

1 Water Resources Board

2

3 Adopted Permanent Rules Relating to the Comprehensive Local
4 Water Management Act

5

6 Rules as Adopted

7 9300.0010 DEFINITIONS.

8 Subpart 1. Applicability. The definitions in this part
9 and in Minnesota Statutes, section 110B.02 apply to parts
10 9300.0020 to 9300.0210.

11 Subp. 2. Geographic indicator. "Geographic indicator"
12 means latitude and longitude; or township, range, section, and
13 40-acre parcel.

14 Subp. 3. Local units of government. "Local units of
15 government" means municipalities, towns, counties, soil and
16 water conservation districts, watershed districts, organizations
17 formed for the joint exercise of powers under Minnesota
18 Statutes, section 471.59, and other special purpose districts or
19 authorities exercising authority in water and related land
20 resources management at the local level.

21 Subp. 4. Minor watershed unit. "Minor watershed unit"
22 means each of the approximately 5,600 minor watershed units
23 delineated on the state watershed boundaries map prepared
24 pursuant to the requirements of Laws of Minnesota 1977, chapter
25 455, section 33, subdivision 7, paragraph (a) and the
26 accompanying data base, and the revisions of that data base.

27 Subp. 5. Protected waters. "Protected waters" means those
28 waters of the state identified as public waters or wetlands
29 under Minnesota Statutes, section 105.37, subdivision 14 or 15,
30 or section 105.391, subdivision 1.

31 Subp. 6. State board. "State board" means the Minnesota
32 Water Resources Board created by Minnesota Statutes, section
33 105.71, subdivision 1.

34 Subp. 7. Watershed management organization. "Watershed
35 management organization" has the meaning given in Minnesota

1 Statutes, section 473.876, subdivision 9.

2 Subp. 8. Watershed units. "Watershed units" has the
3 meaning given in Minnesota Statutes, section 110B.02,
4 subdivision 10.

5 PURPOSE AND PROCEDURE OF PLANNING

6 9300.0020 PURPOSES OF PLANNING PROCESS AND SCOPE OF PLAN.

7 Subpart 1. Purposes. The purposes of a comprehensive
8 water plan are to:

9 A. identify existing and potential problems and
10 opportunities for the protection, management, and development of
11 water and related land resources; and

12 B. develop objectives and carry out a plan of action
13 to promote sound hydrologic management of water and related land
14 resources, effective environmental protection, and efficient
15 management.

16 Subp. 2. Scope. In order to gain sufficient understanding
17 of existing natural features and other phenomenon that serve as
18 the basis for a comprehensive water plan, the county must
19 assemble available information about the physical environment
20 and the surface water, ground water, and related land
21 resources. Information is relevant for inclusion in the plan if
22 it provides the basis for understanding a county's present or
23 future water-related conditions, and if it contributes to the
24 understanding of water-related opportunities or problems that
25 are or will be faced by a county.

26 After collecting the required information, the county must
27 determine the implications of the information for present and
28 future land and water use, assess those implications, and
29 identify opportunities and problems based on this assessment.
30 The county must then develop its goals, objectives, and plan of
31 action for addressing identified problems and opportunities.

32 9300.0030 PROCEDURES FOR WATER PLANNING.

33 Subpart 1. Applicability. A county board that decides to
34 develop a comprehensive water plan under Minnesota Statutes,
35 chapter 110B shall use the procedures provided in this part to

1 facilitate public participation and intergovernmental
2 coordination.

3 Subp. 2. Resolution to develop plan. A county board
4 deciding to develop a comprehensive water plan must adopt a
5 resolution requiring the development of a plan.

6 Subp. 3. Notice of decision to develop plan. Within 30
7 days after adoption of a resolution requiring the development of
8 a comprehensive water plan, the county shall send notice of its
9 decision to develop a plan to:

10 A. the county boards of contiguous counties;

11 B. the governing bodies of counties, watershed
12 districts, and watershed management organizations that have
13 jurisdiction in each watershed unit wholly or partly within the
14 county;

15 C. the governing bodies of all local units of
16 government wholly or partly within the county;

17 D. the regional development commission, if any; and

18 E. the state board.

19 Upon receipt of the resolution, the state board shall
20 notify each of the state agencies identified in part 9300.0170,
21 subpart 2 and any other agency the state board deems appropriate.

22 Subp. 4. Request for local plans and official controls.
23 Within 30 days after adoption of a resolution requiring the
24 development of a comprehensive water plan, the county shall
25 request from all local units of government having jurisdiction
26 within the county the following information:

27 A. any existing water and related land resources
28 plans and official controls; and

29 B. any conflicts, problems, or opportunities that
30 those local units want examined and addressed in the
31 comprehensive water plan.

