

# NORTH CANNON RIVER



## WATERSHED MANAGEMENT ORGANIZATION

### PUBLIC HEARING ON DRAFT WATERSHED PLAN AND

### BOARD OF MANAGERS MEETING

Wednesday, February 1, 2023 at 7:00 pm

**Eureka Town Hall**

25043 Cedar Avenue, Farmington, Minnesota 55024


### Public Hearing on the Draft NCRWMO Watershed Management Plan (60 Day)

Audience members may address the Board with comments on the 60 day Plan.

### Regular Board Meeting

1. **Call to Order**
2. **Approval of Agenda**
3. **Election of Officers**
4. **Audience**  
*Anyone in the audience wishing to address the Board regarding an item that is not on the agenda may come forward at this time.*
5. **Consent Agenda**
  - 5.1 November 16, 2022 Meeting Minutes\*
  - 5.2 Invoices for Payment\*
  - 5.3 Year-end Financial Summary\*
6. **New Business**
  - 6.1 NCRWMO Watershed Plan Update
    - 6.1.1 Response to comments received during 60 day\*
    - 6.1.2 Approval to revise Plan and submit for 90 day BWSR review
  - 6.2 Overview of the Environmental Impact Statement (EIS) process\*
  - 6.3 Adopt Data Practices Policies\*
  - 6.4 Approve 2022 Annual Report\*
7. **Agenda Items and Location for April 12, 2023 Meeting**
8. **Member Community Reports**
9. **Adjournment**

\* Indicates that support materials are included within the packet



Serving the Communities of: Castle Rock Township, Douglas Township, Eureka Township, Greenvale Township, Hampton Township, Randolph Township, Sciota Township, Waterford Township, City of Miesville, City of New Trier, and the City of Randolph

# NORTH CANNON RIVER



## WATERSHED MANAGEMENT ORGANIZATION

### DRAFT MINUTES

### BOARD OF MANAGERS

November 16, 2022  
7:00 p.m.  
Castle Rock Township Hall  
2537 240<sup>th</sup> St W  
Farmington, MN 55024

#### NCRWMO Managers Present:

Jeff Reed	Douglas Township
Wayne Peterson	Greenvale Township
Greg Langer	Greenvale Township
Dan Peine	Hampton Township
Don Dinesen	Randolph Township
Nancy Sauber	Eureka Township
Sandy Weber	Castle Rock Township
Tony VanDeSteege	Sciota Township

#### Others Present:

Ashley Gallagher, Dakota County SWCD Staff  
Jayne Hager Dee, Dakota County SWCD Board  
Steve Christopher, BWSR Board Conservationist  
Mark Henry, Castle Rock Resident

#### 1. Call to Order

Chair Weber called the meeting to order at 7:00 p.m.

#### 2. Approval of Agenda

**Motion** by Langer, second by Reed to approve the agenda. Motion carried.

#### 3. Audience

Weber asked if there was anyone in the audience that wished to address the Board on an item that is not on the agenda. No one appeared.

#### 4. Consent Agenda

##### 4.1 July 20, 2022 Meeting Minutes

##### 4.2 Invoices for Payment

##### 4.3 Year-to-Date Financial Summary

**Motion by** Sauber, second by Reed to approve consent agenda. Motion carried.

#### 5. New Business

##### 5.1 Approve Draft Watershed Plan for 60-Day Review

All managers received a copy of the draft plan during internal review, and recently received a copy of the updated Plan based upon changes made during internal review. The changes were minor in nature. Comments were received from BWSR, DNR, Freshwater, Dakota County, and SWCD. A few people commented that they had no comments. Gallagher scrolled through a few of the changes that were made in the document.

The process from here is to release the Draft Plan for 60-day agency review. When the comment period closes, there needs to be written responses to all comments. They must be posted 10 days prior to the public hearing. Public hearing would be held before the regularly scheduled meeting on February 1, 2023. Pending no major comments at the public hearing, the Draft Plan could be approved for 90-day review at the February meeting.

**Motion by** Sauber, second by Peine to approve the Draft Watershed Plan for 60-Day review. Motion carried.

BWSR staff mentioned that authority should be given to staff to respond to the comments.

**Motion by** Sauber, second by Reed to authorize staff to respond to 60-day comments. Motion carried.

## 5.2 Approve 2023 Budget and Dues

Gallagher reviewed the draft budget. Changes from previous year include an increase in the SWCD hourly rate from \$85 to \$90. Watershed Plan budget was decreased because most of the work on the Plan was completed in 2022. Other programs remain in the budget including Landscaping for Clean Water, Agricultural cost share which helps as grant match, and the Wetland Health Evaluation Program which helps meet Education & Outreach goals. There was a slight increase in water monitoring due to staff costs and the addition of chloride sampling. The budget balances due to use of general reserve funds. Question was asked if this meant dues would need to increase in the future. Won't necessarily have to if other budget items come in under budget. There is no fund balance policy, the Board could consider a policy in the future.

There was a question about dues and why they changed. The dues amount of \$40,000 remains the same as 2022, and the equation for calculating dues never changes as it is written in the Joint Powers Agreement. What is updated annually is the Tax Capacity of each member. This information is generated by the County Assessor's Office and is posted online for anyone to see. That is why there are slight shifts in each member's dues.

**Motion by** VanDeSteege, second by Sauber to approve the 2023 budget and dues. Motion carried.

## 5.3 Approve 2023 Workplan with SWCD

Most changes to the workplan were discussed during review of the budget. Upon NCRWMO approval of the workplan, it will go to the SWCD Board for approval, then the entities will enter into a Joint Powers Agreement.

**Motion by** Reed, second by Langer to approve the 2023 workplan with SWCD. Motion carried.

## 5.4 Review 2021 Water Monitoring Report

Gallagher reviewed the report. It takes time to analyze data which is why this is the 2021 report. A few edits were noted. Question as to how this report is used or distributed. It is posted online so anyone has access. However, report is not widely distributed, someone likely has to be looking for it to find it on the website. There were also questions about how flow affects monitoring. There is routine sampling and then there is runoff event sampling. This is factored into analysis. Monitoring done after a large rain event is not going to be considered an average condition. Discussions about dry conditions this year in 2022 and how that will factor into water monitoring results. This led to discussion on floodplains, and how they are determined. It was suggested that Dee McDaniels could come to a NCRWMO meeting to cover shoreland ordinance and floodplains.

## 5.5 Review 2022 Landscaping for Clean Water (LCW) Summary

The watershed organizations across the county all contribute to the program. Through this program homeowners learn about water quality, design a project and can apply for a \$250 grant to install their project. Projects through LCW are raingardens, native plantings, or shoreline plantings. NCRWMO had two interested homeowners who applied but did not install projects this year. They may apply in future years. There is a \$25 fee to the homeowner to participate in the design workshops, this pays for materials provided. The dates for 2023 are currently being set,

Gallagher will send 2023 LCW schedule to NCRWMO when finalized so members can promote the LCW program in their communities.

**5.6 Delegate Data Practices Authority**

At the last meeting the Board took action on an item related to data practices, which was the records retention schedule. NCRWMO should also have updated Data Practices Policies. Gallagher is coordinating with the attorney on the draft policies and will bring the policies to the next meeting. For this meeting the Board should delegate a responsible authority. It is recommended that the Administrator be the authority. This means that any request must go through the responsible authority, and the responsible authority can then coordinate with legal counsel.

**Motion by** Sauber, second by VanDeSteeg to have Ashley Gallagher, Administrator, or successor as the responsible authority. Motion carried.

**5.7 Approve 2023 Meeting Schedule**

Meetings roughly follow the same schedule as 2022. Locations determined at meeting prior.

**Motion by** Peine, second by Langer to approve the 2023 meeting schedule. Motion carried.

**6. Agenda Items and Location for February 1, 2023 Public Hearing and Regular Meeting**

Eureka Township volunteered to host. Potential agenda items include floodplains/shoreland. There was also discussion on the proposed mine in Waterford Township. There will be an Environmental Impact Statement (EIS), which allows for public comment. SWCD and Dakota County are currently working with a consultant to review existing mining ordinances. Consultant will provide a model ordinance that local governmental units may choose to adopt or not adopt. A summary on this ordinance project and an overview of the EIS process could be provided at the next NCRWMO meeting.

**7. Member Community Reports**

No reports.

**8. Adjournment - Motion by** Sauber, second by VanDeSteeg to adjourn the meeting. Motion carried. Meeting adjourned at 7:50 p.m.



# Dakota County Soil & Water Conservation District

4100 220th Street West, Ste 102  
Farmington, MN 55024  
(651) 480-7777  
DakotaSWCD.Accounting@CO.Dakota.MN.US

# Invoice

DATE	INVOICE #
12/31/2022	3259

BILL TO					
North Cannon River WMO Frank Wergin, Treasurer 30468 Canada Avenue Northfield, MN 55057		Agreement		BILLING PERIOD	TERMS
		2022 Agreement		Oct - Dec 2022	Net 30 Days
DESCRIPTION		HRS/COUNT	RATE	AMOUNT	
ADMINISTRATIVE ASSISTANCE					
Board Meetings, Financial Reporting, Correspondence and Coordination, Watershed Management Plan and Website Administration.		73.5	85.00	6,247.50	
Paper, Printing and Postage		1	25.00	25.00	
TECHNICAL ASSISTANCE					
Water Monitoring & Reporting		26	85.00	2,210.00	
Water Monitoring Supplies		1	21.13	21.13	
Water Monitoring Lab Analysis		1	659.75	659.75	
ADVOCACY, EDUCATION AND OUTREACH STRATEGIES					
COST SHARE PROGRAM					
Landscaping for Clean Water Grants:					
Landscaping for Clean Water Technical Assistance					
Cost Share Program: Randy Peine 22-IPP-41		1	1,000.00	1,000.00	
Randy Peine Technical Assistance		1	333.33	333.33	
It's been a pleasure working with you!			Total	\$10,496.71	



# Dakota County Soil & Water Conservation District

4100 220th Street West, Ste 102  
Farmington, MN 55024  
(651) 480-7777  
DakotaSWCD.Accounting@CO.Dakota.MN.US

