement meeting with agencies (MNDNR, Scott SWCD (WCA), Scott County and Sand Creek Township) and PLSLWD to discuss project goals and applicable regulations. This task also includes an initial engagement meeting with all potentially effected landowners to discuss project goals and any initial landowner concerns.

**DELIVERABLES:** 1) 2 Meetings

**TIMELINE:** March - May 2023

**ESTIMATED COSTS:** \$5,000

**STAFFING:** Josh Accola (14), Ed Matthiesen (4), EIT (4), Senior GIS (2), GIS Tech (8)

##### **TASK 2: Field Reconnaissance/Survey**

**SUMMARY:** This task includes field reconnaissance to assess the site for the feasibility of BMPs to reduce Phosphorus loading, such as the potential IESF areas and potential Swamp Lake outlet modification. Survey data collection will include

detailed topography of the potential IESF locations, County Ditch 13 (CD-13) profile and 16.5-ft watercourse buffer, existing Swamp Lake outlet, significant trees (greater than 6-inch DBH), agricultural field edge(s), wetland boundaries (delineated per Task 3) and any other items identified that could constrain design (such as drain tile outlets). This site suitability data will be summarized in an existing conditions base map(s) in AutoCAD or ArcGIS.

**DELIVERABLES:**

- 1) Survey Data (.xls)
- 2) GIS Shapefiles
- 3) Base Maps

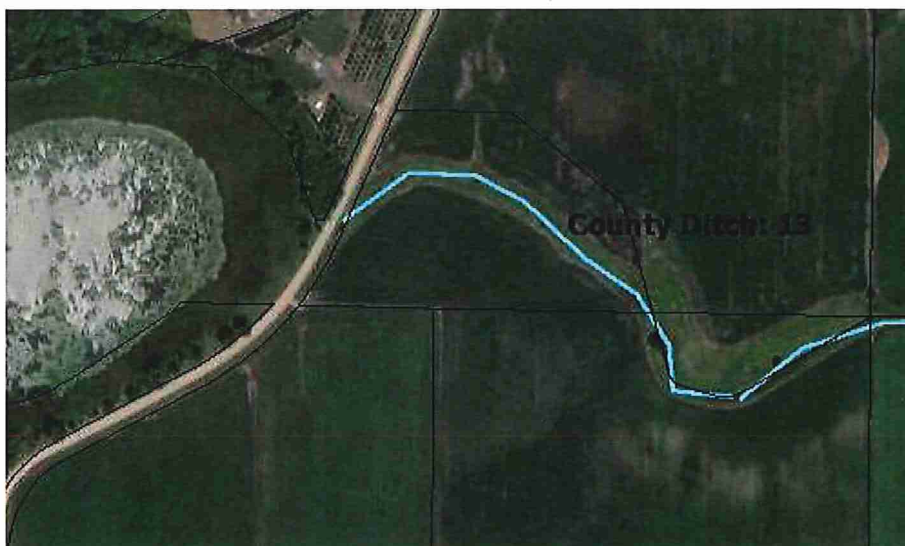
**TIMELINE:** March - June 2023

**ESTIMATED COSTS:** \$5,100

**STAFFING:** Josh Accola (8), Ed Matthiesen (2), EIT (2), Survey Lead (4), Survey Tech (16)

### **TASK 3: Wetland Delineation**

**SUMMARY:** A wetland delineation will be completed on the east side of Redwing Avenue along CD-13 (see image below) as well as just upstream of the Swamp Lake outlet structure west of Redwing Ave. A WCA application for Wetland Boundary and Type Determination will be submitted for WCA TEP review and approval. Survey data will be collected via survey grade GPS.



**DELIVERABLES:** 1) Wetland Delineation Report and WCA Application

**TIMELINE:** Late April – August 2023 (Delineation is dependent on active growing conditions in the spring and will be completed as soon as feasible.)

**ESTIMATED COSTS:** \$6,300

**STAFFING:** Josh Accola (2), Senior GIS (2), GIS Tech (6), Senior Wetlands (3), Wetland Delineator (32)

### **TASK 4: Existing Model Updates and Water Quality Loading**

**SUMMARY:** In addition, this task includes refinement of the existing conditions PCSWMM model to reflect the survey data collected in Task 1. It is assumed that the District's existing PCSWMM model is the best available data to determine a



base-flood-elevation (BFE) for the approximate A-Zone FEMA Floodplain. Finally, this task includes review of more recent water quality monitoring data collected by the PLSLWD to refine the anticipated range in annual TP loading from Swamp Lake. These hydraulic and water quality conditions will be used to evaluate the feasibility and of potential project(s) in proposed conditions.



- DELIVERABLES:**
- 1) Updated PCSWMM model with Assumed BFE for Swamp Lake.
  - 2) Annual TP Load Assessment and Estimate Refinement.

**TIMELINE:** May – August 2023

**ESTIMATED COSTS:** \$3,100

**STAFFING:** Josh Accola (8), Modeling Support (8), EIT (4)

#### **TASK 5: BMP and Outlet Alternative Identification/Draft Feasibility Study & Stakeholder Engagement**

**SUMMARY:** This task includes siting and design alternatives for a IESF and Swamp Lake outlet modification and/or other preferred BMP alternatives up to a total of four (4) concepts (assumed to be 2 outlet modifications and 2 BMP type alternatives with one being an IESF.) The design alternatives will be site sketches drafted in AutoCAD. Preliminary estimation of costs and TP load reduction benefits will be prepared to aid in selection of a preferred alternative, likely IESF, to advance to concept (30%) design. Design alternatives will be modeled in PCSWMM and P8 or MIDs or other appropriate method to estimate pollutant removal efficiency of BMP alternatives. This task also includes coordination meetings with District staff (3); agency representatives (1) including Scott SWCD, MNDNR, the Public Ditch Authority (Scott County), and the public road authority (Sand Creek TWSP); District Board (1); and landowners (1) to review and receive input on the draft feasibility study.