32 The information must be submitted within 60 days of the
33 county board's request.

34 Subp. 5. Public informational meeting required. Within 90
35 days of the notice required in subpart 3, the county board shall
36 hold a public informational meeting. At the meeting, the county

1 board should solicit information about issues, problems, and
2 opportunities to be considered in the plan. The county shall
3 publish notice of the meeting in the official newspaper of the
4 county at least ten days but not more than 30 days before the
5 meeting. The county also shall notify the groups identified in
6 subpart 3 at least 30 days before the meeting.

7 Subp. 6. Meetings with local units of government within
8 the county. The county board adopting the resolution shall
9 conduct meetings with local units of government exercising
10 authority in water and related land resources management within
11 the county during the plan preparation and implementation.

12 Subp. 7. Public participation process. The county board
13 developing a comprehensive water plan shall ensure that there is
14 a process for public participation during plan development and
15 implementation.

16 Subp. 8. Record of meetings. A county must maintain a
17 record of each meeting held under subparts 5, 6, and 7. The
18 record shall include minutes and a list of the people in
19 attendance and who they represented.

20 Subp. 9. Delegation. The county board is responsible for
21 the comprehensive water plan, but may delegate all or part of
22 the preparation of the comprehensive water plan to a local unit
23 of government, regional development commission, or a resource
24 conservation and development committee that is willing to carry
25 out this assignment. If a county delegates all or part of the
26 comprehensive water plan preparation, it must ensure that public
27 meetings are recorded and that there is a process for public
28 participation in the preparation of the plan.

29 CONTENTS OF A COMPREHENSIVE WATER PLAN

30 9300.0040 DATA CONSISTENCY WITH STATE PLANNING AGENCY GUIDELINES.

31 Data collected after the effective date of parts 9300.0010
32 to 9300.0210 for a comprehensive water plan must follow the
33 guidelines for consistency established by the Minnesota State
34 Planning Agency. To assure consistency, this data must include
35 a geographic indicator.

1 Data must also be coded using recommended standard
2 identifiers, where available. Standard identifiers are: the
3 Minnesota unique well number for wells and the protected waters
4 inventory identification number for surface waters.

5 Consistency of map scales is also recommended, where
6 possible. The information required to be presented in map form
7 by parts 9300.0050 and 9300.0070 may be combined on multiple
8 maps or map overlays.

9 9300.0050 PHYSICAL ENVIRONMENT, LAND USE, AND DEVELOPMENT.

10 Summarizing information about the physical environment
11 enables a county to understand the present conditions affecting
12 water and related land resources. At a minimum, the following
13 information about the county's physical environment, land use,
14 and development must be included in the comprehensive water plan:

15 A. Precipitation:

16 (1) a map or list of the location of
17 precipitation gaging stations in the county;

18 (2) a map showing isolines of normal annual total
19 precipitation in inches; and

20 (3) a map showing isolines of normal total
21 precipitation in inches for the period May through September.

22 B. Geology and water resources:

23 (1) a map or description of important aquifer
24 systems, confining layers, and flow characteristics to the
25 extent known;

26 (2) a description of ground and surface water
27 interconnections, such as recharge and discharge areas, where
28 they are known;

29 (3) a map of boundaries and flow directions of
30 watershed units and minor watershed units; and

31 (4) a map of state protected waters and public
32 drainage ditches, including the location of any existing dams
33 and control structures.

34 C. Soils:

35 (1) a general soils maps and description of soils

1 infiltration characteristics; and

2 (2) a map of erosion-prone soils.

3 D. Map of original vegetation.

4 E. Description of general topographic relief of
5 watershed units based on United States Geological Survey
6 topographic maps.

7 F. Land use and public utility services:

8 (1) a general map of existing land uses;

9 (2) a map showing the areas served by storm
10 sewers, sanitary sewers, and public water systems; and

11 (3) a map or list by geographic indicator showing
12 the location of community public water supply intakes and wells.

13 G. Land ownership:

14 (1) a map showing the ownership of local, state,
15 federal, and Indian tribal lands; and

16 (2) a map showing lands with easements that
17 relate to water resources, where that information is available.

18 9300.0060 EXPECTED CHANGES TO PHYSICAL ENVIRONMENT, LAND USE,
19 AND DEVELOPMENT.

20 A comprehensive water plan must identify expected changes
21 in the physical environment, land use, and development described
22 in part 9300.0050. Information that may be used to predict
23 changes include population projections, comprehensive plans,
24 official controls, state and federal regulations, and plans for
25 road, water, and sewer extensions. Expected changes that must
26 be included in the plan are expected changes to land use and
27 cover; expected changes in public utility services; and other
28 expected changes potentially affecting water resources.

29 9300.0070 SURFACE WATER, GROUND WATER, AND RELATED LAND
30 RESOURCES.

