

# AGENDA

Tuesday, October 10, 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*

- |                |     |   |
|----------------|-----|---|
| 4:00 – 4:05 PM | W.1 | Introduction of Water Resources Technician, Zach Nagel (Joni Giese)   |
| 4:05 – 4:45 PM | W.2 | Swamp Lake Phosphorus and Peak Flow Reduction Feasibility Study (Josh Accola)   |
| 4:45 – 5:00 PM | W.3 | Liaison Updates <ul style="list-style-type: none"> <li>• District Partners in Attendance</li> <li>• Managers' Summary of other Meetings Attended</li> </ul> |
| 5:00 – 5:10 PM | W.4 | Administrator Report (Joni Giese)   |
| 5:10 – 5:20 PM | W.5 | Fish Lake Project Opportunity (Emily Dick)  |
| 5:20 – 5:50 PM | W.6 | <b><i>Closed Meeting: Land Acquisition Discussion</i></b>   |

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

### 6:02 – 6:04 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.)

### 6:04 – 6:05 PM 3.0 **APPROVAL OF AGENDA** (Additions/Corrections/Deletions)

### 6:05 – 6:40 PM 4.0 **OTHER OLD/NEW BUSINESS**

- 4.1 Programs & Projects Update (Discussion Only)
- 4.2 Cost Share Program Overview (Discussion Only)

### 6:40 – 6:50 PM 5.0 **TREASURER'S REPORT**

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

**5.2 Quarterly Financial Reports**

- Balance Sheet
- Cost Analysis

**6:50 – 6:55 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 Meeting Minutes – September 12, 2023, Board Workshop
- 6.2 Meeting Minutes – September 12, 2023, Board Meeting
- 6.3 Meeting Minutes – July 27, 2023, CAC Meeting
- 6.4 Claims List and Bank Purchase Card Expenditures Summary

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

- Clean Water Clean-up Event, Saturday, October 28, 2023, 9:30 am – 12 pm (Sand Point Beach)
- PLOC Cooperators Meeting, Thursday, November 9, 2023, 12:00 pm (Prior Lake City Hall – Parkview Conference Room)
- Joint Spring Lake Township and PLSLWD Meeting: Draft Fish Lake Management Plan Update, Thursday, November 14, 2023, 3:00 pm (Prior Lake City Hall – Parkview Conference Room)
- Board of Managers Workshop, Tuesday, November 14, 2023, 4:00 pm (Prior Lake City Hall – Parkview Conference Room)
- Board of Managers Meeting, Tuesday, November 14, 2023, 6:00 pm (Prior Lake City Hall – Council Chambers)
- CAC Meeting, Thursday, December 7, 2023, 6:00 pm (Prior Lake City Hall – Wagon Bridge Conference Room)

**7:00 PM 8.0 ADJOURNMENT**

OCTOBER 2023 PROGRAMS AND PROJECTS UPDATE		
PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
<b>Carp Management</b> <i>Rough Fish Management (Class 611)</i> <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> <li>• <b>Tracking &amp; Removals:</b> Conducted CPUE surveys on Fish, Spring, and Upper Prior Lakes for 3 consecutive weeks to build upon population trends. Installed ~ 85 PIT and 10 new radio tags during surveys. Hog trap corn consumption has increased. In person and on-site camera observations continue to show ducks near the bait. At the moment, we are uncertain the increase in corn consumption is a result of ducks or carp. Met with City of Prior Lake staff to discuss repair options for Freemont carp barrier. Carp were observed moving past the barrier in springtime.</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct trap net surveys to access young of year (YOY) population. This work is done to determine whether recruitment was successful.</li> <li>• Continue hog trap observations. Bait as needed.</li> <li>• Low water levels have led to optimal conditions to make necessary repairs on Freemont barrier.</li> </ul>
<b>Ferric Chloride System Operations</b> <i>Project Lead: Jeff and Emily</i>	<ul style="list-style-type: none"> <li>• Refined system assessment to inform recommendation for minimum system updates. Drafted updated operations manual and access drive concepts.</li> <li>• Discussed the need to delay efficiency Task 5 until 2024 due to no flow.</li> <li>• The system is not dosing due to low water levels.</li> <li>• Completed quarterly MPCA Discharge Monitoring Report.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue weekly required monitoring when flow resumes.</li> <li>• Work with system assessment team to find datalogger, sensor, and pump control.</li> <li>• Continue work on access drive assessment and updated operations manual.</li> <li>• Finalize a draft for 2023 deliverables for Board review in November/December.</li> <li>• Conduct bathymetric survey of desilt pond to check sedimentation rates.</li> <li>• Winterize system.</li> </ul>
<b>Farmer-Led Council</b> <i>Project Lead: Emily</i>	<ul style="list-style-type: none"> <li>• Continued coordination with Scott SWCD.</li> <li>• Drafted FLC policy document language.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to support and review FLC projects.</li> <li>• Present FLC policy document for Board approval.</li> <li>• Discuss December Lake Friendly Farm event and meeting.</li> </ul>
<b>Cost Share Incentives</b> <i>Project Lead: Emily</i>	<ul style="list-style-type: none"> <li>• Met with SWCD on upcoming cost share projects.</li> <li>• Reviewed cost share docket for upcoming 2024 Docket discussion.</li> <li>• Coordinate agreements for Busch cost share project after Board approval.</li> </ul>	<ul style="list-style-type: none"> <li>• Review cost share applications with Scott SWCD as needed.</li> <li>• Present non-traditional cost share project types for Board approval as applicable.</li> <li>• Review 2023 Docket to inform recommendations for 2024.</li> <li>• Attend meeting to discuss 2024 Cost Share Docket.</li> </ul>

## OCTOBER 2023 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
<p><b>Upper Watershed Projects</b></p> <p><i>Buck Wetland, Sutton IESF, Swamp IESF, Buck Chemical Treatment, Ditch 13 Chemical Treatment, Spring Lake West IESF</i></p> <p><i>Project Lead: Emily</i></p>	<p><b>Buck Wetland Enhancements</b></p> <ul style="list-style-type: none"> <li>No action.</li> </ul> <p><b>Spring Lake West IESF/Wetland</b></p> <ul style="list-style-type: none"> <li>Met with one landowner to discuss wetland concept.</li> <li>Met with Scott County to discuss IESF concepts.</li> <li>Met with SWCD to discuss best approach/design for landowner interests.</li> <li>Conducted follow-up engineering work as a result of wetland landowner meeting.</li> </ul> <p><b>Sutton Lake IESF</b></p> <ul style="list-style-type: none"> <li>Met with SWCD to discuss best approach/design for landowner interests.</li> <li>Drafted concepts for accompanying wildlife habitat improvement project.</li> </ul> <p><b>2023 WBIF Studies</b></p> <ul style="list-style-type: none"> <li>Held a Technical Advisory Committee meeting for the initial chapter of the Fish Lake Management Plan Update (FLMPU).</li> <li>Presented update on FLMPU at September CAC meeting.</li> <li>Held FLMPU landowner meeting on October 5.</li> <li>Continued work on draft FLMPU.</li> <li>Continued modeling work and drafted feasibility study for Swamp Lake IESF.</li> </ul> <p><b>Potential Flood Storage Projects</b></p> <ul style="list-style-type: none"> <li>Attempted to reach Project 1 landowners to schedule meeting.</li> </ul>	<p><b>Buck Wetland Enhancements</b></p> <ul style="list-style-type: none"> <li>Continue to try and reach landowner to schedule a follow-up meeting with landowner and Scott County.</li> <li>Seek Board opinion about continued project development.</li> </ul> <p><b>Spring Lake West IESF/Wetland</b></p> <ul style="list-style-type: none"> <li>Schedule next meeting with wetland landowner, if favorable reach out to other landowner.</li> <li>Schedule meeting with IESF landowners.</li> <li>Utilize real estate consultant to assist with taxation/valuation considerations to project concepts.</li> </ul> <p><b>Sutton Lake IESF</b></p> <ul style="list-style-type: none"> <li>Seek landowner feedback.</li> <li>Assess landowner willingness and site feasibility in determining next steps.</li> </ul> <p><b>2023 WBIF Studies</b></p> <ul style="list-style-type: none"> <li>Review draft FLMPU sections as provided.</li> <li>Present draft FLMPU to Board and Spring Lake Township in workshop prior to November Board workshop 3-4pm</li> <li>Present final Swamp IESF feasibility study at November board meeting.</li> <li>Continue outreach and coordination on both projects.</li> </ul> <p><b>Potential Flood Storage Projects</b></p> <ul style="list-style-type: none"> <li>Continue follow up on remaining questions for Project 1 landowners.</li> <li>Schedule meeting with landowner on Project 6 in winter.</li> <li>Assess whether alternative projects should be considered if low landowner interest continues.</li> </ul>