- DELIVERABLES:**
- 1) Draft Feasibility Study
  - 2) Landowner Meeting Presentation

## 3) Board Workshop Presentation

TIMELINE: August - September 2023

ESTIMATED COSTS: \$13,300

STAFFING: Josh Accola (25), Ed Matthiesen (5), Modeling Support (8), EIT (52)

**TASK 6: Final Feasibility Study, CAD Concept & Board Presentation**

**SUMMARY:** This task includes development of a 30% concept plan for the preferred alternative, preparation of a refined cost estimate and identification of assumptions and additional data needs for advancing the preferred alternative to final design. This task also includes meetings with District staff (2) and presentation of the Final Feasibility Study to the Board for acceptance.

**DELIVERABLES:**

- 1) Concept Plan for 30% Preferred Option (pdf)
- 2) Refined Cost Estimate, Itemized Statement of Estimated quantities (SEQ) (.xls)
- 3) Final Feasibility Study
- 4) Board Presentation

TIMELINE: October 2023

ESTIMATED COSTS: \$11,500

STAFFING: Josh Accola (24), Ed Matthiesen (7), EIT (46)

**ESTIMATED COST SUMMARY**

DESCRIPTION	HOURS	ESTIMATED COST
<b>TASK 1:</b> Initial Engagement, Landowner Outreach, Maps	32	\$5,000
<b>TASK 2:</b> Field Reconnaissance/Survey	32	\$5,100
<b>TASK 3:</b> Wetland Delineation	45	\$6,300
<b>TASK 4:</b> Existing Model Updates and Water Quality Loading	20	\$3,100
<b>TASK 5:</b> Draft Feasibility Study & Stakeholder Engagement	90	\$13,300
<b>TASK 6:</b> Final Feasibility Study & Board Acceptance	77	\$11,500
<b>EXPENSES:</b> Mileage Equipment rental Other		\$350
<b>TOTAL</b>		<b>\$44,650</b>

**Assumptions**

1. Meetings with PLSLWD staff will be held virtually via Teams. All other meetings are assumed to be in person at PLSLWD offices.

**PLSLWD Board Staff Report**

February 7, 2023

**PRIOR LAKE  
SPRING LAKE  
WATERSHED DISTRICT****Subject |** Fish Lake Management Plan Update Work Order**Board Meeting Date |** February 14, 2023**Item No: 6.8****Prepared By |** Emily Dick, Water Resources Project Manager**Attachments |** Fish Lake Management Plan Update Work Order**Action |** Motion to approve the Fish Lake Management Plan Update Work Order**Background**

On a bi-annual basis, BWSR distributes State of Minnesota clean water funds through the Watershed-Based Implementation Funding (WBIF) program to implementing agencies. This is a non-competitive process that funds water quality improvement projects. In accordance with program requirements, PLSLWD initiated a convening process held between watershed partner agencies within the WPA to select two projects to submit to BWSR for funding. One selected project was the Fish Lake Management Plan Update.

**Discussion**

Emmons & Olivier Resources, Inc. (EOR) and PLSLWD executed a Master Services Agreement in 2022 to retain EOR's water resource engineering and consulting services for District needs throughout the calendar years of 2022 and 2023. The Master Services Agreement outlines that services related to a specific project shall be agreed upon by the parties and outlined in a work order.

EOR prepared a work order to complete the Fish Lake Management Plan Update. The scope of work includes stakeholder engagement, soil sampling, nutrient budgeting, characterization and assessment of the watershed, modeling, wetland delineation, and revision of the 2006 goals and objectives. The project is expected to be completed in 2023.

**Action Requested**

District staff is requesting that the Board of Managers approve the attached Fish Lake Management Plan Update Work Order.



## SCOPE OF SERVICES

### FISH LAKE MANAGEMENT PLAN UPDATE

PLSLWD
CLASS: 626 - Planning
PROJECT: Fish Lake Management Plan Update

EOR
JOB: 00758-0159
PHASE: N/A TASK: N/A

START DATE: 3/1/2023END DATE: 12/31/2023TOTAL PROJECT BUDGET: \$81,300

**OVERVIEW OF PROJECT SCOPE:** The purpose of this Lake Management Plan (LMP) update is to determine the appropriate course of action to improve the water quality of Fish Lake. It has been determined that Fish Lake does not meet State standards for recreational use due to elevated levels of phosphorus and the presence of nuisance algae blooms. Past studies have reached varying conclusions as to the source of phosphorus loading to Fish Lake: watershed contribution versus internal loading. The purpose of this LMP is to update the lake analysis using the most current data sources, determine the driver of phosphorus loading and make recommendations for management strategies.

#### PROJECT TEAM

PLSLWD
<b>PROJECT LEAD:</b> Emily Dick, District Water Resources Project Manager <b>OTHER STAFF:</b> Elizabeth Froden, Water Resources Specialist Joni Giese, District Administrator
EOR
<b>PROJECT LEAD (HRS):</b> Carl Almer (78), Pat Conrad (109) <b>OTHER STAFF (HRS):</b> Joe Pallardy (124), Jimmy Marty (10), Sarah Voje (30), Trevor Rundhaug (84), Andrew Gorniak (22)

#### SUMMARY OF TASKS

TASK 1: Lake and Watershed Assessment Update
<b>SUMMARY:</b> This task includes update of the lake characterization and watershed assessment work completed in the 2006 LMP to reflect current conditions of the lake and watershed. This section of the LMP includes water level data, water quality data, discussion on wildlife habitat and wildlife use, and aquatic vegetation communities. Findings of the fish survey conducted in 2019 will also be summarized.

