



**Steering Committee Meeting
Wednesday, Feb. 23, 2-3:30pm**

To join the Meeting:

<https://us02web.zoom.us/j/81644480415?pwd=TGx6a1ZrN3Z0bGJBM3psRHUxa3dndz09>

Meeting ID: 816 4448 0415

Passcode: 732347

AGENDA

1. Planning team updates

- 2022 Timeline for implementation and planning
 - Feb. 23 -March 23: [Local partners report-out projects completed in 2021 using spreadsheet](#)
 - March 23: Advisory Committee meeting - review revised 2022 Annual Plan of Work and 2021 Annual Report to send to Policy Committee
 - April 25: Policy Committee reviews 2021 annual report and reviews/recommends 2022 Annual Plan of Work for local approval
 - A vote of 2/3rd of the members present is necessary to move a recommended annual work plan on to the governing boards.
 - May: Local partners send 2022 Annual Plan of Work to their respective boards for local approval
 - Approval from 2/3rd of the governing bodies is needed to approve the plan
- Financial update – Craig Mell
- Discussion: possible transition from JPC to JPE
 - Craig working with Jeff Fuge, Chisago County Attorney, to prep a memo with more detail
 - Jamie researching costs to become a JPE – likely more than currently
 - \$4200 for insurance
 - Substantially more staff time if the policy committee begins meeting more frequently
 - \$20k extra if the group begins including per diems for policy committee members
 - May have additional attorney costs if there are conflicts of interest between Chisago County and the JPE and the entity needs to hire an outside attorney
 - Options to reduce frequency of meetings: Create an executive committee that meets monthly (Dakota Co example); Designate an authorized entity; Steering committee meets less frequently

[Anoka Soil and Water Conservation District - Brown's Creek Watershed District - Chisago County](#)
[Carnelian-Marine-St. Croix Watershed District - Chisago Soil and Water Conservation District](#)
[Comfort Lake-Forest Lake Watershed District - Isanti County - Isanti Soil and Water Conservation District](#)
[Middle St. Croix Watershed Management Organization - Pine County - Pine Soil and Water Conservation District](#)
[South Washington Watershed District - Sunrise River Watershed Management Organization](#)
[Valley Branch Watershed District - Washington County - Washington Conservation District](#)

- If the policy committee votes to become a JPE in April, the decision will need to go to the local entities for 2/3 approval
- Developing the 2023/24 WBIF grant funds work plan
 - Need to convene a meeting of metro partners, including cities, to determine if we will pool metro and non-metro funds again as we did in 2021-23.

2. Subcommittee Updates

A1) Agronomy Outreach – Jay Riggs

A2,4,5) Urban and Agricultural Projects – Craig Mell and Mike Isensee

- Trout Brook project (SWWD) update
- Nonstructural land management policy: Need to set a policy as a group and determine rates that are uniform across the watershed
 - Policy needs to incorporate street sweeping and nonstructural ag practices
 - Will require a WBIF grant work plan amendment under activity 4

A3) Watershed Education – Barbara Heitkamp

- Put together meet and greet for Jennifer Hahn on March 14th
 - Working to put together a late March small farms workshop and lay groundwork for mid-June large farms workshop
- Lakeshore related initiatives
 - Continuing to build relationship with Jeff Forester from MN Lakes and River Advocates to advance Lake Steward program in LSC
 - Lake Steward program prioritizes training volunteer lakeshore owners who can help their neighbors adopt more stewardship practices (and get a nifty sign)
 - I, Jeff and one of his associates willing to travel and present at spring lake association meetings in the basin - a
 - Adopt a Drain –
 - Can start promotion of program basin wide for individual buy in, but are exploring potential cost options for northern counties so we can access data and measures of success (# of drains adopted, amount of sediment/debris removed)
- Launching blog first week of March – showcasing conservation stories through the LSC – forward your ideas as they come to you!