31 Subpart 1. Applicability. Summarizing information about
32 the surface water, ground water, and related land resources,
33 enables a county to characterize its water and related land
34 resources, and to identify problems and opportunities. The
35 level of detail should be determined in conjunction with

1 neighboring counties, based on the information available, the
2 extent and use of the resource, and the degree to which problems
3 and opportunities are identified. The information should be
4 listed by watershed unit and ground water systems where
5 appropriate. At a minimum, information about existing county
6 resources must include the information required by subparts 2 to
7 5, when that information is available.

8 Subp. 2. Water quantity information. The following
9 information about water quantity must be included in the plan:

10 A. Surface water:

11 (1) a description of high, mean, and low flows on
12 streams;

13 (2) a list of lakes where the state has
14 established ordinary high water marks;

15 (3) a list of permitted withdrawals from lakes
16 and streams, including the location by geographic indicator,
17 source, use, and amounts withdrawn;

18 (4) a list of lakes and streams in the county for
19 which state protected levels or flows have been established;

20 (5) a description of known water use conflicts,
21 including those caused by ground water pumping that affects
22 surface water; and

23 (6) the implications of surface water quantity
24 information for present and future water and land uses and an
25 assessment of those implications.

26 B. Ground water:

27 (1) a list of wells covered by state
28 appropriation permits, including the location by geographic
29 indicator, amounts of water appropriated, type of use, and
30 aquifer source;

31 (2) a description of known well interference
32 problems and water use conflicts;

33 (3) a list of state observation wells located in
34 the county including geographic indicator, unique well number,
35 aquifers measured, years of record, and average monthly levels;
36 and

1 (4) the implications of ground water quantity
2 information for present and future water and land uses and an
3 assessment of those implications.

4 Subp. 3. Water quality information. The following
5 information about water quality must be included in the plan:

6 A. Surface water:

7 (1) a map or list of the state water quality
8 management classifications for each stream and lake;

9 (2) a summary of available lake and stream water
10 quality monitoring data; examples of these kinds of data are:

11 (a) bacteriological contamination indicators
12 (for example, total coliform counts);

13 (b) inorganic chemicals (for example,
14 phosphorus, nitrogen, and metals);

15 (c) organic chemicals (for example,
16 petroleum constituents, pesticides, and organic solvents);

17 (d) sedimentation (for example, suspended
18 solids);

19 (e) dissolved oxygen; and

20 (f) excessive growth or deficiency of
21 aquatic plants;

22 (3) a summary of information from informal
23 sources relating to surface water quality, such as fish kills;
24 and

25 (4) the implications of surface water quality
26 information for present and future water and land use, and an
27 assessment of those implications.

28 B. Ground water:

29 (1) A summary of available water quality data,
30 including routinely monitored sites. Examples of data are:

31 (a) bacteriological contamination indicators
32 (for example, total coliform counts);

33 (b) inorganic chemicals (for example,
34 nitrate/nitrite and metals concentrations); and

35 (c) organic chemicals (for example, organic
36 solvents, petroleum constituents, and pesticides).

1 (2) The implications of ground water quality
2 information for present and future water and land uses with
3 emphasis on those with potential health-related impacts and an
4 assessment of those implications.

5 Where possible, the information required in this item
6 should be presented by aquifer system and geographic area.

7 Subp. 4. Information on special land uses and conditions
8 that influence quality and quantity. The following information
9 about special land uses and conditions must be included in the
10 plan:

11 A. Eroding lands:

12 (1) a description or map by watershed unit of
13 areas where eroding lands are causing sedimentation problems;

14 (2) water quality and quantity implications for
15 watercourses, water basins, ditches, and wetlands of
16 sedimentation and an assessment of those implications; and

17 (3) an assessment by watershed unit of the
18 effects of land use and cover on quantity and quality of runoff.

19 B. Irrigation:

20 (1) a map or list by geographic indicator of
21 irrigated acreage; and

22 (2) for any county containing more than 1,000
23 acres of irrigated land in any one township, the implications of
24 irrigation for present and future land and water use and an
25 assessment of those implications.

26 C. Drainage:

27 (1) a table listing the public drainage systems
28 in the county and the amounts expended, by year, for repair work
29 on each system;

30 (2) an assessment of any significant water
31 quality and quantity effects due to public or private ditch
32 systems; and

33 (3) a summary of any known water quality and
34 quantity information from engineering reports and modeling
35 efforts on ditches in the county.

36 D. Pollutant sources:

1 (1) a map or list by geographic indicator of
2 known closed and open sanitary landfills, closed and operating
3 open dumps, and Minnesota Superfund hazardous waste sites and a
4 summary of available water quality information relating to these
5 sites;

6 (2) a map or list by geographic indicator of
7 feedlots, abandoned wells not sealed in accordance with state
8 statutes and rules, underground storage tank sites, and
9 permitted wastewater discharges under chapter 7001, and a
10 summary of available water quality information relating to these
11 sites;

12 (3) a list by geographic indicator of facilities
13 that have hazardous waste generator identification numbers; and

14 (4) the implications of pollutant sources for
15 present and future water and land uses and an assessment of
16 those implications.

