Scott Watershed Management Organization

200 Fourth Avenue West
Shakopee, MN 55379-1220

Scott Watershed Management Organization

October 28, 2019

4:00 PM

Scott County Government Center

County Board Room
AGENDA
Scott WMO – Watershed Planning Commission Meeting

October 28, 2019
4:00 PM

Government Center
County Board Room

Call to Order 4:00 PM

Approval of Agenda  
Action

Approval of Meeting Minutes  
August 26, 2019  
Action

Staff Reports
Scott SWCD  
Information
Scott WMO  
Information

Old Business
Project Updates  
Information
McMahon and Markley Lakes – High Water  
Information
Corrective Action Plan  
Information

New Business
Technical Assistance and Cost Share Policy Manual for 2020  
Action
TACS Applications
Justine Hagness – Wetland Restoration  
Action

Adjourn  
Action
MINUTES
Scott County WMO – Watershed Planning Commission
County Boardroom August 26, 2019

Members Present:  Staff Present:  Others Present:
Brian Schmidt  Melissa Bokman  Tom Wolf
Mark Vierling  Ryan Holzer
Jim Schwinger  Beverly Cox-Alexander
Rita Weaver  Brad Davis
Virgil Pint  Kate Sedlacek

Absent:

CALL TO ORDER
Chair Schwinger called the meeting to order at 4:00 PM.

• Specific details and video of the entire August 26, 2019 Scott County WMO Watershed Planning Commission Meeting is available for viewing on the Scott County Website.
• The video link can be viewed at: https://www.youtube.com/watch?v=FvsQ7tuLv1E

Approval of Agenda

Motion by Commissioner Schmidt; Second by Commissioner Vierling to approve the August 26th agenda. The motion carried unanimously.
APPROVAL OF JUNE 24, 2019 MEETING MINUTES:

Motion by Commissioner Vierling; Second by Commissioner Schmidt to approve the June 24, 2019 minutes as written and presented. The motion carried unanimously.

STAFF REPORTS:

SCOTT SWCD:
- Reports are available in the meeting packet for review

Scott WMO:
- At the June hearing a plan amendment to the Watershed Plan was made by adding a CIP which was adopted by the County Board on August 6th. The new amended plan is available on the website.
- The WMO Budget and Levy is scheduled to go to the County Board on September 17th and will be published in the Belle Plaine Herald on August 28th and September 4th
- Paul Nelson will be retiring effective November 1, 2019
- Kate Sedlacek will be replacing Paul Nelson as the new Environmental Service Manager
  - Kate has been with the County for 19 years and brings a vast amount of knowledge to the department. Kate will oversee the Environmental Health and the Natural Resource Departments.
- SCALE (Scott County Association for Leadership and Efficiency)
  - An outside consultant was hired for how we manage our water resources at the County and identify opportunity for how we can be more efficient
  - Identify areas where we can be more formal on how we govern this topic
  - There is an Interest at SCALE to revisit some recommendations from the study
  - Opportunity for areas where we can consolidate services
  - Collaborate more with Carver County
  - Strong relationship with the County and the SWCD
  - Opportunities in the future for efficiencies

OLD BUSINESS

Project Updates

Updates from Melissa Bokman

- The WMO contracted with a consultant to perform watercraft inspections on McMahon, O’Dowd, Thole, Cedar, and Spring Lakes. The inspectors have been very happy with the reaction received by boaters.

Updates from Ryan Holzer
Phase III
- Permitting is complete
- Waiting on final designs to come through
- Easements have been sent to the landowners with a deadline of September 11th to receive them back
- Construction timeline is scheduled for late October
- Barr Engineering estimate for construction costs is likely to be around $50,000.00

Phase IV
- Final plans have been received
- This is a similar design as the last project utilizing log structures, backfilled with boulders and connected with cable
- All the trees are believed to be on-site
- Estimated construction cost is around $320,000.00 (funds are available through grants)
- Construction will likely carry into 2020
- Easement descriptions are still in the works

McMahon and Markley Lakes – High Water

Updates from Melissa Bokman

McMahon Lake
- Both McMahon and Markley are land-locked basins with no outlets.
- Water has been slowly rising over the last several years
- The WMO met with McMahon Lake landowners in June
- Prior to the meeting the WMO hired an outside firm, WSB to perform a feasibility study to see if an outlet was feasible on McMahon lake
- Landowners are in favor of putting in an outlet
- Cost estimate from WSB is approximately $250,000.00
- Melissa Bokman commented, Paul Nelson stated at a staff level he could justify the WMO supporting up to half the cost as there is a public benefit; however Paul could not see the board supporting funds greater than half. Landowners would need to come up with the other half of the funds.
- The DNR has a flood damage reduction grant option and the WMO is in the works of applying for the grant
- Paul Nelson has received permission from the County Board to apply for the DNR Flood Damage Reduction Grant.
- WMO process for decision making:
  - Is there a public benefit?
    - There is a public access and the access is completely flooded
Landowners around the lake and the WMO have completed cost share projects with a total investment of approximately $100,000.00.

- Erosion is occurring due to the high waters.
- Several floating bogs have caused (1) safety issue.
- County Road 8 has stretches where the centerline elevations are at or below the natural overflow elevation for the lake which could cause road flooding.

- Are others better suited to address this?
- The WMO does not feel anyone else is better suited.

- Nature and type of risk?
- Homes are not threatened, but water levels are getting close to two septic systems. The WMO considers impacts to homes, businesses and public infrastructure the highest priority, next impacts causing accelerated erosion and contributing to downstream water quality problems, with flooding of vacant lots or unimproved land the lowest.

- Low points on roads could cause some safety issues.
- Accelerated erosion and water quality impacts are currently happening.

- What are the WMO priorities?
- McMahon Lake is a priority water body for the WMO.

- What are the consequences of not acting?
- Without intervening the natural drawdown of the water will be slow this summer and fall, and without a drought or long dry period, it’s likely that high water levels will again occur in 2020 with spring rains.

- Cost and availability of cost sharing
- The WMO has available resources.

  - Landowners requested the WMO look at options on installing a permanent outlet but in the meantime need some immediate relief.
    - Draw down; installing a pump or temporary siphon.

  - The County Board has authorized a temporary draw down of McMahon water levels and have approved amending the WMO budget to include $30,000.00 for the cost of the draw down.

  - The WMO is working on finding a route for installing the pump and routing the water.
    - First option, place pump in DNR Fish Nursery.
      - The DNR Fish Nursery was bought with federal funds and would require federal approval.
      - No guarantee on the timeline of federal approval.
    - One landowner has volunteered to put the pump outside the shoreline with the idea to run the hose through his property in the road right of way.
      - There is no culvert under Mushtown Road which would need to be installed.
The WMO is hoping to get started in mid-September
  - WMO will ask the DNR for approval of 3 cubic feet per second discharge
  - Discharge can only be done when Sand Creek has low flows as to not add to flood conditions downstream in the City of Jordan

**Markley Lake**
- Markley Lake is landlocked and is approximately 22 acres in size
- Portions of the City of Prior Lake and Credit River Township are within the Markley Lake Watershed
- The WMO has watershed management jurisdiction in this area of the Township
- The City, County, and Township were jointly sued by Township property owners in the mid-1990’s after septic systems on private properties were inundated by high water levels on Markley Lake
  - The parties reached a settlement agreement, the terms of which outlined an interim plan that relied on pumping Markley Lake to reduce water levels
  - The cost to implement the plan was approximately $17,000.00
  - The cost was split between the City, Township, and County with the City contributing about $10,000.00. The rest of the funds were paid for by the Township and the County.
- The City completed the Markley Lake Study in 2010 to guide implementation of practices with the goal of keeping the lake at pre-1991 water levels under developed conditions.
  - The Markley Lake Study, based on modeling, concluded that adding 20-ac-ft of compensatory flood storage in the Markley Lake watershed would achieve the lake level goal
  - The City of Prior Lake has completed 16 ac-ft. of compensatory flood storage for Markley Lake
  - A 4-acre flood storage is needed in Credit River Township when those areas start to develop.
- The WMO recently went to the County Board and received a resolution to contribute to the draw-down and pumping has started.
  - The WMO contributed $16,700.00.

**Corrective Action Plan Update**

Updates from Ryan Holzer

- The WMO is corresponding with BWSR and has some questions regarding the Corrective Action Plan
  - The WMO has requested clarification before moving forward
• Changes approved by the board
  o No longer allow a project to start if the applicant signs a waiver form
  o Vegetation criteria language added to further clarify which standards to follow
  o Some language in the Contract and Docket changed to align better

NEW BUSINESS

Credit River TWP Local Water Plan
  • The draft plan was received by the WMO on June 24th 2019 with the WMO having 60 days to review by MN Statute.
    o The WMO must also take into consideration Metropolitan Council’s review of the Plan
    o WMO staff have reviewed Met Council’s comments and disagree that the plan meets all the requirements
    o WMO staff have found the plan is missing some required elements in MN Statute 103B and MN Rule 8410 and would not recommend approval at this time

BWSR Competitive Clean Water Fund Grant Application
  • The grant application is to support the SWMO / SWCD Technical Assistance and Cost Share Program for implementation of targeted practices in the Sand Creek Watershed
  • The primary purpose of the grant will be to implement practices that have been targeted in priority areas of the Sand Creek Watershed
  • The amount requested will be in the $450,000 - $480,000 range
  • The Scott SWCD will manage the grant with the 25% match provided by landowners and the Scott WMO through our annual staffing budget

Preliminary 2020 Levy and Budget

Melissa Bokman provided an update and review of the 2020 Levy and Budget
  • Revenue and expenses are down from 2019
  • The levy increase is 3.9% to account for inflation and growth in tax capacity in the county
  • The decrease in revenue compared to 2019 is from a couple of grants that are ending
  • The WMO has been selected for additional USEPA 319 grant rounds; however the new contract will not start until 2021
  • The WMO will receive additional Watershed Based Funding grant money from BWSR; but unsure on the amount or if it will be in 2020 or 2021
  • The Scott SWCD is applying for additional competitive Clean Water Funds for technical assistance / cost share projects in the Sand Creek
• The decrease in expenses is largely due to a smaller amount of work on Capital Improvement Projects
• There is an increase in staff costs. With fewer Capital Improvement Projects, staff effort will shift to complete some of the special studies called for in the new Watershed Management Plan
• An increase is proposed for the Maintenance Program, there is some maintenance needed for the Phase I Near Channel project
• Staff recommends including about one-half of the cost of implementing the McMahon Lake outlet in anticipation of a successful Flood Damage Reduction Grant to cover the other half.
  o If unsuccessful with the grant, the WMO will need to determine how to fund the other half through a budget amendment during the year
• The preliminary budget for 2020 will add about $67,000.00 to the fund balance.

**Motion by Commissioner Pint; Second by Commissioner Vierling to approve the 2020 Levy and Budget as presented. The motion carried unanimously.**

**2019 Tour Ideas**

• Tuesday, September 24th – Joint tour date with the County Board and the SWCD
  o Meet at the SWCD Office (Fairgrounds)
  o Tour to include
    ▪ Visit Phase II CIP site
    ▪ Dairy Farm
    ▪ SWCD Cover Crop Test Plot
    ▪ Return to SWCD Office
    ▪ Conservation Leader Award
    ▪ Dinner

**TACS Projects – Michael Hoppe, Shoreline Project**

Presented by Ryan Holzer

• The total estimated cost of the project is $32,660.00 with a request of $13,995.00 of WMO funds
• These funds are for cost-share and the request is for a little over 40% for the estimated costs
• The landowner would contribute $9,798.00 and state cost-share would also contribute $8,867.00
• The Scott SWCD Screening Committee reviewed the application at their August 20th Board Meeting and recommended Approval
• Funds are available through cost-share

Motion by Commissioner Pint to approve the Michael Hoppe, Shoreline Protection application; Second by Commissioner Weaver to approve the Michael Hoppe Shoreline Protection Project as discussed and presented. The motion carried unanimously.

ADJOURN MEETING

Motion by Commissioner Vierling; Second by Commissioner Schmidt to adjourn the meeting at 5:12 PM. The motion carried unanimously.

_________________________________________ ___________________________
Jim Schwingler  Date
Chair, Watershed Planning Commission

________________________________________
Beverly Cox-Alexander Secretary
Staff Reports
TECHNICAL ASSISTANCE AND COST SHARE REQUESTS

MARKETING AND PROMOTION

- Soil Health/Cover Crop
  - Aerial Application of cover crops took place on Sept 23rd covering 298 acres in Scott County
  - Received two new cover crop applications for 75 acres and 100 acres
  - Began preparations with the PSLWD to host a Soil Health Workshop in February
  - Stopped at the SWCD cover crop test plot on the SWMO/SWCD Tour
  - Promoted cover crops on social media platforms in posts on conservation leader.

CLEAN WATER EDUCATION PROGRAM (SCWEP)

- Held Outdoor Education Days on September 23, 24, 25, and 26th at Cedar Lake Farm Park. The week was condensed to four days due to several schools being unable to attend this year. Just over 1100 students participated over the week.
- Sent in the Outstanding Conservationist Award application to MASWCD for Joe Hentges.
- Held the WMO/SWCD Fall Conservation Tour on Sept. 24. There were 27 attendees including representatives of the County Commission, State Legislature, SWCD Board, BWSR, Watershed Planning Commission, PSLWD, and staff. The tour focused on cover crops and soil health.
- Attended the Prior Lake Fall Fest on Sept. 16th at the Prior Lake High School. Set up a SMART Salting Demonstration for chloride awareness at our booth.
- Submitted 3 SCENE Articles. One informational article on manure application, one interview from Mike Siefert in regards to his cover crop journey, and one about Joe Hentges and his nomination for this year’s Outstanding Conservationist.

INVENTORY AND ASSESSMENT/PLANNING

- Continued working on Cleary Lake SWA final report.