# Invoice

DATE	INVOICE #
12/31/2022	3260

BILL TO					
North Cannon River WMO WBF Grant Frank Wergin, Treasurer 30468 Canada Avenue Northfield, MN 55057		Agreement		BILLING PERIOD	TERMS
		NCR FY19 WBF		Oct - Dec 2022	Net 30 Days
DESCRIPTION		HRS/COUNT	RATE	AMOUNT	
GRANT ADMINISTRATION					
at BWSR Hourly Rate (see backup)		1	73.00	73.00	
		0.5	68.00	34.00	
PROJECT DEVELOPMENT		0		0.00	
AGRICULTURAL PRACTICES:					
Project 22-IPP-41 R. Peine Sediment & Control Basin		1	4,422.30	4,422.30	
Project 22-IPP-32 D. Peine Cover Crops		1	3,500.00	3,500.00	
Technical Assistance for 22-IPP-32		1	270.50	270.50	
(3.5 Hours @ BWSR Billable Rate)					
SUBWATERSHED ANALYSIS					
DRAINAGE WATER MANAGEMENT					
(18 Hours at BWSR Hourly Rate)		5	73.00	365.00	
		6	111.00	666.00	
		3	95.00	285.00	
		4	91.00	364.00	
It's been a pleasure working with you!			Total	\$9,979.80	

**CAMPBELL KNUTSON**  
**Professional Association**  
**Attorneys at Law**  
**Federal Tax I.D. #41-1562130**  
**Grand Oak Office Center I**  
**860 Blue Gentian Road, Suite 290**  
**Eagan, Minnesota 55121**  
**(651) 452-5000**

North Cannon River WMO  
Attn: Ashley Gallagher, Admin.  
Ashley.Gallagher@co.dakota.mn.us

Page: 1  
November 30, 2022  
Account # 3498-0000G  
7

RE: GENERAL MATTERS  
SERVICES RENDERED TO DATE:

			HOURS	
11/03/2022	JJM	Review data practices policy.	0.50	82.50
11/09/2022	JJM	Emails re: data practice policies.	0.30	49.50
11/10/2022	JJM	Telephone call re: data practices policies; draft data practices policy for the public.	2.80	462.00
11/11/2022	JJM	Draft data practices policies.	4.20	693.00
11/14/2022	JJM	Receive and respond to email re: data practices policies.	0.20	33.00
		AMOUNT DUE	8.00	1,320.00
		TOTAL CURRENT WORK		1,320.00
		PREVIOUS BALANCE		\$224.00
07/27/2021		Payment - thank you		-224.00
		TOTAL AMOUNT DUE		<u>\$1,320.00</u>

Amounts due over 30 days will be subject to a finance charge of .5% per month (or an annual rate of 6%). Minimum charge - 50 cents.

\$500.00



## North Cannon River Watershed Management Organization

January 1, 2022 to December 31, 2022

## Balance Sheet

**Assets**

Cash in Checking	\$1,096.20
Cash in Savings	\$26,514.06
Certificate of Deposit 11236	<u>\$0.00</u>
<b>Total Cash:</b>	<b>\$27,610.26</b>

Accounts Receivable	\$0.00
Accounts Receivable WBF Grant	\$13,912.51
<b>Total Assets:</b>	<b><u>\$41,522.77</u></b>

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**Liabilities and Equity**

Accounts Payable	\$11,816.60
Accounts Payable WBF Grant	<u>\$9,979.80</u>
	\$21,796.40

<b>Grant Funds Deferred</b>	<b>\$0.00</b>
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**Equity**

General Fund Balance January 1	\$43,830.91
Fund Balance Reserved for WP (Expended)	\$0.00
Net Surplus / (-) Deficit	<u>-\$24,104.54</u>
<b>Total Equity:</b>	<b>\$19,726.37</b>

<b>Total Liabilities and Equity:</b>	<b><u>\$41,522.77</u></b>
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5.3 Year-End Financial Summary

North Cannon River Watershed Management Organization  
January 1, 2022 to December 31, 2022  
Watershed Based Funding Grant

WBF Grant	2018 Activity	2019 Activity	2020 Activity	2021 Activity	January 19 2022	April 20 2022	July 20 2022	Nov 16 2022	Final Entries	Annual Total	Cumulative Total	Budget
Grant Funds Received	\$68,260.00	\$0.00	\$0.00	\$0.00	\$54,608.00	\$0.00	\$0.00	\$0.00	\$0.00	\$54,608.00	\$122,868.00	\$136,520.00
<b>Expenses</b>												
Grant Administration	\$88.31	\$246.95	\$449.44	\$1,914.24	\$0.00	\$0.00	\$662.00	\$527.50	\$107.00	\$1,296.50	\$3,995.44	\$5,726.00
Project Development	\$0.00	\$475.26	\$1,082.04	\$13,521.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15,078.63	\$14,785.00
Agricultural Practices												
Not-Structural Practices	\$0.00	\$38,325.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,500.00	\$3,500.00	\$41,825.00	\$38,325.00
Structural Practices	\$0.00	\$0.00	\$0.00	\$30,375.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,422.30	\$4,422.30	\$34,797.30	\$34,014.00
Technical Engineering	\$0.00	\$2,396.80	\$0.00	\$747.96	\$0.00	\$10,068.71	\$0.00	\$0.00	\$270.50	\$10,339.21	\$13,483.97	\$13,020.00
Subwatershed Analysis	\$465.90	\$3,432.74	\$2,531.48	\$16,221.01	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$22,651.13	\$23,650.00
Drainage Water Management	\$294.35	\$313.25	\$446.22	\$2,075.66	\$0.00	\$0.00	\$111.00	\$0.00	\$1,680.00	\$1,791.00	\$4,920.48	\$7,000.00
Drainage Water Management Exp	\$0.00	\$0.00	\$0.00	\$28.56	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$28.56	\$0.00
Total Expenses:	\$848.56	\$45,190.00	\$4,509.18	\$64,883.76	\$0.00	\$10,068.71	\$773.00	\$527.50	\$9,979.80	\$21,349.01	\$136,780.51	\$136,520.00
Grant Balance:	\$67,411.44	\$22,221.44	\$17,712.26	-\$47,171.50	\$72,320.26	\$62,251.55	\$61,478.55	\$60,951.05	\$50,971.25		-\$13,912.51	

## 5.3 Year-End Financial Summary

### North Cannon River Watershed Management Organization

January 1, 2022 to December 31, 2022

#### Revenue and Expense Summary

General Fund	Jan 19 2022	April 20 2022	July 20 2022	Nov 16 2022	Final Entries	Annual Total	2022 Budget
<b><u>Revenues</u></b>							
Member Allocations	\$40,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40,000.00	\$40,000.00
Interest - Savings Account	\$10.41	\$15.31	\$0.00	\$11.68	\$9.82	\$47.22	\$50.00
Interest - CD	<u>\$15.79</u>	<u>\$15.30</u>	<u>\$15.83</u>	<u>-\$36.41</u>	<u>\$0.00</u>	<u>\$10.51</u>	<u>\$250.00</u>
<b>Total Revenues:</b>	<b>\$40,026.20</b>	<b>\$30.61</b>	<b>\$15.83</b>	<b>-\$24.73</b>	<b>\$9.82</b>	<b>\$40,057.73</b>	<b>\$40,300.00</b>
<b><u>Expenses</u></b>							
Administrative Services	\$0.11	\$0.00	\$5,047.50	\$7,402.50	\$4,744.89	\$17,195.00	\$15,350.00
Administrative Services - WM Plan	\$0.00	\$0.00	\$3,017.50	\$3,612.50	\$2,847.50	\$9,477.50	\$6,800.00
Organizational Dues	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00	\$500.00
Advocacy, Education, Outreach	\$0.00	\$0.00	\$0.00	\$2,700.00	\$0.00	\$2,700.00	\$2,125.00
Education and Outreach GF	\$0.00	\$0.00	\$0.00	\$42.50	\$0.00	\$42.50	\$2,700.00
CS-Agricultural Projects	\$0.00	\$0.00	\$0.00	\$2,666.66	\$1,333.33	\$3,999.99	\$4,000.00
CS-Landscaping for Wtr Quality	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,000.00
Water Quality Monitoring	\$0.00	\$0.00	\$380.13	\$1,202.27	\$2,890.88	\$4,473.28	\$9,200.00
4th Generation WM Plan	\$3,538.00	\$7,480.00	\$8,818.00	\$5,938.00	\$0.00	\$25,774.00	\$25,000.00
5th Generation WM Plan	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,500.00
<b>Total Expenses:</b>	<b>\$4,038.11</b>	<b>\$7,480.00</b>	<b>\$17,263.13</b>	<b>\$23,564.43</b>	<b>\$11,816.60</b>	<b>\$64,162.27</b>	<b>\$70,175.00</b>
<b>Net Surplus / (-) Deficit</b>	<b><u>\$35,988.09</u></b>	<b><u>-\$7,449.39</u></b>	<b><u>-\$17,247.30</u></b>	<b><u>-\$23,589.16</u></b>	<b><u>-\$11,806.78</u></b>	<b><u>-\$24,104.54</u></b>	<b><u>-\$29,875.00</u></b>



Ecological and Water Resources  
1200 Warner Road  
St. Paul, MN 55106

January 15, 2023

North Cannon River Watershed Management Organization  
Ashley Gallagher, Senior Resource Conservationist Dakota SWCD (WMO Administrator)  
4100 220<sup>th</sup> Street West  
Farmington, MN 55024

Dear Ashley,

Thank you for the opportunity to provide comments on the North Cannon River Watershed Management Organization (WMO) Watershed Management Plan. Our Area Hydrologist, Taylor Huinker, participated in the Technical Advisory Committee for this plan and finds that the plan incorporates many of the priority concerns brought forward by the Department of Natural Resources (DNR) in the initial comment letter. The DNR commends North Cannon River WMO on including climate change as an emerging issue. More information on climate trends and current conditions within the North Cannon River Watershed can be found using the [Minnesota Climate Trends Tool](#). Another DNR resource you may find useful is a nearly final report called an Evaluation of Hydrologic Change (EHC), which utilizes the Welch gauge on the Cannon River. The EHC can be a resource to understand a changing hydrology in the watershed and is designed to inform resource management decisions through the assessment of hydrologic changes within the watershed. We will be happy to share it with you when complete or upon request.

Although the Watershed Management Plan contains many of the priority concerns brought forward by the DNR, the plan could be improved with suggestions below:

**Section 3.0 Issue Assessment Prioritization and Measurable Goals**

The prioritization contains two separate rankings. Although the rationale for two priority rankings is outlined in the plan, the resulting two lists appear to contradict each other. We suggest limiting the priority ranking to the resource ranking only, to strengthen the targeting and give order to importance of projects.

