

SECTION 5: IMPLEMENTATION PROGRAM

5.0 Rural Collaborative Implementation

The VRWJPO adopted Standards in October 2006 and amended the Standards in February 2008. The VRWJPO adopted Rules in March 2007, which established three categories of permitting responsibility:

Category 1. VRWJPO responsible for permitting.

Category 2. Local governments responsible for permitting of certain projects

Category 3. Local governments responsible for permitting, with VRWJPO permitting required under certain circumstances.

If a local government incorporates the VRWJPO Standards into its ordinances and controls, and demonstrates compliance with the VRWJPO rules, that local government will be responsible for all permitting (Category 2). The VRWJPO will require LGUs responsible for permitting to submit some proposed land alteration plans to the VRWJPO for review and comment each year through a VRWJPO evaluation program. Land alteration plans with the following conditions are particularly important to the VRWJPO for review:

- Variances from the local government's ordinances that affect surface water or impact surface water/groundwater interactions (subject to VRWJPO approval or denial)
- Diversions
- Intercommunity flows (upon request from an adjacent community)
- Project site size of 40 acres or more
- Projects that are adjacent to or appear to impact major waterways or unique natural resources

The VRWJPO will enforce its permits and rules as allowed by Minnesota Statutes 103B and 103D. The VRWJPO may also evaluate local government permitting programs. If these evaluations show non-compliance with the VRWJPO's Rules and Standards and/or the local government's ordinances, the VRWJPO will implement a permitting program in that local government.

The Rural Collaborative Plan is intended to be implemented by member communities through the development and adoption of local water resource management ordinances. Several communities have existing stormwater management ordinances, which may only require modification of existing ordinances. The VRWJPO has reserved \$2000 per community for the purpose of updating local ordinances consistent with the Rural Collaborative Plan and the VRWJPO Standards, as amended in February 2008. The Collaborative community members have discussed the possibility of adopting joint resolutions which will authorize and pool the VRWJPO funding to develop a model ordinance for the Rural Collaborative.

Members of the Rural Collaborative are also participants in a collaborative comprehensive plan update. The “Dakota County Rural Collaborative 2030 Comprehensive Plan Update” has been prepared for 16 rural cities and townships, including all 12 rural communities located in the Vermillion River Watershed. The Rural Collaborative members have previously adopted the Metropolitan Council’s “Interim Strategy to Reduce Nonpoint Source Pollution.” The “Dakota County Rural Collaborative 2030 Comprehensive Plan Update” includes the following policies regarding water resource protection and individual sewage treatment system (ISTS) management:

- Adopt and enforce wetland alteration and mitigation requirements consistent with the Wetlands Conservation Act.
- Cooperate and coordinate actions with Dakota County regarding the enforcement of the County Shoreland and Floodplain Management Ordinance.
- Require, as part of any proposed subdivision, that the natural drainage system remain intact.
- Approval of subdivision design will require dedication of drainage easements and ponding areas adequate to channel off runoff generated by a 25-year storm of one-hour duration.
- The natural drainage will be protected and used to the extent possible for storage and flow of runoff. Wetlands should be used as natural recharge areas. Pre-settling of runoff will be required prior to discharge to wetlands.
- Temporary storage areas and pre-sedimentation ponds will be required to accommodate peak flows of water runoff. Newly constructed stormwater sedimentation ponds will be required to meet pond design standards of the Nationwide Urban Runoff Program (NURP).
- Monitor actions of the Vermillion River Watershed JPO and North Cannon River WMO to insure that local interests are addressed in a coordinated and equitable manner.
- Develop goals and policies related to the prevention of agricultural runoff and water quality, including educational programs in cooperation with the Dakota Soil and Water Conservation District.
- Use MPCA's urban "Best Management Practices" (currently titled "Protecting Water Quality in Urban Areas") for all new or redeveloped land developments.
- Incorporate stormwater management practices and regulations through amendments to local zoning ordinances or separate ordinances, consistent with watershed plans and standards.
- Require and review Stormwater Pollution Prevention Plans (SWPPP) that provide preventive measures for erosion and sedimentation related to proposed development.
- Require and review NPDES Construction Permit documentation for all land disturbances exceeding one acre in area.
- Require development proposals to include measures for preventing erosion, minimizing site alteration, minimizing and improving the quality of runoff, and addressing view impacts during and after construction.
- Prohibit development on slopes greater than 18%
- Encourage development to conform to the natural limitation of the topography and soil so as to create the least potential for soil erosion.

