

1 Board of Water and Soil Resources

2

3 Adopted Permanent Rules Relating to Waters; Metropolitan Area

4 Local Water Management

5

6 Rules as Adopted

7 8410.0010 SCOPE.

8 Subpart 1. **Application.** Upon adoption, parts 8410.0010 to  
9 8410.0180 apply to the general administration of metropolitan  
10 watershed management activities and to amendments to existing  
11 plans made after January 1, 1995. If no plan has been submitted  
12 to the board by the effective date of parts 8410.0010 to  
13 8410.0180, any plan thereafter submitted must be in compliance  
14 with parts 8410.0010 to 8410.0180. A watershed management  
15 organization must amend its plan consistent with parts 8410.0010  
16 to 8410.0180 and submit amendments to the board according to its  
17 amendment schedule and amendment procedures outlined in part  
18 8410.0140, but not later than ten years from the date of initial  
19 plan approval.

20 Subp. 2. **Failure to implement plans.** When the board  
21 determines that a plan is not being properly implemented under  
22 an action initiated according to part 8410.0180, and there is  
23 reason to believe that an improved plan would lead to improved  
24 water management, the board may direct the responsible  
25 authorities to develop an amended plan within a reasonable time  
26 frame. In making this determination, the board must consider  
27 items including, but not limited to:

- 28 A. when the plan was approved and adopted;
  - 29 B. the status of local plan development and adoption;
  - 30 C. the scope and anticipated costs to amend;
  - 31 D. the availability of funds; and
  - 32 E. the potential short- and long-term adverse impacts
- 33 on the natural resources of the affected watershed.

34 8410.0020 DEFINITIONS.

35 Subpart 1. **Scope.** The definitions in this part and in

1 Minnesota Statutes, section 103B.205, apply to parts 8410.0010  
2 to 8410.0180.

3 Subp. 2. **Board.** "Board" means the Minnesota Board of  
4 Water and Soil Resources created by Minnesota Statutes, section  
5 103B.101.

6 Subp. 3. **Capital improvement.** "Capital improvement" means  
7 a physical improvement that is not directed toward maintenance  
8 of an in-place system during its life expectancy.

9 Subp. 4. **Metropolitan Council or council.** "Metropolitan  
10 Council" or "council" means the Metropolitan Council as created  
11 by Minnesota Statutes, section 473.123.

12 Subp. 5. **Flooding problem.** "Flooding problem" means a  
13 flooding problem that has been identified as a problem by the  
14 watershed management organization or local unit of government.

15 Subp. 6. **Groundwater plan.** "Groundwater plan" means a  
16 county plan adopted under Minnesota Statutes, section 103B.255.

17 Subp. 7. **Local comprehensive plan.** "Local comprehensive  
18 plan" has the meaning given "comprehensive plan" in Minnesota  
19 Statutes, section 473.852, subdivision 5.

20 Subp. 8. **Local government unit or unit.** "Local government  
21 unit" or "unit" has the meaning given it in Minnesota Statutes,  
22 section 473.852, subdivision 7.

23 Subp. 9. **Metropolitan Water Management Act.** "Metropolitan  
24 water management act" has the meaning given it in Minnesota  
25 Statutes, sections 103B.201 to 103B.255.

26 Subp. 10. **Minor plan amendments.** "Minor plan amendments"  
27 means items such as recodification of the plan, revision of a  
28 procedure meant to streamline administration of the plan,  
29 clarification of the intent of a policy, the inclusion of  
30 additional data not requiring interpretation, or any other  
31 action that will not adversely affect a local unit of government  
32 or diminish a water management organization's ability to achieve  
33 its plan's goals or implementation program.

34 Subp. 11. **Minor watershed unit.** "Minor watershed unit"  
35 means each of the approximately 5,600 minor watershed units  
36 delineated on the state watershed boundaries map prepared under

1 the requirements of Laws 1977, chapter 455, section 33,  
2 subdivision 7, paragraph (a).

3 Subp. 12. **Metropolitan Urban Service Area or area.**

4 "Metropolitan Urban Service Area" or "area" has the meaning  
5 given on maps prepared by the Metropolitan Council. The latest  
6 version of the map identifying the area is incorporated by  
7 reference and is subject to periodic change. The latest version  
8 of the map identifying the area is available from the state law  
9 library through the Minitex interlibrary loan system. The area  
10 is the seven-county metropolitan area that the council is  
11 committed by policy to provide regional planning for sanitary  
12 sewer, highway, transit, park, and airport facilities.

13 Subp. 13. **Natural surface water storage and retention**  
14 **systems.** "Natural surface water storage and retention systems"  
15 means public waters and wetlands as defined in Minnesota  
16 Statutes, section 103G.005, subdivisions 15 and 19.

17 Subp. 14. **Official controls.** "Official controls" has the  
18 meaning given it in Minnesota Statutes, section 473.852.

19 Subp. 15. **Plan.** "Plan" means the watershed management  
20 plan prepared by a watershed management organization or county  
21 as required by Minnesota Statutes, section 103B.231, subdivision  
22 1.

23 Subp. 16. **Plan review authorities.** "Plan review  
24 authorities" means the Metropolitan Council, the Department of  
25 Health, the Department of Natural Resources, the Pollution  
26 Control Agency, the Board of Water and Soil Resources, and  
27 counties, cities, towns, and soil and water conservation  
28 districts partially or wholly within the watershed management  
29 organization as defined in Minnesota Statutes, section 103B.231,  
30 subdivisions 7, 8, and 9.

31 Subp. 17. **Public waters.** "Public waters" means waters of  
32 the state identified as public waters under Minnesota Statutes,  
33 section 103G.005, subdivision 15.

34 Subp. 18. **Seven-county metropolitan area.** "Seven-county  
35 metropolitan area" means the counties of Anoka, Carver, Dakota,  
36 Hennepin, Ramsey, Scott, and Washington, excluding the corporate

1 boundaries of the city of New Prague.

2 Subp. 19. **Subwatershed unit.** "Subwatershed unit" means a  
3 hydrologic area less than the entire area under the jurisdiction  
4 of a watershed management organization.

5 Subp. 20. **Watershed.** "Watershed" means a drainage area  
6 with boundaries that are substantially coterminous with those of  
7 an aggregation of contiguous minor watershed units possessing  
8 similar drainage patterns and that cross the borders of two or  
9 more local government units.

10 Subp. 21. **Watershed district.** "Watershed district" means  
11 a district established under Minnesota Statutes, chapter 103D.