## OCTOBER 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>Organize plan for drawdown monitoring and inclusion in 2024 budget.</li> </ul>	<b>Lake Management Plan</b> <ul style="list-style-type: none"> <li>Continue to monitor effects of recent drought conditions to inform future drawdown.</li> </ul>
<b>Website and Media</b>  <i>Project Lead: Danielle</i>	<ul style="list-style-type: none"> <li><b>Social Media</b> – posted on all social channels about: New Lake Level Website, Muck, Fall Community Fest, Clean Water Clean-up</li> </ul>	<ul style="list-style-type: none"> <li>Continue updating Facebook, and Instagram about projects &amp; news: Outdoor Ed., CPUE Survey, Fall maintenance tips, etc.</li> <li>Submit Fall SCENE article (topic TBD)</li> </ul>
<b>Citizen Advisory Committee</b>  <i>Project Lead: Danielle</i>	<ul style="list-style-type: none"> <li>Sept. CAC meeting</li> </ul>	<ul style="list-style-type: none"> <li>Continue CAC recruitment outreach through posting on socials, contacting specific groups and individuals, and at events.</li> <li>Interview applicant</li> </ul>
<b>Education Program</b>  <i>Project Lead: Danielle</i>	<ul style="list-style-type: none"> <li>See Website and Media section.</li> <li>Fall Community Fest (9/18),</li> <li>Host water station at Outdoor education days (9/25-28)</li> <li>Promote Community Clean-up Event (10/28).</li> </ul>	<ul style="list-style-type: none"> <li>Coordinate and hold Community Clean-up Event (Oct. 28).</li> <li>Prep and present at October meetings (SCALE, CEC).</li> </ul>
<b>Monitoring Program</b>  <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> <li>Historic data added to website graphing. Still need to fill on gaps from early 2023 till new logger connections with website.</li> <li>Conducted 1 stormwater focus sampling event from late September rains.</li> <li>Drought conditions have caused issues with current lake level logger stilling wells. Researched new locations and solutions to make loggers more resilient to large annual water level fluctuations. Wells were installed during times of stable water which have been more affected in the past 3 years. DNR staff gauges have also been affected by dropping lake levels.</li> </ul>	<ul style="list-style-type: none"> <li>Fill in 2023 lake level data gaps on graphing website.</li> <li>Conduct bi-weekly stream/ lake chemistry monitoring, as needed.</li> <li>Move or adjust logger stilling wells.</li> <li>Uninstall seasonal monitoring equipment.</li> <li>Download seasonal monitoring equipment.</li> </ul>
<b>Aquatic Vegetation Management and Surveys</b>  <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> <li>Completed final permitting follow-up for treatment. Worked with Scott WMO on new AIS reimbursement invoicing.</li> </ul>	<ul style="list-style-type: none"> <li>Submit treatment reimbursement request to Scott County.</li> </ul>

## OCTOBER 2023 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
<b>AIS</b> <i>Project Lead: Jeff</i>	<ul style="list-style-type: none"> <li>Waterfront Restoration continued boat inspections at Spring, UPL, LPL, and Fish Lake boat launches through September.</li> <li>Volunteer from Starry Trek found a Chinese Mystery Snail in Lower Prior Lake which was confirmed by DNR. No suggested action plan from DNR for new infestation yet.</li> </ul>	<ul style="list-style-type: none"> <li>Submit boat inspection reimbursement request to Scott County.</li> </ul>
<b>Rules Revisions</b> <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> <li>Provided responses to City of Prior Lake on questions regarding draft MOA.</li> <li>Continued to pursue comments from City of Savage on proposed interim equivalency approach.</li> </ul>	<ul style="list-style-type: none"> <li>Finalize City of Prior Lake equivalency MOA.</li> <li>Either finalize City of Savage interim equivalency agreement or pursue PLSLWD permitting.</li> <li>Continue working with Scott County to finalize equivalency MOA and monitor Scott County rule updates required for equivalency.</li> </ul>
<b>BMPs &amp; Easements</b> <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> <li>Held meeting with Scott SWCD and legal counsel to discuss outstanding issues associated with:               <ul style="list-style-type: none"> <li>Development Agreement and Conservation Easement establishment process and document templates</li> <li>Process for amending conservation easements</li> <li>Approach for easement encroachments</li> </ul> </li> <li>Conservation easement sign - final design and ordering.</li> <li>Worked with Scott SWCD and EOR to continue developing processes and protocols for easement establishment.</li> <li>Buckthorn management occurred on District's Spring Lake parcel in early October.</li> </ul>	<ul style="list-style-type: none"> <li>Prepare schedule for installation of missing conservation easement signs.</li> <li>Work to resolve outstanding easement violations.</li> </ul>
<b>Permitting</b> <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> <li>Wrapping up construction site inspections for year.</li> <li>Prepared development review comments for three projects.</li> <li>Working to close out old permits.</li> </ul>	<ul style="list-style-type: none"> <li>Close out old permits.</li> <li>Focus on MS4 permitting requirements.</li> </ul>
<b>Planning Activities</b> <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> <li>No activity.</li> </ul>	<ul style="list-style-type: none"> <li>Participate in quarterly SCALE Water Committee meetings.</li> <li>Review and provide comments on draft 1W1P report as time allows.</li> </ul>

## OCTOBER 2023 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
<b>Outlet Channel Projects and Administration</b> <i>Project Lead: Emily/Jeff</i>	<ul style="list-style-type: none"> <li>Prepared bid packet materials to 95% complete in preparation of bonding tour.</li> <li>Began preparing for capital bonding tour to be held on the afternoon of October 12.</li> <li>Held discussion on optimizing gate operations to reduce flooding. Working with EOR to model scenarios and create operating guidelines.</li> <li>Woody invasive plant management occurred in early October by contractor (RES).</li> </ul>	<ul style="list-style-type: none"> <li>Pipe lining construction expected to occur in winter 2024/2025 if capital funding awarded.</li> <li>Bonding tour presentation on October 12.</li> </ul>
<b>General Administration</b> <i>Project Lead: Joni</i>	<ul style="list-style-type: none"> <li>Held kick-off meeting for District Website Redesign.</li> <li>Posted notices for letters of interest for professional services (District Engineer, legal counsel, accounting, and audit services, and engineering consulting pool).</li> </ul>	<ul style="list-style-type: none"> <li>Review letters of interest and make selection recommendations at November board meeting.</li> <li>Secure consultant services to assist with making required payroll revisions due 1/1/2024 and assistance with updating personnel manual.</li> </ul>



# PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

**Subject |** Cost Share Program Overview

**Board Meeting Date |** October 10, 2023

**Item No:** 4.2

**Prepared By |** Emily Dick

**Attachments |** 2023 Conservation Practice Financial Assistance Program Policy Manual

**Proposed Action |** Discussion only.

## **Background**

The District operates a Cost Share program in partnership with Scott SWCD to help incentivize landowners to implement conservation practices on their land. The program is guided by an annually agreed upon Conservation Practice Financial Assistance Program Policy Manual, commonly referred to as the “Docket” which outlines funding priorities and permissions. The District has outlined “Type I” practices as priority, and currently follows a decision making flow-chart included in the Docket.

## **Discussion**

District staff will present an overview of the existing policies in the 2023 Docket, the impact of cost share programs in the District, and any expected recommendations for the 2024 Docket.



# 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

<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 Code	Flat Rate		Percent Based	Contract Term
		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.