ZONING SUPPORT - COUNTY

- Conducted MinnFARM evaluation on Penny Eckert property for Interim Use Application information review, resulting from application submittal by a potential new landowner
- Provided regulatory guidance to potential new landowner of Penny Eckert property in regard to feedlot area management and manure storage regulations
- Provided letter of recommendation and productive acreage determination to Scott County Staff for Valley Oaks Stable Interim Use Permit application
- Provided summary of bi-product stockpiling review process to Scott County staff for collaboration with Washington County MN
- Provided regulatory guidance for animal unit value of alpacas and llamas to one Scott County property owner at the request of Scott County staff

**LIVESTOCK OPERATION ASSISTANCE**
- Continued assistance with Krueger Dairy CNMP and EQIP application for potential cost share assistance
- Provided ag lime bi-product stockpiling guidance for Rehbein Ag services at Ivan Kohout property

**MONITORING**
- **Water Quality/Flows**
  - Completed and submitted draft Credit River chloride monitoring results report
- **Groundwater Level Observation Wells (DNR)**
  - No Activity.
- **Volunteer Rainfall Monitoring**

![Rainfall Graph]

**CONSTRUCTION EROSION CONTROL – COUNTY/CREDIT RIVER**

![Erosion Control Graph]

**WETLAND CONSERVATION ACT - STATE**
- **TEP Meetings**
  - Tay Phong Monastery Boundary/Type (City of Savage)
  - Creek Hills East Boundary/Type (City of Savage)
  - Luke Kreuser Pre-application TEP (Belle Plaine Twp)
  - 169 & CR 282 Intersection Boundary/Type (City of Jordan)
  - Applewood Pointe Boundary/Type (City of Prior Lake)
- **Notices of Application**
  - No activity
• Notices of Decision
  - Nick Jeurissen- De Minimis Exemption (Blakeley Twp)
  - YMCA Boundary/ Type (New Market Twp)
  - YMCA Replacement (New Market Twp)
  - Kortuem Lot Split Exemption (Spring Lake Twp)

• Enforcement/compliance
  - No activity

• Helena Wetland Bank
  - Waiting for final approval from the COE
  - Construction has commenced

EQUIPMENT RENTAL USE

OTHER ACTIVITIES
Buffer Law
• Provided technical assistance to one landowner for measuring
• Received confirmation from two landowners who received enforcement notices from BWSR. The SWCD will meet with them after harvest to meet compliance needs

Tree Program (SWCD)
• No Activity (orders will be accepted starting in Jan (historically was in Oct)

Cooperative Weed Management (CWM) Program
• Preparing grant applications for BWSR & MDA funding for 2020
• CCM Crew treated approximately 35 miles of Wild Parsnip in road ditches
### WMO TACS PROGRAM ACTION BY SWCD BOARD (SEPT-OCT ’19)

#### Payments

<table>
<thead>
<tr>
<th>Cooperator</th>
<th>Project/ID</th>
<th>Action</th>
<th>Grant/ID</th>
<th>Contract #</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bisek Brothers</td>
<td>Conservation Cover/CP-18-194</td>
<td>Final Payment</td>
<td>SWMO 2018 LGF</td>
<td>WMO 18-48</td>
<td>$7,945</td>
</tr>
<tr>
<td>Brinkman, Dan</td>
<td>Lined Waterway/CP-18-171</td>
<td>Final Payment</td>
<td>SWMO 2019 WBF Ag/P19-3277</td>
<td>WMO 19-01</td>
<td>$11,715</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SWCD 2017 CWF LM/C17-1253</td>
<td>SWCD 19-01</td>
<td>$10,000</td>
</tr>
<tr>
<td>Clemmer, Reed</td>
<td>Conservation Cover/CP-17-232</td>
<td>Final Payment</td>
<td>SWMO 2019 LGF</td>
<td>WMO 19-14</td>
<td>$900</td>
</tr>
<tr>
<td>O’Loughlin, Tim</td>
<td>Conservation Cover/CP-18-180</td>
<td>1st Half Payment</td>
<td>SWMO 2019 LGF</td>
<td>WMO 18-56</td>
<td>$11,554.50</td>
</tr>
<tr>
<td>Williams, Jim</td>
<td>Cover Crop/CP-17-003</td>
<td>Final Payment</td>
<td>SWMO 2015 CWF Targeted/P15-0833</td>
<td>WMO 17-003</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Beletti, Tony</td>
<td>Conservation Cover/CP-18-170</td>
<td>First Payment</td>
<td>SWMO 2016 EPA</td>
<td>WMO 19-11</td>
<td>$2,357.85</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>WMO 19-11</td>
<td>WMO 19-11</td>
<td>$1,147.35</td>
</tr>
<tr>
<td>Borchardt, Jerad</td>
<td>Filter Strip/CP-18-030</td>
<td>First Payment</td>
<td>SWMO 2016 EPA</td>
<td>WMO 19-17</td>
<td>$3,240</td>
</tr>
<tr>
<td>Neuburger, Glen</td>
<td>Native Grasses/CP-18-110</td>
<td>Partial Payment</td>
<td>SWMO 2018 LGF</td>
<td>WMO 18-38</td>
<td>$414</td>
</tr>
<tr>
<td>Sharkey, Scott</td>
<td>Conservation Cover/CP-17-167</td>
<td>First Payment</td>
<td>SWMO 2016 EPA</td>
<td>WMO 17-46</td>
<td>$1,960</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SWCD 2017 CWF LMR/C17-1253</td>
<td>SWCD 17-28</td>
<td>$2,691.75</td>
</tr>
</tbody>
</table>

#### New Applications

<table>
<thead>
<tr>
<th>Cooperator</th>
<th>Project/ID</th>
<th>Action</th>
<th>Grant/ID</th>
<th>Contract #</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Casey, Robert</td>
<td>Cover Crop/CP-19-215</td>
<td>Approval</td>
<td>SWMO 2019 WBF Ag Practices/P19-3277</td>
<td>WMO 19-38</td>
<td>$2,000</td>
</tr>
<tr>
<td>Flynn, Neil</td>
<td>Conservation Cover/CP-18-027</td>
<td>Amendment</td>
<td>SWMO 2015 CWF Targeted/P15-0833</td>
<td>WMO 18-10</td>
<td>$275.14</td>
</tr>
<tr>
<td>Koskovich, Jim</td>
<td>Wetland Restoration/CP-17-130</td>
<td>Amendment</td>
<td>SWMO 2019 LGF</td>
<td>WMO 18-07</td>
<td>$1,200</td>
</tr>
<tr>
<td>Schmitz, Lowell</td>
<td>Grassed Waterway/CP-17-048</td>
<td>Amendment</td>
<td>SWMO 2015 CWF Targeted/P15-0833</td>
<td>WMO 18-03</td>
<td>$539.96</td>
</tr>
<tr>
<td>Hagness, Justine</td>
<td>Conservation Cover/CP-19-007</td>
<td>Amendment</td>
<td>SWMO 2019 LGF</td>
<td>WMO 19-13</td>
<td>$3,165</td>
</tr>
<tr>
<td>Hoppe, Michael</td>
<td>Shoreline Protection/CP-17-212</td>
<td>Amendment</td>
<td>SWMO 2019 LGF</td>
<td>WMO 19-35</td>
<td>$4,191.95</td>
</tr>
<tr>
<td>Simon, Andy</td>
<td>Cover Crop/CP-19-074</td>
<td>Amendment</td>
<td>SWMO 2016 EPA</td>
<td>WMO 19-31</td>
<td>$518</td>
</tr>
</tbody>
</table>

#### Screening Committee Recommendation

<table>
<thead>
<tr>
<th>Cooperator</th>
<th>Project/ID</th>
<th>Action</th>
<th>Grant/ID</th>
<th>Contract #</th>
<th>Amount</th>
</tr>
</thead>
</table>

*Fact Sheets included in back.*
Conservation Cooperator
Completed Project Fact Sheet

Cooperator & Location

Applicant(s): Bisek Bros
Address: 1901 270 Street West, New Prague
Location: Township: 113N Range: 23W Sect: 27
City/Town: Helena Twp
Watershed: 33018 Project ID: CP-18-194

Project Details

Practice

Conservation Cover

Quantity: 7.0 Acres Certified Complete: 11/28/2018

Resource Protected

Sand Creek

Project Description

The Bisek Bros. wanted to discontinue farming this piece of land due to how steep it is and its location to Sand Creek. This practice involves establishing native prairie ecosystems that were once characteristic of Minnesota. It improves water quality by eliminating sources of sediment and other pollutants and reducing runoff volumes. The project would include numerous native grasses and flowers, enhance habitat quality for all wildlife species including birds, pollinators, and natural landscape aesthetics for human enjoyment.

Environmental Benefits

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Before</th>
<th>After</th>
<th>Saved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil Erosion (tons/yr)</td>
<td>233.8</td>
<td>0.0</td>
<td>233.8</td>
</tr>
<tr>
<td>Sediment Load (tons/yr)</td>
<td>58.5</td>
<td>0.0</td>
<td>58.5</td>
</tr>
<tr>
<td>Phosphorus Load (lbs/yr)</td>
<td>61.0</td>
<td>0.0</td>
<td>61.0</td>
</tr>
<tr>
<td>Runoff Reduction (acre ft)</td>
<td>5.7</td>
<td>2.4</td>
<td>3.3</td>
</tr>
</tbody>
</table>

Cost Analysis

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Funding by Source</th>
<th>Grant Source</th>
<th>Unit Costs*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation:</td>
<td>Federal $0.00</td>
<td>EPA-319</td>
<td>Sediment ($/Ton)</td>
</tr>
<tr>
<td>Incentives:</td>
<td>State $0.00</td>
<td>CWF</td>
<td>Phos ($/Pound)</td>
</tr>
<tr>
<td>Total:</td>
<td>SWCD $0.00</td>
<td>DRAP</td>
<td>Runoff ($/Ac Ft)</td>
</tr>
<tr>
<td>Targeted Project</td>
<td>SWMO $16,601.00</td>
<td>Approval Date</td>
<td>10/16/2019</td>
</tr>
<tr>
<td></td>
<td>Cooperator $851.00</td>
<td></td>
<td>SWCD $0.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SWMO $28.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Overall $30.00</td>
</tr>
</tbody>
</table>

*Over term of cost share contract
Dan and Carmen Brinkman Lined Waterway or Outlet

Cooperator & Location
- Applicant(s): Dan and Carmen Brinkman
- Address: 8996 Goshen Trl., Belle Plaine
- Location: Township: 114N Range: 24W Sect: 34
- City/Town: St. Lawrence Twp
- Watershed: 33089 Project ID: CP-18-171

Project Details

Practice
- Lined Waterway or Outlet
- Quantity: 79.0 Lin Ft
- Certified Complete: 6/18/2019

Resource Protected
- Minnesota River

Project Description
A Lined Waterway is a shaped or graded channel that is established with suitable material to convey runoff at non-erodible velocities to a stable outlet. The material in this case is MN DOT Class II Rock Rip-Rap. This Lined Waterway is needed to treat head cutting of a ravine. Prior to the Lined Waterway a 138' Grassed Waterway was installed to convey water to the Lined Waterway.

Environmental Benefits

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Before</th>
<th>After</th>
<th>Saved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil Erosion (tons/yr)</td>
<td>13.4</td>
<td>0.0</td>
<td>13.4</td>
</tr>
<tr>
<td>Sediment Load (tons/yr)</td>
<td>13.4</td>
<td>0.0</td>
<td>13.4</td>
</tr>
<tr>
<td>Phosphorus Load (lbs/yr)</td>
<td>13.4</td>
<td>0.0</td>
<td>13.4</td>
</tr>
<tr>
<td>Runoff Reduction (acre ft)</td>
<td>0.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Cost Analysis

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Funding by Source</th>
<th>Grant Source</th>
<th>Unit Costs*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation: $25,548.25</td>
<td>Federal $0.00</td>
<td>EPA-319</td>
<td>Sediment ($/Ton)</td>
</tr>
<tr>
<td>Incentives: $0.00</td>
<td>State</td>
<td>CWF</td>
<td>Phos ($/Pound)</td>
</tr>
<tr>
<td>Total: $25,548.25</td>
<td>SWCD $10,000.00</td>
<td>DRAP</td>
<td>Runoff ($/Ac Ft)</td>
</tr>
<tr>
<td>Targeted Project:</td>
<td>SWMO $11,716.00</td>
<td>Approval Date</td>
<td>Overall: $191</td>
</tr>
<tr>
<td>Cooperator: $3,832.25</td>
<td></td>
<td>1/15/2019</td>
<td>$191 $191 n/a</td>
</tr>
</tbody>
</table>

*Over term of cost share contract
Cooperator & Location

Applicant(s): Reed Clemmer
Address: 675 270th St West, New Prague
Location: Township: 113N Range: 23W Sect: 36
City/Town: Helena Twp
Watershed: 33017 Project ID: CP-17-232

Project Details

Practice
Conservation Cover
Quantity: 1.8 Acres Certified Complete: 6/3/2019

Resource Protected
Wetland that drains to Sand Creek

Project Description
Reed had been growing pumpkins in this field for quite some time to sell at his convenience store in Elko, MN. He stopped planting pumpkins and planted native prairie. This practice involves establishing native prairie ecosystems that were once characteristic of Minnesota. It improves water quality by eliminating sources of sediment and other pollutants and reducing runoff volumes. The project would include numerous native grasses and flowers, enhance habitat quality for all wildlife species including birds, pollinators, and natural landscape aesthetics for human enjoyment.

Environmental Benefits

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Before</th>
<th>After</th>
<th>Saved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil Erosion (tons/yr)</td>
<td></td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>Sediment Load (tons/yr)</td>
<td></td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>Phosphorus Load (lbs/yr)</td>
<td></td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>Runoff Reduction (acre ft)</td>
<td>1.5</td>
<td>0.6</td>
<td>0.9</td>
</tr>
</tbody>
</table>

Cost Analysis

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Funding by Source</th>
<th>Grant Source</th>
<th>Unit Costs*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation:</td>
<td>Federal</td>
<td>EPA-319</td>
<td>Sediment</td>
</tr>
<tr>
<td>Incentives:</td>
<td>State</td>
<td>CWF</td>
<td>($/Ton)</td>
</tr>
<tr>
<td>Total:</td>
<td>SWCD</td>
<td>DRAP</td>
<td>($/Pound)</td>
</tr>
<tr>
<td></td>
<td>SWMO</td>
<td></td>
<td>Runoff ($/Ac ft)</td>
</tr>
<tr>
<td>Targeted Project</td>
<td>Cooperator</td>
<td>$588.00</td>
<td>SWCD</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Approval Date</th>
<th>Sediment</th>
<th>Phos</th>
<th>Runoff</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/16/2019</td>
<td></td>
<td></td>
<td>Overall: $100</td>
</tr>
</tbody>
</table>

*Over term of cost share contract
Jim Williams Cover Crop

Cooperator & Location

Applicant(s): Jim Williams
Address: 26651 Langford Avenue, New Prague
City/Town: Cedar Lake Twp
Township: 113N
Range: 22W
Section: 29
Project ID: CP-17-003
Watershed: 33017
Approved: 6/20/2017

Project Details

Practice:
Cover Crop
Quantity: 100.0 Acres
Certified Complete: 7/31/2019
Resource Protected
Soils and Soil Health

Project Location and Description

Cover crops consist of grasses, legumes, forbs or other herbaceous plants seeded individually or in mixes either before or after harvest of the primary crop. The primary benefits of cover crops include reducing erosion and improving the soil's physical and biological properties. Healthy soil yields less runoff and improves nutrient and water utilization by crops.