12 Subp. 22. **Watershed management organization or**  
13 **organization.** "Watershed management organization" or  
14 "organization" means: (1) a watershed district wholly within  
15 the metropolitan area; or (2) a joint powers entity established  
16 wholly or partly within the metropolitan area by special law or  
17 by agreement that performs some or all of the functions of a  
18 watershed district that has the characteristics and the  
19 authority specified under Minnesota Statutes, section 103B.211.  
20 Counties may be watershed management organizations if a joint  
21 powers watershed management organization does not perform and  
22 the responsibility for plan preparation is deferred to the  
23 counties. Lake improvement or conservation districts are not  
24 watershed management organizations.

25 Subp. 23. **Wetlands.** "Wetlands" means waters of the state  
26 identified as wetlands under Minnesota Statutes, section  
27 103G.005, subdivision 19.

28 Subp. 24. **Wetland banking system.** "Wetland banking system"  
29 means an accounting system established by a unit of government  
30 for the purpose of tracking and managing net losses and gains to  
31 wetland values that occur as a result of development.

32 8410.0030 CONTENT OF JOINT POWERS AGREEMENTS.

33 Subpart 1. **Requirements.** In addition to a description of  
34 any authorities adopted under the content requirements of joint  
35 powers agreements as outlined in Minnesota Statutes, section

1 103B.211, subdivision 1, joint powers agreements establishing a  
2 watershed management organization must, at a minimum, contain  
3 the following items:

4           A. a purpose statement consistent with Minnesota  
5 Statutes, section 103B.201;

6           B. a complete legal description defining the boundary  
7 of the organization;

8           C. a requirement to adopt rules of order and  
9 procedure;

10           D. a process for establishing an annual budget and  
11 work plan;

12           E. a formula for determining each member's share of  
13 the annual operating budget;

14           F. a statement of how member appointees are to be  
15 compensated;

16           G. a procedure providing for the establishment of  
17 citizen and technical advisory committees or other means of  
18 public participation;

19           H. a section defining the powers and duties of the  
20 organization;

21           I. a section establishing the duties and terms of the  
22 officers of the organization;

23           J. a notification process on the location and time of  
24 meetings;

25           K. a section defining the voting requirements for  
26 decision making and capital improvements consistent with  
27 Minnesota Statutes, section 103B.211, subdivision 1, paragraph  
28 (c);

29           L. a section outlining meetings to be scheduled at  
30 least annually;

31           M. the process and responsibilities of the  
32 organization and its members for filling vacancies consistent  
33 with Minnesota Statutes, section 103B.227, subdivisions 1 and 2;

34           N. the duration of the agreement and a process for  
35 dissolution that provides for at least 90 days' notice of the  
36 intent to dissolve to the affected counties and the board; and

1           O. a section defining how the membership will be  
2 represented, with the total number of representatives to be at  
3 least three.

4           Subp. 2. **Updating.** Joint powers agreements must be  
5 updated if necessary to be in conformance with this chapter no  
6 later than January 1, 1993, or one year after adoption of  
7 chapter 8410, whichever is later.

8           Subp. 3. **County membership.** A county may be a member of a  
9 joint powers agreement organization when the conditions  
10 described in Minnesota Statutes, section 103B.211, subdivision  
11 3, are present.

12 8410.0040 REMOVAL OF ORGANIZATION REPRESENTATIVES.

13           A manager of a watershed district or a member of a joint  
14 powers board may be removed from the position by the appointing  
15 authority before term expiration for violation of a code of  
16 ethics of the watershed management organization or appointing  
17 authority or for malfeasance, nonfeasance, or misfeasance, after  
18 being provided an opportunity for hearing before the appointing  
19 authority. Managers holding the position as an elected official  
20 who are not reelected, or are serving an indefinite term at the  
21 pleasure of the appointing authority, may be removed by the  
22 appointing authority at will. A decision of the appointing  
23 authority may be appealed to the Board of Water and Soil  
24 Resources.

25           **CONTENT OF WATERSHED MANAGEMENT ORGANIZATION PLANS**

26 8410.0050 EXECUTIVE SUMMARY.

27           Each plan must have a section entitled "Executive Summary."  
28 The summary should outline the purpose of the watershed  
29 management organization; the membership of the organization's  
30 board of managers; the general boundaries of the organization; a  
31 brief history of the organization; a summary of the  
32 organization's goals, problems, and potential solutions; and the  
33 general content of required local plans.

34 8410.0060 LAND AND WATER RESOURCE INVENTORY.

1           Subpart 1. **Required.** Each plan must contain an inventory  
2 of water resource and physical factors affecting the water  
3 resources based on existing records and publications. If data  
4 publications and maps are available at a convenient central  
5 location, they may be included by reference. The plan must  
6 include a brief summary of the data and must identify where the  
7 publication can be obtained. At a minimum, the information in  
8 subparts 2 to 11 must be included in the plan. Subparts 2 and  
9 4, item E, may be in the local plan instead of the watershed  
10 management organization plan.

11           Subp. 2. **Precipitation.** Each plan must include  
12 precipitation data normally used in the seven-county  
13 metropolitan area for hydrologic and hydraulic design.

14           Subp. 3. **General geology and topographic data.** Each  
15 organization plan shall contain a summary describing the general  
16 topographic relief, geology, aquifers, and all known groundwater  
17 and surface water connections. The summary should reference  
18 available publications and maps where data may be available in  
19 greater detail. A map defining appropriate subwatershed units  
20 within the organization must be included.

21           Subp. 4. **Surface water resource data.** Necessary surface  
22 water data within the watershed includes:

23           A. a map of the public waters and public ditch  
24 systems established under Minnesota Statutes, chapter 103D or  
25 103E, including the location of existing dams and control  
26 structures;

27           B. a copy of the National Wetlands Inventory Map  
28 produced by the United States Fish and Wildlife Service and, if  
29 considered useful by the organization, a copy of the  
30 Metropolitan Mosquito Control District Mosquito Control Wetland  
31 Inventory;

32           C. either an inventory of the functional values of  
33 the wetlands present, a provision for a phased project to create  
34 the inventory within a given time frame, or the adoption of a  
35 specific process to identify the functional values on a  
36 case-by-case basis for the review of individual project

1 proposals, all of which must be consistent with Minnesota  
2 Statutes, section 103B.3355;

3 D. a table of the major hydrologic characteristics of  
4 public waters if provided by the Department of Natural Resources  
5 in a format that can be readily incorporated in a plan;