This task also includes collection of soil samples at strategic locations in the watershed for phosphorus testing. This sampling would be used to validate or revise watershed modeling and to identify potential legacy phosphorus sources (hot spots) in the watershed for targeting of stormwater BMP implementation. Soil sampling sites will be selected from the areas that were identified as part of the watershed load assessment conducted for the Fish Lake TMDL and further investigated in the 2022 Watershed Assessment.

The third main effort of this task is the development of a nutrient budget for Fish Lake to determine the phosphorus loading partitioning between watershed and in-lake sources. Modeling will be conducted by updating the BATHTUB model constructed for the 2020 TMDL using current water quality monitoring data (in-lake and Fish Lake inlet), updated information on watershed loading developed in the 2022 Watershed Assessment, soil sampling results, and lake-sediment phosphorus release rates determined by the Science Museum in 2014. Water quality monitoring data collected by Three Rivers Park District for watershed Site B3 will be used to rectify model assumptions used in the 2006 LMP modeling effort with the modeling conducted for the 2020 Fish Lake TMDL. Monitored in-lake concentrations will be used for model calibration.

Planned meetings associated with this task include:

- *Technical Advisory Committee (TAC) Meeting #1*: Early outreach to discuss project approach and funding ramifications of phosphorus source determination. Proposed members of TAC include MPCA, MNDNR, BWSR, Met Council, SWCD, Township, and County.
- *Stakeholder Meeting #1*: State of the Lake Presentation
- *PLSLWD Workshop #1*: Project Introduction
- *PLSLWD Citizen Advisory Committee (CAC) #1*: Project Introduction by PLSLWD staff
- *Township Meeting #1*: Project Introduction
- *Staff Coordination meetings (6)*: Project kickoff; preparation for TAC, Stakeholder Meeting #1, Board Workshop #1, and Township Meeting #1; and review of District staff comments on the draft report section.

**DELIVERABLES:**

- 1) Nutrient budget/modeling and soil sample summary memorandum.
- 2) TAC Meeting #1 presentation and minutes.
- 3) Stakeholder Meeting #1 presentation and minutes.
- 4) Board Workshop & Township Meeting presentation.
- 5) Revised LMP watershed and lake assessment section.

**TIMELINE:** March – June, 2023

**ESTIMATED COSTS:** \$32,200

#### **TASK 2: Lake Management Goals and Objectives**

**SUMMARY:** This task includes update of the goals and objectives currently set for Fish Lake in the 2006 LMP based on the updated assessment of

conditions and updated nutrient budget completed in Task 1. Updating of the goals and objectives will be conducted as part of the stakeholder engagement process initiated in Task 1. A set of draft goals and objectives will be developed based on those of the 2006 LMP to facilitate stakeholder discussion. Following stakeholder buy-in, the goals and objectives will be finalized and will set the foundation for the Management Action Plan.

Planned meetings associated with this task include:

- *Stakeholder Meeting #1: Update of Goals and Objectives (note that this meeting is also part of Task 1).*
- *PLSLWD Workshop #2: Progress Update*
- *Township Meeting #2: Progress Update*
- *Staff Coordination meetings (3): Preparation for Board Workshop #2, Township Meeting #2; and review of District staff comments on draft report sections.*

**DELIVERABLES:**

- 1) Draft Goals & Objectives statements based on 2006 LMP and updated assessment findings.
- 2) Board Workshop & Township Meeting presentation.
- 3) Revised LMP goals and objectives section.

**TIMELINE:** July – August, 2023

**ESTIMATED COSTS:** \$7,500

### **TASK 3: Finalize Lake Management Plan**

**SUMMARY:** This task includes development of a Management Action Plan to meet all of the goals and objectives established in Task 2. While the primary focus will be on approaches to improve water quality, strategies will also be developed to address other topics such as aquatic plant management, recreational use, and fisheries management. The Management Action Plan will include specific projects to address the source of phosphorus as determined in the revised nutrient budget evaluation completed during Task 1 (i.e., watershed or internal loading). If the revised nutrient budget evaluation determines that internal loading of phosphorus is the primary driver contributing to algal production and eutrophication in the system, a feasibility study will be needed to determine the most effective approach for addressing the load. Various in-lake management alternatives will be examined to determine appropriateness to the specifics of Fish Lake. Alternatives include bio-manipulation, plant harvest, dredging, aeration, nano-bubbles, and use of chemicals to inactivate lake-sediment phosphorus release. If determined to be an effective management strategy, the appropriate chemical to use and the necessary dosing rate will be calculated in Conditional Task 4 described below.

This task will compile all documentation and input received to date and include a proposed monitoring protocol, a list of specific projects to address the goals and objectives in Task 2 including sources of phosphorus, and prescribed Management Action Plan revision process.



This will be a complete compiled document including plan sections and figures suitable for review by District staff, District Board, Spring Lake Township, and TAC agencies. The draft LMP will be submitted to District staff for review and comment before the draft LMP is submitted to agencies for review and comment.

Planned meetings associated with this task include:

- *Stakeholder Meeting #2*: Draft Management Action Plan review.
- *TAC Meeting #2*: Draft Management Action Plan review.
- *Landowner meetings (3)*: One-to-one landowner meetings for priority Management Action Plan BMPs.
- *PLSLWD/Spring Lake Township Joint Workshop*: Draft Management Action Plan review.
- *PLSLWD CAC #2*: Draft Management Action Plan review. Remote attendance by consultant.
- *Staff Coordination meetings (4)*: Preparation for Stakeholder Meeting #2, TAC Meeting #2, and Joint Workshop.