A6) Wetland Restoration – Becky Wozney

A7) Internal Analyses – Susanna Wilson – Witkowski

- The Subcommittee does not recommend funding the applications for Goose, Little, Martin and Typo, and Rush (East and West) Lakes, as they do not meet the threshold guidance in the 2021-2022 BWSR Work Plan (“Internal load evaluation should only occur after external loading is substantially addressed”) and the Project Selection Criteria.
- The Subcommittee recommends the following threshold guidance further explaining “substantially addressed” external loading in the BWSR Work Plan. The Subcommittee recommends all applicants know they must meet the minimum threshold below to receive funding for external phosphorus analyses.
 - Activity 7 – External Phosphorus Loading Threshold Definitions

- a. Minimum - Minimum external load reduction of 50% toward the TMDL or WRAPs load allocation.
 - b. Preferred - Preferred external load reduction demonstrating 80% or greater toward the TMDL or WRAPs load allocation, Or
 - c. Demonstrated - Demonstrated effective external load through an alternative or additional study or evaluation.
- Consider submitting another Call for Projects in September/October.
 - If there are no other interested applicants, recommend to the SC to use the remaining Activity 7 funds for other BWSR grant activities.

A8) Targeting and Prioritization Analyses - Mike Isensee

MEMORANDUM
Lower St. Croix Partnership

To: LSC Policy Committee
From: Planning Team
Subject: Fast Track Projects Policy

Date: February 23, 2022

Background/Discussion

The purpose of this agenda item is for the Policy Committee to consider recommending the enclosed draft policy to the Lower St. Croix partners for approval. This item addresses the Policy Committee’s direction given at the January 24, 2022 Policy Committee meeting.

Under the current joint powers collaboration structure, the Policy Committee does not have authority to approve policies. It may recommend policies for adoption by at least 2/3 of the partner organizations. The proposed policy would be attached to the Partnership’s Annual Plan of Work each year.

The Policy Committee does not approve specific projects for Watershed Based Implementation Funding (WBIF). The process for project funding approval is described on page 1 of the WBIF work plan. In order to receive WBIF funding, a project needs approval from the applicable subcommittee and the Steering Committee. If the Policy Committee wishes to assert more control over this process, it may wish to review the joint powers collaboration vs joint powers entity structure (see separate memo on this topic in the April 24, 2022 Policy Committee meeting packet) [to be provided closer to meeting date].

Minnesota Statutes define “emergency” projects. These definitions are only applicable to watershed districts (MN Statute 103D.615) and counties (MN Statute Chapter 12). The Lower St. Croix Partnership, as a whole, does not have authority to declare “emergency” projects. As such, the policy which applies to the Partnership is in reference to “fast track” projects. The purpose of this policy is to define the process that the subcommittee and Steering Committee (i.e., the committees tasked with approving projects for WBIF funding) will follow in order to approve projects for WBIF funding more rapidly.

The South Washington Watershed District’s McQuade Ravine Stabilization Project was not an emergency project, as defined by statute. It was merely on an earlier timeline for construction than was the Partnership’s timeline for getting its procedures in place. In other words, the Partnership did not yet have procedures in place to determine how projects will be approved for funding, but the McQuade Ravine Stabilization Project was ready for construction. The project was reviewed and unanimously recommended for approval by the LSC WBIF A 2, 4, 5, 9 subcommittee on June 10, 2021, it was then reviewed and unanimously recommended for approval by the LSC WBIF Steering Committee on June 24, 2021, and finally it was approved by the Chisago SWCD on July 13, 2021. Given the project’s significant phosphorus and sediment reductions directly to the St. Croix River, this project was given special consideration for WBIF grant funding. By fast tracking this project for funding prior to policy completion and getting it constructed sooner than later, severe ravine erosion was mitigated, resulting in a significant reduction of nutrients to the St. Croix River. Now that project funding procedures are place (see Project Request Process Flow Chart), there will not be another instance like this project.