6 E. maps showing the areas served by each existing  
7 stormwater system that identify existing stormwater ponds and  
8 the location of all stormwater outfalls;

9 F. a table summarizing available information on the  
10 100-year flood levels and peak discharges of existing and  
11 proposed stormwater ponds and flood profile information that  
12 corresponds to the peak discharges of channelized flow passing  
13 through the watershed. The plan shall determine the need for  
14 additional data and recommend a schedule for the data. A  
15 discussion must also be provided relative to the consistency of  
16 the flood profile information developed as part of the  
17 stormwater management plan to that of any information published  
18 in a Federal Emergency Management Agency flood insurance study;

19 G. a general discussion of, or a map showing areas  
20 of, known flooding problems not identified as flood-prone in a  
21 published flood insurance study;

22 H. a listing of the existing flood insurance studies  
23 and a location of where they can be viewed;

24 I. a summary of water quality data and any related  
25 information, if available, from the Pollution Control Agency,  
26 the Department of Natural Resources, the Department of  
27 Transportation, the Department of Health, the Metropolitan  
28 Council, the Metropolitan Waste Control Commission, the water  
29 management organization, the soil and water conservation  
30 district, and the affected counties and cities;

31 J. a map or list, if available, showing the location  
32 of known existing and abandoned surface water quality and  
33 quantity monitoring sites;

34 K. a list of municipalities with approved shoreland  
35 ordinances and projected completion dates for those without  
36 ordinances; and



1 L. a table listing the amounts and locations of all  
2 surface water appropriations as permitted by the Department of  
3 Natural Resources and provided to the organization.

4 Subp. 5. **Groundwater resource data.** Necessary groundwater  
5 data includes any data required to be included in the  
6 organization plan by a county groundwater plan. If a county  
7 groundwater plan is not anticipated to be completed, the  
8 organization plan must include groundwater data as necessary to  
9 allow groundwater issues to be addressed.

10 Subp. 6. **Soil data.** Each organization plan must include a  
11 general discussion of the types of soil present, their  
12 development limitations, their infiltration characteristics, and  
13 their tendency to erode. The discussion must include a list of  
14 references where more detailed data are available.

15 Subp. 7. **Land use and public utility services.** Necessary  
16 land use and public utility services information is limited to  
17 information that existed at the time the plan or plan amendment  
18 was developed, including:

- 19 A. a general map of existing land uses;  
20 B. a general map showing anticipated land uses; and  
21 C. reference to the location of the metropolitan  
22 urban service area.

23 Subp. 8. **Water-based recreation areas and land ownership.**  
24 Necessary information on water-based recreation areas and land  
25 ownership includes a map or a discussion of the location of all  
26 existing and proposed local, regional, state, and federal parks,  
27 preserves, wildlife areas, recreation areas, canoe routes, and  
28 water accesses available for use by the public.

29 Subp. 9. **Fish and wildlife habitat.** Necessary information  
30 on fish and wildlife habitat includes:

- 31 A. a list and description of the Department of  
32 Natural Resources ecological and management classifications for  
33 lakes and streams, where available;  
34 B. a list and description of the conclusions and  
35 recommendations of biological surveys or reconnaissance studies,  
36 where available; and

1 C. a description of state management plans for fish  
2 and wildlife areas, where available.

3 Subp. 10. **Unique features and scenic areas.** Necessary  
4 unique feature and scenic area information includes a map or a  
5 description or listing of unique features and scenic areas with  
6 relationships to water including state designated natural and  
7 scientific areas; areas containing county, state, and federal  
8 rare and endangered species; and other features such as  
9 waterfalls, springs, historic mills, and heritage elements  
10 identified by the Department of Natural Resources heritage  
11 program, to the extent it is available from the department.

12 Subp. 11. **Pollutant sources.** Necessary information on  
13 pollutant sources includes a map or list from appropriate  
14 agencies of:

15 A. known closed and open sanitary landfills, closed  
16 and operating open dumps, and hazardous waste sites identified  
17 under Minnesota Statutes, chapter 115A or 115B, and a summary of  
18 available water quality information relating to these sites; and

19 B. feedlots, abandoned wells as defined by the  
20 Department of Health, registered underground and aboveground  
21 storage tank sites, permitted wastewater discharges, and a  
22 summary of available water quality information relating to these  
23 sites.

24 If the information in this subpart is included in a county  
25 groundwater plan, the information can be excluded from the  
26 organization plan if suitable references are provided.

27 8410.0070 IMPACT ON OTHER UNITS OF GOVERNMENT.

28 During the development of its plan or plan amendments, each  
29 watershed management organization shall request a summary of the  
30 relevant water management policies and goals of each local,  
31 regional, and state review authority identified in Minnesota  
32 Statutes, section 103B.231, subdivisions 7, 8, and 9. The  
33 organization shall take into consideration the goals and  
34 policies of the review authorities when drafting the  
35 organization's goals and policies. The organization's plan

1 shall clearly outline and justify anticipated inconsistencies  
2 between its goals and policies and those of the authorities who  
3 responded if the requested information is furnished within 45  
4 days of the organization's request.

5 8410.0080 ESTABLISHMENT OF GOALS AND POLICIES.

6 Subpart 1. **Plan contents.** Each plan must contain specific  
7 goal statements and corresponding policies relating to the  
8 overall purposes specified in Minnesota Statutes, section  
9 103B.201. The goals and policies of the watershed management  
10 organization shall attempt to avoid conflict with county,  
11 regional, or state goals and policies. The goals must be  
12 outlined in sufficient detail to provide direction regarding  
13 what the policies should accomplish, provide direction to the  
14 organization's board, and allow for the success or failure of  
15 the goals and policies to be quantified. The goals and policies  
16 should recognize the fundamental relationship between water  
17 quality and land use. Development of goals and policies must,  
18 at a minimum, address the issues in subparts 2 to 9.

19 Subp. 2. **Water quantity.** Each plan must outline goals and  
20 policies describing how stormwater runoff will be managed. The  
21 maximum allowable peak runoff must be established for  
22 appropriate subwatersheds to the extent necessary to assure that  
23 the goals and policies of the organization will be met and  
24 address how runoff from developments creating more than one acre  
25 of new impervious surface will be managed with respect to  
26 Minnesota Statutes, section 103B.3365. The plan must describe  
27 the criteria used for defining "appropriate subwatersheds."