**DELIVERABLES:**

- 1) Draft Management Action Plan.
- 2) Stakeholder Meeting #2 presentation and minutes.
- 3) TAC Meeting #2 presentation and minutes.
- 4) PLSLWD/Spring Lake Township Joint Workshop presentation.
- 5) CAC Meeting #2 presentation (adapted from Workshop).
- 6) Draft Lake Management Plan.
- 7) Final Lake Management Plan.

**TIMELINE:** July – November, 2023

**ESTIMATED COSTS:** \$27,100

#### **CONDITIONAL TASK 4: Chemical Dosing Feasibility Study**

**SUMMARY:** If the revised nutrient budget evaluation determines that internal loading of phosphorus is the primary driver contributing to algal production and eutrophication in the system, a feasibility study will be needed to determine the most effective approach for addressing the load. If determined to be necessary, this task would be conducted following BWSR guidance.

Past studies have reached contradictory conclusions regarding the primary source of phosphorus loading to Fish Lake, specifically whether watershed loading, or internal loading of phosphorus are the primary driver of in-lake water quality. The 2006 LMP indicated that internal loading of phosphorus is the most significant component of the nutrient budget and went as far as to state, “the magnitude of the internal load is large enough to account for almost the entire phosphorus budget for Fish Lake”. The modeling conducted for the 2020 Fish Lake TMDL attributed the entire phosphorus budget to watershed loading, stating that, “an additional phosphorus load was not needed to calibrate the Fish Lake model, and internal load was not quantified in Fish Lake.”

The most common approach for addressing internal phosphorus loading in lakes is to reduce the reintroduction of phosphorus from lake bottom

sediments. This task will build the case for conducting a chemical treatment on Fish Lake as the most effective approach. The most common chemical used in such treatments is aluminum sulfate but alternative products such as PhosLock and EutroSORB can be effective in some settings. The outcome of this task will be an overall in-lake management approach for Fish Lake with a dosing plan, preliminary estimate of probable cost, and suggested implementation timeline.

Soluble phosphorus release rates determined by the Science Museum will be used to calculate chemical dosing levels necessary to sequester phosphorus in the lakebed sediments. Treatment alternatives such as establishment of variable treatment zones and splitting dosages will be evaluated.

Improved water clarity following chemical treatment will likely result in an increase in the abundance and distribution of submergent aquatic plants in Fish Lake. Strategies for addressing increased plant abundance will be developed in Task 3.

**DELIVERABLES:** 1) Chemical dosing feasibility study meeting BWSR guidance criteria.

**TIMELINE:** July – November, 2023

**ESTIMATED COSTS:** \$12,500

#### ESTIMATED COST SUMMARY

DESCRIPTION		HOURS	ESTIMATED COST
<b>TASK 1:</b>	Lake and Watershed Assessment Update	193	\$32,200
<b>TASK 2:</b>	Lake Management Goals and Objectives	40	\$7,500
<b>TASK 3:</b>	Finalize Lake Management Plan	152	\$27,100
<b>CONDITIONAL TASK 4:</b>	Chemical Dosing Feasibility Study	72	\$12,500
<b>EXPENSES:</b>	Lab Analysis & Mileage (for Tasks 1-3)		\$2,000
<b>TOTAL</b>			<b>\$81,300</b>

*NOTE: Actual costs may differ from the estimated task costs, but the project must not exceed the TOTAL.*

**ASSUMPTIONS:** The estimated cost summary for the execution of the tasks in this Scope of Services is based upon the following assumptions:

- 1) District staff to coordinate/notify landowners for site access for soil sampling.
- 2) District staff to coordinate all meetings.
- 3) District staff to complete all grant reporting.

**SIGNATURES:**

The services described in this Scope of Services are being provided in accordance with the Master Services Consulting Agreement between PLSLWD and EOR dated August 23, 2022. Any changes to the project team, tasks, deliverables, timeline, or total cost will require a signed amendment/update to this Scope of Services.

Prior Lake-Spring Lake Watershed District

Emmons &amp; Olivier Resources, Inc.

Signature: \_\_\_\_\_

Name: Joni GieseTitle: District Administrator

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: Carl K. AlmerTitle: Water Resources LeadDate: 12/21/2022

**PLSLWD Board Staff Report**

January 31, 2023

**PRIOR LAKE  
SPRING LAKE  
WATERSHED DISTRICT****Subject |** I-LIDS Repurchase Agreement**Board Meeting Date |** February 14, 2023**Item No:** 6.9**Prepared By |** Shauna Capron, Water Resources Technician**Attachments |** I-LIDS Repurchase Agreement**Proposed Action |** Motion to approve the sale of the I-LIDS unit to Environmental Sentry Protection, LLC, in accordance with the I-LIDS Repurchase Agreement.**Background**

On December 13, 2022, the Board voted to not renew the Internet Landing Installed Device Sensor (I-LIDS) unit at the Spring Lake boat launch. The 2021 Master Agreement for the I-LIDS unit purchase and operations provides the District the opportunity to sell the unit back to the contractor. The I-LIDS unit was originally purchased for \$4,587.50 in 2021.

**Discussion**

Environmental Sentry Protection, LLC provided the District with an I-LIDS repurchase agreement that includes an offer to purchase the I-LIDS unit, provided the core systems are still functional (modem, controller, camera) for \$2,000.

**Recommendation**

Staff recommends that the Board of Managers approve the sale of the I-LIDS unit to Environmental Sentry Protection, LLC, in accordance with the I-LIDS Repurchase Agreement.

January 10, 2023

### **I-LIDS Repurchase Agreement**

Environmental Sentry Protection, LLC (ESP) offers to repurchase from Prior Lake Spring Lake Watershed District (PLSLWD) the I-LIDS equipment (housing, solar panel, all electronic components, and signage) for the equipment used at Spring Lake launch. ESP will notify the DNR of the intent to not operate I-LIDS at this location going forward.

