

8410.0140 PLAN AMENDMENTS.**Subpart 1. Amendment section.**

A. Each plan must contain a section entitled "Amendments to Plan" containing the year the plan extends to and establishing the process by which amendments, as defined in this part, may be made and who may initiate the amendments.

B. A plan must extend at least five years but no more than ten years from the date the board approves the plan.

C. An organization must evaluate the implementation actions in its plan with the annual activity report under part 8410.0150, subpart 3, item E, at a minimum of every two years. If changes to the implementation actions are necessary as a result of the evaluation, then a plan amendment is required unless otherwise provided under subpart 1a.

Subp. 1a. **Changes not requiring an amendment.** These changes to plans must be distributed according to subpart 5 with a version showing deleted text as stricken and new text as underlined. Amendments to plans are not required for changes such as:

- A. formatting or reorganization of the plan;
- B. revision of a procedure meant to streamline administration of the plan;
- C. clarification of existing plan goals or policies;
- D. inclusion of additional data not requiring interpretation;
- E. expansion of public process; or
- F. adjustments to how an organization will carry out program activities within its discretion.

Subp. 2. **Amendment procedure.** All amendments to a plan must adhere to the review process provided in Minnesota Statutes, section 103B.231, subdivision 11, except when the proposed amendments are determined to be minor amendments according to the following provisions:

A. the board has either agreed that the amendments are minor or failed to act within five working days of the end of the comment period specified in item B unless an extension is mutually agreed to with the organization;

B. the organization has sent copies of the amendments to the plan review authorities for review and comment allowing at least 30 days for receipt of comments, has identified the minor amendment procedure is being followed, and directed that comments be sent to the organization and the board;

C. no county board has filed an objection to the amendments with the organization and the board within the comment period specified in item B unless an extension is mutually agreed upon by the county and the organization;

D. the organization has held a public meeting to explain the amendments and published a legal notice of the meeting twice, at least seven days and 14 days before the date of the meeting; and

E. the amendments are not necessary to make the plan consistent with an approved and adopted county groundwater plan.

Subp. 3. [Repealed, 40 SR 6]

Subp. 4. **Form of amendments.** Draft and final amendments may be sent electronically. A receiving entity may request to receive an amendment in paper format. Draft amendments must show deleted text as stricken and new text as underlined. Unless the entire document is redone, all final amendments adopted by the organization must be in the form of replacement pages for the plan with each page renumbered as appropriate and each page including the effective date of the amendment.

Subp. 5. **Distribution of amendments.** Each organization must maintain a distribution list of agencies and individuals who have received a copy of the plan. An organization shall distribute copies of amendments to all on the distribution list and post the amendments on the organization's Web site within 30 days of adoption.

Statutory Authority: *MS s 103B.101; 103B.211; 103B.227; 103B.231; 103B.235; 103B.239*

History: *17 SR 146; 40 SR 6*

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