28 Subp. 3. **Water quality.** Each plan must outline specific  
29 water quality goals and policies for natural surface water  
30 storage and retention systems within the organization. Goals  
31 should be related to parameters or quantities that can be  
32 measured. The relationship of land use to water quality should  
33 be considered when developing goals and policies. The goals and  
34 policies should be developed to strive for compliance with  
35 applicable water quality standards and be suitable for the

1 intended uses of natural surface water storage and retention  
2 systems.

3 Subp. 4. **Recreation and fish and wildlife.** Each plan must  
4 outline how water resource based recreational activities and  
5 wildlife interests will be protected or improved through the  
6 implementation of the plan. In consideration of these issues,  
7 the plan must determine whether there is a need to classify or  
8 prioritize individual water resources for management purposes.

9 Subp. 5. **Enhancement of public participation; information  
10 and education.** Each plan must outline goals and policies  
11 describing who will participate and when public participation  
12 will be encouraged. Goals and policies must at least address  
13 the creation and purposes of advisory committees and public  
14 information programs.

15 Subp. 6. **Public ditch systems.** If public ditch systems  
16 constructed under Minnesota Statutes, chapter 103D or 103E, are  
17 within the organization, the plan shall by policy define the  
18 organization's relationship to the ditch authority and recommend  
19 whether or not there are advantages to managing the ditch  
20 systems under the Metropolitan Water Management Act and  
21 determine whether ditch maintenance activities have the  
22 potential of adversely impacting any goal of the organization.

23 Subp. 7. **Groundwater.** If a county groundwater plan has  
24 not commenced at the time the plan or plan amendment is  
25 initiated, the organization shall assess the need and degree of  
26 involvement the organization has in groundwater management and  
27 establish appropriate goals and policies.

28 Subp. 8. **Wetlands.** Each plan must outline specific goals  
29 and policies regarding the management of wetlands within the  
30 organization and identify high priority areas for wetland  
31 preservation, restoration, and establishment. Wetland  
32 management goals and policies should address utilization,  
33 protection and preservation, and the enhancement or restoration  
34 of wetlands identified in the organization. Each plan must also  
35 evaluate the need to establish a wetland banking system.

36 Subp. 9. **Erosion.** Each plan must identify specific goals

1 and policies that will control soil erosion consistent with the  
2 goals and policies outlined in this part.

3 8410.0090 ASSESSMENT OF PROBLEMS.

4 Each plan must contain an assessment of existing and  
5 potential water resource related problems using a combination of  
6 analysis of land and water resource data collected under part  
7 8410.0060 and through the identification of existing or  
8 potential problems by residents or local, regional, or state  
9 agencies. During the development of the assessment, the  
10 watershed management organization shall request a brief  
11 assessment of existing problems affecting the organization from  
12 the plan review authorities, the Department of Transportation,  
13 and the Department of Agriculture based on data, plans, and  
14 other documentation in their possession. The organization  
15 should solicit comments from residents and local officials in  
16 the watershed district for information about problems that may  
17 be primarily local in nature. The organization's assessment  
18 shall include a discussion of the relationship of locally  
19 identified problems to problems identified by the plan review  
20 authorities, provided the information is received within 45 days  
21 of the organization's written request. The assessment of  
22 existing and potential problems as determined by the  
23 organization must, at a minimum, include the following topic  
24 areas:

- 25 A. specific lakes and streams with water quality  
26 problems;
- 27 B. flooding and stormwater rate control issues within  
28 and between communities;
- 29 C. impacts of water quality and quantity management  
30 practices on recreation opportunities;
- 31 D. impacts of stormwater discharges on water quality  
32 and fish and wildlife resources;
- 33 E. impact of soil erosion on water quality and  
34 quantity;
- 35 F. general impact of land use practices and, in

1 particular, land development and wetland alteration on water  
2 quality and water quantity;

3 G. the adequacy of existing regulatory controls to  
4 manage or mitigate adverse impacts on public waters and  
5 wetlands;

6 H. the adequacy of programs to:

7 (1) limit soil erosion and water quality  
8 degradation;

9 (2) maintain the tangible and intrinsic values of  
10 natural storage and retention systems; and

11 (3) maintain water level control structures;

12 I. the adequacy of capital improvement programs to  
13 correct problems relating to:

14 (1) water quality;

15 (2) water quantity management;

16 (3) fish and wildlife habitat and public waters  
17 and wetland management; and

18 (4) recreational opportunities; and

19 J. future potential problems that are anticipated to  
20 occur generally within a 20-year period based on growth  
21 projections and planned urbanization identified in local and  
22 regional comprehensive plans. The assessments must include a  
23 discussion of the relationship between locally identified  
24 problems and the problems and goals identified in county,  
25 regional, state, and federal plans that are brought to the  
26 attention of the organization.

27 8410.0100 IMPLEMENTATION PROGRAM.

28 Subpart. 1. Plan contents. Each plan must describe an  
29 implementation program consisting of nonstructural, structural,  
30 and programmatic solutions to the problems, issues, and goals  
31 identified under parts 8410.0080 and 8410.0090. In developing  
32 its implementation program, the requirements in subparts 2 to 7  
33 must be followed. Each plan should clearly define the  
34 responsibility of the watershed management organization and the  
35 local units of government in carrying out the implementation

1 program and further define the organization's role when a local  
2 unit of government is considering a variance or fails to  
3 implement its water resource management responsibilities.

4 Subp. 2. **Regulatory controls.** In establishing required  
5 regulatory controls, items A to E must be considered.

6 A. Each plan must provide for the regulation of  
7 activities in wetlands and specify respective duties of the  
8 organization and local units of government. Each plan must  
9 describe local controls and procedures regarding carrying out  
10 the local government responsibilities under the Wetland  
11 Conservation Act of 1991, Laws 1991, chapter 354, and any rules  
12 adopted under it. Each plan must also define any other controls  
13 the organization has determined to be necessary to achieve its  
14 water management goals that may be more restrictive than those  
15 required by the Wetland Conservation Act of 1991, Laws 1991,  
16 chapter 354. The description must consider, where applicable,  
17 the following topics:

18 (1) the relationship of the organization, state  
19 agencies, local soil and water conservation districts, and  
20 affected counties, cities, and towns with respect to authority,  
21 administration, and coordination;

22 (2) designated repositories for required maps or  
23 inventories of wetlands;

24 (3) procedures related to enforcement;

25 (4) a description of local wetland banking  
26 programs and their relationship to a corresponding state  
27 program; and

28 (5) the methods and procedures to be used in  
29 determining replacement of wetland values in mitigation  
30 proposals.