If a watershed district or county declares an emergency project, it does not necessarily need to fund that project through the LSC WBIF. However, if the project is eligible for WBIF funding and the WD/county would like to receive WBIF funding, the WD/county may request WBIF funds. Any partner can request an

MEMORANDUM
Lower St. Croix Partnership

expedited process for considering approval of WBIF funding for a project, regardless of the project's "emergency" classification. The enclosed policy lays out a process to follow in such an event.

Additional notes by legal counsel:

- Governing boards have approved and adopted a defined process for review and approval of projects to be carried out in the implementation of the 2021 Work Plan. It is found at the bottom of page 1 of the WBIF work plan.
- This process also extends and encompasses projects which are now being coined as "Fast Track" Projects.
- The governing boards of the partners must take formal action to either adopt a policy for processing "Fast Track" Projects.

Recommendation

Policy Committee members are encouraged to reach out to their local staff members or directly to Planning Team members with any questions or concerns in advance of the April 25th Policy Committee meeting.

Recommended Motion: Policy Committee Member _____ moves to recommend the Fast Track Projects Policy for adoption by Lower St. Croix partner organization boards. Seconded by Policy Committee Member _____.

Attached: Draft Fast Track Projects Policy

Appendix to the 2022 Annual Plan of Work

Lower St. Croix Fast Track Project Policy

The following policy should not be construed to mean that the Lower St. Croix Partnership will determine the definition or implementation of “emergency” projects. The term “emergency project”, as defined by Minnesota Statutes, is strictly applicable to either watershed districts or counties. Minnesota Statute 103D.615 applies to watershed districts’ authority to declare the existence of an emergency. Minnesota Statute Chapter 12 applies to counties’ authority to declare the existence of an emergency.

The Lower St. Croix Partnership does not have authority under Minnesota Statute to declare “emergency” projects. If the Partnership identifies a project that is eligible for Watershed Based Implementation Funding and is in immediate need of being constructed, it will adhere to the following “fast track” policy.

Some projects may be necessary to mitigate significant environmental damage. Such projects may or may not be defined as “emergency” projects, depending on statutory applicability. Partners and/or subcommittees will use best judgement to determine if a project is in need of being fast tracked. The purpose of this guidance is to avoid approving funding after project construction has begun. Watershed Based Implementation Funding grant allocations will be approved prior to project implementation. The following guidance entails expediting the process outlined in the Project Request Process Flow Chart.

The requesting partner/project sponsor follow these steps:

1. Immediately fill out the Project Request Form.
2. Contact the following Planning Team members to submit the Project Request Form, explain the reasoning why project must be fast-tracked, and coordinate associated meetings/documents:
 - a. Applicable subcommittee lead: Work with subcommittee lead to schedule a special subcommittee meeting.
 - b. Angie Hong: Work with Angie Hong to schedule a special Steering Committee meeting.
 - c. Craig Mell: Work with Craig Mell to begin contracting with fiscal agent and schedule special meeting of fiscal agent (Chisago Soil and Water Conservation District board).
3. Follow the Project Request Process Flow Chart with an expedited timeline, as coordinated with the applicable Planning Team members.

Minnesota Statute 103D.615, which applies only to watershed districts, reads as follows:

103D.615 EMERGENCY PROJECTS.

Subdivision 1. **Declaration of emergency.** If the managers find that conditions exist that present a clear and imminent danger to the health or welfare of the people of the watershed district, and that to delay action would prejudice the interests of the people of the watershed district or would be likely to cause irreparable harm, the managers may declare the existence of an emergency and designate the location, nature, and extent of the emergency.

Subd. 2. **Project order.** If an emergency has been declared to the extent necessary to protect the interests of the watershed district, the managers may order that work be done under the direction of the managers and the engineer, without a contract.

Subd. 3. **Assessment.** The cost of work undertaken without a contract may be assessed against benefited properties or, if the cost is not more than 25 percent of the most recent administrative ad valorem levy of the watershed district and the work is found to be of common benefit to the watershed district, funding may be raised by an ad valorem tax levy upon all taxable property within the watershed district, or both.

Minnesota Statute Chapter 12, which applies only to counties, is available at <https://www.revisor.mn.gov/statutes/cite/12/full>.