17 E. Special geologic conditions:

18 (1) a map of known geologic conditions, such as
19 karst areas, buried valleys, or sand plains that may pose
20 concerns relating to water quality or quantity; and

21 (2) the implications of special conditions for
22 present and future water and land uses and an assessment of
23 those implications.

24 Subp. 5. Information on related land resources. The
25 following information about related land resources shall be
26 included in the plan:

27 A. Wetlands:

28 (1) maps of wetlands identified under the
29 National Wetlands Inventory, where available;

30 (2) a summary of plans for wetlands with
31 controlled outlets, such as plans for draw downs;

32 (3) a description of the United States Corps of
33 Engineers, Section 404 permit requirements affecting county
34 waters; and

35 (4) the implications of wetlands for present and
36 future water uses with special consideration for water quality,

1 flood attenuation, wildlife, and recreation, and an assessment
2 of those implications.

3 B. Floodplains:

4 (1) a map showing those areas delineated as
5 floodplain by existing local ordinances or in proposed
6 ordinances that have a due date established by the Minnesota
7 Department of Natural Resources or the Federal Emergency
8 Management Agency;

9 (2) a map of areas with known flooding problems;

10 (3) an estimate of average annual flood damages,
11 if available; and

12 (4) an assessment of the adequacy and enforcement
13 of existing floodplain ordinances.

14 C. Shorelands:

15 (1) a list of local units of government with
16 approved shoreland ordinances;

17 (2) a list of protected waters, and their
18 shoreland classifications under Minnesota Statutes, section
19 105.485; and

20 (3) an assessment of the adequacy and enforcement
21 of the shoreland ordinances.

22 D. Water-based recreation lands:

23 (1) a map and description of water oriented
24 recreational resources listed in the State Comprehensive Outdoor
25 Recreation Plan;

26 (2) a map of public water accesses;

27 (3) a map and description of state or federally
28 designated wild and scenic rivers and state designated canoe and
29 boating routes; and

30 (4) an assessment of the adequacy of water-based
31 recreational lands for present and future use.

32 E. Fish and wildlife habitat:

33 (1) a map and description of any state designated
34 wildlife management areas and any lakes with state designated
35 classifications for game or fish management within the county;

36 (2) a map and description of any state designated

1 trout lakes or trout streams within the county;

2 (3) a list and description of the state
3 ecological and management classifications and use attainability
4 for lakes and streams, where available;

5 (4) a list and description of the conclusions and
6 recommendations of biological surveys or reconnaissance studies,
7 where available;

8 (5) a description of state management plans for
9 fish and wildlife areas, where available; and

10 (6) an assessment of the adequacy of fish and
11 wildlife habitat for present and future use.

12 F. Unique features and scenic areas:

13 (1) a map or description of unique features and
14 scenic areas with relationships to water including state
15 designated natural and scientific areas, areas containing
16 county, state, and federal rare and endangered species, and
17 other features such as waterfalls, springs, and historic mills;
18 and

19 (2) the implications of unique features and
20 scenic areas for present and future water and land use, and an
21 assessment of those implications.

22 9300.0080 EXPECTED CHANGES TO SURFACE WATER, GROUND WATER, AND
23 RELATED LAND RESOURCES.

24 Subpart 1. Changes to be included. Changes may be
25 anticipated in distribution, availability, quality, and use of
26 water resources in a county. To assess the probability and
27 effect of potential changes to its water resources, a county
28 must list, consider, and describe the impacts on those resources
29 from the following areas of potential change:

30 A. changes to the physical environment, land use, and
31 development identified under part 9300.0060;

32 B. special land and water uses or conditions, and
33 trends within or without the county that might affect a county's
34 water and related land resources; and

35 C. the influence of existing programs on water and

1 related land resources and the administrative, technical, and
2 financial capability of the county to develop and implement new
3 programs.

4 Subp. 2. Method of listing. Expected changes should be
5 listed by watershed unit and ground water system, where
6 appropriate, for water quantity, water quality, special land
7 uses and conditions, and related land resources categories.

8 9300.0090 PROBLEMS AND OPPORTUNITIES.

9 Subpart 1. Purpose. Identification of problems and
10 opportunities is needed to guide the county in developing its
11 objectives and plan of action.

12 Subp. 2. Description of problems and opportunities. For
13 each watershed unit and ground water system, where appropriate,
14 the comprehensive water plan must identify key issues relating
15 to water quality, quantity, special land uses and conditions,
16 and related land resources. The plan must discuss assets or
17 opportunities, as well as problems associated with each issue.