31 B. The organization shall specify controls or  
32 programs to reduce erosion and sedimentation to receiving  
33 waters. In rural areas, agricultural crop land erosion may be  
34 controlled by implementing zoning ordinances consistent with  
35 part 6120.3300, subpart 7, and may include other water resources  
36 outside of designated shoreland areas as considered appropriate

1 by the organization. Organizations affected by specific state  
2 laws requiring adoption of uniform countywide erosion and  
3 sediment control standards or programs must comply with those  
4 laws. Any other organization must either adopt by reference an  
5 existing set of erosion and sediment control guidelines or best  
6 management practices published by a county, a soil and water  
7 conservation district, the board, or the Pollution Control  
8 Agency, or establish comparable erosion and sedimentation  
9 guidelines of its own for the purpose of administering erosion  
10 controls.

11 C. Each plan must specify controls that require all  
12 appropriate building permits, driveway permits, and grading  
13 permits to contain enforceable provisions to protect soil from  
14 erosion during and after construction, including sites for which  
15 approved erosion control plans are in place.

16 D. Each plan must identify member local units of  
17 government that have failed to adopt and administer a Department  
18 of Natural Resources approved shoreland and floodplain ordinance  
19 where mandated by state law. If the plan notes that flood  
20 damage has occurred outside of mapped floodplains or a potential  
21 for flooding exists adjacent to stormwater facilities, the plan  
22 shall require the local unit of government to determine if  
23 additional local controls are necessary to address the situation.

24 E. If a plan notes the existence of certain land uses  
25 that could adversely affect the organization's ability to  
26 achieve its water quality goals, and these uses cannot be  
27 properly managed or regulated with existing controls, the uses  
28 constitute a public nuisance according to Minnesota Statutes,  
29 section 609.74. In those cases, the plan must provide for the  
30 adoption of local controls to define and abate the nuisances.  
31 For the purpose of this chapter, public nuisances may include  
32 any action, failure to act, or land use practice that would  
33 impair water quality if allowed to continue.

34 Subp. 3. **Stormwater and drainage design performance**  
35 **standards.** Each plan must contain minimum standards and provide  
36 for appropriate controls for the design of new stormwater



1 conveyance, ponding, and treatment systems consistent with the  
2 overall goals of the organization plan and consistent with  
3 Minnesota Statutes, section 103B.3365, subdivision 4. Included  
4 will be performance standards that provide for:

5           A. the establishment of target in-lake nutrient  
6 concentrations and corresponding pollutant loadings for sediment  
7 and nutrients;

8           B. the establishment of maximum permissible runoff  
9 rates for selected design storms based on considerations such as  
10 existing and future flood levels and expected increases in  
11 runoff volume with respect to impacts on downstream channels and  
12 adjacent development;

13           C. the establishment of standards to reduce the  
14 impacts of flooding on natural resources and personal and real  
15 property;

16           D. the establishment of design criteria for  
17 stormwater outlet structures to address floatable pollutants and  
18 to provide for access for maintenance and repair;

19           E. pond design methodology for nutrient entrapment  
20 consistent with the subwatershed goals; and

21           F. compliance with pollutant loading for specific  
22 subwatersheds consistent with local, regional, and statewide  
23 plans in consideration of Pollution Control Agency water quality  
24 standards.

25           Subp. 4. **Information program.** Each plan must provide for  
26 the publishing of at least one written communication per year  
27 identifying the representatives on the organization's board,  
28 current advisory committee members, how to contact the  
29 organization, its role in local water management, the goals and  
30 policies of the organization, when public meetings are held, how  
31 the organization is financed, where the plan can be viewed, and  
32 other information relative to the implementation of the plan.  
33 The communication may be accomplished through the publication of  
34 a newsletter, publication of all or a portion of an annual  
35 report, an article or news release submitted to a local  
36 newspaper widely distributed in the member communities, an

1 attachment to a sewer or water bill, or other similar media  
2 format that annually reaches the general population.

3 Subp. 5. **Data collection programs.**

4 A. Each plan must establish water quality and  
5 quantity monitoring programs that are capable of producing  
6 accurate data to the extent necessary to determine whether the  
7 water quality and quantity goals of the organization are being  
8 achieved. The programs shall, at a minimum, include the  
9 location of sampling, the frequency of sampling, the proposed  
10 parameters to be measured, and the requirement of periodic  
11 analysis of the data.

12 B. Each plan should encourage all units of government  
13 collecting water quality and quantity management data to  
14 annually submit the data consistent with state compatibility  
15 guidelines to the organization and other appropriate state  
16 agencies for entry into public access data bases.

17 Subp. 6. **Management programs.** Each organization plan must  
18 assess or require local plans to assess the need for periodic  
19 maintenance of public works, facilities, and natural conveyance  
20 systems and specify any new programs or revisions to existing  
21 programs needed to accomplish its goals and objectives. Each  
22 plan must further identify which units of government or private  
23 parties are responsible for maintenance. Each plan must, at a  
24 minimum, assess or require local plans to assess:

25 A. the need and frequency for sweeping of public and  
26 private streets and parking lots;

27 B. the need and frequency for inspecting stormwater  
28 outfalls, sumps, and ponds;

29 C. the adequacy of maintenance programs for  
30 stormwater facilities and water level control structures owned  
31 by both organization members and nonmembers;

32 D. the condition of public ditches constructed under  
33 Minnesota Statutes, chapter 103D or 103E, if the organization  
34 has jurisdiction over these systems;

35 E. the need to establish a water body management  
36 classification system to provide for water quality and quantity

1 management based on a hierarchical basis;

2 F. the need to establish local spill containment  
3 clean-up plans; and

4 G. the need for other management programs as  
5 considered necessary.

6 All proposed management programs establishing a  
7 classification system for the management of water bodies shall  
8 be consistent with chapter 7050. If organization  
9 classifications are inconsistent, the organization shall  
10 petition the Pollution Control Agency to revise the  
11 classifications in chapter 7050.

12 Subp. 7. **Potential structural solutions to problems.**

13 A. Each plan that documents existing water management  
14 problems that cannot be resolved by preventative actions shall  
15 investigate the feasibility of implementing structural solutions  
16 that would remediate or resolve each problem.

17 B. For each structural solution proposed, each plan  
18 shall provide a cost estimate and a recommendation as to how it  
19 should be funded.

20 C. Each potential structural solution identified  
21 under this part shall be assigned priorities. In assigning  
22 priorities, consideration shall be given to regional and state  
23 plans in conjunction with the organization's goals, policies,  
24 and problems identified in parts 8410.0080 and 8410.0090.