- Proposed extraction operations shall be required to submit permit documentation and land reclamation plans consistent with standards outlined in local ordinances.
- If erosion is resulting from an agricultural operation, the Soil and Water Conservation District should be consulted regarding possible corrective or preventive measures.
- Work with the Vermillion River Watershed JPO and the North Cannon River WMO and member communities to adopt, implement, and update local water management plans and ordinances.
- Work with the Dakota Soil and Water Conservation District to enhance education and programs related to the prevention of agricultural runoff and water quality.
- Utilize services through the Soil and Water Conservation District to review predevelopment in steep sloped areas, wet soils, and high water table areas.
- Wet soils and high water table areas will be regulated through the Zoning Ordinance.
- Establish and enforce standards and regulations restricting the clear cutting of woodland areas.
- Maintain the joint management program for individual sewage treatment systems that includes:
 - ◆ Design, construction, and inspection of new systems;
 - ◆ Record keeping of existing systems;
 - ◆ Pumping and inspection of systems every three years;
 - ◆ Repair or replacement of systems found to be an imminent public health threat or failure.
- Require ISTS inspectors to maintain adequate training and certification regarding updated installation techniques and regulations relating to individual sewage treatment systems.
- Require existing individual sewage treatment systems that need to be expanded or replaced to meet the standards of MPCA Rules Chapters 7080-7083, as amended, and Dakota County Ordinance #113 standards and regulations. Only alternative systems identified in MPCA Chapter 7080 will be allowed in the communities.
- Update local ordinances to incorporate amended MPCA Rules Chapters 7080-7083 standards.

The Rural Collaborative members will individually decide after the approval of the Rural Collaborative Local Water Management Plan by the VRWJPO whether to adopt and implement the Plan in order to retain local water permitting authority. If implementation and permitting is pursued, each community must adopt the Collaborative Plan within 120 days of VRWJPO approval and must adopt a local water resources ordinance consistent with VRWJPO Standards within 180 days of VRWJPO Collaborative Plan approval. In addition, Empire Township must maintain its requirements as a Municipal Separate Storm Sewer System (MS4) community. Empire has adopted a Stormwater Pollution Prevention Program as part of its NPDES Phase II permit and has met its annual program requirements.

Collaborative communities which seek to retain local government unit (LGU) permitting authority must monitor land disturbance thresholds, water resource setbacks, and water resource buffering standards which trigger water resources permitting in addition to local zoning review and permitting. Water resource permitting will require the following general review procedures for each resource area:

Wetland Alterations	LGU must follow Wetland Conservation Act and VRWJPO Wetland Alteration Standards for any impacts
Floodplain Alteration	LGU (cities or Dakota County) must follow Minnesota Rule Chapter 6120 or city ordinance or Dakota County Ordinance # 50 and VRWJPO Floodplain Alteration Standards
Wetland/River Buffers	LGU must be consistent with VRWJPO Buffer Standards
Stormwater Management	LGU must require Stormwater Pollution Prevention Plan (SWPPP) for non-exempted land disturbances over 1 acre in area and NPDES General Construction Permit; for disturbances creating more one acre of impervious surface LGU must also require calculations on runoff volumes and rates, runoff temperature control, ponding design, and operating standards in compliance with VRWJPO Stormwater Management Standards
Drainage Alteration/Diversion	LGU must follow VRWJPO Standards, including overlapping requirements

Collaborative communities which seek to retain LGU authority will establish a permitting system with fees and escrow requirements to enable them to hire competent professionals to assist in the review of permit requirements, review of applicant documentation, approve permits, perform inspections and monitoring as warranted, and maintain records. As a rule, Collaborative LGUs will follow basic criteria for determining the potential need for water resource permits and professional assistance, including but not limited to:

- Is the land disturbance in the floodplain or within 150 feet of the Vermillion River, its tributaries or other water courses?
- Is the land disturbance within 50 feet of a wetland?
- Is the land disturbance over one acre in area?
- Is the land disturbance other than an exempted activity (e.g. agricultural)?

If the answer is yes to any of the basic questions , the LGU must more carefully review its water resources ordinance to determine the need for permitting or refer the matter to its consultant.

5.1 Capital Improvement Plan

None of the Collaborative communities have any physical improvement projects related to water resources planned at this time. Because of the taxing authority of the VRWJPO and cost share policies listed below, Collaborative communities will not budget for any specific expenditures within the Watershed unless initiated by the community or notified by the VRWJPO that a local project requires financial participation. The Collaborative communities adopt the Implementation Program of the VRWJPO by reference, as applicable and relevant in the collaborative area. Changes and amendments to the VRWJPO Implementation Program may be considered by the JPO at any time and may require action by Collaborative communities or an amendment to the Collaborative Plan.