18 Subp. 3. Determining issues, problems, and opportunities.
19 A county must determine water related issues, problems, and
20 opportunities in its comprehensive water plan. At a minimum, a
21 county must gather information about water related problems and
22 opportunities in the following manner:

23 A. investigate those problems and opportunities
24 disclosed at public meetings and in written comments;

25 B. investigate those problems and opportunities that
26 affected local units of government want examined;

27 C. assess information gathered under parts 9300.0050
28 to 9300.0080; and

29 D. assess the status and adequacy of official
30 controls, plans, and other local, state, or federal programs
31 concerning water and related land uses.

32 9300.0100 ESTABLISHMENT OF COUNTY GOALS.

33 The comprehensive water plan must state goals for present
34 and future water and land uses to set the framework for
35 determining plan objectives and related actions.

1 9300.0110 OBJECTIVES AND PLAN OF ACTION.

2 The objectives and plan of action should be tailored to
3 address the problems and opportunities previously identified in
4 the comprehensive water plan. A comprehensive water plan must
5 state measurable objectives and a plan of action for each
6 watershed unit and ground water system, where appropriate, for
7 each of the following categories:

8 A. opportunities and problems in surface and ground
9 water quality and quantity identified pursuant to part 9300.0090;

10 B. significant special land uses and conditions that
11 influence water quantity and quality based on opportunities and
12 problems identified pursuant to part 9300.0090; and

13 C. related land resources opportunities and problems
14 identified pursuant to part 9300.0090.

15 9300.0120 PRIORITY ACTION CATEGORIES.

16 Subpart 1. Priorities required. A county must establish
17 priorities in the plan of action relating to water quality,
18 water quantity, special land uses or conditions that influence
19 water quality and quantity, and related land resources.

20 Subp. 2. Priority development. A comprehensive water plan
21 must state priorities of action that reflect the urgency of the
22 problem or opportunity identified.

23 Subp. 3. Priority description. In describing the
24 priorities, the comprehensive water plan must describe those
25 actions that will be taken by the county alone, and those
26 actions that will require the cooperation of other local units
27 of government or state and federal agencies, and must state
28 whether the county board has received commitments for that
29 cooperation.

30 9300.0130 DESCRIPTION OF RECOMMENDED CHANGES IN STATE PROGRAMS.

31 If changes in state programs, policies, and requirements
32 that a county considers important to water management in the
33 county are recommended in the comprehensive water plan, the
34 description of those changes must include:

1 A. identification of the specific program, policy, or
2 requirement for which change is recommended by the county;

3 B. a statement of the specific changes recommended by
4 the county; and

5 C. the reasons the county considers the changes
6 important.

7 9300.0140 LOCAL REVIEW AND POTENTIAL CONFLICTS.

8 Subpart 1. Applicability. The procedures in this part
9 apply to local review and to the identification and resolution
10 of existing and potential conflicts between a comprehensive
11 water plan and the plans or local controls of: (1) local units
12 of government within the county preparing the water plan; (2)
13 contiguous counties; and (3) water management organizations,
14 watershed districts, and joint powers boards sharing
15 jurisdiction over watershed units and ground water systems
16 affected by the comprehensive water plan.

17 Subp. 2. Identification of conflicts. Conflicts or
18 potential conflicts that occur between the comprehensive water
19 plan and the existing or proposed plans of local units of
20 government must be identified either during the planning process
21 or during review of the comprehensive water plan by other local
22 units of government.

23 Subp. 3. During plan preparation. Local units of
24 government must notify the county board intending to develop a
25 comprehensive water plan of any conflicts that those local units
26 want examined and addressed in the comprehensive water plan in
27 accordance with part 9300.0030, subpart 4.

28 Subp. 4. During plan review.

29 A. Before it is submitted to the state board for
30 review, the comprehensive water plan must be submitted for
31 review and comment to:

32 (1) all local units of government wholly or
33 partly within the county preparing the plan;

34 (2) all applicable regional development
35 commissions;

1 (3) all contiguous counties and water management
2 organizations; and

3 (4) other counties, watershed districts,
4 intercounty joint powers boards, and watershed management
5 organizations within the same watershed unit or ground water
6 system as the county preparing the plan that may be affected by
7 the plan.

8 B. In their comments on the plan, other local units
9 of government must identify and describe any conflicts they have
10 with the plan not already identified in the plan. The local
11 unit must state its position on any relevant conflict identified
12 by the county for consideration by the state board during the
13 board's review of the plan.