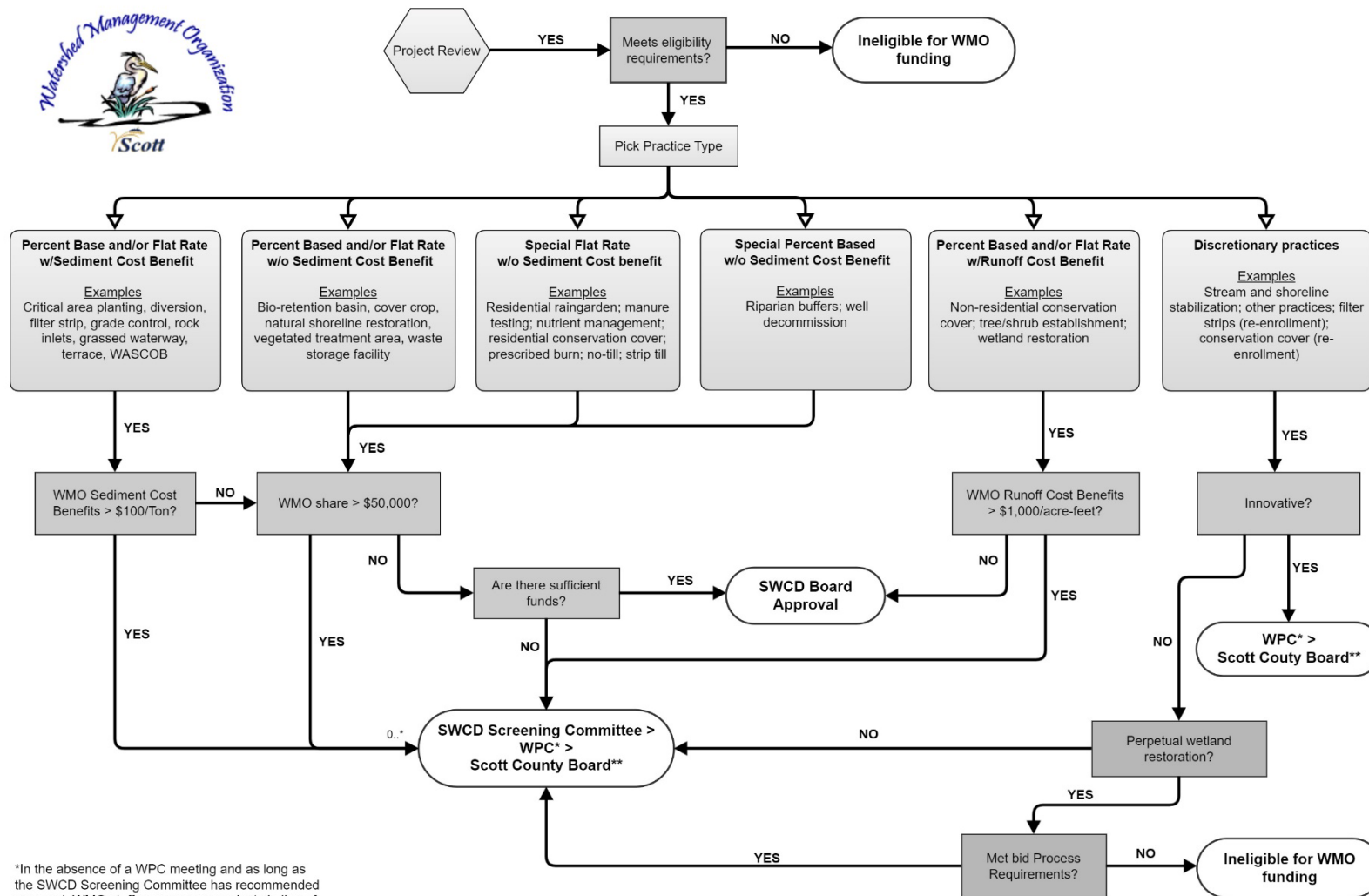
## 1.2 PLSLWD SPECIAL PROVISIONS

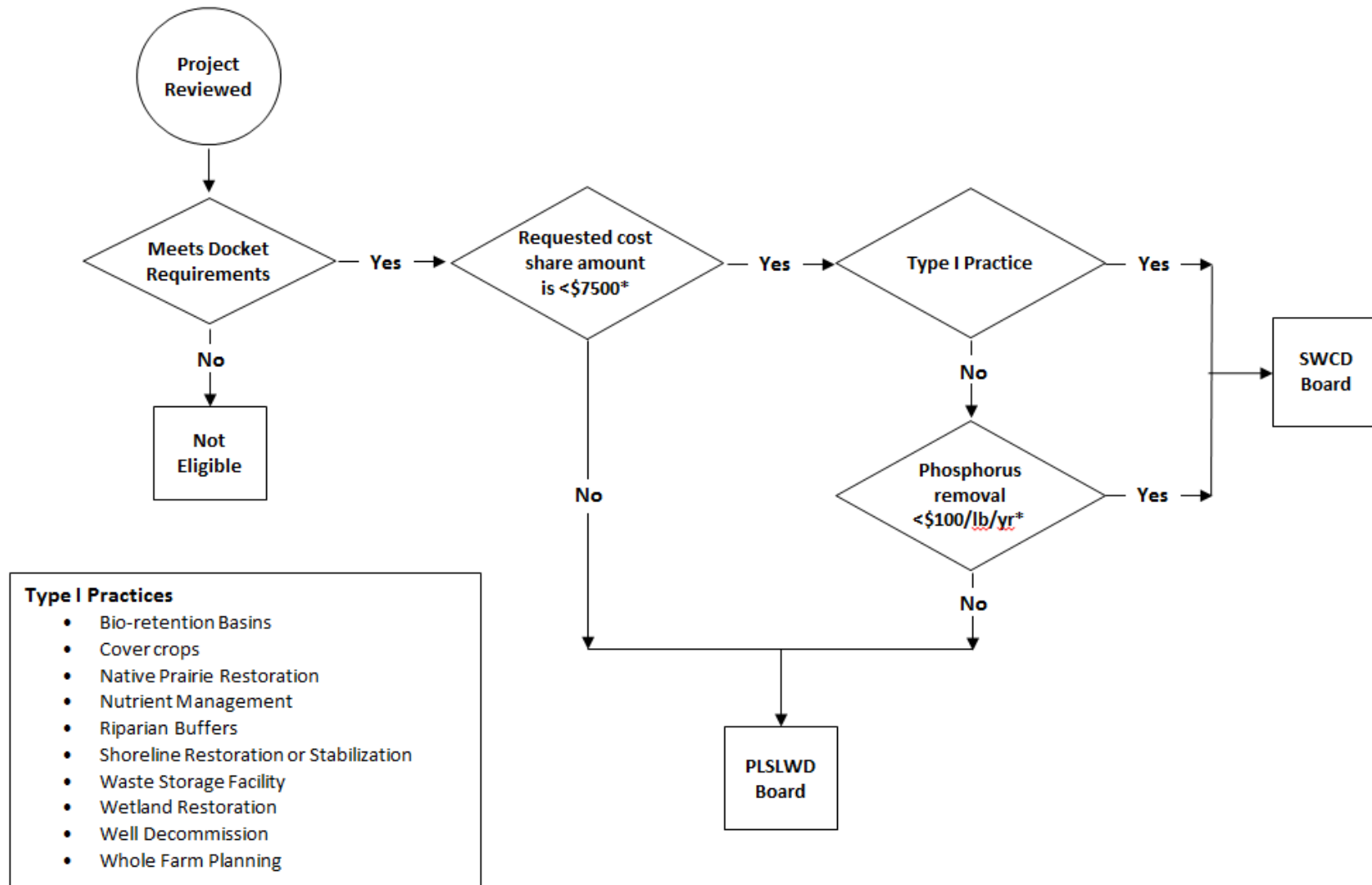
The following provisions shall apply for projects utilizing PLSLWD funding, and shall supersede any conflicting policies and procedures of the Countywide Conservation Financial Assistance Program, above:

- 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.