**Section 5. Implementation Program**

- a. **BMP Table.** There are many great best management practices (BMP's) listed along with reduction goals by action. As laid out, the implementation schedule is more of an even rotation of sub-watersheds, instead of need based. Defining more precise locations for the BMP's and targeting of sub-watersheds by resource needs would provide for clearer prioritization.

b. **Implementation Table - Actions.** The implementation table contains stream and shoreline protection and restoration of 400 linear feet. There is potential to increase the number of targeted feet, especially as a form of protection on trout streams. Over a period of ten years, 400 feet of shoreline protection and restoration is easily achievable. As an example, Trout Brook through Miesville Ravine is an incised stream and provides large opportunities for more bank protection and restorations. Also on Trout Brook, a fish passage barrier has been identified as a possible stream improvement project. The crossing of Trout Brook at Miesville Trail has a 2.5 foot drop, causing a wide scour pool immediately downstream (seen in Figure 2-16 in the management plan). Designing a stream crossing for fish passage while maintaining sediment balance is important. This can be achieved by but not limited to:

- Matching culvert width to bankfull stream width
- Setting culverts to same slope as the stream
- Creating offset culvert(s) for flood flows
- Aligning culverts with the stream channel
- Burying culverts to allow for a natural substrate

Thank you again for including the DNR on the Technical Committee and for the opportunity to review and comment on the updated plan. Please feel free to contact Taylor Huinker with any questions on these review comments. We look forward to working with the North Cannon River Watershed Management Organization on implementation of the plan.

Sincerely,



Megan Moore

Central Region EWR South District Manager

CC: Steve Christopher, BWSR Board Conservationist  
Anne Sawyer, BWSR Board Conservationist  
Jeffery Berg, Minnesota Department of Agriculture  
Travis Hirman, Minnesota Department of Agriculture  
John Freitag, Minnesota Department of Health  
Maureen Hoffman, Metropolitan Council  
Jeff Risberg, Minnesota Pollution control Agency  
Jason Swenson, PE., Minnesota Department of Transportation  
Dan Lais, Central Region EWR District Manager;  
Jack Gleason, Central Region South District Hydrologist Supervisor  
Taylor Huinker, South Metro Area Hydrologist  
David De Paz, Acting South Metro Area Hydrologist



**Metro District, Water Resources Engineering  
Waters Edge**  
1500 W. County Road B-2  
Roseville, Minnesota 55113

Office Telephone: (651) 234-7539

January 18, 2023

Ashley Gallagher, Administrator via Dakota County SWCD  
c/o Dakota Soil and Water Conservation District  
4100 220<sup>th</sup> Street West Suite 102  
Farmington, MN 55024

RE: 60-Day Review: DRAFT North Cannon River Watershed Management Organization  
Watershed Management Plan

Dear Ashley Gallagher,

MnDOT Metro Water Resources Engineering (WRE) has completed the 60-day review of the 4<sup>th</sup> Generation North Cannon River Watershed Management Organization's (NCRWMO) Watershed Management Plan (Plan) dated November 2022. We thank the NCRWMO for allowing us to participate in the development and review of the plan.

We respect that the comment period officially ended on January 16, 2023. However, MnDOT provides these comments for your use and believes they are not significant comments overall.

We offer the following comments to help improve the plan and its contents:

1. Page 9: Acronyms: MnDOT is listed in the acronym table, but the acronym does not appear to be used anywhere within the document. As such, we suggest that it may be removed entirely from the table.
2. Page 36: This page contains the statement: *"Due to the lack of urban areas in the Watershed, stormwater infrastructure such as treatment ponds and underground stormwater pipes is limited."* MnDOT notes that it owns and operates a not insignificant number of culverts and storm sewers throughout the Trunk Highways that cross the watershed, such as MN 3, MN 20, MN 50, US 52, MN 56, and US 61. MnDOT is willing to share information regarding its assets upon request. While not as intense of a network as may be found in more urbanized areas, MnDOT recognizes its systems play a role. For the purposes of this plan, no changes are necessary. In order to obtain this information, you may contact either the MS4 Engineer, Jason Swenson at 651-234-7539 or [jason.swenson@state.mn.us](mailto:jason.swenson@state.mn.us) or the MS4 Asset Management Specialist, Adam Schramka, at 651-234-7544 or [adam.schramka@state.mn.us](mailto:adam.schramka@state.mn.us).



Thank you for including MnDOT in your plan review, and we welcome opportunities to collaborate in the future. Feel free to reach out to me at 651-234-7539 or [jason.swenson@state.mn.us](mailto:jason.swenson@state.mn.us) with questions or concerns over these comments.

Respectfully,

Jason Swenson, PE  
MnDOT Metro MS4 Engineer  
MnDOT Metro Water Resources Engineer

Cc: Steve Christopher, BWSR (via email)  
Anne Sawyer, BWSR (via email)

January 9, 2023

Ashley Gallagher  
WMO Administrator  
North Cannon River Watershed Management Organization  
4100 220<sup>th</sup> St W, Ste 102  
Farmington, MN 55024

RE: 60-Day Agency Review – Draft North Cannon River Watershed Management Organization 4<sup>th</sup>  
Generation Watershed Management Plan

Dear Ashley Gallagher:

The Minnesota Pollution Control Agency (MPCA) has appreciated the opportunity to provide input throughout the development process of the North Cannon River Watershed Management Organization (NCRWMO) 4<sup>th</sup> Generation Watershed Management Plan (Plan) through participation in meetings of the Technical Committee in 2022. On November 17, 2022, the Plan was made available for review by agencies. The MPCA staff appreciate the opportunity to review and submit comments on the Plan.

The MPCA's staff review of the Plan is guided by the MPCA's priority concerns letter, sent to you in October 2021. The agency's priority concerns are primarily addressed in the Tier One Issues and Priority Rankings, however, the following are recommendations from MPCA staff:

- Primary pollutant reduction estimates are provided within the Best Management Plan (BMP) Implementation Table, however, these reductions are not compiled nor related to achieving the Measurable Goals provided in the Surface Water Priority Issue Table. The MPCA staff recommend the total pollutant reduction estimates be calculated and used to determine the level of progress made toward the watershed restoration and protection strategy (WRAPS) and total maximum daily load (TMDL) goals listed in the Surface Water Priority Issue Table.
- The ranking strategy used in the Plan does not appear to lead to targeted implementation as intended. The Resource Ranking and Drainage Area Ranking ultimately neutralize each other and do not aid in targeting within the watershed. The implementation table does not target practices to where they are needed, rather it cycles all activities through all subwatersheds over the 10-year planning period. We recommend using Hydrological Simulation Program - Fortran (HSPF) model outputs, the prioritization utilized in the Cannon River Comprehensive Watershed Management Plan (e.g: Figure 3-16 *Prioritized Targeted Implementation Areas for Trout Brook Drainage Area within the Tier One Stream Area: Total Sediment Delivered (tons/acre/year)*) or another tool to determine where practices are most needed, and outreach can be more targeted and meaningful.
- Several reports have noted the perched culvert at the crossing of Miesville Trail and Trout Brook, we recommend the NCRWMO act to resolve this.



- The MPCA recommends that the Plan's actions support continued monitoring of the water resources within its boundaries, especially Pine Creek, the springs in Trout Brook Subwatershed, and consider the addition of occasional sampling in Mud Creek as a protection priority.
- Chub Lake is classified as a Wild Rice water body and was studied in the 2019 Paleolimnological Study of Phosphorus-Impaired Lakes in the Cannon River Watershed. This information should be used to inform restoration/rehabilitation expectations for Chub Lake in the Adaptive Management Plan.
- To ensure the protection of these sensitive resources, the MPCA staff recommend adding a list of groundwater dependent ecosystems to the Groundwater Priority Issue section.
- Climate change is discussed briefly in the Land and Water Resource Inventory, including anticipated increased precipitation during the winter and spring seasons, reduced lake ice coverage, and their impacts. How will the NCRWMO address these changes and prioritize BMP implementation to reduce the negative impacts?

The MPCA is committed to providing assistance in interpreting and applying the substance of the WRAPS and TMDL reports, the Nutrient Reduction Strategy, models, Stressor Identification conclusions, etc. going forward as these and other priority concerns are installed and addressed in the planning framework.

Again, thank you for the opportunity to review and comment on the draft Plan. If we may be of further assistance, please contact Kristen Dieterman at 507-206-2626 at the MPCA's Rochester regional office.

Sincerely,

*Kristen Dieterman*

*This document has been electronically signed.*

Kristen Dieterman  
Environmental Specialist  
Watershed Division

KD:jdf



January 12, 2023

Ashley Gallagher, Administrator via Dakota County SWCD  
c/o Dakota Soil and Water Conservation District  
4100 220<sup>th</sup> Street West, Suite 102  
Farmington, Minnesota 55024

**RE: 60-day Review: DRAFT North Cannon River Watershed Management Organization Watershed Management Plan**

Dear Ms. Gallagher,

The Board of Water and Soil Resources (BWSR) has completed the 60-day review of the 2023-2032 draft North Cannon River Watershed Management Organization's (NCRWMO) Watershed Management Plan (Plan). We would like to thank the NCRWMO for inviting us to participate in the various meetings that were part of the development of this Plan and commend the NCRWMO for efforts to engage residents and partners on development of Plan content.

Following our review, we offer the below comments to help improve and bring the Plan into compliance with the requirements of MN Rule Chapter 8410 and MN Statute Chapter 103B.231. In addition to these 60-day review comments, please refer to BWSR's early input letter dated August 23, 2021, which provided guidance on Plan development along with required and recommended components of the Plan.

1) *Section 1. Executive summary*

- a. Per Minnesota Rule 8410.0050, the Executive Summary must include main goals of the Plan, major actions in the Plan, and the responsibilities of local governments related to implementation of the Plan including any changes in responsibilities from the previous plan. These requirements are missing.
- b. Past accomplishments make minimal progress toward water quality improvement. Language largely includes "assist" or "advocate" without direct action steps (other than landowner technical assistance and cost-share). This Plan should incorporate a stronger leadership role for the WMO in identifying what needs to be done and following through with implementation.
- c. While not a component of the main section of the Plan (Appendix A), we recommend review of the NCRWMO Joint Powers Agreement at least once every ten years. This schedule will ensure continued commitment among the member entities and provide increased predictability for implementation.

2) *Section 2. Land and Water Resource Inventory.* Per Minnesota Rule 8410.0060 Subp. 1, the Plan must contain information and a general analysis based on existing records, plans, and publications for several

components. Incorporation by reference for data that is freely-available is acceptable, provided the data is generally described in the Plan. The following components were lacking or incomplete:

- a. Precipitation (Subp. 1.D). There is a discussion of trends in precipitation, but no description of present-day conditions, e.g. average annual precipitation or seasonal precipitation.
- b. Storm water systems (Subp. 1.H). Unclear what is meant by “limited” storm water infrastructure.
- c. Fish and wildlife habitat (Subp. 1.J). Discussion of (terrestrial) wildlife habitat is missing, yet woodland, prairie, and riparian corridor habitat are specifically mentioned in the Tier 2 “Habitat” issue statement.
- d. Priority areas for wetland preservation, enhancement, restoration and establishment (Subp. 1.M): No priority areas discussed.

