Summary of Changes - Draft Minn. Rules Chapter 8410
2/21/13

Highlights of the currently proposed revisions to the rule are provided below, organized by part within the proposed revised rule. Many of the revisions are a reorganization of content and subsequent rewording of text with a goal towards a more clear and concise rule. In general, the proposed revisions are already being met by the higher performing organizations.

METROPOLITAN AREA LOCAL WATER MANAGEMENT

Scope
- Significantly new to the scope is that watershed plans can also be considered TMDL Implementation Plans if stated as an objective in a plan and reviewed and approved accordingly
- Revised rule would be applicable to plans and amendments one year after promulgation of the revised rule

Definitions
- Definitions no longer applicable due to changes in the rule removed, and a few new definitions added

Joint Powers Agreements
- Essentially unchanged except to allow map based on parcels rather than legal description
- JPAs compliant with existing rule will not need to be amended to be compliant with new rule

Removal of Organization Representatives
- Essentially unchanged except removed BWSR from appeal process regarding decisions of appointing authorities

WATERSHED MANAGEMENT ORGANIZATION PLANS

Issue Identification and Assessment
- Combined multiple areas of the former rule
- Emphasizes the identification and assessment of issues up front prior to development of a plan in order to streamline the planning process. Includes advisory committee, resource assessments from plan review agencies, and review of local issues and controls.
- Requires an initial plan “kickoff” meeting
- Focuses an organization on developing a plan based on priority issues in consideration of water management problems and prevention, funding, and the regional/county/state/federal priorities identified

Executive Summary
- Reorganized but essentially unchanged

Land and Water Resources
- Reorganized and abridged data requirements
- Increased flexibility by allowing references to resource data rather than including the actual data – recognizes increased availability of data on the web and reduces volume of a plan
Establishment of Goals
- Goals required for priority issues identified as well as water quantity, water quality, public drainage systems, groundwater and wetlands
- Requires goals to be measurable, and establishment of procedures for evaluating progress towards goals at a minimum of every two years

Implementation Actions
- Broad implementation program categories are essentially the same; however, the details within have changed to be more concise and incorporate reorganized parts of the existing rule
- Requires implementation programs within this part be included in the plan unless justification is provided for not including a particular program
- Requires establishment of procedures for evaluating progress towards implementation at a minimum of every two years
- Allows establishment of environmental trading programs

Amendments
- Requires plan amendment if evaluation of progress on the implementation actions warrants
- Defines changes not requiring amendments
- Broadens minor amendment requirements so general amendments are needed less frequently

Annual Reporting and Evaluation Requirements
- Ties annual report to the calendar year and audit to the organization’s fiscal year. Also gives additional time for the audit to be completed (6 months instead of 4 months)
- Increased emphasis on evaluation of progress towards goals and implementation
- Requires reporting on trends of water monitoring data rather than just the raw data
- Requires a website with meeting agendas, minutes, contact information, activity report, etc. Majority of organizations already have websites though some may need to post additional information.

Determinations of Failure to Implement
- Clarifies considerations in determining failure to implement and includes failure to submit annual reports or audits to be considered just cause to begin failure to implement process

LOCAL WATER PLANS

Plan Structure
- Requires local water plans to be included in local comprehensive plans
- Removes requirement to outline the purposes of the water management programs contained in Minn. Statutes
- Removes requirement to establish goals and policies
- Removes requirement for analysis of financial impact to implement local water plans
- Requires local water plan revisions once every 10 years in conjunction with local comprehensive plan schedule