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

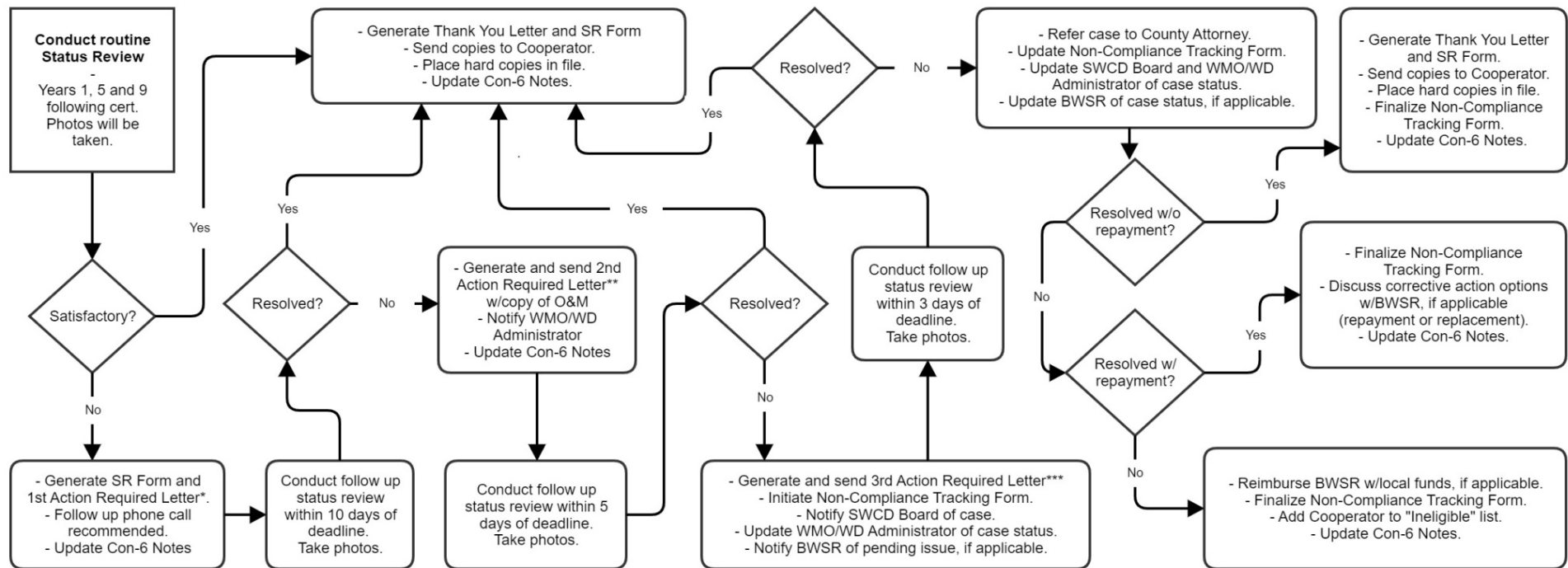
Figure 1: Scott WMO Application Approval Decision Flow Chart





## 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>

## PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

## Financial Report - Cash Basis

January 1, 2023 Through September 30, 2023

\*\*Reflects bills paid through September 30, 2023\*\*

Program Element	2023 Source of Funds				2023 Actual Results		
	2023 Levy	Budget Reserve	Grant Funds/Fees	2023 Budget	September 2023	YTD	YTD % of Budget
<b>General Fund (Administration)</b>							
<b>Revenues</b>							
Property Taxes	\$ 249,200	\$ -	\$ -	\$ 249,200	\$ -	\$ 130,684	52%
Grants	-	-	-	-	-	-	#DIV/0!
Interest	-	-	3,000	3,000	3,133	9,491	316%
Other	-	-	-	-	-	-	#DIV/0!
<b>Total Revenues</b>	<b>\$ 249,200</b>	<b>\$ -</b>	<b>\$ 3,000</b>	<b>\$ 252,200</b>	<b>3,133</b>	<b>140,175</b>	<b>56%</b>
<b>Expenditures</b>							
Administrative Salaries and Benefits	\$ 138,000	\$ -	\$ -	\$ 138,000	11,039	109,956	80%
703 - Telephone, Internet & IT Support	13,200	-	3,000	16,200	1,177	10,384	64%
702 - Rent	28,300	-	-	28,300	2,387	22,041	78%
706 - Office Supplies	9,000	-	-	9,000	282	3,416	38%
709 - Insurance and Bonds	14,200	-	-	14,200	-	17,470	123%
670 - Accounting	31,000	-	-	31,000	1,837	21,117	68%
671 - Audit	9,000	-	-	9,000	-	7,900	88%
903 - Fees, Dues, and Subscriptions	1,500	-	-	1,500	-	520	35%
660 - Legal (not for projects)	5,000	-	-	5,000	285	2,770	55%
<b>General Fund (Administration) Expenditures</b>	<b>\$ 249,200</b>	<b>\$ -</b>	<b>\$ 3,000</b>	<b>\$ 252,200</b>	<b>17,007</b>	<b>195,572</b>	<b>78%</b>
<b>Net Change in General Fund</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(13,874)</b>	<b>(55,397)</b>	

No assurance is provided on these financial statements

## PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

## 2023 Budget

January 1, 2023 Through September 30, 2023

Program Element		2023 Source of Funds			
		2023 Levy	Budget Reserve	Funds/Fees	2023 Budget
	Implementation Fund				
	Revenues				
	Property Taxes	\$ 1,670,736	\$ -	\$ -	\$ 1,670,736
	Grants/Fees	-	-	120,664	120,664
	Interest	-	-	67,200	67,200
	Sales/Other	-	-	-	-
	Budget Reserves	-	\$ 371,200	-	371,200
	Total Revenues	\$ 1,670,736	\$ 371,200	\$ 187,864	\$ 2,229,800
	Expenditures				
	Program Salaries and Benefits (not JPA/MOA)	\$ 492,900	\$ -	\$ -	\$ 492,900
Water Qual	550 Public Infrastructure Partnership Projects	\$ -	\$ -	\$ -	\$ -
Water Qual	611 Farmer-led Council	54,000	-	-	54,000
Water Qual	611 Cost-Share Incentives	58,000	-	-	58,000
Water Qual	611 Highway 13 Wetland, FeCl system & Desilt, O&M	30,800	-	67,200	98,000
Water Qual	611 Fish Management, Rough Fish Removal	94,000	8,900	-	102,900
Water Qual	611 Spring Lake Demonstration Project Maintenance	1,200	-	-	1,200
Water Qual	611 Alum Internal Loading Reserve	220,000	-	-	220,000
Water Qual	611 Fish Stocking	3,000	-	-	3,000
Water Qual	637 District Monitoring Program	81,000	-	-	81,000
Water Qual	626 Planning and Program Development	17,500	-	-	17,500
Water Qual	626 Fish Lake Management Plan Update	30,404	-	50,896	81,300
Water Qual	626 LGU Plan Review	4,000	-	-	4,000
Water Qual	626 Engineering not for programs	15,000	-	-	15,000
Water Qual	626 Debt Issuance Planning	10,000	-	-	10,000
Water Qual	648 Permitting and Compliance	74,000	-	5,000	79,000
Water Qual	648 Update MOAs with cities & county	10,000	-	-	10,000
Water Qual	648 BMP and easement inventory & inspections	9,500	-	500	10,000
Water Qual	626 Upper Watershed Blueprint	122,332	362,300	39,868	524,500
Water Qual	626 District Plan Update	2,500			2,500
	WQ TOTAL	\$ 837,236	\$ 371,200	\$ 163,464	\$ 1,371,900
Water Storage	550 District-wide Hydraulic & Hydrologic model	\$ 5,000	\$ -	\$ -	\$ 5,000
	WS TOTAL	\$ 5,000	\$ -	\$ -	\$ 5,000
AIS	611 Aquatic Vegetation Mgmt	5,600	-	\$ 9,400	\$ 15,000
AIS	637 Automated Vegetation Monitoring (BioBase)	\$ 2,000	-	-	2,000
AIS	637 Aquatic Vegetation Surveys	5,500	-	-	5,500
AIS	637 Boat inspections on Spring, Upper & Lower Prior	17,000	-	15,000	32,000
	AIS TOTAL	30,100	-	24,400	54,500
Ed & Out	652 Education and Outreach Program	\$ 40,000	\$ -	\$ -	\$ 40,000
	E&O TOTAL	\$ 40,000	\$ -	\$ -	\$ 40,000
	PLOC Contribution	\$ 185,500	\$ -	\$ -	\$ 185,500
	Debt Payment Reserve	80,000	-	-	80,000
	Total Implementation Fund	\$ 1,670,736	\$ 371,200	\$ 187,864	\$ 2,229,800
	Net Change in Fund Balance Implementation Fund	-	-	-	-
	Grant Funds/Fees Anticipated				
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
	Total Grant Funds/Fees Anticipated			\$ 190,864	\$ 190,864

No assurance is provided on these financial statements

\*\*Reflects bills paid through September 30, 2023\*\*

2023 Actual Results		
September 2023	YTD	YTD % of Budget
-	876,128	52%
-	41,403	34%
1,392	44,829	67%
-	2,254	#DIV/0!
-	-	0%
1,392	964,614	43%
28,190	296,133	60%
-	-	#DIV/0!
1,729	18,830	35%
21,276	34,648	60%
7,807	49,838	51%
5,982	63,675	62%
-	-	0%
-	-	0%
	3,500	117%
2,767	14,419	18%
653	8,955	51%
-	34,004	42%
-	-	0%
965	12,711	85%
-	-	0%
6,666	28,326	36%
-	1,011	10%
17,372	18,262	183%
2,165	29,321	6%
-	-	0%
67,381	317,499	23%
-	-	0%
-	-	0%
43	1,497	10%
-	781	39%
-	-	0%
8,768	21,001	66%
8,810	23,279	43%
2,095	5,054	13%
\$ 2,095	\$ 5,054	13%
-	185,421	100%
-	-	0%
106,477	827,385	37%
(105,084)	137,229	