ESP acknowledges that while housings become scratched, and the life of the electronics is reduced by its use over time, provided the core systems are still functional (modem, controller, camera) we will offer \$2000 for this equipment. If an electronics component is not functioning, we would adjust the amount of compensation. (Camera \$200, Controller \$400, Modem \$200).

This offer is valid through February 21, 2023. ESP and PLSLWD will arrange for equipment transfer and purchase by March 10, 2023.

Agreed to:

\_\_\_\_\_  
Eric Lindberg  
Environmental Sentry Protection, LLC  
6500 Xenium Ln N  
Maple Grove, MN 55311

Date\_\_\_\_\_

\_\_\_\_\_  
Prior Lake Spring Lake Watershed District

Date\_\_\_\_\_

**PLSLWD Board Staff Report**

February 7, 2023

**PRIOR LAKE  
SPRING LAKE  
WATERSHED DISTRICT****Subject |** Sutton IESF Follow-Up Work Order**Board Meeting Date |** February 14, 2023**Item No: 6.10****Prepared By |** Emily Dick, Water Resources Project Manager**Attachments |** Sutton IESF Follow-Up Work Order**Action |** Motion to approve the Sutton IESF Follow-Up Work Order**Background**

In early 2022, the District completed a project feasibility study for an iron-enhanced sand filter (IESF) immediately downstream of the Sutton Lake Outlet, south of North Sutton Lake Boulevard. This study concluded that the preferred design alternative, estimated at a cost of range of \$1,350,000 to \$1,720,000, would achieve 12% of the TP load reduction necessary to meet the TMDL nutrient reduction targets set for Spring Lake. District staff and engineer met on several occasions with the land manager (prospective owner) during the feasibility study to address comments and made design adjustments to address comments.

**Discussion**

Emmons & Olivier Resources, Inc. (EOR) and PLSLWD executed a Master Services Agreement in 2022 to retain EOR's water resource engineering and consulting services for District needs throughout the calendar years of 2022 and 2023. The Master Services Agreement outlines that services related to a specific project shall be agreed upon by the parties and outlined in a work order.

Since the initial feasibility study was completed, additional land manager questions have been brought to the District's attention with respect to the function, aesthetics, and decommissioning/regulatory implications. The purpose of this scope of work is to assist District staff with responses to these questions, including potential concept design revisions. In addition, this scope of work will include the preliminary investigation of relocating the IESF downstream, on other 2 parcels owned by others, which are immediately west of Highway 13.

**Action Requested**

District staff is requesting that the Board of Managers approve the attached Sutton IESF Follow-Up Work Order.



## SCOPE OF SERVICES

### SUTTON LAKE IESF FOLLOW-UP ASSESSMENT

PLSLWD	
CLASS:	626 - Planning
PROJECT:	Upper Watershed Blueprint

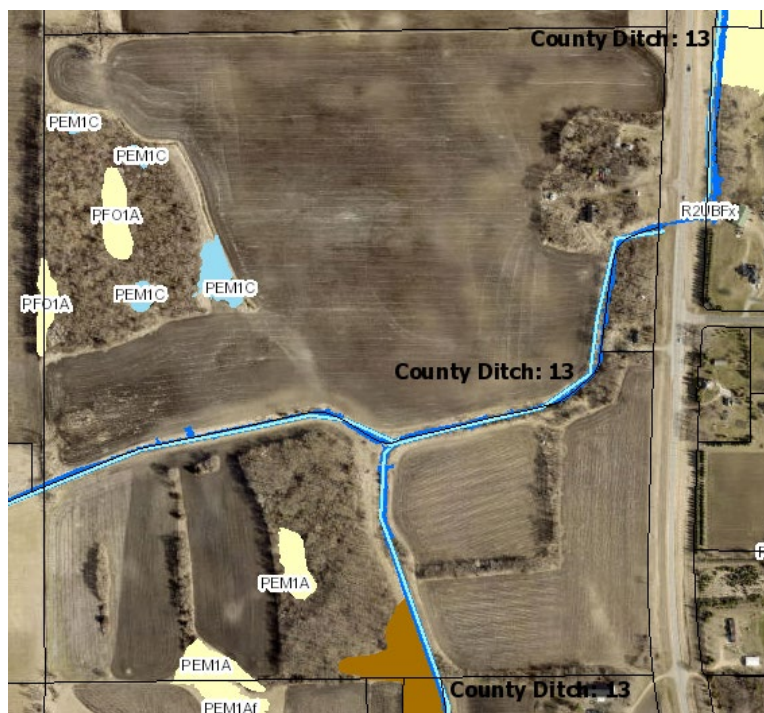
EOR	
JOB:	00758-XXXX
PHASE:	N/A
TASK:	N/A

START DATE: 2/15/2023

END DATE: 6/31/2023

TOTAL PROJECT BUDGET: \$8,000

**OVERVIEW OF PROJECT SCOPE:** In early 2022, the District completed a project feasibility study for an iron-enhanced sand filter (IESF) immediately downstream of the Sutton Lake Outlet, south of North Sutton Lake Boulevard. This study concluded that the preferred design alternative, estimated at a cost of range of \$1,350,000 to \$1,720,000, would achieve 12% of the TP load reduction necessary to meet the TMDL nutrient reduction targets set for Spring Lake. District staff and engineer met on several occasions with the land manager (prospective owner) during the course of the feasibility study to address comments and made design adjustments to address comments.



Since then, additional land manager questions have been brought to the District's attention with respect to the function, aesthetics, and decommissioning/regulatory implications. The purpose of this scope of work is to assist District staff with responses to these questions, including potential concept design revisions.