Feasibility studies, area assessments, capital projects, monitoring, and public outreach Tasks by the VRWJPO are outlined in Appendix 1 (Table 8.1). The estimated costs and timeframe for the VRWJPO Tasks are identified in Appendix 2 (Table 8.2), expressed in 2004 dollars,

and will be adjusted annually in accordance with an inflation index (i.e., the Engineering News Record's Construction Cost Index). The VRWJPO will consider certain increases in estimated project costs (as annually adjusted) to be consistent with the VRWJPO Plan and not require a minor or general plan amendment. If the cost of a capital improvement project in Appendix 2 (Table 8.2) increases by more than this amount, the VRWJPO will follow the minor plan amendment process before implementing the project. The VRWJPO may implement the activities and projects listed in Appendix 2 (Table 8.2) at a different time than shown in the table (e.g., year 2007 rather than 2009), as circumstances dictate. For example, the availability of grants and partnerships could result in either acceleration or delay of projects.

The VRWJPO will consider any changes to estimated costs for monitoring activities, assessments, studies and other non-structural projects to be consistent with the VRW Plan and not require a minor or general plan amendment.

The VRWJPO may establish special subtaxing districts to collect funds to cover its cost to implement the permitting program in communities where the VRWJPO has permitting authority. As an alternative to setting up special subtaxing districts, the VRWJPO will consider collecting permit fees to offset the costs of implementing the permitting program.

The VRWJPO will establish special subtaxing districts to cover the VRWJPO's cost of implementing the permitting program. Most non-structural activities (e.g., monitoring, studies) will be funded through a VRWJPO ad valorem tax over the entire Watershed. The VRWJPO must adopt a budget for the following year before September 1 of each year and submit its budget to Dakota and Scott Counties prior to the date by which the counties establish their maximum levy pursuant to Minn. Stat. § 275.065, Subd. 1, (usually September 15). The final budget amount is approved by Dakota and Scott Counties in December, at which time the final amount can be less than, but not more than the budget amount approved in September.

Non-capital projects/activities, capital projects that benefit the entire watershed, and capital projects less than \$500,000, will be funded through a VRWJPO ad valorem tax over the entire Watershed. For capital projects that benefit some parts of the Watershed more than others, the VRWJPO may consider distributing the costs (or a portion of the costs) on a subwatershed basis.

5.2 VRWJPO Cost Sharing Policy

The VRWJPO's cost sharing policy provides guidance regarding the cost sharing between the VRWJPO and its potential partners for various watershed management efforts within the Vermillion River Watershed. The policy reflects a presumed level of watershed benefit and local benefit accruing from various types of projects or activities, based on the VRWJPO's priorities for improvement. The VRWJPO will base its participation in a particular proposed project on an evaluation of other factors, including:

- Budgeting
- Available funding
- Merit
- Feasibility

- Risk
- Consideration of other proposed projects.

PRIORITIES FOR IMPROVEMENT

The VRWJPO's highest priorities for improvements within the watershed are:

- Protecting and preserving the conveyance capacity of the Vermillion River and its primary tributaries: the South Branch; Etter Creek; and North, Middle and South Creeks.
- Completing TMDL analyses on those water resources identified by the MPCA as impaired.
- Achieving required pollutant load reductions identified in approved TMDLs (e.g., addressing failing ISTS).
- Establishing buffers for water quality improvement in riparian areas.
- Correcting existing erosion problems in the main stem and its primary tributaries.
- Reducing flooding in areas with known flooding problems.
- Preserving and improving habitat and suitable stream conditions in those portions of the main stem and its primary tributaries designated by the Minnesota DNR as trout streams, through in-stream actions and actions throughout the watershed (e.g., thermal protection measures).
- Restoring streambank native vegetation.
- Increasing flood storage in critical subwatersheds.
- Delineating flood zones on the primary tributaries where they have not been delineated or mapped.
- Addressing surface water impacts on water supply aquifers.

The next level of priorities for improvement are:

- Restoring riparian native vegetation within buffer zones.
- Acquiring public easements in critical flood storage and groundwater recharge areas.
- Promoting agricultural and urban BMPs that reduce erosion and sedimentation, herbicide and pesticide application, manure, and other nutrients/pollutants, and exclude livestock.
- Enhancing wildlife habitat.
- Protecting river and stream navigability.
- Improving public access to the Vermillion River and other public waters.
- Addressing non-TMDL water quality concerns.

WATERSHED BENEFIT

Watershed benefit is defined as achieving in whole or part a high-priority watershed need as described in this policy.

The VRWJPO's policy is that any project or activity not included under this policy is of local benefit and should be funded by the benefiting or proposing local government(s). Routine maintenance, required mitigation, land acquisition, and storm drainage system construction are

generally of local benefit, except and unless those activities are an integral component of a project previously defined as a watershed priority need and inclusion of those items is approved by the VRWJPO Joint Powers Board.