**PLSLWD Monthly Treasurers Report**

Treasurer: Christian Morkeberg

*Account balances as of 09/30/2023*

4M Fund (Checking Account)	\$	1,765,823
4M Fixed Income	\$	1,299,654
Total Uncleared Transactions	\$	-
<b>SUBTOTAL</b>	<b>\$</b>	<b>3,065,476</b>

**RESTRICTED/COMMITTED FUNDS**

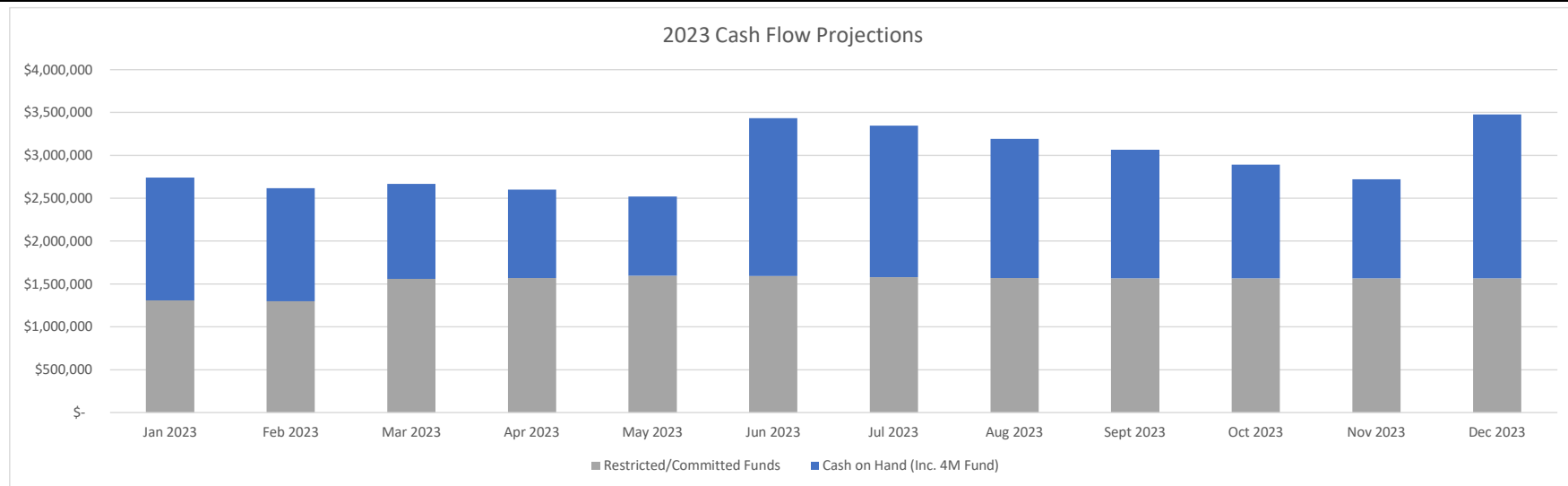
Restricted - Permit Deposits, etc. (350 & 360)	\$	138,622
Restricted - PLOC Contingency Reserve (850)	\$	267,636
Restricted - PLOC O&M Funds (830)	\$	219,410
Committed - Alum Internal Loading Reserve	\$	480,000
Committed - Upper Watershed Fund Balance	\$	362,300
Committed - Debt Payment	\$	100,000
<b>TOTAL DISTRICT/PLOC RESTRICTED OBLIGATIONS</b>	<b>\$</b>	<b>1,567,968</b>

<b>Available cash at end of September 2023</b>	<b>\$</b>	<b>1,497,508</b>
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*60.6% of 2023 Budget***No assurance is provided on these financial statements**

## 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)	\$ 1,431,758	\$ 1,320,069	\$ 1,107,290	\$ 1,031,741	\$ 922,202	\$ 1,842,295	\$ 1,768,498	\$ 1,623,381	\$ 1,497,508	\$ 1,324,428	\$ 1,151,394	\$ 1,907,580
Restricted/Committed Funds	\$ 1,308,754	\$ 1,298,440	\$ 1,560,558	\$ 1,568,338	\$ 1,597,340	\$ 1,592,144	\$ 1,578,169	\$ 1,570,021	\$ 1,567,968	\$ 1,567,968	\$ 1,567,968	\$ 1,567,968
Total Cash on Hand	\$ 2,740,512	\$ 2,618,509	\$ 2,667,848	\$ 2,600,079	\$ 2,519,542	\$ 3,434,439	\$ 3,346,667	\$ 3,193,402	\$ 3,065,476	\$ 2,892,396	\$ 2,719,362	\$ 3,475,548



## 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)	\$ 2,822,334	\$ 2,740,512	\$ 2,618,509	\$ 2,667,848	\$ 2,600,079	\$ 2,519,542	\$ 3,434,439	\$ 3,346,667	\$ 3,193,402	\$ 3,065,476	\$ 2,892,396	\$ 2,719,362	
<b>Cash Receipts</b>													
Property Tax Levy	\$ 15,415	\$ -	\$ -	\$ -	\$ -	\$ 1,006,813	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 913,123	\$ 1,935,351
BWSR WBIF	-	-	41,403	-	-	-	-	-	-	-	-	-	41,403
BWSR BWF - Lower MN River South	-	-	-	-	-	-	-	-	-	-	-	-	-
DNR Flood Hazard Mitigation Grant	-	-	-	-	-	-	-	-	-	-	-	-	-
Grants - Other	-	-	-	-	-	-	-	-	-	-	-	21,354	21,354
PLOC Contributions	-	-	287,598	-	33,717	-	-	-	-	-	-	-	321,315
Interest Income	5,631	5,108	5,749	10,806	5,841	7,772	8,981	8,688	8,135	8,000	8,000	8,000	90,711
Other Receipts	-	-	2,000	-	-	-	-	-	-	-	-	-	2,000
Total Cash Receipts	\$ 21,046	\$ 5,108	\$ 336,750	\$ 10,806	\$ 39,558	\$ 1,014,585	\$ 8,981	\$ 8,688	\$ 8,135	\$ 8,000	\$ 8,000	\$ 942,477	\$ 2,412,134
Total Cash Available	\$ 2,843,380	\$ 2,745,620	\$ 2,955,259	\$ 2,678,654	\$ 2,639,637	\$ 3,534,127	\$ 3,443,420	\$ 3,355,355	\$ 3,201,537	\$ 3,073,476	\$ 2,900,396	\$ 3,661,839	
<b>Cash Paid Out</b>													
Salaries and Per Diems	\$ 28,453	\$ 38,504	\$ 60,801	\$ 39,421	\$ 39,424	\$ 41,689	\$ 52,400	\$ 69,048	\$ 39,230	\$ 56,658	\$ 56,658	\$ 56,658	\$ 578,945
Office Expense, Audit, Accounting	7,787	3,932	7,957	18,361	10,749	3,602	9,120	6,462	7,569	6,069	6,024	11,274	98,906
PLSLWD Program Costs	66,307	74,361	24,771	17,173	65,207	44,230	21,258	74,389	83,143	105,100	105,100	105,100	786,139
PLOC Contribution	-	-	185,421	-	-	-	-	-	-	-	-	-	185,421
PLOC Operations	321	10,314	8,461	3,620	4,715	10,167	13,975	12,054	6,119	13,252	13,252	13,259	109,509
Debt Service	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal	\$ 102,868	\$ 127,111	\$ 287,411	\$ 78,575	\$ 120,095	\$ 99,688	\$ 96,753	\$ 161,953	\$ 136,061	\$ 181,079	\$ 181,034	\$ 186,291	\$ 1,758,920
Cash on Hand (end of month)	\$ 2,740,512	\$ 2,618,509	\$ 2,667,848	\$ 2,600,079	\$ 2,519,542	\$ 3,434,439	\$ 3,346,667	\$ 3,193,402	\$ 3,065,476	\$ 2,892,396	\$ 2,719,362	\$ 3,475,548	