14 C. Comments shall be submitted as required by
15 Minnesota Statutes, section 110B.08, subdivision 3.

16 Subp. 5. Description of conflicts. The description of a
17 conflict in the comprehensive water plan or in the comments of
18 local units of government must include:

19 A. the units of local government or state agencies
20 involved in the conflict;

21 B. the comprehensive water plan provisions or
22 omissions causing the conflict;

23 C. any local plan or control that conflicts with the
24 comprehensive water plan and that would require change;

25 D. the objections of the local unit of government to
26 the comprehensive water plan; and

27 E. suggested measures to resolve the conflict other
28 than making the change indicated.

29 Subp. 6. Process to resolve conflicts. The comprehensive
30 water plan must state whether there is a process underway to
31 resolve identified conflicts. If there have been unsuccessful
32 attempts to resolve conflicts, those attempts must be described.

33 9300.0150 INCORPORATION OF PLANS AND RULES OF WATERSHED
34 DISTRICTS AND INTERCOUNTY JOINT POWERS BOARDS.

35 Subpart 1. Incorporation required. A county must

1 incorporate plans and rules of watershed districts or
2 intercounty joint powers boards with jurisdiction within the
3 county into its comprehensive water plan and may change the
4 plans and rules it incorporates if the requirements of this part
5 are met.

6 Subp. 2. Changes to plans and rules. To change the plans
7 or rules of a watershed district or intercounty joint powers
8 board that a county incorporates into its comprehensive water
9 plan, a county must demonstrate in its plan that changes to the
10 district or intercounty plans or rules are necessary, and that
11 these changes are supported by each county that selects members
12 on the respective boards.

13 If all affected counties do agree on watershed district or
14 intercounty joint powers board plan or rule revisions,
15 resolutions of support for recommended changes must be attached
16 to the plan.

17 Subp. 3. Criteria for changing plans and rules. To make
18 changes in a watershed district or intercounty joint powers
19 board plan or rule that a county incorporates into its
20 comprehensive water plan, the county must demonstrate that the
21 plan or rule does not adhere to the principles in part
22 9300.0170, subpart 4.

23 9300.0160 IMPLEMENTATION PROGRAM.

24 Subpart 1. Program and schedule required. The
25 comprehensive water plan must state how and when the plan will
26 be implemented to meet the objectives and carry out the actions
27 described in part 9300.0110. Components and schedules that are
28 described previously do not have to be repeated.

29 Subp. 2. Program. An implementation program may include
30 data collection programs, educational programs, capital
31 improvement projects, project feasibility studies, enforcement
32 strategies, amendments to existing official controls, adoption
33 of new official controls, and other actions. If the county
34 considers no actions are necessary to address identified
35 problems or opportunities it must explain why actions are not

1 needed. Staff and financial resources available or needed to
2 carry out the comprehensive water plan must be stated.

3 Subp. 3. Schedule. The implementation schedule must state
4 the time in which each of the actions contained in the
5 implementation program will be taken.

6 Subp. 4. Agreements with local units. If a county board
7 has made any agreement for the implementation of a comprehensive
8 water plan or portions of a plan by a local unit of government
9 within the county, that local unit must be specified, the
10 responsibility indicated, and a description included indicating
11 how and when the implementation will happen.

12 Subp. 5. Capitol improvement program. If capital
13 improvement projects are proposed to implement the comprehensive
14 water plan, the projects must be described in the plan. The
15 description of a proposed capital improvement project must
16 include the following information:

17 A. the physical components of the project, including
18 their approximate size, configuration, and location;

19 B. the purposes of the project and their relationship
20 to the objectives in the comprehensive water plan;

21 C. the proposed schedule for project construction;

22 D. the expected federal, state, and local costs;

23 E. the types of financing proposed, such as special
24 assessments, ad valorem taxes, and grants; and

25 F. the sources of local financing proposed for the
26 project, such as subcounty, countywide, or multicounty.

27 REVIEW OF COMPREHENSIVE WATER PLANS

28 BY STATE AGENCIES AND THE STATE BOARD

29 9300.0170 STATE REVIEW.

30 Subpart 1. Submittal to state board. After conducting the
31 public hearing required by Minnesota Statutes, section 110B.08,
32 subdivision 4, the county board must submit to the state board
33 ten copies of its comprehensive water plan, all written comments
34 received on the plan, a transcript or tape recording of the
35 public hearing held on the plan, and a summary of changes made

1 to the plan as a result of the local review process.

2 In order to determine whether a comprehensive water plan is
3 consistent with state law, the state board shall make the
4 determinations in the manner provided by subparts 2, 3, and 4.

5 Subp. 2. State board consultation with agencies. Upon
6 receipt of a comprehensive water plan and supporting documents,
7 the state board shall transmit a copy of the plan to the
8 departments of agriculture, health, and natural resources; the
9 pollution control agency; the state planning agency; the
10 environmental quality board; and any other state agency the
11 state board believes could assist it in determining whether the
12 plan is consistent with state law. An agency receiving a copy
13 of the plan shall determine whether any portion of the plan is
14 contrary to state law. Within 45 days of receipt of a
15 comprehensive water plan from the state board, a state agency
16 must submit a letter to the board identifying the portions of
17 the plan that the agency has determined to be inconsistent with
18 state law.