Environmental Benefits

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Before</th>
<th>After</th>
<th>Saved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil Erosion (Tons/yr)</td>
<td>16.1</td>
<td>10.7</td>
<td>5.4</td>
</tr>
<tr>
<td>Sediment Load (Tons/yr)</td>
<td>3.5</td>
<td>2.4</td>
<td>1.1</td>
</tr>
<tr>
<td>Phosphorus Load (lbs/yr)</td>
<td>11.0</td>
<td>8.0</td>
<td>3.0</td>
</tr>
<tr>
<td>Runoff Red. (Acre ft)</td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
</tbody>
</table>

Funding Amounts and Sources

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Funding by Source</th>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation:</td>
<td>Federal $0.00</td>
<td>EPA-319</td>
</tr>
<tr>
<td>Incentives:</td>
<td>State $0.00</td>
<td>CWF</td>
</tr>
<tr>
<td>Total:</td>
<td>SWCD $0.00</td>
<td>DRAP</td>
</tr>
<tr>
<td>Applicant:</td>
<td>SWMO $12,000.00</td>
<td>FLC</td>
</tr>
</tbody>
</table>
Cooperator & Location
Applicant(s): Tony Beletti
Address: 15625 Old Brick Yard Road, Shakopee
Location: Township: 115N Range: 23W Sect: 35
City/Town: Louisville Twp
Watershed: 33131 Project ID: CP-18-170

Project Details

Practice
Conservation Cover
Quantity: 5.2 Acres Certified Complete: 6/11/2019

Resource Protected
Picha Creek

Project Description
Tony wanted to create habitat for wildlife on his property and filter out pollutants before they enter Picha Creek. This practice involves establishing native prairie ecosystems that were once characteristic of Minnesota. It improves water quality by eliminating sources of sediment and other pollutants and reducing runoff volumes. The project would include numerous native grasses and flowers, enhance habitat quality for all wildlife species including birds, pollinators, and natural landscape aesthetics for human enjoyment.

Environmental Benefits

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Before</th>
<th>After</th>
<th>Saved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil Erosion (tons/yr)</td>
<td>23.5</td>
<td>0.7</td>
<td>22.8</td>
</tr>
<tr>
<td>Sediment Load (tons/yr)</td>
<td>5.0</td>
<td>0.1</td>
<td>4.9</td>
</tr>
<tr>
<td>Phosphorus Load (lbs/yr)</td>
<td>8.0</td>
<td>0.5</td>
<td>7.5</td>
</tr>
<tr>
<td>Runoff Reduction (acre ft)</td>
<td>4.1</td>
<td>1.8</td>
<td>2.3</td>
</tr>
</tbody>
</table>

Cost Analysis

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>$2,294.70</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incentives</td>
<td>$12,500.00</td>
</tr>
<tr>
<td>Total</td>
<td>$14,794.70</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding by Source</th>
<th>Project Costs</th>
<th>$1,147.35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td>State</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SWCD</td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td>SWMO</td>
<td></td>
<td>$13,647.35</td>
</tr>
<tr>
<td>Cooperator</td>
<td></td>
<td>$1,147.35</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grant Source</th>
<th>Unit Costs*</th>
</tr>
</thead>
<tbody>
<tr>
<td>EPA-319</td>
<td>Sediment ($/Ton)</td>
</tr>
<tr>
<td></td>
<td>Phosphorus ($/Pound)</td>
</tr>
<tr>
<td></td>
<td>Runoff ($/Ac ft)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Approval Date</th>
<th>2/19/2019</th>
</tr>
</thead>
</table>

*Over term of cost share contract
Robert Casey Cover Crop

Cooperator & Location
Applicant(s): Robert Casey
Address: 17826 Murphy Lake Blvd, Prior Lake
City/Town: Credit River Twp
Township: 114N
Range: 21W
Section: 6, 17, 18
Watershed: 33123, 33126
Project ID: CP-19-215

Project Details
Practice:
Cover Crop
Quantity: 100.0 Acres
Resource Protected
Credit River

Project Location and Description
Rob decided to plant 100 ac of cover crops on cropland that drains to the Credit River. Cover crops consist of grasses, legumes, forbs or other herbaceous plants seeded individually or in mixes either before or after harvest of the primary crop. The primary benefits of cover crops include reducing erosion and improving the soil's physical and biological properties. Healthy soil yields less runoff and improves nutrient and water utilization by crops. Rob uses cover crops to break up compaction, reduce erosion, and grow forage for his cattle. Environmental benefits to be calculated for certification.

Funding Amounts and Sources

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Funding by Source</th>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation: $0.00</td>
<td>Federal $0.00</td>
<td>EPA-319</td>
</tr>
<tr>
<td>Incentives: $2,000.00</td>
<td>State $0.00</td>
<td>CWF</td>
</tr>
<tr>
<td>Total: $2,000.00</td>
<td>SWCD $0.00</td>
<td>DRAP</td>
</tr>
<tr>
<td>Applicant: $0.00</td>
<td>SWMO $2,000.00</td>
<td>FLC</td>
</tr>
</tbody>
</table>
Prairie Oaks Institute Conservation Cover

Cooperator & Location

Applicant(s): Prairie Oaks Institute  
Address: 1100 W South St., Belle Plaine  
Location: Township: 113N  Range: 25W  Sect: 1  
City/Town: City of Belle Plaine  
Watershed: 33140  Project ID: CP-19-191

Project Details

Practice  
Conservation Cover  
Quantity/Units: 0.75 Acres  Projected Installation: Nov 2019

Resource Protected

Roberts Creek

Project Description
The Prairie Oaks Institute had .75 ac of land next to the road that got ripped up to put in sewer and water lines. They would like to re-seed the area to native plants. This practice involves establishing native prairie ecosystems that were once characteristic of Minnesota. It improves water quality by eliminating sources of sediment and other pollutants and reducing runoff volumes. The project would include numerous native grasses and flowers, enhance habitat quality for all wildlife species including birds, pollinators, and natural landscape aesthetics for human enjoyment.

Cost Analysis

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Funding Sources</th>
<th>Grant Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>EPA-319</td>
</tr>
<tr>
<td>Installation:</td>
<td>Federal $0.00</td>
<td></td>
</tr>
<tr>
<td>Incentives:</td>
<td>State $0.00</td>
<td>CWF</td>
</tr>
<tr>
<td>Total: $965.00</td>
<td>SWCD $0.00</td>
<td>DRAP</td>
</tr>
<tr>
<td></td>
<td>SWMO $375.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cooperator $590.00</td>
<td>Approved 10/15/2019</td>
</tr>
</tbody>
</table>
Old Business
October 22, 2019

To: Watershed Planning Commission

From: Paul Nelson, Environmental Services Program Manager

Re: Corrective Action Plan Approval

We received a letter from the Board of Water and Soil Resources (BWSR) approving the Corrective Action Plan that we submitted to them for the two native prairie practices that were removed. In addition to approving the Corrective Action Plan BWSR also states in detail that where the Scott WMO delegates or assigns responsibilities to other organizations to implement BWSR/State funded grant efforts that the Scott WMO needs to submit draft agreements for these services to BWSR for review and approval. We have already completed this submittal, having submitted in August the language that will be used for the 2020 Agreement with the SWCD. We are waiting for BWSRs review comments.

With respect to the Corrective Action Plan we have already implemented most of the items (items 2, 3, 4, 6, 8 and 9) in Attachment 3 on page 10. Item 7, “Training” will be on-going, while item 5 “Correction procedures and ineligibility criteria incorporated into Docket” will be completed with adoption of the 2020 TACS Program Policy Manual (see separate agenda item). With respect to item 1 “Replacement Projects”, BWSR has approved two potential projects, and they are scheduled for site prep and seeding this fall.
October 14, 2019

Barb Weckman Brekke
Scott County Board of Commissioners Chair
Scott County Watershed Management Organization
Scott County Government Center
200 4th Avenue W
Shakopee, MN 55379

Paul Nelson
Environmental Services Program Manager
Scott County Government Center
200 4th Avenue W
Shakopee, MN 55379

Dear Chair Weckman Brekke and Mr. Nelson,

This letter is to follow up to the Board of Water and Soil Resources (BWSR) correspondence to Scott County and the Scott County Watershed Management Organization (WMO) dated March 21, 2019, which served as notification of Level 2 noncompliance for a Fiscal Year (FY) 2010 Clean Water Fund (CWF) Runoff Reduction Grant #C10-30 & 79 (eLINK ID #C13-5212) and FY 2012 Clean Water Assistance (CWA) Grant #C12-54 (eLINK ID #C13-0324). The Level 2 noncompliance was a determined to be a result of failure by the Scott County WMO to pursue or continue pursuit of corrective action for two cost-share conservation projects (CP-12-011 LNMV Catholic Education Center and CP-12-0136 Ken Kulus), which were partially funded with the above referenced State grants, and were not maintained for the effective life of each practice. As a result, BWSR required the Scott County WMO to develop and submit a corrective action plan.

In response to that notification, BWSR received a written corrective action plan which identified measures (internal controls, procedures, policies, and staff and Board training) to improve project implementation processes to prevent, and develop procedures to address, cost-share contract noncompliance issues. As directed, the corrective action plan also identified the method the Scott County WMO elected for the replacement of the two removed cost-share projects. Scott County WMO elected to utilize local funds for the installation of one of two proposed replacement cost-share conservation practices (Raven Creek, Porter Creek). Each proposed project is of similar size and type, and would provide equivalent protection of the soil and water resources, as the LNMV Catholic Education Center and Ken Kulus projects removed.
Moving forward, the Board Conservationist, Melissa King, will continue to monitor installation of the replacement cost share project and compliance with the corrective action plan as revised, and report on Scott County WMO’s commitment to their plan.

Thank you for your cooperation. We look forward to a continued partnership with the Scott County WMO. Please feel free to contact me if you have any questions related to this matter at (651) 215-6338.

Sincerely,

Kevin Bigalke
BWSR Assistant Director for Regional Operations

Cc: Ryan Holzer, Scott County/Scott WMO Water Resources Scientist
Nicole Clapp, BWSR Grant Coordinator
Linda Donnay, BWSR Grants Compliance Specialist
Melissa King, BWSR Board Conservationist
Dale Krystocek, BWSR PRAP Coordinator
Melissa Lewis, BWSR Assistant Section Manager

Enc: Approved Final Draft - Scott County WMO Corrective Action Plan
CORRECTIVE ACTION PLAN

Revised August 2019

The Scott WMO is in receipt of a letter from Mr. Kevin Bigalke, BWSR Central Region Manager, regarding past grants awarded to the Scott WMO and Corrective Actions. We acknowledge some mistakes and submit the following Corrective Action Plan. The Plan targets achieving better landowner compliance with retaining and maintaining practices for contract term, as well as, improved communications and response should landowner non-compliance occur again. The Plan starts with an introduction where we show that have already implemented many corrective actions, and replaced the environmental benefits, many times over, of the two contracts where there was a default. This is followed by sections of Internal Controls, Procedures, Policies, Repayment, and Training as required in the letter from Mr. Bigalke.

INTRODUCTION

Scott Watershed Management Organizations (SWMO) and its partners routinely try to over perform on grants and efforts with the State in order to have some cushion in case things don’t work out as planned. The SWMO and its partners also routinely implement a significant amount of conservation and/or frequently does not include cost items in grant Work Plans paying for items on its own, even though it could include and have cost coverage from the State. We willingly do these things in order to maximize the amount of conservation on the ground. We are willing to repay or replace the practices for contracts that were removed and can easily do so because we are maximizing implementation of additional conservation anyway, but as part of this Introduction we also demonstrate how much we’ve gone beyond the minimum required over the years.

This demonstration starts with looking at the cumulative benefits implemented by the historic grants in question. As shown in the following table, conservation implemented by the Scott WMO and Scott SWCD as a result of the two grants and local match exceeded the combined goals for everything but runoff reduction, even without the non-compliant practices, as shown in the second table, we provided 55% match which is much greater than the 25% match required and also leveraged an additional $44,429.

<table>
<thead>
<tr>
<th>Measure</th>
<th>2010 Grant</th>
<th>2012 Grant</th>
<th>Combined</th>
<th>LNMV</th>
<th>Kules</th>
<th>Adjusted Combined Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Goal</td>
<td>Actual</td>
<td>Diff</td>
<td>Goal</td>
<td>Actual</td>
<td>Diff</td>
</tr>
<tr>
<td>Acres</td>
<td>75</td>
<td>92.89</td>
<td>17.89</td>
<td>25</td>
<td>22.3</td>
<td>-2.7</td>
</tr>
<tr>
<td>TP lbs/yr*</td>
<td>287</td>
<td>231.7</td>
<td>43.7</td>
<td>25.5</td>
<td>103</td>
<td>78.5</td>
</tr>
<tr>
<td>Runoff Reduction ac-ft/yr*</td>
<td>35</td>
<td>37.6</td>
<td>2.6</td>
<td>11.6</td>
<td>4.3</td>
<td>-7.3</td>
</tr>
</tbody>
</table>

*Estimated
<table>
<thead>
<tr>
<th></th>
<th>Grant</th>
<th>Local Match</th>
<th>Match %</th>
<th>Other</th>
<th>Grant</th>
<th>Local</th>
<th>Match</th>
<th>Grant</th>
<th>Local</th>
<th>Match</th>
<th>Match %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010 Grant</td>
<td>$80,553.00</td>
<td>$42,676.24</td>
<td>53%</td>
<td>$44,429.00</td>
<td></td>
<td></td>
<td></td>
<td>$5,636.00</td>
<td>$5,193.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012 Grant</td>
<td>$34,500.00</td>
<td>$21,794.23</td>
<td>63%</td>
<td>0</td>
<td>$6,377.50</td>
<td>$2,418.01</td>
<td></td>
<td>$28,122.50</td>
<td>$19,316.22</td>
<td>69%</td>
<td></td>
</tr>
<tr>
<td>Combined Total</td>
<td>$115,053.00</td>
<td>$64,461.47</td>
<td>56%</td>
<td>$44,429.00</td>
<td></td>
<td></td>
<td></td>
<td>$74,917.00</td>
<td>$37,683.24</td>
<td>50%</td>
<td></td>
</tr>
</tbody>
</table>

While we acknowledge that we struggled with enforcing the contracts with original cooperators and are willing to take responsibility for repaying the State for their share; we were not the ones who took out the practices – the new land owners were. In general, we find that this is pretty rare. We have jointly implemented over 800 practices with landowners since 2006 and the rate of noncompliance is small at <2%. That said, we have already implemented a number of changes (that are incorporated into this Plan) to minimize this risk even further including:

a. More clearly identifying repayment for noncompliance on our contract.
b. Recording a Conservation Easement for practice awards greater than $20,000 to minimize risk on larger contracts.
c. Instituting a payment schedule similar to what FSA uses for CRP that spreads out payments, with annual payments being made following inspection/confirmation of continuing compliance and acknowledging that payments made with State Funds will adhere to BWSR grant requirements and policy.