25 8410.0110 **IMPACT ON LOCAL GOVERNMENT.**

26 Subpart 1. **Existing local controls.** Each plan shall  
27 review the impact of local controls and programs required by the  
28 plans according to part 8410.0100. This review shall include  
29 concerns expressed by counties, cities, and townships with  
30 respect to their administrative and financial capabilities to  
31 adopt and enforce the controls and programs in addition to a  
32 table that generally describes the status of local controls and  
33 programs of affected counties, cities, and townships with  
34 respect to that required by the plan.

35 Subp. 2. **Financial impact on local government.** Each plan

1 shall contain an analysis of the financial impact of  
2 implementation of the proposed regulatory controls and programs  
3 identified under part 8410.0100. The analysis shall include, at  
4 a minimum, an estimate of the costs associated with the plan's  
5 implementation and anticipated sources of revenue.

6 Subp. 3. **Adoption by reference.** All or part of a  
7 watershed management organization plan may be adopted by  
8 reference by a local unit of government for all or part of its  
9 local plan to the degree specified in the approved organization  
10 plan.

11 8410.0120 IMPLEMENTATION PRIORITIES.

12 Each plan must prioritize the plan implementation  
13 components to make the best use of available local funding; to  
14 prevent future water management problems from occurring to the  
15 maximum extent practical; and to ensure that regional, county,  
16 state, and federal grant funding is targeted properly.

17 8410.0130 IMPLEMENTATION COMPONENTS.

18 Subpart 1. **Controls.** Each organization plan must provide  
19 for the adoption of necessary regulatory controls, stormwater  
20 design standards, education programs, data collection programs,  
21 and maintenance programs that the plan identifies under part  
22 8410.0100.

23 Subp. 2. **Responsibilities.** Each organization plan must  
24 clearly distinguish the responsibilities of the watershed  
25 management organization versus the responsibilities of affected  
26 counties, cities, and townships with respect to each  
27 implementation program element established according to part  
28 8410.0100.

29 Subp. 3. **Schedule.** Each organization plan must include a  
30 schedule for implementation by the organization, joint powers  
31 agreement members, and affected local units of government. All  
32 plan controls and programs to be implemented by the organization  
33 must be in effect within one year of plan adoption. All local  
34 plan controls and programs must be developed and in effect  
35 within two years of adoption of the last organization plan in

1 the local unit of government.

2 Subp. 4. **Capital improvement program.** Each organization  
3 plan shall include a capital improvement program that identifies  
4 specific capital improvements necessary to implement the water  
5 resource management goals and policies of the organization.

6 Subp. 5. **Enforcement.** Each organization plan must  
7 identify the procedure to be followed to enforce violations of  
8 the controls of the organization as well as those of the local  
9 unit of government.

10 Subp. 6. **Administration process.** Each organization plan  
11 must specify the administrative process and timelines for the  
12 submittal, review, and approval of local plans and variances by  
13 the organization.

14 8410.0140 PLAN CONTENTS; AMENDMENTS.

15 Subpart 1. **Amendment section.** Each plan must contain a  
16 section entitled "Amendments to Plan" containing the year the  
17 plan extends to and establishing the process by which interim  
18 amendments may be made and who may initiate the amendments.

19 Subp. 2. **General amendment procedure.** All amendments to a  
20 plan must adhere to the review process provided in Minnesota  
21 Statutes, section 103B.231, subdivision 11, except when the  
22 proposed amendments constitute minor amendments and:

23 A. the watershed management organization has held a  
24 public meeting to explain the amendments and published a legal  
25 notice of the meeting twice, at least seven days and 14 days  
26 before the date of the meeting;

27 B. the organization has sent copies of the amendments  
28 to the affected local units of government, the Metropolitan  
29 Council, and the state review agencies for review and comment;  
30 and

31 C. the board has either agreed that the amendments  
32 are minor or failed to act within 45 days of receipt of the  
33 amendments.

34 Subp. 3. **Minor amendments to capital improvements.**

35 Amendments to an approved plan's capital improvement program may

1 be considered to be minor plan amendments if the following  
2 conditions are met:

3           A. the original plan set forth the capital  
4 improvements but not to the degree needed to meet the definition  
5 of "capital improvement program" as provided in Minnesota  
6 Statutes, section 103B.205, subdivision 3; and

7           B. the affected county or counties have approved the  
8 capital improvement in its revised, more detailed form.

9           **Subp. 4. Form of amendments.** Unless the entire document  
10 is reprinted, all amendments adopted by the organization must be  
11 printed in the form of replacement pages for the plan, each page  
12 of which must:

13           A. on draft amendments being considered, show deleted  
14 text as stricken and new text as underlined;

15           B. be renumbered as appropriate; and

16           C. include the effective date of the amendment.

17           **Subp. 5. Distribution of amendments.** Each organization  
18 must maintain a distribution list of agencies and individuals  
19 who have received a copy of the plan and shall distribute copies  
20 of amendments within 30 days of adoption. All organizations  
21 should consider sending drafts of proposal amendments to all  
22 plan review authorities to seek their comments before  
23 establishing a hearing date or commencing the formal review  
24 process.

25 8410.0150 ANNUAL REPORTING REQUIREMENTS.

26           **Subpart 1. Requirement for annual financial, activity, and**  
27 **audit reports.** Within 120 days of the end of the watershed  
28 management organization's fiscal year, each organization shall  
29 submit to the board a financial report, an activity report, and  
30 an audit report for the preceding fiscal year if it has expended  
31 or accrued funds during this time. These reports may be  
32 combined into a single document. The audit report for the  
33 preceding fiscal year must be prepared by a certified public  
34 accountant or the state auditor and forwarded to the state  
35 auditor's office within 120 days of the end of the fiscal year.

1 Subp. 2. Content of annual financial report. The annual  
2 financial report must include the following information:

- 3 A. the approved budget;
- 4 B. a reporting of revenues;
- 5 C. a reporting of expenditures; and
- 6 D. a financial audit report or section that includes  
7 a balance sheet, a classification of revenues and expenditures,  
8 an analysis of changes in final balances, and any additional  
9 statements considered necessary for full financial disclosure.