19 Subp. 3. State board determination of consistency with
20 other plans. In determining whether a comprehensive water plan
21 is consistent with state law, the state board shall determine
22 whether the plan is consistent with the plan of another county
23 or counties wholly or partially within affected watershed units
24 or ground water systems, as required by Minnesota Statutes,
25 section 110B.04, subdivision 4, clause (4), that has already
26 been approved by the board or that has already been submitted
27 under subpart 1. To determine consistency, the board shall
28 consider the compatibility of the plans' goals, objectives and
29 related actions, and implementation programs. If the board
30 determines that the unapproved or subsequently submitted plan
31 would not impede achievement of the goals, objectives, related
32 actions, and implementation programs of the approved or
33 previously submitted plan or plans, the board shall find the
34 plan consistent with the plan or plans.

35 Subp. 4. Principles for review. To determine whether a
36 comprehensive water plan conforms to the requirements of

1 Minnesota Statutes, section 110B.04, subdivision 4, clause (3),
2 the state board shall determine whether the plan conforms to the
3 following principles:

4 A. Sound hydrologic management of water:

5 (1) significant upstream and downstream effects
6 on surface water, and up-gradient and down-gradient effects on
7 ground water, of actions impacting water and related land
8 resources should be fully considered;

9 (2) natural water storage and retention systems
10 should be preserved and used to the maximum extent practical;

11 (3) water management decisions should be based on
12 sound data and technical analysis;

13 (4) interrelationships between surface and ground
14 water, land and water use, and quality and quantity of water
15 should be recognized; and

16 (5) potential variations in precipitation, both
17 short-term and long-term, should be fully considered.

18 B. Effective environmental protection:

19 (1) potential cumulative effects of proposed
20 actions should be considered;

21 (2) prevention of potential water and related
22 land resources problems should be emphasized;

23 (3) the overall quality of the environment should
24 be protected or enhanced; and

25 (4) public health and safety should be protected
26 or enhanced.

27 C. Efficient management:

28 (1) the total benefits of water programs and
29 projects should exceed the total costs;

30 (2) water management programs should be
31 adequately funded to achieve high-priority objectives;

32 (3) comprehensive water planning should be
33 coordinated with other related planning programs to fill
34 management gaps and minimize duplication of effort;

35 (4) comprehensive approaches to identified
36 problems and opportunities should be considered; and

1 (5) water conservation practices should be used
2 to the maximum extent practical.

3 Subp. 5. State board decision. Within 90 days after the
4 filing of a comprehensive water plan and supporting documents
5 with the state board, the board shall approve or disapprove a
6 comprehensive water plan and provide the county board notice of
7 the approval or disapproval of the plan. The state board shall
8 approve a plan only if it determines that the plan is consistent
9 with state law. If a plan is disapproved, the state board shall
10 as part of its notice of disapproval provide the county board
11 with a written statement of its reasons for disapproval.

12 Subp. 6. Resubmittal. A disapproved comprehensive water
13 plan must be revised by the county board and resubmitted to the
14 state board within 120 days after receiving notice of
15 disapproval, unless the state board extends the period for good
16 cause at the county's request. The state board must identify
17 those portions of a disapproved plan that require revision.
18 Upon receipt of revised portions of the plan, the state board
19 shall follow the same review process as for an originally
20 submitted plan.

21 IMPLEMENTING AN APPROVED COMPREHENSIVE WATER PLAN

22 9300.0180 AMENDMENT OF LOCAL PLANS AND OFFICIAL CONTROLS.

23 Subpart 1. Notification after plan adoption. After a
24 county board has adopted an approved comprehensive water plan or
25 amendments to the plan, the county board that adopted the plan
26 shall notify local units of government within the county of the
27 adoption of the plan or amendments. Within 90 days of the
28 notification, local units must submit existing water and related
29 land resources plans and official controls to the county board
30 for review.

31 Subp. 2. County review. Within 180 days, the county board
32 shall review the plans and official controls submitted and
33 identify any inconsistencies between the local plans and
34 official controls and the comprehensive water plan. In
35 conducting the review, the county board shall determine the need

1 for local units of government to revise plans, adopt new
2 controls or revise existing controls, and specify the necessary
3 measures to bring the local plans and official controls into
4 conformance with the comprehensive water plan.

5 Subp. 3. Local appeal. If a local unit of government
6 disagrees with any changes to its plans or official controls
7 recommended by the county board, the local unit has 60 days
8 after receiving the county's recommendations to appeal the
9 recommendations to the state board.