In addition, we’ve implemented numerous additional similar native grass practices without state assistance in the same Sand Creek watershed since the grants in question were completed as shown in the following table. The total benefits from these projects amount to about 8 times the acreage, 7 times the phosphorus reduction, and over 5 times the runoff reduction of the combined benefits from the two practices that were lost.

<table>
<thead>
<tr>
<th>Acres</th>
<th>WMO Dollars</th>
<th>Phosphorus Reduction, lbs</th>
<th>Runoff Reduction, ac-ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>$17,085</td>
<td>61</td>
<td>3.3</td>
</tr>
<tr>
<td>3.6</td>
<td>$9,420</td>
<td>5.9</td>
<td>1.6</td>
</tr>
<tr>
<td>4.2</td>
<td>$10,735</td>
<td>5.9</td>
<td>1.8</td>
</tr>
<tr>
<td>9.4</td>
<td>$19,999</td>
<td>22</td>
<td>4.3</td>
</tr>
<tr>
<td>1</td>
<td>$2,187</td>
<td>27.2</td>
<td>0.4</td>
</tr>
<tr>
<td>3</td>
<td>$1,500</td>
<td>0.9</td>
<td>0.1</td>
</tr>
<tr>
<td>1.7</td>
<td>$850</td>
<td>0</td>
<td>0.3</td>
</tr>
<tr>
<td>2</td>
<td>$1,000</td>
<td>0</td>
<td>0.4</td>
</tr>
<tr>
<td>5.9</td>
<td>$17,075</td>
<td>0</td>
<td>2.7</td>
</tr>
<tr>
<td>10</td>
<td>$5,891</td>
<td>11</td>
<td>4.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>5.2</td>
<td>$11,872</td>
<td>30.8</td>
<td>2.3</td>
</tr>
<tr>
<td>15</td>
<td>$32,000</td>
<td>6.8</td>
<td>Not estimated</td>
</tr>
<tr>
<td><strong>Total 68</strong></td>
<td><strong>$129,613</strong></td>
<td><strong>171.5</strong></td>
<td><strong>21.9</strong></td>
</tr>
</tbody>
</table>

Finally, with BWSR, MPCA, EPA and our local partners help, we’re seeing results where it really counts — the receiving water waters as follows:

a. 60% reduction in the flow adjusted concentration of TSS in Credit River and getting the river removed from the impaired waters list.

b. Keeping watershed yield (percent of rainfall observed as runoff) flat for the Credit River and decreasing it for Sand Creek.

c. 57% reduction in the flow adjusted concentration of TSS in Sand Creek.

d. 48% reduction in the flow adjusted concentration of TP in Sand Creek.

e. Getting McMahon Lake removed from the impaired waters list.

f. 50% reduction in TP concentrations O’Dowd Lake, and a 50% increase in water clarity.

g. An increase from one in-lake native submerged aquatic plant species to eight in Cedar Lake.

INTERNAL CONTROLS

Seed Mixes:

- The SWCD’s Conservation Practice Financial Assistance Program Policy Manual (Docket) will be revised to specifically reference to the following documents when preparing seed plans:
  - Vegetation Requirements for BWSR Funded Projects (BWSR 2019, as amended)
  - Practice Standard 327 Conservation Cover (USDA-NRCS eFOTG, as amended)
  - Agronomy Tech Note #31 (USDA-NRCS 2018, as amended)

- The Docket will continue to be reviewed annually with project staff and the Board.

- Staff will continue using the MN NRCS Seed Calculator Spreadsheet Tool (USDA-NRCS 2018, as revised) when preparing seed plans.
• Any deviations from practice standard and/or Seed Calculator will be authorized by the NRCS Area Resource Conservationist in advance of installation, and documented accordingly. If State funds are used, any deviation from BWSR vegetation guidelines may also require consultation and prior approval by BWSR staff.

• The SWCD will continue its 3-step review process used prior to application and payment approvals. The Technical Review will ensure compliance with applicable standards and guidance. Any deviation will be authorized by the NRCS Area Resource Conservationist and documented.

Compliance with Practice O&M Plan

• The SWCD implements WMO funded portions (including pass-through grant funds) of the Technical Assistance and Cost Share program on behalf of the WMO/County under contract. Landowner compliance with Practice O & M is the responsibility of the SWCD. As shown in the attached flow chart the SWCD conducts status reviews of projects in years 1, 5 and 9. During year 5 and 9 reviews the SWC will check the County GIS system regarding property ownership. County/WMO staff participates in monthly meetings of the SWCD regarding the program and are kept informed. The SWCD has access to the County Attorney’s office to assist with enforcement, if need (see flow chart Attachment 2), and County/WMO staff are available to assist if requested by the SWCD. The WMO also has the option of enforcing its contract with the SWCD to effect satisfactory resolution or reimbursement.

• SWCD staff will review all contract terms and conditions with applicants prior to them signing. Special emphasis will be placed on their O & M obligations and the consequences for non-compliance.

• Program participants inquiring about their liability for failure to maintain their practice will be referred to language in their contracts, and that liability applies whether or not they are the owners at the time of any non-compliance.

• The SWCD will continue current practice of performing routine status reviews on all projects receiving financial assistance.

• Corrective action procedures (below) will be incorporated into the Docket, which will be reviewed by staff annually and reviewed and approved by the Board annually.

• A Compliance Tracking form (Attachment 1) will be used to document cases of non-compliance and actions taken to resolve them if/when the second attempt to gain compliance is unsuccessful.
• Status review results letter will include deadlines for corrective action.

• Docket with be revised to stipulate that cooperators that have failed to comply with a corrective action shall not be eligible for future funding.

PROCEDURES

Procedural actions are those necessary to assure landowner compliance with their contract, and Scott WMO and SWCD implementation of actions. These include: 1) use of a Compliance Tracking Form (Attachment 1); and 2) incorporation of and use of procedures that will be followed when the SWCD becomes aware of a project that is not being maintained in accordance with the provisions of their contract. A flow chart showing and describing these procedures is attached as Attachment 2.

POLICIES

The Scott WMO and SWCD have already implemented policy changes over the years to minimize the potential for non-compliance by landowners most recently as part of the joint 2019 Conservation Financial Assistance Program Policy Manual (available on request). These include:

1. Recording a Conservation Easement on the property title for contracts exceeding $20,000.
2. Changing the payment schedule to spread payments out over the term of the contract subject to the SWCD certifying that the seeding is being maintained in accordance with the signed O&M Plan, and noxious weeds are under control. Payments made with State Funds will adhere to BWSR grant requirements and policy.

In addition, we will add a section to the 2020 Conservation Financial Assistance Program Policy Manual on enforcement that incorporates the new procedures described above.

A tracking spreadsheet of the Corrective Actions described above is included as Attachment 3.

REPAYMENT

We have been prepared to repay BWSR for the non-conforming practices. However, we are electing to utilize the alternative offered in Mr. Bigalke’s letter of utilizing local funds to install replacement practices that exceed the size and type and soil and water protection benefit of the two non-conforming practices. We currently have two applications using local funds for the same practice that have been approved in the Sand Creek watershed,
but have not been seeded. We will keep both of them on the table as the replacement projects just in case something interferes with seeding, crediting BWSR for the project to the extent lost from the two non-conforming projects.

The Porter Creek tributary one exceeds the combined environmental benefit for all outcomes. The Raven Creek one exceeds the environmental benefit for all outcomes except phosphorus. The subwatershed location, characteristics and cost are shown in the following table. Fact sheets for the two that are already approved pending implementation are attached as Attachments 4 and 5.

### Potential Native Grass Replacement Practices

<table>
<thead>
<tr>
<th>Subwatershed</th>
<th>Acreage</th>
<th>Estimated Sediment Reduction - tons</th>
<th>Estimated Phosphorus Reduction - lbs</th>
<th>Runoff Reduction – ac-ft</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raven Creek</td>
<td>13.9</td>
<td>5.3</td>
<td>11.9</td>
<td>6.5</td>
<td>$31,555</td>
</tr>
<tr>
<td>Porter Creek</td>
<td>8.9</td>
<td>29.2</td>
<td>30.9</td>
<td>4.1</td>
<td>$21,965</td>
</tr>
</tbody>
</table>

**TRAINING**

New training will be implemented focusing new internal controls, procedures, and policies described above. These will be completed with new and existing staff at team meetings, and during our annual joint (WMO and SWCD) kick-off meeting. SWCD Board and Watershed Planning Commission will also receive training/briefing on new materials as part of annually reviewing and adopting the new Policy Manual. With respect to species diversity requirements we believe that current staff is adequately trained. The native species variation for the LNMV planting was approved by a staff person who is no longer at the Scott SWCD, having been hired by BWSR, and was completed at a time when there was no clear requirement by BWSR. Requirements are now clear and we know them. Staff has and will continue to also attend relevant BWSR training, if offered.

**ASSIGNMENT AGREEMENTS WITH BWSR GRANT FUNDS**

As expressed, Scott County WMO utilizes Scott SWCD services to implement the Technical Assistance and Cost Share Program Docket. The Docket outlines the procedures, provisions and policies for the authorization of cost-share contracts for conservation projects that improve the quality of water resources in the Scott WMO. As periodically updated and approved, the Docket also describes the extent of authorities of the Scott SWCD Board of Supervisors and Scott SWCD District Manager to enter into legal contracts, issue payments, and enforce contracts for such projects on behalf of and with
Scott County WMO funds (including pass-through grants). In review of the proposed responsibilities and delegation of authority to the Scott SWCD and its board, as described in the corrective action plan and as outlined in the Technical Assistance and Cost Share Program Docket, it is BWSR’s determination that where BWSR State funds are used to support the technical and cost-share assistance as described, it constitutes an assignment of BWSR’s grant agreement obligations. In such cases where Scott County WMO proposes to pass-through BWSR State grant funds or delegate authority to a partnering entity to fulfill Scott County WMO’s rights, responsibilities and duties of said grant agreement, Scott County WMO will submit a draft of the agreement(s) to BWSR for review and approval, prior to execution of such an agreement.
Attachment 1: Compliance Tracking Form

Below is the non-compliance tracking form that was generated. This form is subject to change in the future for formatting and/or to remain consistent with our current policy of adaptation to continually improve on policies, procedure and processes. BWSR Grant Administration Manual also identifies that a log of dates, times, communications, and facts surrounding the investigation should be retained and that this log should be kept in the project file as documentation of the facts.

<table>
<thead>
<tr>
<th>WMO Status Review Non-Compliance Form</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BACKGROUND INFORMATION</strong></td>
</tr>
<tr>
<td>Applicant Name(s):</td>
</tr>
<tr>
<td>Funding Source(s) (Include year):</td>
</tr>
<tr>
<td>Recorded Essetment #:</td>
</tr>
<tr>
<td>or N/A</td>
</tr>
</tbody>
</table>

**SITE VISITS AND FOLLOW UP**

1st Site Visit - Date of Initial Inspection: Click here to enter date. Name of Inspector(s): 

2nd Site Visit - Date of Initial Inspection: Click here to enter date. Name of Inspector(s): 

**Description of Non-Compliance and Resolution**

Description: 

Resolution: 

Date Letter was Sent Notifying the Applicant of Non-Compliance: Click here to enter date. 

Follow up Phone Call Date (optional): Click here to enter date. Pictures Attached: 

2nd Site Visit - follow-up Site Visit Date: Click here to enter date or N/A. Pictures Attached: 

Date Letter was Sent Notifying Applicant of Non-Compliance: Click here to enter date. 

3rd Site Visit - Follow up Site Visit Date: Click here to enter date or N/A. Pictures Attached: 

Date Letter was Sent Notifying Applicant of Non-Compliance: Click here to enter date. 

**CORRECTIVE ACTION INFORMATION**

Corrective Action Completed: Yes or No: 

Date the Corrective Action was Initiated and Documented Successfully Completed: Click here to enter date or N/A: 

Corrective Action Completed or Resolution Obtained: 

**NOTIFICATIONS**

SWCD Board: WPC: Scott WMO Board: Scott County Attorney: BWSR: Other: 

**PROJECT FILE DOCUMENTATION**

Non-Compliance Form in the File: Check box if applicable. Resolution Documented in the File: Click Yes or No: 

All Correspondence in the File (Includes Letters): 

Board Actions Documented in the File: Click Yes or No:
Attachment 2: Corrective Action Procedures

The following flow chart sets forth the procedures that will be followed when the SWCD becomes aware of a project that is not being maintained in accordance with the provisions of their contract.

* 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.
### Attachment 3: Tracking Spreadsheet of Corrective Action Progress

<table>
<thead>
<tr>
<th>Corrective Actions</th>
<th>Description</th>
<th>Completed as of April 2019</th>
<th>Ongoing and will be completed in 2019</th>
<th>Pending BWSR Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Replacement projects of equal value and benefit</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td>Locally funded and previously implemented additional native grass projects within same watershed</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Instituting a payment schedule similar to CRP contracts. Payments made with State Funds will adhere to BWSR grant requirements and policy.</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Native plant species selection and variety will conform to NRCS guidance and practice standards and BWSR’s Native Vegetation Establishment and Enhancement Guidelines</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Corrective action procedures and ineligibility criteria incorporated into Docket</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Compliance tracking form created and implemented</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Training opportunities for staff and Board members</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>More clearly identifying repayment for noncompliance on our contracts</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Recording conservation easements for practice awards greater than $20K</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
Cooperator & Location
Applicant(s): Tim O'Loughlin
Address: 12635 Shannon Drive
Location: Township: 113N Range: 22W Sect: 16
City/Town: Cedar Lake Twp
Watershed: 33022 Project ID: CP-18-180

Project Details
Practice
Conservation Cover
Quantity/Units: 8.9 Acres Projected Installation: Fall 2019
Resource Protected
Public Wetland, Bradshaw Lake
Project Description
Tim is required to do upland treatment with his water and sediment control basins. This practice involves establishing native prairie ecosystems that were once characteristic of Minnesota. It improves water quality by eliminating sources of sediment and other pollutants and reducing runoff volumes. The project would include numerous native grasses and flowers, enhance habitat quality for all wildlife species including birds, pollinators, and natural landscape aesthetics for human enjoyment.