In addition, this scope of work will include the preliminary investigation of relocating the IESF downstream, on other 2 parcels owned by others, which are immediately west of Highway 13 (see figure to left).

**PROJECT TEAM**

<b>PLSLWD</b>	
<b>PROJECT LEAD:</b>	Emily Dick, District Project Manager
<b>OTHER STAFF:</b>	Joni Giese, District Administrator
<b>EOR</b>	
<b>PROJECT LEAD (HRS):</b>	Carl Almer (17)
<b>OTHER STAFF(HRS):</b>	Dan Mossing (18), Trevor Rundhaug (8), Jimmy Marty (5)

**SUMMARY OF TASKS**

<b>TASK 1: Original Site Follow-up</b>	
<b>SUMMARY:</b>	Building on the recent outreach to the land manager, this task will include additional contact to confirm that all questions and concerns are on the table. EOR will then prepare responses to these questions and consider design revisions in an attempt to secure project support. Known comments include: 1) desire to have a more aesthetic and wildlife enhancing system (duck preferred), 2) proof of track-record of IESF technology (reputability), and 3) concern about future regulatory enforcement / long-term impact on the quality of land.
<b>DELIVERABLES:</b>	1) Response to comments 2) Revised Preferred Design Alternative 3) Updated Engineers Estimate of Probable Cost
<b>TIMELINE:</b>	February – March 2023
<b>ESTIMATED COSTS:</b>	\$3,500
<b>TASK 2: Preliminary Assessment of Alternative Sites</b>	
<b>SUMMARY:</b>	This task consists of remote assessment of site suitability factors for two downstream parcels along County Ditch 13 immediately west of Highway 13. District monitoring data and PCSWMM model will be utilized for sizing of the land area necessary to treat the increased contributing annual flows. Based on this preliminary sizing the topography and ditch grades, land use, soils, wetland boundaries, and construction and maintenance access will be considered in this preliminary assessment of viability. The preliminary assessment will include a level-of-magnitude construction cost estimate, estimate level of effort, and outline significant barriers or benefits to each site. Concurrently, District staff will conduct outreach to the landowners. Landowner interest will be included in the memorandum and may inform level of effort expended on remote assessment.
<b>DELIVERABLES:</b>	1) Memorandum summarizing assessment findings.
<b>TIMELINE:</b>	February – May 2023
<b>ESTIMATED COSTS:</b>	\$4,500



**ESTIMATED COST SUMMARY**

DESCRIPTION		HOURS/ QUANTITY	ESTIMATED COST
<b>TASK 1:</b>	Original Site Follow-up	20	\$ 3,500
<b>TASK 2:</b>	Preliminary Assessment of Alternative Sites	28	\$ 4,500
<b>EXPENSES:</b>	Mileage Equipment rental Other	***Included in the above estimated costs***	
<b>TOTAL</b>			<b>\$8,000</b>

*NOTE: Actual costs may differ from the estimated task costs, but the project must not exceed the TOTAL.*

**ASSUMPTIONS:** The estimated cost summary for the execution of the tasks in this Scope of Services is based upon the following assumptions:

- 1) District staff to coordinate one land manager meeting, convened in-person
- 2) Preliminary assessment of site alternatives is fully remote and does not include landowner outreach

**SIGNATURES:** The services described in this Scope of Services are being provided in accordance with the Master Services Consulting Agreement between PLSLWD and EOR dated August 23, 2022. Any changes to the project team, tasks, deliverables, timeline, or total cost will require a signed amendment/update to this Scope of Services.

Prior Lake-Spring Lake Watershed District

Emmons & Olivier Resources, Inc.

Signature: \_\_\_\_\_

Name: Joni Giese

Title: District Administrator

Date: \_\_\_\_\_

Signature:  \_\_\_\_\_

Name: Carl K. Almer

Title: Water Resources Lead

Date: February 7, 2023

**PLSLWD Board Staff Report**

February 7, 2023

**PRIOR LAKE  
SPRING LAKE  
WATERSHED DISTRICT****Subject |** Flood Storage Engagement Work Order**Board Meeting Date |** February 14, 2023**Item No:** 6.11**Prepared By |** Emily Dick, Water Resources Project Manager**Attachments |** Flood Storage Engagement Work Order**Action |** Motion to approve the Flood Storage Engagement Work Order**Background**

In response to flooding in 2014, the District and the City of Prior Lake prepared the 2016 Prior Lake Stormwater Management and Flood Mitigation Study which identified several potential Upper Watershed storage areas. The 2021 Upper Watershed Blueprint also identified several potential areas for flood mitigation and water quality treatment. In December of 2022, the Board considered and prioritized these areas for initial landowner engagement with the intent of preparing up to three feasibility studies to better flesh out the flood reduction potential within the bounds of landowner acceptance, local, state, and federal regulations, and site-specific design constraints.

**Discussion**

Emmons & Olivier Resources, Inc. (EOR) and PLSLWD executed a Master Services Agreement in 2022 to retain EOR's water resource engineering and consulting services for District needs throughout the calendar years of 2022 and 2023. The Master Services Agreement outlines that services related to a specific project shall be agreed upon by the parties and outlined in a work order.

This purpose of this work order is to assist District staff with the initial landowner engagement and regulatory coordination meetings for the prioritized flood reduction areas, starting with Site 1 (S-SLP-046) and Site 6 (S-SLP-094) from the Flood Reduction Strategies Matrix dated December 5, 2022. The intent is to build in coordination with landowners and regulatory agencies prior to in-depth feasibility studies in order to increase the likelihood of an implementable design.

**Action Requested**

District staff is requesting that the Board of Managers approve the attached Flood Storage Engagement Work Order.