10 Subp. 3. Content of annual activity report. The annual  
11 activity report must include the following information:

- 12 A. a list of the organization's board members,  
13 advisory committee members, and board member vacancies at the  
14 end of the reporting year, including the names of designated  
15 officers and members and information on how members can be  
16 contacted, and indicating the governmental organization that  
17 each board member represents for joint powers organizations and  
18 the county that each member is appointed by for watershed  
19 districts;
- 20 B. a list of organization employees and consultants,  
21 including mailing addresses and telephone numbers;
- 22 C. an assessment of the previous year's annual work  
23 plan that indicates whether the stated goals and objectives were  
24 achieved and, if they were not achieved, indicates why they  
25 could not be achieved;
- 26 D. a projected work plan for the next year indicating  
27 the desired goals and objectives;
- 28 E. a summary of the permits or variances issued or  
29 denied under ordinances or rules required by the organization or  
30 local plan and any enforcement actions initiated by either the  
31 organization or its local units of government;
- 32 F. a summary of water quality monitoring data  
33 collected by the organization or its local units of government;
- 34 G. an evaluation of the status of local plan adoption  
35 and implementation based on a review of the local unit of  
36 governments' activities by the organization during the past

1 year;

2 H. a copy of the written communication required by  
3 part 8410.0100, subpart 3;

4 I. the organization's activities related to the  
5 biennial solicitations for interest proposals for legal,  
6 professional, or technical consultant services under Minnesota  
7 Statutes, section 103B.227, subdivision 5;

8 J. an assessment of changes in fund balances,  
9 including a description of the costs of each program element  
10 with respect to the overall annual budget; and

11 K. the status of any locally adopted wetland banking  
12 program.

13 Subp. 4. **Procedure for state audit.** The board shall use  
14 the procedure described in items A to D to determine whether to  
15 order a state financial or performance audit of an organization.

16 A. Before the board will consider ordering a state  
17 audit, a written complain must be filed with the board's  
18 executive director requesting the board to order a state audit.  
19 The complaint must state as specifically as possible the grounds  
20 for requesting a state audit. Valid grounds for requesting a  
21 state audit include the mishandling or misuse of public funds or  
22 the documented failure to implement an approved plan.

23 B. The executive director shall determine whether  
24 there is a basis for a complaint before reporting the complaint  
25 to the board. The executive director shall ensure that the  
26 affected organization is notified of the complaint and given an  
27 opportunity to respond to the allegations before determining  
28 whether there is a basis for the complaint.

29 C. If the executive director determines there is a  
30 basis for the complaint, the complaint shall be reported to the  
31 board. The affected organization shall be given an opportunity  
32 to appear before the board at the time the complaint is reported  
33 to it and respond to the allegations in the complaint. The  
34 complainant shall also be given an opportunity to appear.

35 D. After having the complaint reported to it, and  
36 after providing an opportunity for the organization and the



1 complainant to be heard by it, the board shall decide whether to  
2 order a state financial or performance audit of the organization.

3 CONTENT OF LOCAL PLANS

4 8410.0160 GENERAL STRUCTURE.

5 Each local plan must, at a minimum, meet the requirements  
6 for local plans in Minnesota Statutes, section 103B.235, except  
7 as provided by the watershed management organization plan under  
8 part 8410.0110, subpart 3. Each local plan must include  
9 sections containing a table of contents; purpose; water resource  
10 related agreements; executive summary; land and water resource  
11 inventory; establishment of goals and policies; relation of  
12 goals and policies to local, regional, state, and federal plans,  
13 goals, and programs; assessment of problems; corrective actions;  
14 financial considerations; implementation priorities; amendment  
15 procedures; implementation program; and an appendix. Each  
16 community should consider including its local plan as a chapter  
17 of its local comprehensive plan. Each local plan shall be  
18 adopted within two years of the board's approval of the last  
19 organization plan that affects local units of government.

20 8410.0170 STRUCTURE.

21 Subpart 1. **Purpose.** Each local plan must have a section  
22 entitled "Purpose" outlining the purposes of the water  
23 management programs required by Minnesota Statutes, sections  
24 103B.205 to 103B.255.

25 Subp. 2. **Water resource management related agreements.**  
26 Appropriate water resource management related agreements that  
27 have been entered into by the local community must be outlined,  
28 including joint powers agreements related to water management  
29 that the local community may be party to between itself and  
30 watershed management organizations, adjoining communities, or  
31 private parties. Available information concerning these  
32 agreements in general conformance with the content of joint  
33 powers agreements for organizations as outlined in part  
34 8410.0030 must be included.

35 Subp. 3. **Executive summary.** Each plan shall have a

1 section entitled "Executive Summary" that generally summarizes  
2 the content of the local plan in a manner similar to that  
3 required for organization plans under part 8410.0050.

4       Subp. 4. **Land and water resource inventory.** Each local  
5 plan must contain a composite land and water resource inventory  
6 containing all relevant data from organization plans affecting  
7 it consistent with the data required by part 8410.0060.

8       Subp. 5. **Establishment of policies and goals.** Each local  
9 plan must state specific goals and corresponding policies  
10 related to the purpose of these plans, be consistent with the  
11 policies and goals of the organization plans within the city or  
12 township, and address the relation of the local plan to the  
13 regional, state, and federal goals and programs outlined in part  
14 8410.0070.

15       Subp. 6. **Assessment of problems.** Each plan must contain a  
16 summary assessment of existing or potential water resource  
17 related problems, including those identified in organization  
18 plans that affect the community. The problem assessment must be  
19 completed for only those areas within the corporate limits of  
20 the community and meet the same content requirements as those  
21 outlined for organization plans under part 8410.0080, subparts 1  
22 and 2.

23       Subp. 7. **Corrective actions.** Each local plan shall  
24 describe nonstructural, programmatic, and structural solutions  
25 to the problems identified in subpart 6. The mandatory actions  
26 for organization plans outlined in part 8410.0100, subparts 1 to  
27 6, shall be considered except that actions must be limited to  
28 those that can be implemented at a local level. All corrective  
29 actions must be consistent with the organization plans having  
30 jurisdiction in the municipality or township.

31       Subp. 8. **Financial considerations.** Each local plan must  
32 contain an analysis of the financial impact of implementation of  
33 the proposed regulatory controls and programs identified under  
34 subpart 7. The analysis must include, at a minimum, the  
35 following items:

36           A. the estimated cost of adoption and enforcement of

1 local controls and standards for the local municipality;

2 B. the estimated annual cost of implementation of  
3 other specified programs to each local municipality;

4 C. a discussion of local ability to fund adoption of  
5 and enforcement of local controls and standards, implementation  
6 of other specified programs, and capital improvements, including:

7 (1) levy limit constraints;

8 (2) effect on other city funding needs;

9 (3) establishment of watershed management taxing  
10 districts;

11 (4) creation of stormwater utilities; and

12 (5) monetary impact against homes or farmsteads  
13 in affected community;

14 D. the impact on the local municipality of local  
15 implementation of each capital improvement project component if  
16 ad valorem financing is used; and

17 E. a summary of grant funding that would likely be  
18 available to fund water management projects and programs.

19 Subp. 9. **Implementation priorities.** Each local plan must  
20 prioritize implementation components to make the best use of  
21 available local funding and prevent future water management  
22 problems from occurring to the maximum practical extent. Local  
23 plans must prioritize organization plan implementation  
24 components in line with organization priorities as outlined  
25 under part 8410.0120 only for implementation components that  
26 must be facilitated by the local municipality or township.