Environmental Benefits
<table>
<thead>
<tr>
<th>Parameter</th>
<th>Before</th>
<th>After</th>
<th>Saved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil Erosion (tons/yr)</td>
<td>125.0</td>
<td>0.0</td>
<td>125.0</td>
</tr>
<tr>
<td>Sediment Load (ton/yr)</td>
<td>29.2</td>
<td>0.0</td>
<td>29.2</td>
</tr>
<tr>
<td>Phosphorus Load (lbs/yr)</td>
<td>30.9</td>
<td>0.0</td>
<td>30.9</td>
</tr>
<tr>
<td>Runoff Reduction (acre-ft)</td>
<td>7.2</td>
<td>3.1</td>
<td>4.1</td>
</tr>
</tbody>
</table>

Cost Analysis

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Funding Sources</th>
<th>Grant Sources</th>
<th>Unit Costs*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation: $3,880.00</td>
<td>Federal State SWCD SWMM Cooperator</td>
<td>EPA-319 CWF DRAP</td>
<td>SWCD $0 $0 $0 SWMO $75 $77 $583</td>
</tr>
<tr>
<td>Incentives: $20,025.00</td>
<td></td>
<td></td>
<td>Overall $82 $77 $583</td>
</tr>
<tr>
<td>Total: $23,905.00</td>
<td></td>
<td></td>
<td>n/a</td>
</tr>
</tbody>
</table>

*Over term of cost share contract
Attachment 5: Fact Sheet

Conservation Cooperator
Proposed Project Fact Sheet

Justine Hagness Conservation Cover

Cooperator & Location

Applicant(s): Justine Hagness
Address: 2962 West 230th Street, Jordan
Location: Township: 113N Range: 23W Sect: 3
City/Town: Helena Twp
Watershed: 33136 Project ID: CP-19-007

Project Details

Practice
Conservation Cover
Quantity/Units: 13.9 Acres Projected Installation: 2019
Resource Protected
Sand Creek

Project Description
Landowner wishes to improve water quality and create wildlife habitat by installing conservation cover. The 13.9 acres is currently cropland and one area is within 300’ of a ravine. This ravine outlets into Sand Creek.

Environmental Benefits

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Before</th>
<th>After</th>
<th>Saved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil Erosion (tons/yr)</td>
<td>55.6</td>
<td>0.0</td>
<td>55.6</td>
</tr>
<tr>
<td>Sediment Load (tons/yr)</td>
<td>5.3</td>
<td>0.0</td>
<td>5.3</td>
</tr>
<tr>
<td>Phosphorus Load (lbs/yr)</td>
<td>11.9</td>
<td>0.0</td>
<td>11.9</td>
</tr>
<tr>
<td>Runoff Reduction (acre ft)</td>
<td>11.4</td>
<td>4.9</td>
<td>6.5</td>
</tr>
</tbody>
</table>

Cost Analysis

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>$54,410.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation</td>
<td>$54,410.00</td>
</tr>
<tr>
<td>Incentives</td>
<td>$28,850.00</td>
</tr>
<tr>
<td>Total</td>
<td>$83,260.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources</th>
<th>Federal $0.00</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>State $0.00</td>
</tr>
<tr>
<td></td>
<td>SWCD $0.00</td>
</tr>
<tr>
<td></td>
<td>SWMO $31,555.00</td>
</tr>
<tr>
<td></td>
<td>Cooper $2,705.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grant Sources</th>
<th>EPA-319 □</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CWF □</td>
</tr>
<tr>
<td></td>
<td>DRAP □</td>
</tr>
<tr>
<td>Approved</td>
<td>9/19/2019</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Unit Costs*</th>
<th>Sediment ($/ton)</th>
<th>Phos ($/Pound)</th>
<th>Runoff ($/AC FT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SWCD</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>SWMO</td>
<td>$595</td>
<td>$265</td>
<td>$485</td>
</tr>
<tr>
<td>Overall</td>
<td>$646</td>
<td>$288</td>
<td>$527</td>
</tr>
</tbody>
</table>

*Over term of cost share contract
New Business
October 28, 2019

To: Watershed Planning Commission

From: Ryan Holzer, Water Resources Scientist

Subject: Technical Assistance and Cost-Share Program Policy Manual

This agenda item is a review of the proposed changes to the Technical Assistance and Cost-Share Program Policy Manual for 2020. The goal is to get a recommendation from the WPC on these changes.

Every year the Policy Manual is revised in order to adapt the program to better reach our goals. The proposed changes have been discussed with both the Screening Committee members from the Scott SWCD Board and the WPC along with SWCD and WMO staff. We will go over proposed changes in further detail at the meeting but below were the focus items of the various changes:

- Focus on long term outcomes
- Prognosticating ways to achieve sustainability
- Encourage experimentation and innovation
- Focus on building capacity
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. In most instances, 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 different factors including for example a project’s total cost and/or environmental benefit. 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 lifespan, 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. These differences, where they exist, are described in Appendix A. Where policies and procedures conflict, the stricter is always observed.
PROGRAM PROVISIONS
The following provisions are requirements for cost share funding under this program.

ELIGIBILITY:
1. Financial assistance may only be authorized for practices listed in this Docket. Other practices required for the effective implementation of a Docket practice shall be considered components to it. Reimbursement for component costs will be included with the Docket practice payment.

2. Financial assistance may only be authorized for conservation practices that:
   a. Are designed and constructed following the contents of appropriate and most current technical standards, including but not limited to: the NRCS Field Office Technical Guide, MPCA Stormwater Manual, NPDES General Stormwater Permit for Construction Activity, Minnesota Urban Small Sites BMP Manual, or other recognized local, state, or federal standards consistent with this Docket.
   b. Meet the general and specific conservation practice provisions for each practice included in the Docket.
   c. Except as otherwise noted, provide documentable environmental benefits, including but not limited to nutrient, sediment, and runoff volume reductions.
   d. 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.
   e. 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 District Technical Representative or a professional engineer that the practice's effective life and intended environmental benefits will not be compromised.

3. Financial assistance may be authorized for repairs to existing practices if:
   a. Financial assistance was not previously provided for the project; or
   b. The project is beyond the contract term and the risk of failure poses significant threat to water quality or infrastructure; or
   c. 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.

4. 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 cost share rate shall not exceed the rate set in the approved contract. Such costs may be covered through an amendment to the cost share 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.

5. Cost share may be authorized for expenses associated with installation of more protective erosion control measures, including but not limited to substituting crimped mulch with erosion control blanket, as determined reasonable and cost effective by the Technical Representative.

6. Payment may not be authorized for any practice or portion thereof that has commenced prior to official approval of an application. Applicants who commence construction of a practice before an application for financial assistance is officially approved do so at their own risk and are not guaranteed funding. Work that starts before the applicant signs an official application is ineligible for financial assistance for that practice.
Work that starts after the application is signed but before it is officially approved is eligible for reimbursement provided: a) an official waiver form is signed by the applicant before any work commences; and b) the contract is officially approved.

7. The approving authority may require an applicant to implement additional practices as a condition of financial assistance when deemed important to necessary for ensuring the integrity and/or effectiveness of the original practice. Financial assistance for projects on parcels that are not compliant with federal, state, or local rules or regulations may be denied.

8. 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.

9. Contracts may be amended to increase the approved cost share amount based on any of the following, subject to prior approval the Technical Representative:
   a. Changes to the final design prior to or during construction result in increased costs;
   b. Unforeseen or unanticipated circumstances result in higher-than-expected construction costs;
   c. A minimum of 2 bids were received and the lowest reasonable bid exceeds the original cost estimate;
   d. 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.

PAYMENT METHODS:
10. Two forms of financial assistance methods are authorized under. They include flat rate (formerly incentives) and percentage based, or cost share.
   a. Flat Rate: Flat Rate payments fall into one of two categories, as follows:
      i. One-time: Payment amount is based on a set dollar amount per unit installed. Payment is made in full upon certification of practice implementation.
      ii. Annual: Payment amount is based on a set dollar amount per unit installed/maintained over a set number of years, as identified in the PRACTICE section. Payments are made in annual installments over the course of two or more years, subject to certification of installation, establishment, and continued maintenance.
   Maintenance is required for the effective life of a practice regardless of payment type except in cases where the purpose of financial assistance is to help land occupiers mitigate risk to install or adopt land management practices that improve or protect water quality. In these instances, one-time and annual payments are referred to as incentives and are notated accordingly in the PRACTICE section.
   b. Cost Share: Percentage based financial assistance (i.e. cost share) is a partial reimbursement to a cooperator to help offset the construction and/or establishment costs associated with implementing a practice. The maximum cost share rate is listed for each practice and shall be considered the maximum rate of actual construction costs or the estimated cost, whichever is less, of implementing the practice.
      i. The maximum cost share rate for municipalities cannot exceed 50%.
      ii. An individual having appropriate Job Approval Authority (JAA) must be involved in the preparation of designs, cost estimates, and certification, either as preparer or reviewer.
      For certain ecological practices, the economic impact associated with restricting otherwise reasonable agricultural use of land to a conservation purpose is an eligible expense. This is referred to as dedicated land value. The value of land dedication is the countywide rental rate, as set by the District Board, multiplied by the contract term. As of Jan 1, 2020, the countywide rental rate is $ ___.
11. 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 cost share contract that extends through the effective life of the project. If a new contract cannot be secured, then any outstanding amount shall be returned to the funding provider or, if possible, unencumbered and made available for use towards a different project.

12. The cost share and incentive flat rates listed in this manual are maximums. The approving authority has discretion to reduce the maximum rate depending on public benefit. The total financial assistance paid to an applicant shall not exceed the maximum cost share or incentive flat rate allowed by the funding source’s governing policies. The maximum local financial assistance paid to an applicant shall not exceed the maximum cost share or incentive flat rate listed in this Docket. An applicant may request less than the maximum authorized amount to avoid triggering IRS income reporting. Other program rules regarding maximum payment rates and other limitations shall be observed.

13. 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.

14. The amount of cost share provided for a project shall be based on the minimum amount required for the practice to be installed according to 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 necessary and reasonable by the District.

15. Practices that cost share on seeding or planting will be limited to include all associated costs associated with implementing the seed or planting plan.

APPROVAL PROCESS:

16. 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. If the applicant is not the landowner, then the landowner must also sign the application. Completed applications shall be presented to the District Board 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. The District Director is authorized to sign and date application approved by the District Board. Approved applications become binding contracts automatically upon execution by the approving authority. The applicant shall be the party to whom payment will be issued, whether that is the landowner or land occupier, and upon approval of their application is henceforth referred to as Participant.

17. Approvals of applications for financial assistance are subject to the availability of funding.

18. NEW: 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:

a. The participant provides information justifying the need for an amendment and completes the amendment form. The form may be completed by or in consultation with the technical representative.

b. The technical representative reviews the proposed amendment and certifies on the form that the change is necessary.

c. The District Board reviews the amendment request and either approves or denies the request.

i. 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.

ii. If denied, the Participant should be notified in writing of the reason for denial of the application.

d. Contract amendments must be filed in advance of and approved prior to final payment request from the Participant.

a-g. If an amendment request is received that 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.

18.

19. The District shall send a letter notifying applicants of action taken by the approving authority on their application or any amendment to an existing contract. The letter shall, at a minimum, include a copy of the signed and dated contract or amendment, as applicable, and explanation of next steps. Letters shall also be sent when action by the appropriate approving authority is taken to cancel a contract. A letter is not required for contract amendments.

20. 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.

EARNEST ACCOUNT:

21. Landowners requesting cost share funds for lakeshore stabilization projects shall provide earnest money of $250.00 per application. Earnest funds shall be collected prior to preparation of any preliminary design or application, and will be returned upon certification of the completed practice. Projects cancelled by the applicant will forfeit the earnest money.

PAYMENT PROCESS:

22. The following documentation shall be required as a condition for payment

a. Approved Certification Form or equivalent for incentive payments.

b. Approved Voucher Form for cost share payments.

c. For cost share, 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 provides, rate, and quantities.
d. The District Director is authorized to approve partial and final payments on approved contracts. The District Director shall, at the earliest opportunity, present all approved payments for certification to the Board that approved the contract.

REPAYMENT OF FUNDS:
23. 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 the full amount one hundred fifty percent (150%) of 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.

GRANT PROVISIONS:
24. For projects cost shared using funds from a federal, state or other non-local grant source, the cost share 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.

STAFF CREDENTIALS
25. 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.

As of January 1, 2020, technical expertise of the District includes:

2 certified professionals in erosion and sediment control;

1 certified wetland delineator; and

8 staff with USDA—Natural Resources Conservation Service—Job Approval Authority for ecological and engineering sciences

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—Natural Resources Conservation Service.

DELEGATION OF AUTHORITY
26. In 2015, the SWCD Board authorized the District Director to approve payments for projects completed under approved cost share applications, subject to Board certification at their next regular meeting. In March 2017, the SWCD Board authorized the District Director to sign Board-approved financial assistance applications. In November, 2019, the Board authorized the District Director to approve contract amendments involving date extensions.

SUPPLY COSTS
27. The District may provide supplies to the applicant at cost for approved cost share projects (Board motion 5.f, April, 2019.)
COMPLIANCE

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

GENERAL CONSERVATION PRACTICE PROVISIONS

The following provisions apply to the design and construction of conservation practices:

29. Soil Testing: A soil test may be required for any practice that targets the reduction of soil loss. The purpose of the soil test is to determine nutrient content of the soil so that more accurate estimates of phosphorus loading and reductions can be made. 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, or from North Dakota’s or South Dakota’s Land Grant University. Soil testing requirements may be waived if acceptable soil tests from the site were taken within the previous three years.

Wetland Protection: NRCS Wetland Policy as found in the General Manual 190, Part 410 must be followed. This policy provides direction to the agency for compliance with the National Environmental Policy Act (NEPA). This policy prohibits NRCS from providing technical or financial assistance to participants that will adversely affect wetlands, unless the lost functions are fully mitigated.

30. Upland Treatment: As a requirement of eligibility, participants are required to perform upland treatment actions, through a conservation plan, according to Minnesota Conservation Planning Policy, and which shall adequately address potential adverse impacts to conservation practices. 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.

31. Materials: New materials must be utilized in the construction of practices, unless approved by a technical representative with appropriate Job Approval Authority or licensed Engineer prior to installation.

32. 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 cost share. 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.

33. 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.
34. **Operation and Maintenance:** The applicant is responsible for the operation and maintenance of the conservation practice for the minimum lifespan listed in the specific provisions of this document.