## SCOPE OF SERVICES

### FLOOD MITIGATION ENGAGEMENT ASSISTANCE

PLSLWD
CLASS: 626 - Planning
PROJECT: Upper Watershed Blueprint

EOR
JOB: 00758-XXXX
PHASE: N/A      TASK: N/A

START DATE: 2/15/2023

END DATE: 12/31/2023

TOTAL PROJECT BUDGET: \$14,000

**OVERVIEW OF PROJECT SCOPE:** In response to flooding in 2014, the District and the City of Prior Lake prepared the 2016 Prior Lake Stormwater Management and Flood Mitigation Study which identified a number of potential Upper Watershed storage areas. The 2021 Upper Watershed Blueprint also identified a number of potential areas for flood mitigation and water quality treatment. In December of 2022, the Board considered and prioritized these areas for initial landowner engagement with the intent of preparing up to three feasibility studies to better flesh out the flood reduction potential within the bounds of landowner acceptance, local, state, and federal regulations, and site-specific design constraints.

This purpose of this scope of work is to assist District staff with the initial landowner engagement and regulatory coordination meetings for the prioritized flood reduction areas, starting with Site 1 (S-SLP-046) and Site 6 (S-SLP-094) from the Flood Reduction Strategies Matrix dated December 5, 2022.

#### PROJECT TEAM

PLSLWD
<b>PROJECT LEAD:</b> Emily Dick, District Project Manager <b>OTHER STAFF:</b> Joni Giese, District Administrator
EOR
<b>PROJECT LEAD (HRS):</b> Carl Almer (48) <b>OTHER STAFF(HRS):</b> Britta Hansen (4), Marla Brown (16), Jimmy Marty (2), Trevor Rundhaug (2), Sara Voje (6)

**SUMMARY OF TASKS**

<b>TASK 1: Landowner Engagement</b>	
<b>SUMMARY:</b>	It is envisioned that District staff will convene eight, one-on-one meetings with the landowners of Sites 1 and 6, or other priority flood storage sites. This task consists of preparation for and attendance of eight landowner meetings.
<b>DELIVERABLES:</b>	1) N/A
<b>TIMELINE:</b>	February – May 2023
<b>ESTIMATED COSTS:</b>	\$5,500
<b>TASK 2: Initial Regulatory Coordination</b>	
<b>SUMMARY:</b>	Planned regulatory coordination for completion of a storage feasibility study in the upper watershed is programmed to include three meetings with applicable agencies (Scott SWCD, MNDNR, public ditch authority (Scott County), public road authority, MPCA, BWSR). The purpose of the 1 <sup>st</sup> meeting is to discuss project parameters and applicable regulations, the 2 <sup>nd</sup> meeting is to review a refined concept to move to feasibility, and the 3 <sup>rd</sup> meeting is to review the draft feasibility study and receive comments.  This task includes preparation for and attendance of the 1 <sup>st</sup> and attendance of the 2 <sup>nd</sup> agency meeting for two sites.
<b>DELIVERABLES:</b>	1) N/A
<b>TIMELINE:</b>	February – May 2023
<b>ESTIMATED COSTS:</b>	\$3,300
<b>TASK 3: Incentivized Concept Plans</b>	
<b>SUMMARY:</b>	This task includes preparation of concept illustration plans emphasizing primary project elements and potential project amenities/land enhancements.
<b>DELIVERABLES:</b>	1) Concept Illustrations (Plan View) for two sites.
<b>TIMELINE:</b>	February – May 2023
<b>ESTIMATED COSTS:</b>	\$5,200

**ESTIMATED COST SUMMARY**

<b>DESCRIPTION</b>		<b>HOURS/ QUANTITY</b>	<b>ESTIMATED COST</b>
<b>TASK 1:</b>	Landowner Engagement	26	\$ 5,500
<b>TASK 2:</b>	Initial Regulatory Coordination	18	\$ 3,300
<b>TASK 3:</b>	Incentivized Concept Plans	34	\$ 5,200
<b>EXPENSES:</b>	Mileage Equipment rental Other	***Included in the above estimated costs***	
<b>TOTAL</b>			<b>\$14,000</b>

*NOTE: Actual costs may differ from the estimated task costs, but the project must not exceed the TOTAL.*

**ASSUMPTIONS:** The estimated cost summary for the execution of the tasks in this Scope of Services is based upon the following assumptions:

- 1) District staff to coordinate all meetings
- 2) Landowner meetings to be convened in-person
- 3) Regulatory meetings to be convened virtually

**SIGNATURES:** The services described in this Scope of Services are being provided in accordance with the Master Services Consulting Agreement between PLSLWD and EOR dated August 23, 2022. Any changes to the project team, tasks, deliverables, timeline, or total cost will require a signed amendment/update to this Scope of Services.

Prior Lake-Spring Lake Watershed District

Emmons & Olivier Resources, Inc.

Signature: \_\_\_\_\_

Name: Joni Giese

Title: District Administrator

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: Carl K. Almer

Title: Water Resources Lead

Date: February 7, 2023





**Subject |** District Engineer Master Services Agreement: 2023 Rate Schedule

**Board Meeting Date |** February 14, 2023

**Item No:** 6.12

**Prepared By |** Joni Giese, District Administrator

**Attachments |** EOR Memo Regarding 2023 Rate Schedule

**Proposed Action |** Staff recommends that the Board of Managers vote to approve the EOR 2023 Hourly Fee Schedule

### **Background**

In 2022, PLSLWD entered into a master services consulting agreement with EOR for the purpose of EOR serving as the District Engineer for the years 2022 and 2023.

### **Discussion**

Pursuant to Paragraph 4. Rates and Fees, of the Master Services Consulting Agreement between PLSLWD and EOR, the schedule of fees is subject to revisions annually, subject to approval by the PLSLWD Board.