## Prior Lake-Spring Lake Watershed District Balance Sheet

	9/30/2023 Balance
Cash/Investments	
4M Fund/US Bank	\$ 3,065,476
	<u>\$ 3,065,476</u>
Receivables	
PLOC - Contributions	-
Other Receivables	-
	<u>-</u>
Total Assets	<u><u>\$ 3,065,476</u></u>
Liabilities	
Permit Security	\$ 135,795
Permit Deposits	2,827
	<u>138,622</u>
Fund Balance	
Restricted	487,046
Committed	942,300
Unassigned	1,497,508
	<u>2,926,854</u>
Total Liabilities and Fund Balance	<u><u>\$ 3,065,476</u></u>

PLSLWD  
Cost Analysis  
Year to Date 09/30/2023

	<u>Year to Date 09/30/2023</u>	
	<u>Amount</u>	<u>% of total</u>
<u>Program staff costs</u>	<b><u>296,133</u></b>	<b>28.9%</b>
<u>Consultants</u>		
EOR	107,723	
Blue Water Science	450	
WSB & Associates	60,993	
Scott Soil and Water Cons.	82,436	
RMB Environmental Labs	10,619	
Waterfront Resorations	21,001	
	<b><u>283,222</u></b>	<b>27.7%</b>
Hard costs, exclusive of prog staff & consultant costs	62,609	
Permitting Revenue	-	
	<b><u>62,609</u></b>	<b>6.1%</b>
<u>Overhead and Administration</u>		
Staff costs	109,956	
Audit/Accounting/Legal	31,786	
Other admin overhead	53,830	
	<b><u>195,572</u></b>	<b>19.1%</b>
<u>Bonds payments</u>	<b><u>-</u></b>	<b>0.0%</b>
<u>PLOC Contribution</u>	<b><u>185,421</u></b>	<b>18.1%</b>
<b>Expenses excluding PLOC expenses per manager report</b>	<b><u><u>1,022,958</u></u></b>	<b>100.0%</b>

No assurance is provided on this statement.

This statement omits required disclosures.

This statement is prepared on the cash basis of accounting.

**WORKSHOP MEETING MINUTES*****Tuesday, September 12, 2023******Prior Lake City Hall******4:00 PM*****Members Present:**

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

**Staff & Consultants Present:**

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

**Others Present:**

Jim Fitzsimmons, Scott SWCD  
Wes Steffen, Spring Lake Association  
Adib Amini, Purpose Associates (virtual-Ferric Chloride System  
Assessment Study Update agenda item)

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

**Ferric Chloride System Assessment Study Update**

District Project Manager Emily Dick and consultants presented the initial findings of the Ferric Chloride System Assessment. The initial findings focus on short-term recommendations to maintain the current system in good operation. The recommendations include replacement of tank, level sensors, pump, and tubing, and addition of a garage door and PPE equipment to the storage building. There were two alternatives presented for tank sizes and quantity. The alternatives seek to create redundancy, reduce risk of spill, and ease tank replacement and chemical delivery. Board managers provided feedback. The draft 2024 budget includes the recommended updates.

**Draft 2024 Budget**

District Administrator Giese presented the third version of the draft budget. The third version represents a very similar tax rate applied to residents in 2023 (2.826%-2023 to 2.815%-draft 2024). Ninety percent of the budget is directed to programs and projects. The budget includes the continued effort to build reserve funds for anticipated future alum treatments. The proposed

budget also includes an update of the Comprehensive Wetland Plan and updates to the Ferric Chloride system. This draft budget reflects the proposed levy to be voted on at the September board meeting.

### **Sutton Lake IESF Alternate Study Update**

District Project Manager Emily Dick and District Engineer Carl Almer presented the findings of an alternatives study for Iron Enhanced Sand Filter (IESF) sites near Sutton Lake. Three sites were examined for their efficiency and cost benefit ratio. The initial proposed site in the Sutton IESF feasibility study was found to be the most effective, however the alternative site (MB-13) downstream was a favorable next best option.

### **SCALE Legislative Priorities**

District Administrator Giese briefed the Board Managers on SCALE's process to set legislative priorities. Proposed priorities are due Sept 26<sup>th</sup>. Administrator Giese suggested that the District make a recommendation for PLOC pipe lining support. Another potential future priority could be supporting an amendment to state law to provide limited liability protection to smart salting certified commercial salt applicators.

### **Farmer-led Council Cost Share Eligibility**

The Farmer-led Council (FLC) program does not currently have a policy document governing the application of its cost share program. Staff presented proposed eligibility language for the program which would clearly outline that fields within the hydrologic or political boundaries are eligible for FLC cost share programming. The language is intended to clarify eligibility on the edges of the watershed district boundaries, and will affect few farmers, but provide maximum opportunities for inclusion in the program.

### **Project Pursuit Suspension**

Project Manager Emily Dick presented scenarios of landowner engagement and when the District should suspend its pursuit of a project. Staff proposed in the future that staff will bring forward recommendations to suspend to the Board for consideration. The recommendation would have an identified follow-up plan. Board feedback included the desire for a way to track the follow-up and project status so that it is not dependent on long term staffing recollection.

### **Easement Signs Replacement**

An update was given on the replacement of easement signs. Roughly 300 signs are missing and the District Board had discussed replacing the 300 signs once for an estimated cost of \$20,000. After the signs are replaced, any future replacements would be at the expense of the landowner, and this notice will be printed on the sign. The budgeted \$20,000 will be on the September Board agenda for approval.

### **Liaison Updates**

#### **District Partner Reports**

- *Scott County*- None today.
- *CAC*- None.
- *City of Prior Lake*- None today.
- *Scott SWCD*- Comments about the importance of landowners and working together.  
Upcoming events: Outdoor Education Days Sept 25-28, Annual Fall Conservation Tour Sept 18.  
Reports of cost share on cover crops, prescribed burns, nutrient management, and no-till.  
Expressed interest in wetland banking partnership.
- *Spring Lake Association*- Got funding to improve boat ramps. Had a meeting with Prior Lake Assn, Spring Lake Assn., and DNR. Spring Lake, Sand Point, and DeWitt ramps are being considered for improvement. There are many challenges at sites, and conditions may require complete renovation. The groups are figuring out how to spend the full budget. Map with boater etiquette is in Spring Lake kiosk. Made a request to have boat inspectors distribute the map.
- *Spring Lake Township*- None today.

#### Manager Liaison Reports

- *CAC*- None.
- *Scott SWCD*- None.
- *Lower Minnesota Watershed District*- None.
- *Sand Creek Township*- None.
- *Spring Lake Township*- None.
- *Scott WMO*- Reported diversity of fish in Sand Creek. Shallow Lakes seminar October 11.
- *Shakopee*- None.
- *SCALE*- Regional park camper cabins program and coordinated response program presentations. District is host for October meeting.
- *Scott County* – None.
- *Metro Watersheds*- None.
- *PLOC Cooperators*- Discussed 2024 budget.
- *Farmer-Led Council*- Draft policy.

#### **Administrator Report**

- Given in Board meeting

Respectfully Submitted,  
Emily Dick  
10/2/2023





## REGULAR MEETING MINUTES

*Tuesday, September 12, 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  
Danielle Studer, Water Resources Specialist  
Carl Almer, EOR, District Engineer

Others Present:

Wes Steffan, Curt Hennes

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

Meeting was called to order by President Loney at 6:08 pm. Everyone present recited the Pledge of Allegiance.

• **2.0 PUBLIC COMMENT**

- Curt Hennes, 17286 Sunset Trail, expressed support for a small Alum treatment for Fish Lake. HAB Aquatic Solutions are already in the area for other work and could be available to help meet the goal (of reducing phosphorus levels in Fish Lake).
- PUBLIC HEARING – 2024 Preliminary Proposed Budget and Levy
  - Motion to open the public hearing by Manager Burnett; 2nd by Manager Boyles; passed 5-0.
  - Administrator Giese presented the proposed budget and levy details for 2024, and then recommended the board pass Resolution 23-371.
  - Motion to close the public hearing by Manager Burnett; 2nd by Manager Boyles; passed 5-0.
- 2024 Preliminary Levy Certification—Resolution 23-371
  - Motion to approve the 2024 preliminary levy – Resolution 23-371 by Manager Boyles; 2nd by Manager Burnett; passed 5-0.

• **3.0 APPROVAL OF AGENDA**

- Agenda changes:
  - Add 4.7 Administrator Report
- Motion to approve amended agenda by Manager Burnett; 2<sup>nd</sup> by Manager Tofanelli; 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, and some upcoming events.
    - Presented new video for PLSLWD website “Welcome to the Watershed”
    - Still in a “Severe Drought”
    - Project status & public outreach summary
    - CAC currently has only 5 members

- **4.2 Designation of a PLSLWD Alternate Representative to the PLOC Project Cooperators**

- Administrator Giese presented the fact there was no alternate PLSLWD representative to the PLOC Project Cooperators. She presented a recommendation to specify the PLSLWD Vice-chair be the specified alternate representative.
    - Motion to approve request by Manager Burnett; 2<sup>nd</sup> by Manager Morkeberg; passed 4-0; Manager Boyles (Vice-chair) abstained.