35. **Compliance with state regulations, local ordinances, and existing contracts:** Cost share may not be provided to a landowner or occupier that is determined to be in violation of any of the following:

   a. MN Rule 7020 (governing feedlots);
   b. MN Rule 8420 (governing wetlands);
   c. MN Statute 103F.48 (governing buffers);
   d. Scott County Ordinance Chapter 70-8-11 (governing Shoreland zone);
   e. Scott County Ordinance No. 4 Chapter 1 (governing septic systems, as evidenced based on visual observation of surface discharge or formal notification by the county);
   f. MN Rule 8400 (governing Excessive soil Loss Control); or
   f. [An existing financial assistance contract](#)

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.

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.

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 coming into compliance, and/or their cost share application is for a project intended to resolve the non-compliance issue.

An applicant may apply for a waiver from this section using a form provided by the District. The District Board may approve a waiver request upon determination that allowing the non-compliant situation to continue serves the greater public good than not installing the conservation practice for which cost share is being requested. Approved waiver requests shall be reported to the WPC.

36. **Seed Plans:** When preparing a seed plan the following standards will be used based on the funding source(s) involved:

   a. [Vegetation Requirements for BWSR Funded Projects (BWSR 2019, as amended)](#)
   b. [Practice Standard 327 Conservation Cover (USDA – NRCS eFOTG, as amended)](#)
   c. [Agronomy Tech Note #31 (USDA – NRCS 2018, as amended)](#)
SPECIFIC CONSERVATION PRACTICE PROVISIONS

COST SHARE TIERs
The following tiers are referenced in the Cost Share column in the table under each practice:

Tier 1
- Max Rate: 805% of actual construction costs, not to exceed 805% of cost estimate
- Minimum Requirements:
  ➢ If upland treatment is required, the Participant must sign and follow a conservation plan agreement that achieves upland treatment on any cropland that a) drains to the practice and b) they either own or occupy (i.e. rent).
  ➢ Achieve a minimum of 30% residue cover, after planting, on any field that intersects the contributing drainage area for the proposed project. The minimum residue cover shall be achieved over the entire crop rotation. Residue cover may be from last-year’s crop, cover crops, and/or permanent vegetation; and
  ➢ Complete a Conservation Assessment on all cropland within the FSA Farm on which the practice is being applied, plus any contiguous FSA Farm. If no FSA Farm ID exists, then the assessment must include all cropland within on the parcel where the project will be installed plus any contiguous parcels owned by the Participant.

Tier 2
- Max Rate: 750% of actual construction costs, not to exceed 70% of cost estimate
- Minimum Requirements:
  ➢ If upland treatment is required, the Participant must sign and follow a conservation plan agreement that achieves upland treatment on any cropland that a) drains to the practice and b) they either own or occupy (i.e. rent).
  ➢ Complete a Conservation Assessment on all cropland within the FSA Farm on which the practice is being applied, plus any contiguous FSA Farm. If no FSA Farm ID exists, then the assessment must include all cropland within on the parcel on which the project will be installed plus any contiguous parcels owned by the Participant.

Tier 3
- Max Rate: 50% of actual construction costs, not to exceed 50% of cost estimate
- Minimum Requirements:
  ➢ If upland treatment is required, the Participant must sign and follow a conservation plan agreement that achieves upland treatment on any cropland that a) drains to the practice and b) they either own or occupy.

The maximum cost share rates shown shall be inclusive of all sources.

Notwithstanding the above, the maximum cost share rate shall be seventy percent (70%) for the following:
- Non-agricultural practices, except wetland restoration; and
- Practices that are otherwise treating erosion for which the primary cause is not agricultural land use immediately above the site; and
- As pertaining to Tier 1, above, the field in which the project is located, or is immediately downstream of, is not in a cash crop or grain/pasture rotation, or the cause of the resource concern is not directly attributable to agricultural land use.
Farms and parcels separated only by a road, driveway, easement, or water feature, or which share a common corner, shall be deemed contiguous.

Conservation Assessments shall, at a minimum, address the following resource concerns: 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.

Upland treatment shall include preventing ephemeral or classic gully erosion and controlling soil sheet and rill erosion to tolerable soil loss rate.

PRACTICES

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

**BIORETENTION BASINS**

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Bioretention Basins (Redevelopment/Community)</td>
<td>570</td>
<td>50%</td>
<td>10 years</td>
</tr>
<tr>
<td>Residential Raingardens identified in a local water plan</td>
<td></td>
<td>50%</td>
<td>10 years</td>
</tr>
<tr>
<td>Residential Raingardens</td>
<td>N/A</td>
<td>One-time</td>
<td>$250 - $750</td>
</tr>
</tbody>
</table>

1. Pre-treatment is required for cost shared projects. See General Conservation Practice Provision #30.
2. Materials eligible for cost share include plants, biologs, 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 cost share include those items that do not benefit practice function, such as ornamental rock or other decorative items.
3. To qualify for flat rate funding, a residential raingarden project must be constructed and certified in accordance with SWCD guidelines. To qualify for cost share funding, a residential rain garden must be designated as a project in an approved local water plan.
4. Flat rates funding shall be limited to the following maximum amounts: $250 for raingardens between 150 and 299 sq. ft.; $500 for raingardens between 300 and 449 sq. ft.; and $750 for raingardens greater than 450 sq. ft.

**CONSERVATION COVER**

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rates</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Conversion of eligible ag land to native prairie – ≥2.0 acres and &lt;5.0 acres.</td>
<td>327</td>
<td>50% for establishment and 100% for land dedication</td>
<td>10 years</td>
</tr>
<tr>
<td>Conversion of eligible ag land to native prairie – ≥5.0 acres and &lt;10.0 acres.</td>
<td>327</td>
<td>50% for establishment and 75% for land dedication</td>
<td>10 years</td>
</tr>
<tr>
<td>Conversion of eligible crop, pasture, or hay ag land to native prairie – ≥10 acres.</td>
<td>327</td>
<td>$175 to $275/100 to 200/ac</td>
<td>50% for actual seed and establishment and land dedication, not to exceed 50% of cost estimate</td>
</tr>
</tbody>
</table>
| Conversion of other lands to Any native prairie restoration project ≥0.5 acres and <2.0 and | 327 | One-time | $500/acre N/A 10 years
any native prairie project ≥0.5 acres on non-ag land.

Conversion of eligible agricultural land to introduced perennial grasses and legumes

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>327</td>
<td>Annual</td>
<td>$100/acre</td>
</tr>
</tbody>
</table>

Advance-Pre-Construction Cover

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TN 31</td>
<td>One-time</td>
<td>$200/acre, Not to exceed $1,000</td>
</tr>
</tbody>
</table>

Maintenance (other than prescribed burn)

<table>
<thead>
<tr>
<th></th>
<th>One-time</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>50%</td>
</tr>
</tbody>
</table>

1. Eligible crop-agricultural land includes any areas where annually seeded crops (e.g.: corn, soybeans, small grains, vegetables, etc.) have been grown and harvested in each of the last 3 years, and in at least 8 of the last 10 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. Eligible pasture land includes any land that has been actively pastured by livestock for the last 3 years, and for at least 8 of the last 10 years. Eligible hay land must consist of at least 25% alfalfa plants and have been harvested at least once in each of the last 3 years, and in at least 8 of the last 10 years.

2. The above notwithstanding, Maximum annual incentive-cost share rates for conversion of eligible crop, hay, or pasture lands to native prairie shall be 50% for establishment and land dedication for any project on a parcel that: a) is less than 10 acres in size; or b) was platted after 1/1/2015 and has a non-agricultural zoning classification determined as follows: $775/acre for soils with D or greater slopes and for areas within 300’ of a protected water course, drainage ditch, Type III or greater wetland, intermittent stream as depicted on USGS quadrangle maps, or top of a bluff or ravine, $225/acre for soils with C slopes, $200/acre for soils with B slopes, and $175/acre for soils with A slopes. Total incentive amount may be rounded to the nearest $100.

3. 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.

4. Payments shall be made according to the following table:

<table>
<thead>
<tr>
<th>Total Approved Incentive Amount</th>
<th>1st and 2nd Year Payment Amount</th>
<th>Remaining payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0-$5,000</td>
<td>50%</td>
<td>N/A</td>
</tr>
<tr>
<td>&gt;$5,000 to $10,000</td>
<td>30%</td>
<td></td>
</tr>
<tr>
<td>&gt;$10,000 to $25,000</td>
<td>20%</td>
<td></td>
</tr>
<tr>
<td>&gt;$25,000</td>
<td>15%</td>
<td></td>
</tr>
</tbody>
</table>

Examples:

<table>
<thead>
<tr>
<th>Total Approved Incentive</th>
<th>Year</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>$4,500</td>
<td>$2,250 (50%)</td>
<td>$2,250 (50%)</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>$8,700</td>
<td>$2,610 (30%)</td>
<td>$2,610 (30%)</td>
<td>$870 (10%)</td>
<td>$870 (10%)</td>
<td>$870 (10%)</td>
<td>$870 (10%)</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>$22,500</td>
<td>$4,500 (20%)</td>
<td>$4,500 (20%)</td>
<td>$2,250 (10%)</td>
<td>$2,250 (10%)</td>
<td>$2,250 (10%)</td>
<td>$2,250 (10%)</td>
<td>$2,250 (10%)</td>
<td>$2,250 (10%)</td>
<td>$2,250 (10%)</td>
<td>$2,250 (10%)</td>
</tr>
<tr>
<td>$36,900</td>
<td>$5,535 (15%)</td>
<td>$5,535 (15%)</td>
<td>$3,690 (10%)</td>
<td>$3,690 (10%)</td>
<td>$3,690 (10%)</td>
<td>$3,690 (10%)</td>
<td>$3,690 (10%)</td>
<td>$3,690 (10%)</td>
<td>$3,690 (10%)</td>
<td>$3,690 (10%)</td>
</tr>
</tbody>
</table>

5. First year payments shall be subject to the District certifying the seeding was completed in accordance with the approved seed plan. Second year payments shall be subject to the District certifying the seeding is well established.
(typically after one full growing season) and is being adequately maintained through timely mowing. 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.

6. Eligible establishment costs include site prep, seed, seeding, and up to two mowings within the first year of seeding (i.e. establishment period).

7. Upland treatment is required

8. The minimum project size for any funding assistance is one half acre.

9. All payment amounts shall be pro-rated based on actual project size.

10. Projects involving the conversion of eligible crop 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. Funding is not eligible for conservation of pasture or hay land introduced perennial grasses.

11. Land where the maintenance of permanent natural vegetation is required under Chapter 70-8-11, Scott County Zoning Ordinance and/or MN Statute 103F.48, may only be eligible for the one-time payment of $500/acre.

12. Application through CRP or related program is prerequisite for projects over 120 acres, if the site meets CRP program eligibility requirements and the CRP program is actively currently accepting applications. USDA has announced it will begin accepting applications in the current calendar year.

13. By default, Practice Standard 327 will be used. Practice Standards 643 and 645 may be used if preferred by the applicant, required by a grant, 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 in the Conservation Plan. Areas planted to trees may not be eligible for incentives-cost share under this practice; however, they are eligible for incentives-cost share under the Tree/Shrub Establishment practice (Practice Standard 612) subject to meeting applicable requirements therein.

14. An applicant may apply for Advance Construction Cover (ACC) 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. ACC shall be included as an eligible component of the primary practice, not as a separate, stand-alone practice.

15. Maintenance under this practice may include mowing, disking or other method approved by the District. Applications for maintenance must be made separate from applications for initial establishment and flat rate or cost share payments. The intent is to provide funding assistance for maintenance in years 4 or 5 after establishment. Cost share for maintenance may not be provided more than One-time per applicant, per ten years. Cost share for prescribed burn shall follow requirements under that practice standard (below).

16. Grazing is a permitted maintenance option. It must, however, be performed in accordance with an approved grazing plan and is not eligible for cost share, except for commercial goat grazing services.

17. A Participant may apply for funding for up to 10 additional years upon expiration of their original contract. The approving authority may, at its discretion, approve, approve with modification, or deny any such application, based on its determination of public benefit. Consideration of benefit shall be based on cost compared to any or all of the following: potential threat to water quality should the land return to agricultural use (in whole or part), minimum acreage necessary to maintain comparable the water quality benefits as achieved with the original project, level of impairment of the receiving water body, and available funds.

### Contour Buffer Strips

<table>
<thead>
<tr>
<th>Contour Buffer Strips</th>
<th>NRCS Code</th>
<th>Flat Rate Type</th>
<th>Amount $</th>
<th>Cost Share Maximum Rate</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td>332</td>
<td>Annual</td>
<td>$275/acre</td>
<td>50%</td>
<td>10 years</td>
<td></td>
</tr>
</tbody>
</table>

2020 CPFAP Policy Manual DRAFT
FINAL
Page 13 of 30
1. CRP funding shall be used when available.
2. Buffer strips must be harvested at least every other year, unless harvesting is prohibited by one or more funding sources (e.g., CRP).
2.3. Eligible costs include site prep, seed, and seeding.

**CONTOUR FARMING**

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Contour Farming</td>
<td>330</td>
<td>1 time</td>
<td>$200/acre</td>
</tr>
</tbody>
</table>

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 incentive is only available where current cropping practices would not meet the 340 practice standard.

**COVER CROPS**

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cover Crops – Multi-year</td>
<td>340</td>
<td>Annual</td>
<td>$40/acre*</td>
</tr>
<tr>
<td>Cover Crops – Annual</td>
<td>340</td>
<td>1-time</td>
<td>$230/acre*</td>
</tr>
</tbody>
</table>

*These are incentives.*

1. Maximum payment for the annual incentive is $12,000 per applicant (100 acres x $40/acre x 3yrs).
2. Maximum payment under the One-time incentive is $2,000.
3. To qualify for the multi-year incentive, cover crops must be planted on the same number of acres and on the same fields for a minimum of 3 consecutive years.
3. Payment shall be issued each year after the technical representative has certified seeding.
4. 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 $12,000, provided the applicant continues to plant cover crops all acreage covered under previous contract(s), and all land covered under the new contract is additional to any previous contract.
5. 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.
6. 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 another 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 ineligible for payment on land they continue to control.

**CRITICAL AREA PLANTING**

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Critical Area Planting</td>
<td>342</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
</tbody>
</table>

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

**DIVERSION**

<table>
<thead>
<tr>
<th>NRCS</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1. Upland treatment is 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 is not an eligible single 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).