10 Subp. 4. Revision to local plans and official controls.
11 After receiving the recommendations of the county board, or
12 after resolution of an appeal, a local unit of government has
13 180 days to initiate revisions to its plans and official
14 controls. New or revised plans and official controls must be
15 submitted to the county board for review and recommendations in
16 the manner provided by this part for submission of existing
17 plans and official controls.

18 9300.0190 AMENDMENT OF A COMPREHENSIVE WATER PLAN.

19 Subpart 1. Amendment required. A comprehensive water plan
20 must apply to every year through the year 1995 or any later year
21 that is evenly divisible by five.

22 Subp. 2. Description required. The comprehensive water
23 plan must describe the procedure the county will use for
24 amendment of the plan.

25 Subp. 3. Procedure and criteria. Amendments to a
26 comprehensive water plan shall be reviewed in the same manner,
27 and are subject to the same criteria for approval, as an initial
28 comprehensive water plan.

29 RESOLUTION OF DISPUTES

30 9300.0200 INFORMAL RESOLUTION OF DISPUTES.

31 Subpart 1. Applicability. A county preparing or that has
32 prepared a comprehensive water plan or another local unit of
33 government may use the procedures provided in this part to:

34 A. determine the meaning of any provision of
35 Minnesota Statutes chapter 110B, or parts 9300.0010 to 9300.0210;

1 B. resolve any conflict between two comprehensive
2 water plans;

3 C. resolve any conflict between a comprehensive water
4 plan and any local plans or official controls; or

5 D. settle any other dispute relating to a
6 comprehensive water plan.

7 Use of the procedure provided in this part is without
8 prejudice to any party's use of the procedure provided for in
9 Minnesota Statutes, section 110B.25, subdivision 2, and part
10 9300.0210.

11 Subp. 2. Request for meeting; response. A local unit of
12 government desiring a meeting with the state board chair shall
13 submit a written request to the chair identifying the issue
14 involved, the local unit or units of government involved, and
15 the pertinent provisions of the comprehensive water plan,
16 statute, or rule involved in the dispute. The chair shall in
17 writing acknowledge receipt of the request and, if the request
18 complies with the requirements of this part, notify the other
19 involved local units of government and request a written
20 response from them. If the request for a meeting does not
21 satisfy the requirements of this part or, if there is no
22 response from other interested local units of government, the
23 chair shall make a reasonable effort to obtain the required
24 information in another manner.

25 Subp. 3. Response and meeting. When the chair obtains the
26 response of other involved local units of government or has made
27 reasonable efforts to obtain it, the chair may attempt to
28 resolve the issue informally or shall set a meeting between the
29 chair and the involved local units of government and adequately
30 inform those units in writing of the issues, time, date, and
31 place of the meeting. At the meeting, a local unit of
32 government may be represented by any person or persons of its
33 choosing, subject to control by the chair, and the chair may
34 consider any relevant evidence or argument by a local unit of
35 government that any reasonable person would rely upon to resolve
36 the issues in question. The decision of the chair may be

1 announced at the hearing or be made later but in either case
2 shall be reduced to writing and a copy sent to all interested
3 local units of government. The decision of the chair is
4 effective 60 days following the decision of the chair unless a
5 petition is filed within that time pursuant to Minnesota
6 Statutes, section 110B.25, subdivision 3, for a contested case
7 hearing under that section.

8 9300.0210 FORMAL RESOLUTION OF DISPUTES.

9 Subpart 1. Applicability. A county or other local unit of
10 government may petition for a contested case hearing by
11 satisfying the requirements of Minnesota Statutes, section
12 110B.25, subdivisions 2 and 3, and this part.

13 Subp. 2. Petition for hearing. A petition for a hearing
14 shall be made in writing and addressed to the state board. The
15 petition shall contain:

16 A. the name of the local unit of government
17 petitioning and the names, addresses, and phone numbers of the
18 officers of the local unit or other person representing the
19 local unit for the purposes of the petition;

20 B. a request for a hearing;

21 C. a statement of the allegations or issues to be
22 determined by the hearing; and

23 D. proof of service of a copy of the petition on all
24 other involved local units of government.

25 Subp. 3. Filing of petition. A petition is considered
26 filed with the state board when it is received by the board.
27 Upon receipt of the petition, the board shall acknowledge its
28 receipt in writing.

29 Subp. 4. Request for judge. Within five days of receipt
30 of a sufficient petition for a hearing, the state board shall
31 file a request under part 1400.5300 for the assignment of an
32 administrative law judge.

33 Subp. 5. Hearings. Hearings are governed by the contested
34 case procedure of Minnesota Statutes, chapter 14 and by parts
35 1400.5100 to 1400.8400.

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1 Subp. 6. Hearing fees. For the purpose of apportioning
2 the fees of the Office of Administrative Hearings and transcript
3 fees, the state board shall not be considered a party to the
4 proceeding.