- **4.3 Cost Share Project Approval**

- Emily Dick presented a request for cost share for the Busch prescribed burn project.
    - Motion to approve by Manager Boyles; 2<sup>nd</sup> by Manager Tofanelli; passed 5-0.

- **4.4 Farmer-led Council Cost Share Eligibility**

- Emily Dick presented the request approve the Farmer-led Council Cost Share Eligibility protocol.
    - Motion to approve by Manager Burnett; 2<sup>nd</sup> by Manager Morkeberg; passed 5-0.

- **4.5 PLSLWD Rule D - Public Linear Cost Cap and Stormwater Impact Fund Contribution Rate Establishment**

- Administrator Giese presented the request to approve the new Rule D rates for the Public Linear Cost Cap and Stormwater Impact Fund Contribution.
    - Motion to approve 1) a Public Linear Cost Cap of \$22.50 per cubic foot of required stormwater treatment volume; and 2) a Stormwater Impact Fund contribution rate of \$34.50 per cubic foot of required stormwater treatment volume; by Manager Boyles; 2<sup>nd</sup> by Manager Burnett; passed 5-0.

- **4.6 Easement Signs Replacement**

- Administrator Giese presented the plan and request to replace all the missing conservation easement signs for an estimated cost of \$20,000.
    - Motion to approve by Manager Tofanelli; 2<sup>nd</sup> by Manager Boyles.
      - Manager Boyles made a motion to revise the approval motion to include verbiage on the sign stating to the effect that sign removal is prohibited and that property owners are responsible for cost of replacing missing, relocated or damaged signs, approved by Manager Tofanelli as an amended motion.
      - Vote on amended motion, passed 5-0.

**4.7 Administrator Report (carryover item from workshop)**

- Administrator Giese presented her report of
  - New staff member, Zach Nagel, starting September 27.
  - PLOC pipe lining project added to MN House of Representatives Fall Capital Investment Tour

**• 5.0 TREASURER'S REPORT**

Treasurer Morkeberg summarized the financial information contained in the packet including:

**5.1 Monthly Financial Reports**

- Financial Report
- Treasurers Report
- Cash Flow Projections

**• 6.0 CONSENT AGENDA**

- 6.1 Meeting Minutes – August 8, 2023, Board Workshop
- 6.2 Meeting Minutes – August 8, 2023, Board Meeting
- 6.3 Claims List and US Bank Purchase Card Expenditures Summary
- Motion to approve consent agenda by Manager Morkeberg; 2nd by Manager Tofanelli; Passed 5-0.

**• 7.0 UPCOMING MEETING/EVENT SCHEDULE:**

- Fall Community Fest, Monday, September 18, 2023, 6:00 - 8:30 pm (Prior Lake High School)
- CAC Meeting, Thursday, September 28, 2023, 6:00 – 7:30 pm (Prior Lake City Hall – Wagon Bridge Conference Room)
- Fish Lake Management Plan Update Landowner meeting, Thursday, October 5, 2023, 6:00 - 8:00 pm (Spring Lake Town Hall)
- Board of Managers Workshop, Tuesday, October 10, 2023, 4:00 pm (Prior Lake City Hall – Parkview Conference Room)
- Board of Managers Meeting, Tuesday, October 10, 2023, 6:00 pm (Prior Lake City Hall – Council Chambers)
- PLSLWD hosting SCALE meeting, Oct. 13, 2023, 7:30-9:00 am (Link Event Center, Prior Lake)
- Clean Water Clean-up Event, Saturday, October 28, 2023, 9:30 am – 12 pm (Sand Point Beach)

**• 8.0 ADJOURNMENT**

- Motion to adjourn by Manager Burnett; 2<sup>nd</sup> by Manager Morkeberg; passed 5-0.
- Meeting adjourned at 7:08 pm

Respectfully Submitted,  
Ben Burnett, PLSLWD Secretary, 10/2/23



### CAC Meeting Minutes

Thursday July 27, 2023

6:00 – 7:30 PM

#### Attendees:

CAC Members: 4 of 5 members present = 80% (**≥50%**)

- ☒ Loren Hanson
- ☒ Maureen Reeder
- ☒ Ron Hoffmeyer
- ☐ Curtis Witt
- ☒ Woody Spitzmueller

Staff: Danielle Studer, Joni Giese

Board members: Matt Tofanelli

Visitor: Supervisor Lisa Quinn - Spring Lake Township Board

CAC Business 6:00 (Meeting called to order at 6:00 pm)

- Approval of the agenda:
  - Motion to Approve: Woody
  - Second: Ron
  - Motion carried.
- Approval of June Minutes:
  - Motion to approve: Woody
  - Second: Ron
  - Motion carried.
- Approval of June Joint Board/CAC Minutes:
  - Woody
  - Second: Ron
  - Motion carried.
- Review of June/July Board Meetings:
  - Matt T. covered discussions around:
    - Conservation Easements/education/signage/enforcement
    - Reviewed major projects: Sutton Lake/Iron Buffer/Ferric Chloride assessment.
    - Presentation from Wes Stefan on Eurasian Watermilfoil eradication
    - Boat access money was discussed and questions on who will disperse these monies.
- CAC Focus Project discussion:
  - Maureen has met twice with Emily to attempt to advance this. Authority lies with Soil and Conservation. Seems to be tabled for now.
  - Le Sueur county has advanced a program that is paying to put marginal farmland

- into conservation for watershed improvements.
  - Scott County doesn't seem interested in this type of program.
  - Maureen discussed a plan that incentivizes landowners to conserve forest land for lower taxes.
  - PLSLWD is creating information for both programs to get awareness and education out. Will be distributed at next Farme-Led Council Meeting
  - Woody brought up monitoring lake depth. Loren suggested that he, Woody, and Ron examine this.
- Comments of Draft Budget:
  - Joni is trying to keep the percentage of assessed value at the same percentage as last year: 2.8% vs. current budget of 2.9%. She would need to find \$70,000.00 in reductions.
  - Discussed ferric chloride program and what needs to be done to address end of life of Tank/building, etc.
  - Discussion around Farmers lead council. \$30,000 encumbered could be a savings for the 2024 budget. The drought led to these monies being saved.
  - Carp management. Goal is to get to 100 kilograms per hectare. Upper Prior is inching closer to this goal. If we hit this goal, we would go into management goal. Spring still needs significant work. Geography makes Spring more difficult to manage.
- Recruitment Plan and Goals:
  - Danielle shared ideas of recruitment guidelines/profiles via MN Statute.
  - Discussion ideas around recruiting a varied background and interests.
    - SMSC member
    - Dependence upon word of mouth has resulted in some clustering of members physical locations.
    - Farmers
    - Tier 2 and 3 Lake representation.
    - Local sports clubs.
    - Should student representative be added?
    - Rural/city
    - Potential corporate executive that needs to round out resume.
    - Discussion around township members as CAC members.
    - Could appeal at a Prior Lake Council meeting. Woody volunteered as "2022 Volunteer of Year" to advance this.
  - Discussion around Recruitment Schedule.
    - Applications open continuously,
    - Entry points to meetings at 3 times per year. Feb./June./Oct.
    - One-pager flyer has been created.
- Request for volunteers for Fall Community Fest:
  - Monday, September 18. From 6:00 to 8:30 at Prior Lake HS.
  - Help host table on Chloride pollution and answer questions about CAC.
- Outreach message/one-pager:
- Choose representatives for Board workshops:
  - Would like a CAC member at each workshop.
- Staff Project Updates

- Joni G. Shared on-going project status.
  - Swamp Iron Enhanced Sand Filter
  - Prior Lake Outlet Pipe Lining- Funding request made for \$2M.
    - Could Federal monies be navigated by developing a relationship with Angie Craig?
  - Scott SWCD (Soil Water Conservation District) Partnership Update
  - FeCl system Update
  - Monitoring and Treatment Updates
  - Drought Monitor update; seem to be trending similar to 2022.
  - Shauna's last day with District is August 16.
  - Supervisor Quinn mentioned to stay in contact with Senator Pratt.
- Actions to discuss next meeting:

Motion to adjourn at 7:30 pm

Motion to Adjourn: Woody S.