**FILTER STRIP**

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Type</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td>393</td>
<td>Annual</td>
<td>$300/ac for the NRCS minimum; $150/ac for the area beyond the minimum, up to a maximum of 75'</td>
<td>50% of establishment costs</td>
<td>10-15 years</td>
</tr>
<tr>
<td>393</td>
<td>Annual</td>
<td>$200/ac for the NRCS minimum; $100/ac for the area beyond the minimum, up to a maximum of 75'</td>
<td></td>
<td>10-15 years</td>
</tr>
<tr>
<td>393</td>
<td>Annual</td>
<td>$200150/ac</td>
<td></td>
<td>10 years</td>
</tr>
</tbody>
</table>

1. Eligible establishment costs include site prep, seed, and seeding when using native species only.
2. Soil testing may be required for filter strips. See General Conservation Practice Provision #1.
3-2. The rates listed are maximum amounts from all public sources combined.
4-3. 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'.
5-4. Filter Strips located in areas where the maintenance of permanent natural vegetation is used to meet the requirements under Chapter 70-8-11, Scott County Zoning Ordinance and/or the Buffer Law under MN Statute 103F.48, are eligible for a one-time payment of $200/acre for establishment of cool season grasses and $500/acre for establishment of native grasses or prairie. Land enrolled in CRP or other program that pays for establishment costs is not eligible for this payment.
6-5. Filter strips must be harvested at least every other year, unless harvesting is prohibited by one or more funding sources (e.g. CRP).
7.6. Eligibility for re-enrollment of expired filter strips shall be determined on a case by case basis. The approving authority may, at its discretion, approve, approve with modification, or deny any such application, based on factors including but not limited to: potential threat to water quality should the land return to agricultural use (in whole or part), minimum acreage necessary to maintain comparable the water quality benefits as achieved with the original project, level of impairment of the receiving water body, and available funds. Re-enrolled filter strips are eligible for funding up to the minimum width as set forth in the 393 standard, or 50', whichever is greater.
8-7. New filter strips must have crop history of the past 6 years unless there are extenuating circumstances approved by the Watershed Planning Commission or County Board.
9-8. 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. Incentives 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.
10-9. 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.

11-10. The NRCS minimum shall be based on removal of sediment and sediment associated material removal, as set forth in Table 1 of Filter Strip 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.

12-11. Livestock grazing may be used for maintenance, provided it is performed in accordance with an approved grazing plan.

### GRADE STABILIZATION STRUCTURE

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Grade Stabilization</td>
<td>410</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
</tbody>
</table>

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

### GRASSED AND LINED WATERWAY

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Grassed Waterway</td>
<td>412 or 468</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
</tbody>
</table>

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

### NUTRIENT MANAGEMENT

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Manure Testing</td>
<td>NA</td>
<td>100% of Actual Cost</td>
<td>1 year</td>
</tr>
<tr>
<td>Variable Rate Application (VRA)</td>
<td>NA</td>
<td>$105/ac*</td>
<td>1 year</td>
</tr>
</tbody>
</table>

*This is an incentive.*

1. Manure testing kits are available through Scott SWCD.
2. Eligibility for VRA is limited to a maximum of $2,000 per applicant, in either a single contract or contracts over multiple years. Payment may not be made more than Once-time on any given acre or field.
3. Funds for VRA shall be prioritized for producers that do not already use VRA as the primary means of fertilizer application for their operation.
4. 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.
5. Manure shall be credited and all fertilizer application rates shall be consistent with U of M recommendations.
6. 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.
7. The Technical Representative has discretion to withhold payment for acreage where sampling results and or application rates do not appear reasonable or accurate.
## OTHER PRACTICES

<table>
<thead>
<tr>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Innovative Practices (Redevelopment/Community)</td>
<td></td>
<td>50%</td>
</tr>
<tr>
<td>Innovative Practices (New Development)</td>
<td></td>
<td>50%</td>
</tr>
<tr>
<td>Non-Conventional Stormwater Runoff and Pollution Control</td>
<td>50% - 70% as determined by approving authority</td>
<td>10 years</td>
</tr>
<tr>
<td>Conservation Drainage</td>
<td>70%</td>
<td>10 years</td>
</tr>
<tr>
<td>Chloride Reduction Practices</td>
<td>50% - 70% as determined by approving authority</td>
<td>1 - 10 years</td>
</tr>
</tbody>
</table>

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 runoff and pollution control 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
   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.

## STREAMBANK AND SHORELINE PROTECTION

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Natural Shoreline Restoration</td>
<td>N/A</td>
<td>50%</td>
<td>10 years</td>
</tr>
<tr>
<td>Shoreline Stabilization</td>
<td>580</td>
<td>70%</td>
<td>10 years</td>
</tr>
<tr>
<td>Streambank Stabilization</td>
<td>580</td>
<td>70%</td>
<td>10 years</td>
</tr>
</tbody>
</table>

1. Natural Shoreline Restoration project designs shall meet the intent of restoring the shoreline to predominantly natural conditions, including but not limited to the use of natural and native vegetative buffers, limiting turf grass, and using bioengineering methods. Minimum specifications include a 10 feet wide seeded native vegetation buffer along no less than 50 linear feet or 50%, whichever is less, of the total width of the lot, less the footage or shoreline having existing natural and desirable vegetation. Where agriculture is the adjoining land use an area of unmaintained vegetation or conservation plan must be in place in accordance with County Shoreland Rules.
2. 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.

3. Upland treatment is required. See General Conservation Practice Provision #30.
4. To be eligible for funding for shoreline restoration or 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.
### PRESCRIBED BURNING

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Prescribed Burning</td>
<td>338</td>
<td></td>
<td>50%</td>
</tr>
</tbody>
</table>

1. A detailed burn plan describing the practice objective, species to control and species to be benefited, timing, weather conditions and management guidelines will be developed.
2. Technical assistance will be provided by a technically qualified and adequately insured individual.
3. All laws and regulations pertaining to burning will be followed.
4. **The conservation plan must document that the Participant has been notified in writing that they are subject to all liability due to damages caused by fire.**
5. It is the Participant’s responsibility to obtain all permits and to notify surrounding landowners that may be affected.
6. Cost share is eligible once every 5 years for projects that were established without cost share assistance, or are not within the term of a cost share contract.
7. Costs associated with notifying neighbors and for obtaining any required approvals from the local unit of government and/or the fire marshal are the Participant’s responsibility.
8. Cost share may not be provided more than once for projects that are within the term of a cost share contract.

### RIPARIAN BUFFER

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Forested Stream Buffer Improvement &gt;1 ac parcel</td>
<td>391</td>
<td></td>
<td>100% up to $1,000/acre for plants, seeds, labor and materials</td>
</tr>
<tr>
<td>Herbaceous or Forested Buffer Establishment (Native Vegetation)</td>
<td>390 or 391</td>
<td>Annual</td>
<td>$150/ac up to 50’ width</td>
</tr>
<tr>
<td>Herbaceous or Forested Buffer Establishment</td>
<td>390 or 391</td>
<td>Annual</td>
<td>$150/ac up to 50’ width</td>
</tr>
</tbody>
</table>

1. A potential tax credit exists for parcels greater than 20 acres. **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. Minnesota Conservation Corps may be used for labor counting as part of the cost share.

### TERRACE

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Terrace</td>
<td>600</td>
<td></td>
<td>Tier 1, 2 or 3</td>
</tr>
</tbody>
</table>

1. Upland treatment is required. See General Conservation Practice Provision #30.
2. **Eligible costs include materials, earthwork and any seed and seeding expenses**
3. 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.
4. 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.
4-5. Cost sharing for Subsurface Drain (606) is limited to drains needed in the impounded area of the terrace as determined by the designer.

### TREE/SHRUB ESTABLISHMENT

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Type</th>
<th>Cost Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>612</td>
<td>Annual</td>
<td>75% of actual for establishment and 100% for land dedication costs, not to exceed 75% of cost estimate</td>
</tr>
</tbody>
</table>

### UNDERGROUND OUTLET

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Cost Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>620</td>
<td>Tier 1, 2 or 3</td>
</tr>
</tbody>
</table>

1. Eligible Cropland-land includes any cropland where grain, vegetable, and/or forage crops have been grown and harvested in each of the last 3 years, and in at least 8 of the last 10 years.

2. The maximum cost share rate shall be 50% for both establishment and dedicated land for any project on a parcel that: a) is less than 10 acres in size; or b) was platted after 1/1/2015 and is not zoned agricultural. Maximum annual incentive rates shall be determined as follows: $275/acre for soils with D or greater slopes and for areas within 300' of a protected water course, drainage ditch, Type III or greater wetland, intermittent stream as depicted on USGS quadrangle maps, or a bluff or ravine; $225/acre for soils with C slopes; $200/acre for soils with B slopes, and $175/acre for soils with A slopes. Total incentive amount shall be rounded to the nearest $100.

3. 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.

4. Payment 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, installation (by hand or mechanical depending on planting size), and first-year maintenance (mowing and/chemical treatment). 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 A are eligible for cost share. 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 12 acres.

8. Land where the maintenance of permanent natural vegetation is required under Chapter 70-8-11, Scott County Zoning Ordinance and/or MN Statute 103F.48, may only be eligible for the One-time payment of $500/acre.

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 cost share.

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 125% conifers.

13. Existing stands, regardless of whether or not financial assistance was previously provided, shall not be eligible for funding.
1. Cost share eligibility is limited to replacing existing surface tile inlets.

### VEGETATED TREATMENT AREA

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Level 2 to 4 Vegetated Treatment Area – lot size of 1 acre or less</td>
<td>313</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
<tr>
<td>Level 2 to 4 Vegetated Treatment Area – lot size of 1.1 acre to 2 acres</td>
<td>313</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
<tr>
<td>Level 2 to 4 Vegetated Treatment Area – lot size 2.1 to 5 acres</td>
<td>313</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
<tr>
<td>Level 2 to 4 Vegetated Treatment Area – lot size greater than 5 acres</td>
<td>313</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
<tr>
<td>Level 5 Control – vegetated buffer</td>
<td>313</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
</tbody>
</table>

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.
   a. **Examples:**
      i. Producer A has had a dairy farm operation for 20 years. Producer B purchases the dairy and continues milking cows. This pollution problem is greater than 5 years old and producer B meets this eligibility requirement for Payment assistance.
      ii. 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 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.

### WASTE STORAGE FACILITY

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Concrete or Metal Tank</td>
<td>313</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
<tr>
<td>Stacking Slab</td>
<td>313</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
<tr>
<td>Pond – composite liner</td>
<td>313</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
<tr>
<td>Pond – membrane liner</td>
<td>313</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
<tr>
<td>Pond – no liner</td>
<td>313</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
<tr>
<td>Pond – soil liner</td>
<td>313</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
<tr>
<td>Concrete slab</td>
<td>313</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
</tbody>
</table>
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 months.

2. The maximum 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 the transfer, storage, or treatment of wastes.

   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.

   a. Examples:

      i. Producer A has had a dairy farm operation for 20 years. Producer B purchases the dairy and continues milking cows. This pollution problem is greater than 5 years old and producer B meets this eligibility requirement for payment assistance.

      ii. 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.

**WASTEWATER TREATMENT**

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Flocculation Treatment</td>
<td>629</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
<tr>
<td>Vegetated Dosing Area</td>
<td>629</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
<tr>
<td>Bark Bed</td>
<td>629</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
<tr>
<td>Aerobic Treatment</td>
<td>629</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
</tbody>
</table>

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.
   a. Examples:
      i. Producer A has had a dairy farm operation for 20 years. Producer B purchases the dairy and continues milking cows. This pollution problem is greater than 5 years old and producer B meets this eligibility requirement for payment assistance.
      ii. 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.

**WATER AND SEDIMENT CONTROL BASIN**

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Water &amp; Sediment Control Basin</td>
<td>638</td>
<td>Tier 1, 2 or 3</td>
<td>10 years</td>
</tr>
</tbody>
</table>

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 landuser 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 is required. See General Conservation Practice Provision #30.
   3. Eligible costs include materials, earthwork and any seed and seeding expenses
3-4. Cost sharing for Subsurface Drain (606) is limited to drains needed in the impounded area of the basin as determined by the designer.

4. Farmable WASCOB is eligible only if it is the most practical alternative, as determined by the District. If a farmable WASCOB is not determined to be the most practical alternative by the District then the applicant shall be responsible for the difference in cost between a narrow based/grassed backed WASCOB and a farmable WASCOB. In addition, a farmable WASCOB berm must be constructed at least 1’ higher than the required design.

5. May be used and designed for purposes of detention, and sediment, volume and peak flow reduction.

**WELL DECOMMISSIONING (Unused Well Sealing)**

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td>Well Decommissioning</td>
<td>351</td>
<td>70%</td>
<td>10 years</td>
</tr>
</tbody>
</table>

1. Maximum cost share amount from all sources shall be $1,000, except for wells that are being abandoned as part of a public water supply expansion project, in which case the maximum cost share amount shall be $400.

2. Maximum cost share for state cost share funds is 50%.

**WETLAND RESTORATION**

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Share</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Rate</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Lifespan</td>
</tr>
<tr>
<td>Wetland Restoration</td>
<td>657</td>
<td>One-time</td>
<td>$4,000/Ac.</td>
</tr>
<tr>
<td></td>
<td>One-time</td>
<td>Approved Bid</td>
<td>Up-to-90% of actual construction costs, not to exceed 90% of cost estimate</td>
</tr>
</tbody>
</table>

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 lower incentive and cost share rates, subject to review and approval by the funding authority.

2. Eligible costs include materials, earthwork and any seed and seeding expenses.

3. 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. Incentive payments will not be made until proof of necessary permits has been provided.

4. The restored area shall not be used for irrigation or livestock watering purposes, to produce agricultural commodities, or for grazing livestock.

5. Upland Treatment is required.

6. Wetlands restored as part of a required mitigation plan or for wetland banking are not eligible for funding under this section.

7. A 30 foot minimum native buffer is required. Upland buffer can be completed as a filter strip or native grass planting practice using respective cost and incentive rates.

8. An approved application through the Conservation Reserve Enhancement Program (CREP) or Reinvent In Minnesota (RIM) for the proposed perpetual restoration is required in order to be eligible for funding under this section.

9. Bids shall be submitted to the District office using a form provided by District, or local water management agency, if applicable.

9.10. The District shall, with concurrence of the local water management agency when applicable, set a time period during which bids must be submitted.

9.11. The approving authority reserves the right to refuse any and all bids.

9.12. 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 incentive, provided they sign a separate cost...
share contract and agrees maintain the affected area in permanent vegetative cover and avoid tillage and applying chemical and fertilizers.