3) *Section 3. Issue Assessment Prioritization and Measurable Goals.*

- a. Several required components outlined in MN Rule 8410.0080, Establishment of Goals, are missing, including Subp. 2, Water quantity, Subp. 6, Public drainage systems, and Subp. 8, Wetlands. In addition to other requirements outlined in Section 8410.0080, Plan goals must be specific and measurable, contain sufficient detail to provide direction to the WMO, and allow for success or failure to be measured. Furthermore, a procedure must be established to evaluate progress for each goal at a minimum of every two years.
- b. The Tier One priority issues of surface water quality and groundwater quality and quantity are good, but they should be targeting specific resources. The WMO is very large, and without waterbodies or groundwater recharge areas targeted for improvement, no measurable change will be made.
- c. The Outreach and Education issue statement is also good but should include specific measurable goals such as number of events, number of landowners contacted, or other indicators drawn from activities identified in the O&E Implementation Table.

4) *Section 4. Policy and Regulation.* Per MN Rule 8410.0105 Subp. 6, controls or performance standards must be described in the Plan and include implementation and enforcement processes along with other requirements as described in the Rule. While NCRWMO acknowledges that it is not a permitting authority, the WMO still needs to develop standards for local municipalities to adopt and implement in order to protect water resources.

5) *Section 5. Implementation Program.*

- a. Overall, there is a general lack of prioritization for implementation activities. Targeting needs to be identified further in the BMP Implementation Table. The rotating focus on priority water bodies, with identical rates of implementation for each, does not adequately address resource concerns specific to each watershed. For example, if the topography of Miesville Ravine and the Trout Brook subwatershed indicates a need for water and sediment control basins and grassed waterways (p. 62), why not target those practices to those priority areas rather than distributing them evenly across the WMO? Another example is the distribution of 100 linear feet of streambank stabilization across priority resources in the implementation table. Is there an opportunity for a capital improvement project to produce greater benefit to a target resource, rather than spreading stabilization across the watershed?
- b. Several required components outlined in MN Rule 8410.0105, Implementation Actions, are missing or incomplete, including:



- i. Subp. 1. C: Define the WMO's process for evaluating implementation of local water plans and procedures to address local government units failing to implement their plan.
  - ii. Subp. 1. D: Include a procedure to establish an advisory committee or other means of public and technical participation for making recommendations on a ten-year plan amendment.
  - iii. Subp. 2: Capital Improvement Program. Potential capital improvement projects should be identified and prioritized in the plan. We appreciate the theoretical framework of Table 5.1, but the content does not meet MN Rule 8410 requirements for setting out details of contemplated capital improvements that include project need, schedule, cost, and funding source.
  - iv. Subp. 3: Operation and maintenance programs.
  - v. Subp. 6: Regulatory program (as described in 5, above).
  - vi. Subp. 7: Incentive programs.
  - vii. Subp. 9. B: A schedule for local water plan adoption that includes language requiring local plans to be adopted not more than two years before the local comprehensive plan is due.
- c. Reporting on measurable outcomes should include pollution reductions as well as the outputs identified within the BMP implementation table, not just acres or linear feet.
- d. The potential partners and potential funding options should be separate columns in the implementation table.
- e. The NCRWMO has done an excellent job considering ideas for Outreach and Education. However, the activities should include prioritization to target audiences and resource areas of concern. The O&E "menu" is a great idea with lots of opportunities, but the format is difficult to follow.
- f. The Outreach & Education table includes "Execute Surface Water [Groundwater] O&E Plan". Do these plans exist? If so, please provide references. If not, will they be created as part of this plan? Please describe.
- g. The landowner survey efforts are commendable and will hopefully yield useful data. However, does a single survey development point in years 1-2 allow for adaptation and refinement of the surveys based on feedback? How will you know if you are capturing what you had intended? Would recommend revisiting the surveys to revise as needed.
- h. The NCRWMO does great work in monitoring water resources, but the program should be clearly described to include how the monitoring measures progress with respect to implementation activities, including data analysis and sampling frequency for parameters, per MN Rule 8410.0105 Subp. 5. Trends based on water quality monitoring data should be included in the biennial self-evaluation.
- i. In the Data and Studies Implementation table, should the outcome of "advocating for research on effects of dam operation" be recommendations for research or identification of implementation activities rather than "improvements to lake wildlife"?
- j. In the Data and Studies Implementation table, the identification of culvert replacement projects could be an opportunity for doing those replacements as capital improvement projects. The NCRWMO should be prepared to add such activities to its implementation program.

- k. We recommend developing a plan evaluation template to be included in this draft plan that provides clarity of the metrics that the WMO will use for self-evaluation. BWSR staff can provide templates from other watersheds for reference.

We would like to commend the NCRWMO for their partnership with Dakota County SWCD and we hope to see similar relationships developed with other partners. Additionally, we would like to note the well-thought-out and creative opportunities for education and outreach programming within NCRWMO, including the incorporation of survey data to evaluate the program.

Thank you again for including BWSR in the initial planning meeting, advisory committee meetings and various public and NCRWMO meetings to discuss the Plan's development and content. Please feel free to contact me at 651-392-5064 or at [anne.sawyer@state.mn.us](mailto:anne.sawyer@state.mn.us) with any questions on these review comments or if the NCRWMO would like to schedule a time to discuss draft Plan revisions in more detail.

Sincerely,

Anne Sawyer

Digitally signed by Anne  
Sawyer  
Date: 2023.01.11 16:54:38  
-06'00'

Anne Sawyer  
BWSR Board Conservationist

CC: Steve Christopher, BWSR (via email)  
Jeff Berg, MDA (via email)  
Travis Hirman, MDA (via email)  
John Freitag, MDH (via email)  
Megan Moore, MNDNR (via email)  
David DePaz, MNDNR (via email)  
Jason Swenson, MNDOT (via email)  
Jeff Reisberg, MPCA (via email)  
Kristen Dieterman, MPCA (via email)  
Maureen Hoffman, METC (via email)

January 10, 2023

Ashley Gallagher, Administrator  
North Cannon River Watershed Management Organization  
c/o Dakota County Soil and Water Conservation District.  
4100 220<sup>th</sup> Street West, Suite 102  
Farmington, Minnesota 55024

RE: North Cannon River Watershed Management Organization – Watershed Management Plan  
Metropolitan Council Referral File No. 22823-1

Dear Ms. Gallagher:

The Metropolitan Council has completed its review of the North Cannon River Watershed Management Organization's (NCRWMO) draft 4<sup>th</sup> Generation Watershed Management Plan (Plan). We commend the NCRWMO for putting together a watershed management plan that is stronger and more comprehensive than their past generation plan. In general, the Plan is consistent with Council policies and the Council's *Water Resources Policy Plan*, but we do have recommendations to further strengthen the Plan.

**NCRWMO Background, Page 12**

- We commend the NCRWMO for their past accomplishments and look forward to seeing the steps NCRWMO take to continue to strengthen their leadership role in water quality problem identification and implementation.

**Issue Assessment Prioritization and Measurable Goals, Page 60**

- The two ranking priorities are confusing and reduce the overall importance of the resources the Plan has identified as priorities. We understand it is hard to balance priority waters for the community with where the organization can make the most impact, but we recommend prioritizing the drainage area rankings over the resource rankings. A narrative explaining why certain waters are lower on the priority rankings should be sufficient to answer community questions about why culturally important water bodies are lower on the priority list.

**BMP Implementation Table, Page 79**

- The implementation schedule in the table is confusing and appears to identify a rotation, not a prioritization for each subwatershed. We would like to see targeting performed to identify actions based on the needs of each subwatershed.



Thank you for the opportunity to review and comment on this plan. If you have any questions regarding these comments or wish to discuss them in greater detail, please contact Maureen Hoffman at 651-602-1279.

Sincerely,

*Sam Paske*

Sam Paske (Jan 11, 2023 09:34 CST)

Sam Paske  
Assistant General Manager, MCES, Planning Dept.

cc: Steve Christopher, Board Conservationist, Minnesota Board of Water and Soil Resources  
Wendy Wuff, Metropolitan Council District 16  
Judy Sventek, Metropolitan Council Water Resources Manager  
Patrick Boylan, Metropolitan Council Sector Representative  
Metropolitan Council Reviews Coordinator

## 6.1 Response to Comments

### North Cannon River WMO 4th Gen Watershed Plan 60-Day Comment Period

November 17, 2022 Draft

Comment Number	Page Number	Section	Commenter	Comment	Material Comments (requests for content changes)	Technical/ Grammatical Suggestions	Change made to the plan? (Yes/No)	Response
1		Section 1. Executive Summary	BWSR	Per Minnesota Rule 8410.0050, the Executive Summary must include main goals of the Plan, major actions in the Plan, and the responsibilities of local governments related to implementation of the Plan including any changes in responsibilities from the previous plan. These requirements are missing.	X		Yes	Add an "Implementation" section with table of measurable goals by priority issue and add text that describes the key implementation focuses of plan and the responsibilities of the WMO and their relationship with partners, in particular the SWCD, to implement the plan.
2		Section 1. Executive Summary	BWSR	Past accomplishments make minimal progress toward water quality improvement. Language largely includes "assist" or "advocate" without direct action steps (other than landowner technical assistance and cost-share). This Plan should incorporate a stronger leadership role for the WMO in identifying what needs to be done and following through with implementation.	X		Yes	Included in the new "Implementation" section dialogue that describes the efforts of the NCRWMO to communicate and advocate for the implementation of this plan and opportunities for local communities to participate.
3		Section 1. Executive Summary	BWSR	While not a component of the main section of the Plan (Appendix A), we recommend review of the NCRWMO Joint Powers Agreement at least once every ten years. This schedule will ensure continued commitment among the member entities and provide increased predictability for implementation.	X		No	The current JPA was recently renegotiated and there is not interest to do so more regularly to avoid risk of losing a partner during negotiations.
4		Section 2. Land and Water Resource Inventory	BWSR	Per Minnesota Rule 8410.0060 Subp. 1, the Plan must contain information and a general analysis based on existing records, plans, and publications for several components. Incorporation by reference for data that is freely-available is acceptable, provided the data is generally described in the Plan. The following components were lacking or incomplete: a. Precipitation (Subp. 1.D). There is a discussion of trends in precipitation, but no description of present-day conditions, e.g. average annual precipitation or seasonal precipitation.	X		Yes	Present day conditions will be added to the "Precipitation and Climate" section.
5		Section 2. Land and Water Resource Inventory	BWSR	Per Minnesota Rule 8410.0060 Subp. 1, the Plan must contain information and a general analysis based on existing records, plans, and publications for several components. Incorporation by reference for data that is freely-available is acceptable, provided the data is generally described in the Plan. The following components were lacking or incomplete: b. Storm water systems (Subp. 1.H). Unclear what is meant by "limited" storm water infrastructure.	X		Yes	After the word limited, add "culverts, storm sewers, and basic infrastructure instead of complex stormwater treatment systems." Will also add sentence about encouraging the use of, and partnering on, stormwater treatment as opportunities arise and infrastructure is replaced.
6		Section 2. Land and Water Resource Inventory	BWSR	Per Minnesota Rule 8410.0060 Subp. 1, the Plan must contain information and a general analysis based on existing records, plans, and publications for several components. Incorporation by reference for data that is freely-available is acceptable, provided the data is generally described in the Plan. The following components were lacking or incomplete: c. Fish and wildlife habitat (Subp. 1.J). Discussion of (terrestrial) wildlife habitat is missing, yet woodland, prairie, and riparian corridor habitat are specifically mentioned in the Tier 2 "Habitat" issue statement.	X		Yes	Additional information on terrestrial habitats including stressors will be added to the "Biological Features and Assessments" section starting on pg. 49 of the plan.