Second: Ron H.

Motion Carried:

**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 benefits, Manager per diems, and Health insurance premiums have already been paid via ACH transfers. After the managers vote, two Managers will approve individual payments via BILL within three days of the meeting for approved claims. Then, staff will release payment via BILL to the claims list parties.

Vendor	Invoice Link	Description	Amount
<b>1. Watershed District Projects (excluding staff payroll)</b>			
EOR	<a href="#">X</a>	General Engineering	\$ 1,521.75
		Fish Lake Management Plan Update	\$ 10,890.50
		Permitting	\$ 1,980.00
		Ferric Chloride System Assessment	\$ 9,256.75
		BMP Easements	\$ 1,190.25
Xcel Energy	<a href="#">X</a>	18051 Langford Blvd.	\$ 17.19
Xcel Energy	<a href="#">X</a>	April payment - made automatically from US Bank	\$ 15.17
Xcel Energy	<a href="#">X</a>	May payment - made automatically from US Bank	\$ 20.82
Xcel Energy	<a href="#">X</a>	June payment - made automatically from US Bank	\$ 21.98
Xcel Energy	<a href="#">X</a>	July payment - made automatically from US Bank	\$ 19.73
Xcel Energy	<a href="#">X</a>	August payment - made automatically from US Bank	\$ 16.79
Blue Water Science	<a href="#">X</a>	Aquatic Plant Surveys - Fish, Spring, Prior Lakes	\$ 7,200.00
Waterfront Restoration	<a href="#">X</a>	Onsite launch inspections	\$ 5,886.45
Ott Hydromet	<a href="#">X</a>	Graphing website	\$ 3,426.08
RMB	<a href="#">X</a>	June Ferric Monitoring	\$ 1,036.73
ATS	<a href="#">X</a>	Telemetry Radio Tags	\$ 1,995.00
Tech Sales	<a href="#">X</a>	FeCl equipment return	\$ 941.25
		<b>Subtotal</b>	<b>\$ 45,436.44</b>
<b>2. Outlet Channel - JPA/MOA (excluding staff payroll)</b>			
WSB	<a href="#">X</a>	Pipe lining project management	\$ 4,986.00
EOR		Engineering Assistance	\$ 381.75
		<b>Subtotal</b>	<b>\$ 5,367.75</b>
<b>3. Payroll, Office and Overhead</b>			
ADP Manager Per Diems			\$ 718.74
ADP Staff Payroll			\$ 18,456.47
ADP Taxes & Benefits			\$ 14,413.11
League of Minnesota Cities	<a href="#">X</a>	Membership Dues	\$ 2,221.00
NCPERS	<a href="#">X</a>	October Life Insurance Premiums	\$ 80.00
Reliance Standard	<a href="#">X</a>	October LTD and STD Premiums	\$ 696.94
HealthPartners	<a href="#">X</a>	Health Insurance Premiums - October 2023	\$ 6,906.16
City of Prior Lake	<a href="#">X</a>	Rent (November 2023)	\$ 2,387.03
Smith Partners	<a href="#">X</a>	September Billing	\$ 156.66
CLA	<a href="#">X</a>	Monthly Accounting - 15.75 hours	\$ 1,650.00
		Technology and Client Support Fee	\$ 98.90
		Monthly Payroll processing	\$ 328.00
		Bill.com fees - August & September	\$ 108.00
Rymark	<a href="#">X</a>	October Billing (10 workstations)	\$ 1,016.95
Metro Sales	<a href="#">X</a>	Contract base rate 9/8-10/7/2023	\$ 155.00
	<a href="#">X</a>	Contract usage 6/30-9/29/2023	\$ 328.29
Iceberg Web Design	<a href="#">X</a>	PHP 8.1 Update	\$ 400.00
Innovative Office Solutions LLC	<a href="#">X</a>	Cube and Board Nameplates	\$ 59.36
US Bank		September Billing	\$ 1,999.25
		<b>Subtotal</b>	<b>\$ 52,179.86</b>
		<b>TOTAL</b>	<b>\$ 102,984.05</b>

Trans Date	Merchant Name	Amount	Receipt Link	Staff Approval	Class	Customer	Expense	Description
8/26/2023	Ironclad Storage	\$ 220.00	<a href="#">x</a>	Jeff Anderson	611 Operations & Maintenance	Fish Mgmt - Equipment, Storage & Maintenance	876 Field Equipment & Maintenance	Equipment storage
9/4/2023	Verizon	\$ 28.08	<a href="#">x</a>	Jeff Anderson	648 Regulation	Easement Inspections & violations	876 Field Equipment & Maintenance	cell data
9/12/2023	Jimmy Johns	\$ 94.78	<a href="#">x</a>	Patty Dronen	626 Planning	Planning and Program Development	902 Meals and Lodging	Board Manager meal
9/9/2023	Microsoft Azure	\$ 4.99	<a href="#">x</a>	Patty Dronen	626 Planning	Planning and Program Development	903 Dues/Fees/Subscriptions	Database fee
9/1/2023	Holiday Stationstore	\$ 81.29	<a href="#">x</a>	Danielle Studer	637 Monitoring & Research	Equipment Storage & Maintenance	801 Gas, Mileage	gas
9/12/2023	4Imprint	\$ 497.51	<a href="#">x</a>	Patty Dronen	652 Education & Outreach	Events/Tours	806 Program Costs-Miscellaneous	Bobber giveaways
9/1/2023	USPS	\$ 11.65	<a href="#">x</a>	Patty Dronen	611 Operations & Maintenance	Hwy 13 Wetland, FeCl System & Desilt Pond	901 Mailings	Mailing of equipment
8/28/2023	Best of Signs	\$ 70.15	<a href="#">x</a>	Patty Dronen	652 Education & Outreach	Events/Tours	806 Program Costs-Miscellaneous	Tablecloth and runner
9/4/2023	Amazon	\$ 448.00	<a href="#">x</a>	Emily Dick	652 Education & Outreach	Presentations	751 Office Equipment & Maintenance	Projector
8/30/2023	The Pointe	\$ 112.01	<a href="#">x</a>	Patty Dronen	626 Planning	Planning and Program Development	902 Meals and Lodging	Lady A lunch
9/13/2023	Xcel Energy (charge plus web payment fee)	\$ 17.51	<a href="#">x</a>	Jeff Anderson	611 Operations & Maintenance	Hwy 13 Wetland, FeCl System & Desilt Pond	704 Utilities	Utilities
9/18/2023	Amazon	\$ 69.99	<a href="#">x</a>	Patty Dronen	PLOC 831	PLOC Channel Repair	710 Office Expense Other	Bonding Tour
9/19/2023	Dollar Tree	\$ 7.87	<a href="#">x</a>	Patty Dronen	PLOC 831	PLOC Channel Repair	710 Office Expense Other	Bonding Tour
9/19/2023	Amazon	\$ 16.88	<a href="#">x</a>	Patty Dronen	PLOC 831	PLOC Channel Repair	710 Office Expense Other	Bonding Tour
9/18/2023	Tractor Supply	\$ 30.69	<a href="#">x</a>	Danielle Studer	637 Monitoring & Research	Fish Mgmt - Carp Removals-Specialized Traps	806 Program Costs-Miscellaneous	Corn for bait
9/19/2023	Lunds & Byerlys	\$ 8.37	<a href="#">x</a>	Danielle Studer	637 Monitoring & Research	Fish Mgmt - Population Estimates	806 Program Costs-Miscellaneous	Clove oil for carp sedation
9/20/2023	Imprint.com	\$ 70.55	<a href="#">x</a>	Patty Dronen	PLOC 831	PLOC Channel Repair	710 Office Expense Other	Bonding Tour
9/21/2023	Amazon	\$ 19.99	<a href="#">x</a>	Patty Dronen	PLOC 831	PLOC Channel Repair	710 Office Expense Other	Bonding Tour
9/21/2023	Dollar Tree	\$ 63.41	<a href="#">x</a>	Patty Dronen	PLOC 831	PLOC Channel Repair	710 Office Expense Other	Bonding Tour
9/24/2023	Adobe	\$ 110.54	<a href="#">x</a>	Patty Dronen	405 General Fund		903 Dues/Fees/Subscriptions	Software
9/20/2023	PayPal - Canva Pro	\$ 14.99	<a href="#">x</a>	Patty Dronen	405 General Fund		903 Dues/Fees/Subscriptions	Canva software
	TOTAL	\$ 1,999.25						