PRACTICE STANDARD – WHOLE FARM PLANNING

<table>
<thead>
<tr>
<th>NRCS Code</th>
<th>Flat Rate</th>
<th>Cost Sharing</th>
<th>Lifespan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Type</td>
<td>Amount $</td>
<td>Maximum Eligible Cost Share Rate</td>
</tr>
<tr>
<td>Whole Farm Planning</td>
<td>One-time</td>
<td>$5/acre</td>
<td></td>
</tr>
</tbody>
</table>
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.
I. SCOTT WATERSHED MANAGEMENT ORGANIZATION (WMO) 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. Approval can be given administratively or by the Scott County Board acting as the Scott WMO. Administrative approval can be given for application 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, 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.

F. Applications for streambank and shoreline stabilization projects shall be approved by reviewed by the Screening Committee and approved by the WMO, with the cost share amount being discretionary depending on project benefits.

F-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.

ADD LANGUAGE TO THIS POLICY (AND IN CONTRACT) REQUIRING EVIDENCE OF WRITTEN NOTIFICATION BEING GIVEN TO SWCD/WMO
II. PRIOR LAKE SPRING LAKE WATERSHED DISTRICT (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.

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 cost share 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 cost share. Amendments of 10% or less than the original cost
share amount may be approved by the District.

D. The PLSLWD provides financial assistance for rain barrels and lake water irrigation systems. These
programs are administered separately by PLSLWD staff.

E. Innovative/Other practices shall be approved by the PLSLWD Board.
APPENDIX A (cont.)

Figure 2 - PLSLWD Application Approval Decision Flow Chart

---

Type I Practices
- Bio-retention Basins
- Cover crops
- Native Prairie Restoration
- Nutrient Management
- Riparian Buffers
- Shoreline Restoration or Stabilization
- Waste Storage Facility
- Wetland Restoration
- Well Decommission
- Whole Farm Planning
**APPENDIX B**

Compliance Procedures Flow Chart

**Conduct routine Status Review**
- Years 1, 5 and 9 following cert. Photos will be taken.
- Satisfactory?
  - Yes
    - Update Con-6 Notes
  - No
    - Generate SR Form and 1st Action Required Letter*. Follow up phone call recommended. Update Con-6 Notes

**Resolved?**
- Yes
  - Resolves?
    - Yes
      - Generate and send 2nd Action Required Letter** w/copy of O&M - Notify WMO/WD Administrator - Update Con-6 Notes
    - No
      - Conduct follow up status review within 10 days of deadline. Take photos.

**Resolving?**
- Yes
  - Conduct follow up status review within 5 days of deadline. Take photos.
- No
  - Generate and send 3rd Action Required Letter*** - Initiate Non-Compliance Tracking Form - Notify SWCD Board of case. - Update WMO/WD Administrator of case status. - Notify BWSR of pending issue, if applicable.

**Resolved?**
- Yes
  - Refer case to County Attorney. Update SWCD Board and WMO/WD Administrator of case status. Update BWSR of case status, if applicable.
- No

**Resolved w/o repayment?**
- Yes
  - Finalize Non-Compliance Tracking Form. Discuss corrective action options w/BWSR, if applicable (repayment or replacement). Update Con-6 Notes.
- No
  - Reimburse BWSR w/local funds, if applicable. Finalize Non-Compliance Tracking Form. Add Cooperator to "ineligible" list. Update Con-6 Notes.

---

* 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

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

### Large Trees
- Common
- American basswood
- Big-toothed aspen
- Bitternut hickory
- Black cherry
- Black walnut
- Bur oak
- Cottonwood
- Hackberry
- Kentucky coffeetree
- Northern pin oak
- Northern red oak
- Paper birch
- Pin cherry
- Quaking aspen
- Red maple
- Silver maple
- Sugar maple
- Swamp white oak
- White oak
- Willows-native

### Shrubs
- Scientific
- Tilia americana
- Populus grandidentata
- Carpinus cordiformis
- Prunus serotina
- Juglans nigra
- Quercus macrocarpa
- Populus deltoides
- Celtis occidentalis
- Gymnocladus dioica
- Quercus ellipsoidalis
- Quercus rubra
- Betula papyrifera
- Prunus pensylvanica
- Populus tremuloides
- Acer rubrum
- Acer saccharinum
- Acer saccharinum
- Quercus bicolor
- Quercus alba
- Salix spp

### Small Trees
- Scientific
- Corylus americana
- Viburnum dentatum
- Aronia melanocarpa
- Cephalanthus occidentalis
- Sambucus canadensis
- Physocarpus opulifolius
- Amelanchier fruticosa
- Crataegus species
- Viburnum trilobum
- Viburnum trilobum
- Viburnum lentago
- Physocarpus opulifolius
- Cornus alternifolia
- Cornus stolonifera
- Sambucus canadensis
- Cornus amomum
- Rhus glabra
- Rhus typhina
- Hamamelis virginiana

### Conifers
- Scientific
- Juniperus virginiana
- Pinus strobus
- Pinus resinosa
- Picea glauca
- Picea glauca var. densata
- Thuja occidentalis

---
Memorandum

October 28, 2019

To: Watershed Planning Commission

From: Ryan Holzer, Water Resources Scientist

Subject: Justine Hagness Wetland Restoration Application

Included with this memo is a WMO cost share application from Justine Hagness for the restoration of a wetland. The property is located in Scott County in the SW ¼ of the SW ¼, T113N, R23W, Section 3, Helena Township.

The total estimated incentive of the project is $3,200.00. The proposed funding source is the Targeted Watershed Grant which has the available remaining funds and also expires in March of 2020.

This wetland has historically been drained by a tile line which has recently started to fail. The proposed restoration is a cessation of cropping which essentially means that this area will no longer be attempted to be cropped on an annual basis. By cessation of cropping the wetland would restore itself to its historic hydrologic capacity, which it had previously achieved prior to the tile line being installed.

This application requires a Screening Committee recommendation since all wetland restoration projects require a review. The Scott SWCD Screening Committee reviewed the application at their October 15th Board Meeting and recommended approval.
SCOTT WMO CONSERVATION PROJECT FINANCIAL ASSISTANCE
APPLICATION/CONSTRAKT

GENERAL INFORMATION

Financial Assistance Provider: SCOTT WMO
Contract No: WMO 19-41
Other Cost Share Sources: ☐ Yes ☑ No
Amendments (if any): 
CANCELED (if applicable):

APPLICANT

Name: Justine Hagness
Address: 2962 West 230th Street
City/State: Jordan, MN
Zip: 55352

PROJECT LOCATION

City/Township Name: Helena Twp
Township: 113N
Range: 23W
Section: 3
1/4 1/4
SW1/4 ; SW1/4
Minor Watershed #: 33136

PROJECT TYPE & COST ESTIMATE

Conservation Practice Name: Wetland Restoration

<table>
<thead>
<tr>
<th>Eligible components (list NRCS Practice Codes)</th>
<th>Other recognized technical practice(s)</th>
<th>Practice type</th>
<th>Quantity</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>657</td>
<td></td>
<td></td>
<td>0.8</td>
<td>Acres</td>
</tr>
</tbody>
</table>

Total Cost Estimate: $3,200.00

INSTALLATION COST SHARE AMOUNTS

Scott SWCD: $0.00 Federal: $0.00 Landowner: $0.00
Scott WMO: $0.00 State: $0.00 Other: $0.00

MAXIMUM AUTHORIZED AMOUNTS

Project installation cost-share shall not exceed $0.00 or 100.0% of total eligible costs, whichever is less.
Project incentives shall not exceed: $3,200.00

Note: Incentives of $600 or more are considered taxable income and will be reported to the IRS.

TERMS AND CONDITIONS

I (we), the undersigned Applicant, hereby request financial assistance to help defray the cost of installing the conservation project listed above. I/we understand and agree to the following terms and conditions:

1. This application will be reviewed and considered by the Approval Authority, which will be the Scott Soil and Water Conservation (SWCD) or the Scott Watershed Management Organization (WMO). The application may be approved for less than the amount requested, or it may be denied altogether, based on consideration of the public interest, including but not limited to cost effectiveness. If approved, this application shall constitute a contract which shall remain in effect unless cancelled or amended by mutual agreement.

2. The project Total Cost Estimate and Maximum Authorized Amounts listed are estimates only and are subject to change based on actual project installation quantities and costs.

3. The Applicant is responsible for full establishment, operation and maintenance of the practice identified above to ensure the conservation objectives of the project are met and the effective life of the practice is achieved. The effective life of this project is 15 years, starting on the date the project is certified complete. All operation and maintenance requirements will be described in an Operation and Maintenance (O&M) Plan prepared by the SWCD.

4. Adherence to a Conservation Plan, in addition to the O&M Plan, may be required. A Conservation Plan is prepared by the SWCD for the Applicant and lists other conservation measures that may be required on the property as a condition of receiving financial assistance. If required, the Applicant shall be responsible for complying with the provisions of the Conservation Plan through the effective life of the project.

5. The O&M Plan and Conservation Plan are incorporated herein by reference. Should the Applicant fail to comply with the provisions of the O&M or Conservation Plans through the effective life, they shall be liable to the Approval Authority for 150% of the amount received under this contract. The Applicant shall not, however, be liable for repayment if failure of the project was caused by reasons beyond their control, or if alternative conservation measures providing an equivalent level of soil and water protection during the effective life are applied at their own expense.
6. If title or tenancy of the property is transferred to another party before expiration of the effective life, the Applicant shall advise the new owner and/or tenant that this contract is in force and provide them with copies of the O&M Plan and Conservation Plan, as applicable. The Applicant shall also notify the Approval Authority of any transfer of title or tenancy.

Notwithstanding any of the above, transfer of property or change in tenancy shall not release the Applicant from liability for repayment due to failure of the Applicant or new property owner or tenant to adhere to the O&M Plan or Conservation Plan.

7. If the project has not been installed by 12/31/2019, this contract may be terminated unilaterally by the Approval Authority on this date or any date thereafter unless it is amended by mutual agreement. Failure to complete the project by this or an amended date may, at the Approval Authority's discretion, result in forfeiture of funds.

8. The practice and any related components must be planned and installed in accordance with applicable technical standards and specifications, as deemed appropriate by the SWCD.

9. Any change in practice units and/or costs must be authorized by the SWCD as a condition to increasing any financial assistance amounts. A formal amendment to this contract may be required at the SWCD's discretion.

10. Payments are made on a reimbursement basis after the practice is certified complete. Requests for reimbursement of out-of-pocket or in-kind costs shall be supported by evidence of paid invoices or receipts and verified by the SWCD as practical and reasonable. At its discretion, the SWCD may reduce or deny costs it deems not practical or reasonable.

APPLICANT AND LANDOWNER SIGNATURE(S)

By signing below, I/we agree to the following provisions in addition to the above Terms and Conditions:

1. Grant the Approval Authority or its technical representative access to the property where the project will be located for a period not less than the effective life of the project, for the purpose of inspecting for proper operation and maintenance.

2. Obtain all permits required in conjunction with the installation and establishment of the practice prior to starting construction. At its discretion, the SWCD may assist with obtaining permits.

4. Not accept cost-share funds from other local, state or federal sources combined in excess of the maximum rate allowed under applicable Conservation Practice Financial Assistance Program policies.

5. Abide by the terms and conditions of the SWCD's Conservation Practice Financial Assistance Program policies, as of the date this contract is signed by the Applicant.

Applicant: ________________________________ Date: 10/4/19

Landowner: ________________________________ Date: ____________

☐ I do not want personally identifiable information about me or my project to be used for public education purposes.

TECHNICAL REPRESENTATIVE SIGNATURE

I have reviewed the site where the above project will be installed and find that it is needed and feasible, and that the estimated quantities and costs are practical and reasonable.

<table>
<thead>
<tr>
<th>SWCD Technical Representative</th>
<th>Date</th>
<th>Reviewer Initials</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10/4/19</td>
<td>JAK</td>
<td>10/7/19</td>
</tr>
</tbody>
</table>

APPROVAL AUTHORITY SIGNATURE

<table>
<thead>
<tr>
<th>Approval Authority</th>
<th>Authorized Signature for Financial Assistance Provider</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Scott WMO Board</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Scott SWCD Board</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Cooperator & Location

Applicant(s): Justine Hagness
Address: 2962 West 230th Street, Jordan
Location: Township: 113N Range: 23W Sect: 3
City/Town: Helena Twp
Watershed: 33136 Project ID: CP-19-013

Project Details

Practice
Wetland Restoration
Quantity/Units: 0.8 Acres Projected Installation: 2019

Resource Protected
Sand Creek

Project Description
A wetland has been drained by tile and farmed for row crops. The tile has been failing over time which is creating a wetland restoration by cessation of cropping. This project will restore the wetland function, value, habitat, diversity and capacity to a close approximation of the pre-disturbance conditions.

Environmental Benefits:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Before</th>
<th>After</th>
<th>Saved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil Erosion (tons/yr)</td>
<td>0.8</td>
<td>0.0</td>
<td>0.8</td>
</tr>
<tr>
<td>Sediment Load (tons/yr)</td>
<td>0.1</td>
<td>0.0</td>
<td>0.1</td>
</tr>
<tr>
<td>Phosphorus Load (lbs/yr)</td>
<td>0.2</td>
<td>0.0</td>
<td>0.2</td>
</tr>
<tr>
<td>Runoff Reduction (acre ft)</td>
<td>0.7</td>
<td>0.3</td>
<td>0.4</td>
</tr>
</tbody>
</table>

Cost Analysis

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>$0.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation:</td>
<td></td>
</tr>
<tr>
<td>Incentives:</td>
<td>$3,200.00</td>
</tr>
<tr>
<td>Total:</td>
<td>$3,200.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources</th>
<th>Federal</th>
<th>State</th>
<th>SWCD</th>
<th>SWMO</th>
<th>Cooperator</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$3,200.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grant Sources</th>
<th>EPA-319</th>
<th>CWF</th>
<th>DRAP</th>
<th>SWCD</th>
<th>SWMO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Unit Costs*</th>
<th>Sediment ($/ton)</th>
<th>Phos ($/Pound)</th>
<th>Runoff ($/Ac Ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SWCD</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>SWMO</td>
<td>$2,133</td>
<td>$1,067</td>
<td>$533</td>
</tr>
<tr>
<td>Overall</td>
<td>$2,133</td>
<td>$1,067</td>
<td>$533</td>
</tr>
</tbody>
</table>

*Over term of cost share contract
Cost Estimate  
Grade Stabilization Structure

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Subtotal: $ -
+10% $ -
Total: $ -

Incentives

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Incentive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland Restoration</td>
<td>0.8 Acres</td>
<td>$4,000.00</td>
<td>$3,200.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total: $ 3,200