7		Section 2. Land and Water Resource Inventory	BWSR	Per Minnesota Rule 8410.0060 Subp. 1, the Plan must contain information and a general analysis based on existing records, plans, and publications for several components. Incorporation by reference for data that is freely-available is acceptable, provided the data is generally described in the Plan. The following components were lacking or incomplete: d. Priority areas for wetland preservation, enhancement, restoration and establishment (Subp. 1.M): No priority areas discussed.	X		Yes	Dialogue summarizing the priority areas for wetland restoration efforts identified in this plan will be added to the "Wetlands" section on page 30 of the plan.
8		Section 3. Issue Assessment Prioritization and Measurable Goals	BWSR	Section 3. Issue Assessment Prioritization and Measurable Goals: Several required components outlined in MN Rule 8410.0080, Establishment of Goals, are missing, including Subp. 2, Water quantity	X		Yes	Add dialogue to the Surface Water Tier One summary that describes the general processes of how BMPs identified in the plan will help increase water storage on the land and result in no increase in net flows.
9		Section 3. Issue Assessment Prioritization and Measurable Goals	BWSR	Section 3. Issue Assessment Prioritization and Measurable Goals: Several required components outlined in MN Rule 8410.0080, Establishment of Goals, are missing, including Subp. 6, Public drainage systems	X		Yes	Addition of dialogue that states current county jurisdiction over ditches in the watershed will continue and that the WMO will coordinate with the ditch authority to communicate goals of watershed plan to identify opportunities with public drainage projects.
10		Section 3. Issue Assessment Prioritization and Measurable Goals	BWSR	Section 3. Issue Assessment Prioritization and Measurable Goals: Several required components outlined in MN Rule 8410.0080, Establishment of Goals, are missing, including Subp. 8, Wetlands.	X		Yes	Add a reference to WCA along with dialogue that wetland restoration goals in this plan are an increase to current wetland area and are not offsetting potential losses. Update language in measurable goal under surface water from "Restore 60 acres of wetland area" to "Increase wetland area in WMO by 60 acres".
11		Section 3. Issue Assessment Prioritization and Measurable Goals	BWSR	Section 3. Issue Assessment Prioritization and Measurable Goals: In addition to other requirements outlined in Section 8410.0080, Plan goals must be specific and measurable, contain sufficient detail to provide direction to the WMO, and allow for success or failure to be measured. Furthermore, a procedure must be established to evaluate progress for each goal at a minimum of every two years.	X		Yes	Dialogue will be added in the "Plan Evaluation" section that adds specificity regarding the process and information the WMO will use from the plan to track efforts and plan success.
12		Section 3. Issue Assessment Prioritization and Measurable Goals	BWSR	The Tier One priority issues of surface water quality and groundwater quality and quantity are good, but they should be targeting specific resources. The WMO is very large, and without waterbodies or groundwater recharge areas targeted for improvement, no measurable change will be made.	X		Yes	Changes will be made to the naming of the prioritization categories with the priority drainage areas being changed to priority resources. The intent of the current process is described in more detail in the dialogue the naming changes will add clarity and not change how efforts are targeted/prioritized. Specifically, dialogue will be added to clarify that Lake Bylesby and Trout Brook are high priorities and explain why the priority resources are ranked they way they are and how this connects with targeting of implementation actions.
13		Section 3. Issue Assessment Prioritization and Measurable Goals	BWSR	The Outreach and Education issue statement is also good but should include specific measurable goals such as number of events, number of landowners contacted, or other indicators drawn from activities identified in the O&E Implementation Table.	X		Yes	Quantities identified in the O&E implementation table will be summarized in section 3 under O&E's measurable goals.
14		Section 4. Policy and Regulation	BWSR	Per MN Rule 8410.0105 Subp. 6, controls or performance standards must be described in the Plan and include implementation and enforcement processes along with other requirements as described in the Rule. While NCRWMO acknowledges that it is not a permitting authority, the WMO still needs to develop standards for local municipalities to adopt and implement in order to protect water resources.	X		Yes	The entity in charge of permitting authority will be added to the header description for each land use management controls in Section 4 to make clear who has permitting authority. Additionally, dialogue will be added to clarify performance standards will meet or exceed minimum requirements as defined by the respective permitting program. As a part of the implementation plan the WMO will be assessing ordinances of partnering entities and identifying gaps and developing model ordinances to ensure no deficiencies or redundancies exist. Dialogue will be added to make sure this is communicated.

15		Section 5. Implementation Program	BWSR	Overall, there is a general lack of prioritization for implementation activities. Targeting needs to be identified further in the BMP Implementation Table. The rotating focus on priority water bodies, with identical rates of implementation for each, does not adequately address resource concerns specific to each watershed. For example, if the topography of Miesville Ravine and the Trout Brook subwatershed indicates a need for water and sediment control basins and grassed waterways (p. 62), why not target those practices to those priority areas rather than distributing them evenly across the WMO? Another example is the distribution of 100 linear feet of streambank stabilization across priority resources in the implementation table. Is there an opportunity for a capital improvement project to produce greater benefit to a target resource, rather than spreading stabilization across the watershed?	X		Yes	The BMP Implementation Table will be updated to communicate the prioritization approach more clearly. The color gradients will be removed and efforts will more clearly reflect the targeting approach. To do this a larger percentage of the overall efforts for a given practice were targeted to resource areas based on priority ranking. This approach uses the priority resource ranking to target more efforts towards the highest priority resources early in the planning process and moves towards the lower ranked priority resources as the plan is implemented. Dialogue added to address comment 12 will provide clarity why adding more WASCOS than currently in the plan to Trout Brook will not be called out as a priority. Additionally there will be more dialogue added to the implementation section that describes the SWA's and how they will be used along with other resources during implementation to target specific sites within the priority resource drainage areas.
16		Section 5. Implementation Program	BWSR	Several required components outlined in MN Rule 8410.0105, Implementation Actions, are missing or incomplete, including: i. Subp. 1. C: Define the WMO's process for evaluating implementation of local water plans and procedures to address local government units failing to implement their plan.	X		Yes	Dialogue will be added to the "Local Planning" section on pg. 101 to state that the NCRWMO will evaluate compliance by local partners and follow up to gain compliance if needed.
17		Section 5. Implementation Program	BWSR	Several required components outlined in MN Rule 8410.0105, Implementation Actions, are missing or incomplete, including: ii. Subp. 1. D: Include a procedure to establish an advisory committee or other means of public and technical participation for making recommendations on a ten-year plan amendment.	X		Yes	Dialogue will be added to the " Amendments to Plan" section on page 102 that states some form of existing TC and AC will be maintained past the adoption of this plan and will be consulted as needed and for recommendations on ten-year plan amendment.
18		Section 5. Implementation Program	BWSR	Several required components outlined in MN Rule 8410.0105, Implementation Actions, are missing or incomplete, including: iii. Subp. 2: Capital Improvement Program. Potential capital improvement projects should be identified and prioritized in the plan. We appreciate the theoretical framework of Table 5.1, but the content does not meet MN Rule 8410 requirements for setting out details of contemplated capital improvements that include project need, schedule, cost, and funding source.	X		Yes	Follow-up discussions clarified early coordination meetings held between the planning team and BWSR staff to develop this agreed upon approach for the NCRWMO plan. An implementation line item will be added that identifies when NCRWMO will initiate communicate with partners to explore the opportunities listed in the CIP section.
19		Section 5. Implementation Program	BWSR	Several required components outlined in MN Rule 8410.0105, Implementation Actions, are missing or incomplete, including: iv. Subp. 3: Operation and maintenance programs.	X		Yes	A subsection will be added in section 5 that outlines the operation and maintenance responsibilities for projects implemented as a part of this plan.
20		Section 5. Implementation Program	BWSR	Several required components outlined in MN Rule 8410.0105, Implementation Actions, are missing or incomplete, including: v. Subp. 6: Regulatory program (as described in 5, above).	X		Yes	See comment 14.
21		Section 5. Implementation Program	BWSR	Several required components outlined in MN Rule 8410.0105, Implementation Actions, are missing or incomplete, including: vi. Subp. 7: Incentive programs.	X		Yes	Add more dialogue to clarify how grants will support partnership cost share dollars and allocation of funds will follow the schedule outlined in the implementation tables within this plan. Will also add text providing a brief overview of several key incentive programs such as Cost Share, MAWQCP, and low interest loans.
22		Section 5. Implementation Program	BWSR	Several required components outlined in MN Rule 8410.0105, Implementation Actions, are missing or incomplete, including: vii. Subp. 9. B: A schedule for local water plan adoption that includes language requiring local plans to be adopted not more than two years before the local comprehensive plan is due.	X		Yes	Add dialogue to the "Local Planning" section on page 101 that requires plan be adopted not more than two years before local comprehensive plan is due.