27 Subp. 10. **Implementation program.** Each local plan must  
28 outline required implementation components that apply at a local  
29 level. These components shall be consistent with the required  
30 plan components outlined for organization plans under part  
31 8410.0130. Official local controls must be enacted within six  
32 months of adoption of the local plan.

33 Subp. 11. **Amendment procedures.** Each local plan must  
34 contain a section entitled "Amendments to Plan" containing the  
35 year the plan extends to and establishes the process by which  
36 amendments may be made. The amendment procedure shall conform

1 with the plan amendment procedure outlined in the organization  
2 plans that affect the community. Local plan amendments must be  
3 forwarded to each organization affected by the local plan  
4 amendment for review and approval before adoption.

5 Subp. 12. **Submittal and review.** After consideration and  
6 before adoption, the local plan shall be submitted to all  
7 affected organizations for review according to Minnesota  
8 Statutes, section 103B.235. Each local unit of government must  
9 also notify affected organizations within 30 days of adoption  
10 and implementation of the plan, including the adoption of  
11 necessary official controls.

12 8410.0180 DETERMINATIONS OF FAILURE TO IMPLEMENT.

13 Subpart 1. **Applicability.** This part applies when a plan  
14 is not being implemented for a watershed either because no  
15 watershed management organization exists, because the  
16 organization has not adopted an approved plan, or because the  
17 approved plan is not being carried out.

18 Subp. 2. **Establishing cause.** Before the board's  
19 involvement in determinations of whether a plan is being  
20 properly implemented, the board shall first establish just cause  
21 for the determination by review of a written complaint from an  
22 aggrieved party or through conclusions arrived at by board staff  
23 under the review of an organization's annual report. A  
24 complaint or appeal made by an aggrieved party under Minnesota  
25 Statutes, section 103B.231, subdivision 13, must be made in  
26 writing to the executive director of the board and must  
27 summarize the issues at dispute and the efforts the party made  
28 to resolve the problem.

29 Subp. 3. **Board staff responsibilities.**

30 A. Board staff may investigate issues relating to  
31 alleged failure to implement plans primarily by response from  
32 written complaint from an aggrieved party or by review of the  
33 organization's annual report. Within 30 days of receiving a  
34 written complaint, board staff are required to initiate a  
35 preliminary investigation of the facts as they appear based on

1 personal observation, review of all relevant documents, and  
2 discussions with involved parties. The results of this  
3 preliminary investigation shall be reviewed with the executive  
4 director, and the board's legal counsel if appropriate, before  
5 preparation of a report. The report shall ascertain whether a  
6 failure to implement exists, define the exact nature of the  
7 failure to implement, and recommend a course of action.

8           B. On completion of a report regarding a complaint or  
9 review of an annual report, the staff shall send a copy of its  
10 report by certified mail to the organization members of record  
11 to set a time and place for a meeting agreeable to all parties  
12 to informally discuss the contents of the report if a conflict  
13 exists. The complainant and any other aggrieved or affected  
14 party shall also be sent a copy of the report by certified mail  
15 and shall be invited to attend any meeting held to discuss the  
16 report.

17           C. The affected organization shall be allowed 30 days  
18 to hold a public meeting to develop a formal course of action if  
19 the joint powers agreement requires that process. Any formal  
20 response shall be sent by certified mail to the board and any  
21 aggrieved or affected party within 15 days of the meeting.

22           D. The affected organization and any aggrieved or  
23 affected party may not appeal to the board's dispute resolution  
24 committee established under Minnesota Statutes, section  
25 103B.101, subdivision 10, to hear and resolve disputes over plan  
26 implementation until after the meeting has been held according  
27 to item B.

28           E. Based on information discovered at the meeting  
29 held according to item B, or receipt of the formal response  
30 received from the organization according to item C, board staff  
31 shall report to the board at a regular meeting as to the status  
32 of the dispute. If the board needs to take further action to  
33 resolve the dispute, board staff shall recommend the appropriate  
34 course of action, consulting with the board's legal counsel as  
35 appropriate.

36           Subp. 4. Board responsibilities.

1           A. On receipt of the board staff's report and  
2 recommendations, the board is required to do any or all of the  
3 following:

4                   (1) nothing further if the staff's investigation  
5 finds that the subject plan is being properly implemented,  
6 provided the board concurs;

7                   (2) advise board staff to conduct additional fact  
8 finding it considers necessary and report back to the board  
9 accordingly;

10                   (3) order the dispute resolution committee to  
11 convene to attempt to negotiate the matter and to advise the  
12 board further; or

13                   (4) issue findings of fact and conclusions of its  
14 investigation advising the affected organizations, county, or  
15 counties of the documented failure to implement the subject plan  
16 and advise the appropriate unit of government of its  
17 responsibility to implement the plan under Minnesota Statutes,  
18 section 103B.231, subdivision 3, paragraph (b), within a  
19 prescribed period of time.

20           B. On issuance of its findings under subpart 3, item  
21 A, the board shall notify the appropriate counties to proceed as  
22 required by Minnesota Statutes, section 103B.231, subdivision 3,  
23 paragraph (b) or (c), as applicable. If a county fails to act  
24 after it is notified, the board shall notify state agencies that  
25 they may initiate their prerogatives under Minnesota Statutes,  
26 section 103B.231, subdivision 3, paragraph (g).

27           C. The board's dispute resolution committee has the  
28 following duties and responsibilities with respect to disputes  
29 relating to failure to implement a plan:

30                   (1) convene and hear appeals from both aggrieved  
31 parties and organizations not satisfied with the findings and  
32 recommendations of the board's staff report presented at the  
33 meeting required by subpart 2; and

34                   (2) convene at the pleasure of the board as  
35 prescribed by item A to attempt to negotiate and settle disputes  
36 over determinations relating to implementation of plans and to

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1 further advise the board.