### **Recommendation**

Staff recommends that the Board of Managers vote to approve the EOR 2023 Hourly Fee Schedule.

# memo

**Subject** | EOR Master Services Agreement**Date** | 2/6/2023**To** | Joni Giese, District Administrator**Cc** |**From** | Carl K. Almer**Regarding** | 2023 Rate Schedule

EOR continually monitors market trends and overall costs with the intention of providing our clients with the best possible value. To recruit and maintain top individuals in the field we must keep up with the market which currently has a very high demand for water resource professionals and engineers. Inflation and cost-of-living increases were significantly higher in 2022 than at any time in the last couple decades. We do feel that our hourly rates are cost competitive with our peers and the best value when considering the quality and efficiency generated from our experienced team and integrated approach to water resources.

Pursuant to Paragraph 4. Rates and Fees of the Master Services Consulting Agreement between PLSLWD and EOR dated August 23, 2022, I am providing an updated Attachment A - EOR Hourly Fee Schedule for 2023. Notes regarding the offered rates:

- The 2023 rates represent an average 7% increase from 2022 rates.
- These rates represent nearly a 5% discount from EOR standard rates.
- You will see the 2023 rates with our invoice for January hours with the exception that the 2022 rate schedule will continue to be honored for projects initiated prior to 2023.
- EOR will provide an additional 10% hourly rate volume discount for primary service work that is in excess of \$150,000/annually.

Please let me know if you have any questions.

## ATTACHMENT A – EOR 2023 HOURLY FEE SCHEDULE

Classification	Hourly Rate <sup>(1)</sup>	Volume Discount
		Hourly Rate <sup>(2)</sup>
Professional 1 .....	\$117	\$105
Professional 2 .....	\$147	\$132
Professional 3 .....	\$173	\$156
Professional 4 .....	\$198	\$178
Technician 1 .....	\$84	\$76
Technician 2 .....	\$102	\$92
Technician 3 .....	\$124	\$112
Principal Partner .....	\$242	\$218
Support Staff .....	\$81	\$73

### Professionals:

Includes licensed and non-licensed engineers, landscape architects, geologists, scientists, surveyors, field professionals, and geospatial professionals with bachelors or advanced degrees.

### Technicians:

Work requires a combination of basic scientific knowledge and manual skills, which can be obtained through two years of post-high school education, such as is offered in technical schools, community colleges, or through equivalent on-the-job training.

### Principal Partners:

Officers and departmental managers at the highest level of EOR staff classification performing technical and quality control supervision.

### Support Staff:

Non-manual clerical work performed by office administrators, administrative assistants, bookkeepers, messengers, office helpers, and clerks.

### Additional Notes:

- *Reimbursable expenses (Reproduction, Printing, Duplicating, Mileage at current government rates, DGPS equipment, field supplies, use/rental of special equipment, etc.) will be billed at cost.*
- *Subcontracted services will be billed at cost plus 15% to cover overhead expenses.*
- *Expert witness trial and deposition testimony will be billed at the above hourly rates times 1.5.*
- *Rates will be reviewed and adjusted annually.*
- *Payment is due upon receipt of invoice. If the invoice is not paid within thirty (30) days after invoice date, Client will also pay a finance charge thereon of 1.5 percent or the maximum rate allowed by law, whichever is less, for each month thereafter or portion thereof that an invoice remains unpaid.*

(1) These rates represent nearly a 5% discount from EOR standard rates and will apply if selected as District Engineer.

(2) EOR will provide an additional 10% hourly rate volume discount for primary service work, conducted as District Engineer, that is in excess of \$150,000/annually.



**PLSLWD Board Staff Report**

January 25, 2023


**PRIOR LAKE  
SPRING LAKE  
WATERSHED DISTRICT**

<b>Subject  </b>	Carp Management Equipment Funding Request	
<b>Board Meeting Date  </b>	February 14, 2023	<b>Item No: 6.13</b>
<b>Prepared By  </b>	Jeff Anderson, Water Resources Coordinator	
<b>Attachment  </b>	none	
<b>Action  </b>	Motion to approve the purchase of a backpack electrofishing unit using District reserve funds.	

**Background**

The approved 2022 budget listed \$12,000 for a backpack electrofishing unit under the 611-Fish Management program. Staff found a suitable unit at an estimated cost of \$8,400. The unit purchase was delayed from 2022 as staff attempted to obtain grant funding to assist in the purchase.

**Discussion**

The approved 2023 budget does not include a line item specific to the purchase of a backpack electrofishing unit. Consistent with 2022, staff holds the view that this piece of equipment will be beneficial to the carp management program in 2023 and beyond.

The 2022 budgeted purchase of the equipment was not conditional upon receipt of grant funding, although staff did apply for funding through the Prior Lake Rotary. Staff was under the impression that grant applications received prior to December 31, 2022, would be considered for grant awards in January 2023. After submission of the grant application, staff learned the Rotary will not decide on grant awards until April. Should the District wait to purchase the equipment until after the Rotary award announcement, the equipment will not be available for use during the spring spawning season when the equipment is primarily used.

The 2023 budget for 611-Fish Management, Rough Fish Removal program does not have adequate funds available to cover the cost of the backpack unit. Given the backpack electrofishing unit was budgeted for, but not purchased in 2022, and given the unit is valuable piece of equipment to advance the District's carp management goals, staff is requesting the Board of Managers authorize the purchase of the backpack electrofishing unit using District reserve funds. If approved, a resolution to increase the 2023 budget will be prepared for board approval to cover the cost of the backpack electrofishing unit. Requested Board Action Staff recommends the Board approve the purchase of a backpack electrofishing unit using District reserve funds.