23		Section 5. Implementation Program	BWSR	Reporting on measurable outcomes should include pollution reductions as well as the outputs identified within the BMP implementation table, not just acres or linear feet.	X		Yes	Summary of pollutant reduction values from Implementation Table will be added to measurable goals for the Surface Water issue.
24		Section 5. Implementation Program	BWSR	The potential partners and potential funding options should be separate columns in the implementation table.	X		Yes	Add state agencies to implementation action items where they will provide technical support and add callout under table that states this column includes both financial and technical support partners.
25		Section 5. Implementation Program	BWSR	The NCRWMO has done an excellent job considering ideas for Outreach and Education. However, the activities should include prioritization to target audiences and resource areas of concern. The O&E "menu" is a great idea with lots of opportunities, but the format is difficult to follow.	X		Yes	Add dialogue to "Outreach and Education" section on page 76 to make clear that the O&E efforts will follow the implementation targeting defined in the BMP Implementation table.
26		Section 5. Implementation Program	BWSR	The Outreach & Education table includes "Execute Surface Water [Groundwater] O&E Plan". Do these plans exist? If so, please provide references. If not, will they be created as part of this plan? Please describe.	X		Yes	Add "Dakota County's 2020 Groundwater Plan" text to Implementation Action column of table to provide clarity.
27		Section 5. Implementation Program	BWSR	The landowner survey efforts are commendable and will hopefully yield useful data. However, does a single survey development point in years 1-2 allow for adaptation and refinement of the surveys based on feedback? How will you know if you are capturing what you had intended? Would recommend revisiting the surveys to revise as needed.	X		Yes	Add clarity that this effort is to make the surveys and they will be used regularly throughout the implementation period. The surveys are intended to be living documents that are edited as needed to ensure that the data being captured is useful for the WMO and partners.
28		Section 5. Implementation Program	BWSR	The NCRWMO does great work in monitoring water resources, but the program should be clearly described to include how the monitoring measures progress with respect to implementation activities, including data analysis and sampling frequency for parameters, per MN Rule 8410.0105 Subp. 5. Trends based on water quality monitoring data should be included in the biennial self-evaluation.	X		Yes	Add additional dialogue to section that adds more details clarifying monitoring data at current stations will be reviewed regularly along with implementation tracking to connect implementation efforts to water quality improvements and water quantity no net increase.
29		Section 5. Implementation Program	BWSR	In the Data and Studies Implementation table, should the outcome of "advocating for research on effects of dam operation" be recommendations for research or identification of implementation activities rather than "improvements to lake wildlife"?	X		Yes	Correct, outcomes will be updated to state "Clearly defined recommendations for research or implementation activities that improve lake wildlife".
30		Section 5. Implementation Program	BWSR	In the Data and Studies Implementation table, the identification of culvert replacement projects could be an opportunity for doing those replacements as capital improvement projects. The NCRWMO should be prepared to add such activities to its implementation program.	X		Yes	Add "culvert replacements" to list of potential capital improvement projects on page 92 at the end of the third paragraph.
31		Section 5. Implementation Program	BWSR	We recommend developing a plan evaluation template to be included in this draft plan that provides clarity of the metrics that the WMO will use for self-evaluation. BWSR staff can provide templates from other watersheds for reference.	X		Yes	Add dialogue that staff will coordinate with BWSR to ensure biennial evaluation forms meet requirements.
32			MPCA	Primary pollutant reduction estimates are provided within the Best Management Plan (BMP) Implementation Table, however, these reductions are not compiled nor related to achieving the Measurable Goals provided in the Surface Water Priority Issue Table. The MPCA staff recommend the total pollutant reduction estimates be calculated and used to determine the level of progress made toward the watershed restoration and protection strategy (WRAPS) and total maximum daily load (TMDL) goals listed in the Surface Water Priority Issue Table.	X		Yes	Summarize modeled pollutant reduction values to add to the measurable goals and compare to reductions identified in WRAPS and TMDLs.
33			MPCA	The ranking strategy used in the Plan does not appear to lead to targeted implementation as intended. The Resource Ranking and Drainage Area Ranking ultimately neutralize each other and do not aid in targeting within the watershed. The implementation table does not target practices to where they are needed, rather it cycles all activities through all subwatersheds over the 10-year planning period. We recommend using Hydrological Simulation Program - Fortran (HSPF) model outputs, the prioritization utilized in the Cannon River Comprehensive Watershed Management Plan (e.g.: Figure 3-16 Prioritized Targeted Implementation Areas for Trout Brook Drainage Area within the Tier One Stream Area: Total Sediment Delivered (tons/acre/year)) or another tool to determine where practices are most needed, and outreach can be more targeted and meaningful.	X		Yes	Addressed via comment 12
34			MPCA	Several reports have noted the perched culvert at the crossing of Miesville Trail and Trout Brook, we recommend the NCRWMO act to resolve this.	X		Yes	Add as implementation action

35			MPCA	The MPCA recommends that the Plan's actions support continued monitoring of the water resources within its boundaries, especially Pine Creek, the springs in Trout Brook Subwatershed, and consider the addition of occasional sampling in Mud Creek as a protection priority.	X		No	The value of monitoring is noted and dialogue to address a previous comment will be added that connects future planned monitoring to assessing plan progress.
36			MPCA	Chub Lake is classified as a Wild Rice water body and was studied in the 2019 Paleolimnological Study of Phosphorus-Impaired Lakes in the Cannon River Watershed. This information should be used to inform restoration/rehabilitation expectations for Chub Lake in the Adaptive Management Plan.	X		Yes	Dialogue added to reference this study for use in implementation efforts
37			MPCA	To ensure the protection of these sensitive resources, the MPCA staff recommend adding a list of groundwater dependent ecosystems to the Groundwater Priority Issue section.	X		Yes	List of GW dependent ecosystems will be added to the plan dialogue.
38			MPCA	Climate change is discussed briefly in the Land and Water Resource Inventory, including anticipated increased precipitation during the winter and spring seasons, reduced lake ice coverage, and their impacts. How will the NCRWMO address these changes and prioritize BMP implementation to reduce the negative impacts?	X		Yes	Add more dialogue that makes connection between expected outcomes from implementing this plan (i.e. increased water storage) with addressing anticipated impacts resulting from climate change (i.e. more intense precipitation events).
39	12	NCRWMO Background	Metropolitan Cou	We commend the NCRWMO for their past accomplishments and look forward to seeing the steps NCRWMO take to continue to strengthen their leadership role in water quality problem identification and implementation.			N/A	Noted and appreciated.
40	60	Issue Assessment Prioritization and Measurable Goals	Metropolitan Cou	The two ranking priorities are confusing and reduce the overall importance of the resources the Plan has identified as priorities. We understand it is hard to balance priority waters for the community with where the organization can make the most impact, but we recommend prioritizing the drainage area rankings over the resource rankings. A narrative explaining why certain waters are lower on the priority rankings should be sufficient to answer community questions about why culturally important water bodies are lower on the priority list.	X		Yes	Addressed via comment 12
41	79	BMP Implementation Table	Metropolitan Cou	The implementation schedule in the table is confusing and appears to identify a rotation, not a prioritization for each subwatershed. We would like to see targeting performed to identify actions based on the needs of each subwatershed.	X		Yes	Addressed via comment 15
42		Section 1.0 Issue Assessment Prioritization and Measurable Goals	DNR	The prioritization contains two separate rankings. Although the rationale for two priority rankings is outlined in the plan, the resulting two lists appear to contradict each other. We suggest limiting the priority ranking to the resource ranking only, to strengthen the targeting and give order to importance of projects.	X		Yes	Addressed via comment 12
43		Section 5. Implementation Program	DNR	BMP Table. There are many great best management practices (BMP's) listed along with reduction goals by action. As laid out, the implementation schedule is more of an even rotation of sub-watersheds, instead of need based. Defining more precise locations for the BMP's and targeting of sub-watersheds by resource needs would provide for clearer prioritization.	X		Yes	Addressed via comment 15
44		Section 5. Implementation Program	DNR	Implementation Table - Actions. The implementation table contains stream and shoreline protection and restoration of 400 linear feet. There is potential to increase the number of targeted feet, especially as a form of protection on trout streams. Over a period of ten years, 400 feet of shoreline protection and restoration is easily achievable. As an example, Trout Brook through Miesville Ravine is an incised stream and provides large opportunities for more bank protection and restorations. Also on Trout Brook, a fish passage barrier has been identified as a possible stream improvement project. The crossing of Trout Brook at Miesville Trail has a 2.5 foot drop, causing a wide scour pool immediately downstream (seen in Figure 2-16 in the management plan). Designing a stream crossing for fish passage while maintaining sediment balance is important. This can be achieved by but not limited to: <ul style="list-style-type: none"> <li>• Matching culvert width to bankfull stream width</li> <li>• Setting culverts to same slope as the stream</li> <li>• Creating offset culvert(s) for flood flows</li> <li>• Aligning culverts with the stream channel</li> <li>• Burying culverts to allow for a natural substrate</li> </ul>	X		No	Efforts will not be increased in the implementation table but stream and shoreline restorations are identified in the CIP section and opportunities will be pursued throughout the planning process to achieve more than 400 linear feet of restoraton.

45			MDA	The issues and areas of concern (sub watersheds) are well documented; however, an adequate ranking of priority areas is missing. For instance, in the implementation schedule, the identified sub watersheds rotate through priority ranking. The planned outcomes such as acres of cover crops are evenly distributed amongst the sub watersheds rather than targeted.	X		Yes	Addressed via comment 15
46			MDA	Below are specific examples of areas in the plan which reference MDA programs and resource concerns, which could be used to inform prioritization. • The Groundwater Protection Rule (GPR) is identified in this plan, but it could be expanded upon. The plan does mention that the GPR was amended and is no longer township based, but states that practices identified through the GPR could be disseminated to landowners in the North Cannon Watershed. This is correct, however a plan for how to disseminate that information is not shown. It should also be noted that those practices were developed for use in the Hastings Drinking Water Supply Management Area, which makes them applicable to this watershed due to the proximity and similarity in geology.	X		No	Information related to the GPR will be communicated to the public following the Outreach and Education implementation actions listed in the plan.
47			MDA	Below are specific examples of areas in the plan which reference MDA programs and resource concerns, which could be used to inform prioritization. • The GPR also identifies areas statewide as being vulnerable to groundwater contamination. It is noted in the plan that the GPR restricts applications of nitrogen in the fall. A map identifying these vulnerable areas could be added to the plan, which could in turn be used for prioritization. o Vulnerable Groundwater Area Map	X		Yes	Add Groundwater Vulnerability Map to plan document and reference in text.
48			MDA	Below are specific examples of areas in the plan which reference MDA programs and resource concerns, which could be used to inform prioritization. • The plan notes that the MDA has township testing programs for nitrates and pesticides available to landowners. Language in the plan suggests this is an ongoing project, however it has been completed in Dakota County. The final reports from those programs could be referenced in this plan, which could also be used for prioritization. o Private Well Pesticide Sampling Project o Township Testing Program	X		Yes	Update dialogue to reference completed township testing reports.
49			MDA	Other programs which could be considered to add or give more detail include: the Minnesota Agricultural Water Quality Certification Program (MAWQCP), and the Nutrient Management Initiative (NMI).	X		Yes	Add dialogue to provide more detail on the MAWQCP and NMI.
50	9	Acronyms	MNDOT	MNDOT is listed in the acronym table, but the acronym does not appear to be used anywhere within the document. As such, we suggest that it may be removed entirely from the table.		X	Yes	Remove MNDOT from Acronyms List
51	36		MNDOT	This page contains the statement: "Due to the lack of urban areas in the Watershed, stormwater infrastructure such as treatment ponds and underground stormwater pipes is limited." MNDOT notes that it owns and operates a not insignificant number of culverts and storm sewers throughout the Trunk Highways that cross the watershed, such as MN 3, MN 20, MN 50, US 52, MN 56, and US 61. MndOT is willing to share information regarding its assets upon request. While not as intense of a network as may be found in more urbanized areas, MndOT recognizes its systems play a role. For the purposes of this plan, no changes are necessary. In order to obtain this information, you may contact either the MS4 Engineer or the MS4 Asset Management Specialist		X	Yes	Reference to this infrastructure was added to the dialogue.