COST SHARING POLICY

1. For those projects listed in this policy as being of highest VRWJPO priority, the study, analysis, design, construction, and implementation of such projects or activities are determined to be of watershed-wide benefit.
 - The cost of study, analysis, and design of projects or activities will be funded up to 100 percent by the VRWJPO for projects or activities on public property, or within the streambanks of the main stem and the primary tributaries.
 - The cost of study, analysis, and design of projects or activities on private property will be eligible for funding from the VRWJPO up to 50 percent of the total cost. Requirements of funding include execution of any required easements as well as execution of a ten-year maintenance agreement.
 - Construction or implementation activities will be funded up to 100 percent by the VRWJPO for projects or activities on public property or within the streambanks of the main stem and the primary tributaries with the exception of flood storage projects. The VRWJPO will fund up to 25 percent of the cost of regional flood storage projects that have a demonstrable flood storage benefit to the watershed.
 - Construction or implementation activities on private property will be eligible for funding from the VRWJPO up to 50 percent of the total cost. Requirements of funding include execution of any required easements as well as execution of a ten-year maintenance agreement.

2. For those projects listed in this policy as being of the next highest level of VRWJPO priority: study, analysis, design, construction, and implementation of projects or activities are determined to be of partial watershed-wide benefit.
 - Study, analysis, and design of projects or activities will be funded up to 50 percent by the VRWJPO for projects or activities on public property or within the streambanks of the main stem and the primary tributaries. The balance of funding is the responsibility of the benefiting or proposing local government(s).
 - The cost of study, analysis, and design of projects or activities on private property will be eligible for funding from the VRWJPO up to 25 percent of the total cost. Requirements of funding include execution of any required easements as well as execution of a ten-year maintenance agreement.
 - Construction or implementation activities will be funded up to 50 percent by the VRWJPO for projects or activities on public property or within the streambanks of the main stem and the primary tributaries. The balance of funding is the responsibility of the benefiting or proposing local government(s).
 - Construction or implementation activities on private property will be eligible for funding from the VRWJPO up to 25 percent of the total cost. Requirements of funding include execution of any required easements as well as execution of a ten-year maintenance agreement.

By agreement of a majority of its members the VRWJPO Joint Powers Board may choose to participate in the cost of other projects or activities not comprehended in this policy, or may adjust the level of VRWJPO funding for a project.

5.3 Impact of Collaborative Plan Implementation on Residents

Implementation of the Rural Collaborative Plan will include the establishment of permit requirements, including fees that may not have previously existed. Whether the Collaborative communities or the VRWJPO act as LGU, the implementation of the Collaborative Plan and water resource management ordinance or the VRWJPO Plan and Standards would have the same basic impact. Collaborative communities or the VRWJPO, whichever is the LGU, will also be establishing new setback and buffering standards from wetlands and water courses. In some instances these are viewed as additional burdens on land owners. At the present time, the VRWJPO implements an ad valorem tax for administration of the JPO, ongoing feasibility studies, and monitoring programs. The VRWJPO also has the authority to establish subtaxing districts to generate additional funding for special projects within individual communities or to recover costs where the VRWJPO has permitting authority. The preparation and implementation of the Collaborative Plan will not increase or accelerate any potential financial impacts on its general taxpayers.

5.4 Collaborative Plan Amendment Process

The Dakota County Rural Collaborative Local Water Management Plan shall be the official local water management plan for the collaborative member communities that formally adopt it within 120 days of the approval of the plan by the VRWJPO. The Collaborative Plan was approved by the VRWJPO Joint Powers Board on October 23, 2008. Amendments to the Collaborative Plan will be required at a point in the future when the VRWJPO adopts a new watershed plan or amends the November 2005 VRWJPO Plan to the extent warranting amendments to local water management plans. Amendments to the Collaborative Plan may also be initiated by the collaborative member communities. Whether mandatory or discretionary, any amendments to the Collaborative Plan will only occur according to the following procedures.

Collaborative member communities must jointly prepare and approve any amendments to the Collaborative Plan. Such amendments must be forwarded concurrently to the Metropolitan Council for comment and the VRWJPO for review. The Metropolitan Council shall have 45 days to submit its comments to the collaborative member communities and the VRWJPO. The VRWJPO shall have 60 days to review the amendment for consistency with the VRWJPO Plan. If the VRWJPO Joint Powers Board approves the Collaborative Plan amendment, collaborative member communities shall have 120 days to adopt the Collaborative Plan amendment. Any local regulatory controls required to be updated as a result of the Collaborative Plan amendment shall be adopted within 180 days of the approval of the amendment by the VRWJPO Joint Powers Board.