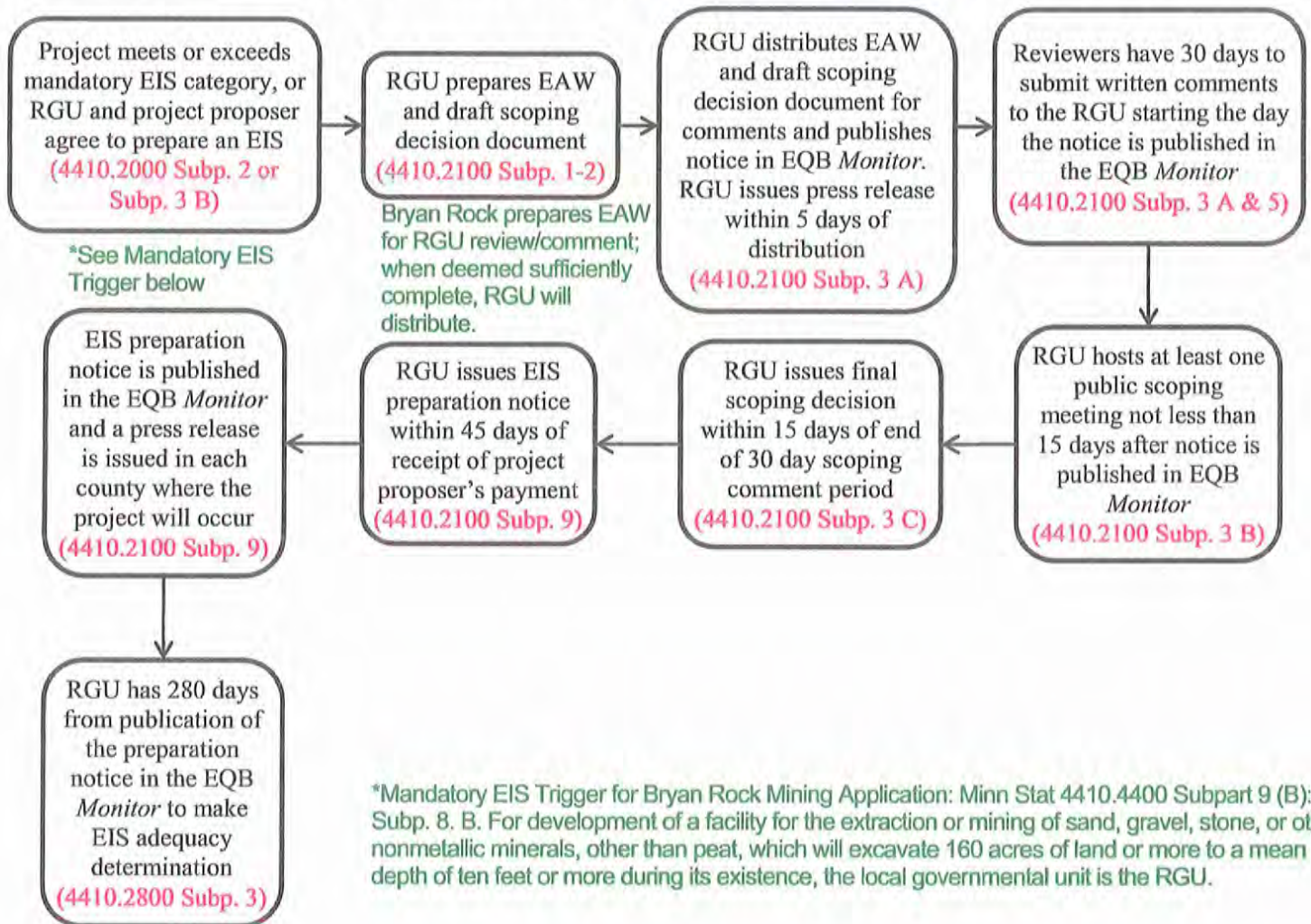
## Quick Reference: Environmental Impact Statement

Green Text added by Waterford Township Mining Consultant for use at  
1/12/2023 Board Meeting

**EIS Scoping Process Steps for a *Mandatory or Voluntary* EIS**

(Minnesota Rules 4410.2000 - 2100)

This EIS scoping process occurs when a project requires a mandatory EIS according to [Minnesota Rules 4410.2000](#), Subpart 2, or when the project proposer and RGU agree that an EIS should be prepared according to [Minnesota Rules 4410.2000](#), Subpart 3 B. The EIS scoping process occurs before the preparation of an EIS and is intended to reduce the scope and bulk of the EIS by identifying only the potentially significant issues related to the project, outlining the EIS document and preparation timeline, and determining the permits that require information in order to be developed concurrently to the EIS. **The flowchart below details the EIS scoping process for an EIS prepared pursuant to [Minnesota Rules 4410.2000](#), Subpart 2 or 3 B.**







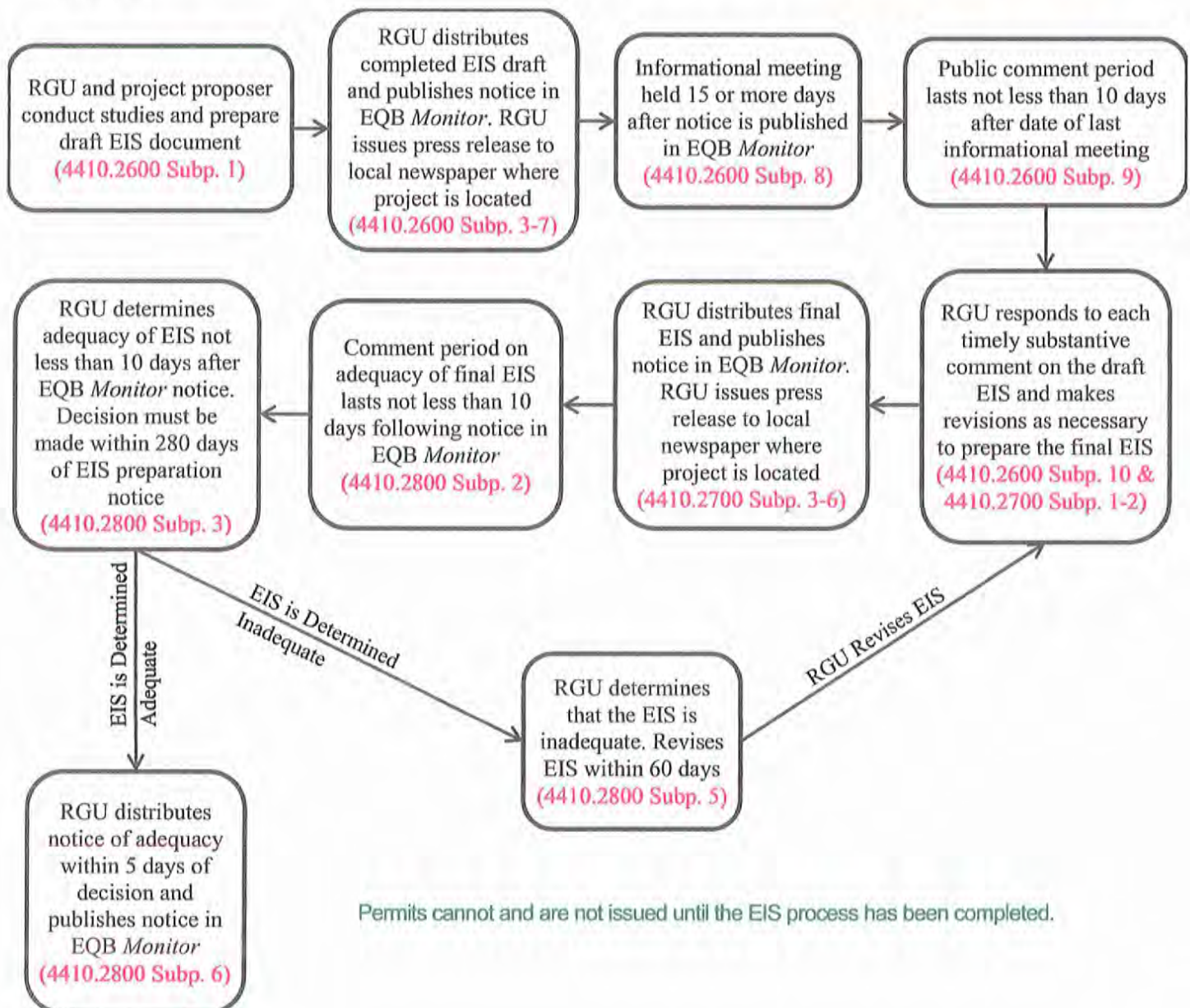
## Quick Reference: Environmental Impact Statement

Green Text added by Waterford Township Mining Consultant for use at  
1/12/2023 Board Meeting

### EIS Preparation and Review Process Steps

(Minnesota Rules 4410.2200 - 2800)

The EIS preparation and review process occurs after either of the scoping processes outlined on page 2 and 3. The final EIS requires detailed analysis of the environmental, economic, employment and sociological impacts of the project, alternatives to the project, and mitigation measures for the project. There are opportunities for public comment on the EIS throughout the preparation and review process. Once the EIS preparation notice is published in the EQB *Monitor*, the RGU has up to 280 days to reach a determination on the adequacy of the final EIS document, unless extended for good cause per [Minnesota Rules 4410.2800](#), Subpart 3.



## **North Cannon River Watershed Management Organization**

### **Data Practices Policy For the Public**

**Minnesota Statutes, sections 13.025 and 13.03 require this policy.**



## Your Right to See Public Data

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The Government Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says the data are not public. Government data means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

The law also says that the North Cannon River Watershed Management Organization (NCRWMO) must keep all government data in a way that makes it easy for you to access public data. You have the right to look at (inspect), free of charge, all public data that we keep. You also have the right to get copies of public data. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

## How to Request Public Data

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You can ask to look at (inspect) data at our offices, or ask for copies of public data that we keep.

You must make a written request in person, by mail or email to the Responsible Authority listed on page 4 using the data request form on page 6.

If you do not use the data request form, your request should:

- Say that you are making a request for public data under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.

You are not required to identify yourself or explain the reason for your data request. However, you may need to provide us with some personal information for practical reasons (for example: if you want us to mail copies to you, you need to provide us with an address or P.O. Box). If we do not understand your request and have no way to contact you, we cannot respond to your request.

## How We Will Respond to Your Data Request

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Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.
- If we do not have the data, we will notify you in writing within 7 business days.
- If we have the data, but we are not allowed to give it to you, we will tell you as soon as reasonably possible and identify the law that prevents us from providing the data.
- If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:
  - Arrange a date, time, and place for you to inspect the data at our offices; or
  - If you request copies, we will provide notice to you about our requirement to prepay for copies.
  - You may choose to pick up your copies, or we will mail or email them to you. We will provide electronic copies (such as email or CD-ROM) upon request, if we keep the data in that format and we can reasonably make a copy.
  - Response time may be impacted by the size and/or complexity of your request, and also by the number of requests you make in a given period of time.
- Following our response, if you do not make arrangements within 14 days to inspect the data or pay for copies, we will conclude that you no longer want the data and will consider your request closed.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

The Data Practices Act does not require us to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request. If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

We are also not required to respond to questions that are not about your data requests, or requests for government data.

## **Requests for Summary Data**

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Summary data are statistical records or reports created by removing identifying information about individuals from entirely private or confidential data.

We will prepare summary data if you make your request in writing and pre-pay for the cost of creating the data. You may use the data request form on page 6 to request summary data. We will respond to your request within ten business days with the data or details of when the data will be ready and how much we will charge you.

## Data Practices Contacts

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### Responsible Authority

Name: Ashley Gallagher, or successor, NCRWMO Administrator

Address: c/o Dakota County Soil and Water Conservation District  
4100 220<sup>th</sup> Street West  
Farmington, MN 55024

Phone number: (651) 480-7781

Email address: Ashley.Gallagher@CO.DAKOTA.MN.US

### Data Practices Compliance Official

Name: Ashley Gallagher, or successor, NCRWMO Administrator

Address: c/o Dakota County Soil and Water Conservation District  
4100 220<sup>th</sup> Street West  
Farmington, MN 55024

Phone number: (651) 480-7781

Email address: Ashley.Gallagher@CO.DAKOTA.MN.US

## Copy Costs – When You Request Public Data

---

Minnesota Statutes, section 13.03, subdivision 3(c) allows us to charge for copies. You must pay for copies before we will give them to you.

### **For 100 or fewer paper copies – 25 cents per page**

100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

### **Most other types of copies – actual cost**

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically sending the data.

In determining the actual cost of making copies, we include employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

If, based on your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate search and retrieval charges at the higher salary/wage.

## Data Request Form – Requesting Public Data

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**Request date:**

**The data I am requesting:**

Describe the data you are requesting as specifically as possible.

**I am requesting access to data in the following way:**

- ☐ Inspection
- ☐ Copies
- ☐ Both inspection and copies

**Contact information (optional)\***

Name:

address:

Phone number:

Email address:

**We will respond to your request as soon as reasonably possible.**

\* You do not have to provide any contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. We also need contact information if we do not understand your request. We will not work on your request until we can clarify it with you.

# **North Cannon River Watershed Management Organization**

## **Data Practices Policy: Requests for Data About You and Your Rights as a Data Subject**

**Minnesota Statutes, sections 13.025 and 13.03 require this policy.**

## What is a “Data Subject”?

---

When government has information recorded in any form (paper, harddrive, voicemail, video, email, etc.), that information is called “government data” under the Government Data Practices Act (Minnesota Statutes, Chapter 13). When we can identify you in government data, you are the “data subject” of that data. The Data Practices Act gives you, as a data subject, certain rights. This policy explains your rights as a data subject, and tells you how to request data about you or someone for whom you are the legal guardian.

## When We Have Data About You

---

The North Cannon River Watershed Management Organization (NRWMO) has data on people. We can collect and keep data about you only when we have a legal purpose to have the data. We must also keep all government data in a way that makes it easy for you to access data about you.

Government data about an individual have one of three “classifications.” These classifications determine who is legally allowed to see the data. Data about you are classified by state law as public, private, or confidential. Here are some examples:

### Public Data

The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. We must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data. The following are examples of public data about you that we might have:

Your name on an application for a permit.

### Private Data

We cannot give private data to the general public. We can share your private data with you, with someone who has your permission, with our government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order. The following are examples of private data about you that we might have:

Your social security number.

### Confidential Data

Confidential data have the most protection. Neither the public nor you can access confidential data even when the confidential data are about you. We can share confidential data about you with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order. The following is an example of confidential data about you:

Civil investigative data while the investigation is active.

The identity of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property.

## Your Rights Under the Government Data Practices Act

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As a data subject, you have the following rights.

### Access to Your Data

You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

### When We Collect Data From You

When we ask you to provide data about yourself that are not public, we must give you a notice called a Tennessean warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent.

### Protecting Your Data

The Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.

### When Your Data are Inaccurate or Incomplete

You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision.

## How to Make a Request For Your Data

---

You can ask to look at (inspect) data at our office, or ask for copies of data that we have about you.

You must make a written request. You may make a request in person, by mail, or email to the Responsible Authority listed on page 6 using the data request form on page 8.

We recommend using the sample **Data Request Form – Data Subjects** on page 8. If you do not choose to use the data request form, your request should:

- Say that you are making a request as a data subject, for data about you under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.



## How We Respond to a Data Request

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Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.
- We will ask you to confirm your identity as the data subject.
- If we do not have the data, we will notify you in writing within 10 business days.
- If we have the data, but the data are confidential or not public data about someone else, we will notify you within 10 business days and identify the law that prevents us from providing the data.
- If we have the data, and the data are public or private data about you, we will respond to your request by doing one of the following:
  - Arrange a date, time, and place to inspect data in our office, ensuring you have a meaningful opportunity to inspect data within 10 business days of your request at no charge
  - Tell you how much the copies cost, and then provide you with copies of the data within 10 business days and upon payment of charges for the copies. You may choose to pick up your copies, or have us mail or email them to you. We will provide electronic copies (such as email or CD-ROM) upon request, if we keep the data in electronic format and we can reasonably make a copy.
  - We will provide notice to you about our requirement to prepay for copies.
  - Following our response, if you do not make arrangements within 14 days to inspect the data or pay for copies, we will conclude that you no longer want the data and will consider your request closed.
- After we have provided you with your requested data, we do not have to show you the same data again for 6 months unless there is a dispute about the data or we collect or create new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

The Data Practices Act does not require us to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request. If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, we are not required to respond to questions that are not about your data requests, or that are not requests for government data.

## Data Practices Contacts

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### Responsible Authority

Name: Ashley Gallagher or successor, NCRWMO Administrator

Address: c/o Dakota County Soil and Water Conservation District  
4100 220<sup>th</sup> Street West  
Farmington, MN 55024

Phone number: (651) 480-7781

Email address: Ashley.Gallagher@CO.DAKOTA.MN.US

### Data Practices Compliance Official

Name: Ashley Gallagher or successor, NCRWMO Administrator

Address: c/o Dakota County Soil and Water Conservation District  
4100 220<sup>th</sup> Street West  
Farmington, MN 55024

Phone number: (651) 480-7781

Email address: Ashley.Gallagher@CO.DAKOTA.MN.US

## Copy Costs – Data Subjects

---

Minnesota Statutes, section 13.04, subdivision 3 allows us to charge for copies. You must pay for the copies before we will give them to you.

### **Actual Cost of Making the Copies**

We will charge the actual cost of making copies of data about you. In determining the actual cost, we include the employee-time to create and send the copies, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs such as postage (if any).

If your request is for copies of data that we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

## Data Request Form – Data Subject

---

### Request date: Contact information:

Data Subject Name:

Phone number:

Email address:

To request data as a data subject you must show a valid state ID, such as a driver's license, military ID, or passport as proof of identity.

### The data I am requesting:

Describe the data you are requesting as specifically as possible.

### I am requesting access to data in the following way:

☐ Inspection

☐ Copies

☐ Both inspection and copies

**We will respond to your request within 10 business days.**

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### To Be Completed By Staff Member Responding to Data Request:

Identity Confirmed:

Date:

Staff Name:

## Standards For Verifying Identity

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The following constitute proof of identity:

- An adult individual must provide a valid photo ID, such as
  - a driver's license
  - a state-issued ID
  - a tribal ID
  - a military ID
  - a passport
  - the foreign equivalent of any of the above
- The legal guardian for an individual must provide a valid photo ID and a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
  - court order(s)
  - valid power of attorney

Note: Individuals who do not inspect data or pick up copies of data in person may be required to provide either notarized or certified copies of the documents that are required or an affidavit of ID.

# **North Cannon River Watershed Management Organization**

## **Policy for Ensuring the Security of Not Public Data**

### **Legal requirement**

The adoption of this policy by the North Cannon River Watershed Management Organization (NCRWMO) satisfies the requirement in Minnesota Statutes, section 13.05 subd. 5 to establish procedures ensuring appropriate access to not public data. NCRWMO's policy limits access to not public data to individuals whose work assignment reasonably requires access.

Please direct all questions regarding this policy to NCRWMO's Data Practices Compliance Official (DPCO):

**Ashley Gallagher or successor, NCRWMO Administrator**

Dakota County Soil and Water Conservation District

4100 220<sup>th</sup> Street West, Suite 102

Farmington, MN 55024

Phone: (651) 480-7781

[ashley.gallagher@co.dakota.mn.us](mailto:ashley.gallagher@co.dakota.mn.us)

### **Procedures implementing this policy**

#### **Data inventory**

Under the requirement in Minnesota Statutes, Section 13.025, subd. 1 NCRWMO has prepared a Data Inventory which identifies and describes all not public data on individuals maintained by NCRWMO.

The Responsible Authority, the Data Practices Compliance Official (DPCO), the NCRWMO Attorney, and Board Members may have access to all not public data if necessary for specified duties. Any access to not public data will be strictly limited to the data necessary to complete the work assignment.

**Data sharing with authorized entities or individuals**

State or federal law may authorize the sharing of not public data in specific circumstances. Not public data may be shared with another entity if a federal or state law allows or mandates it. Individuals will have notice of any sharing in applicable Tennessee warnings (*see* Minnesota Statutes, Section 13.04) or NCRWMO will obtain the individual's informed consent. Any sharing of not public data will be strictly limited to the data necessary or required to comply with the applicable law. Any sharing of not public data will be strictly limited to the data necessary or required to comply with the applicable law.

**Ensuring that not public data are not accessed without a work assignment**

NCRWMO will ensure that not public data are secure.

Recommended actions for ensuring appropriate access include:

- Assigning appropriate security roles, limiting access to appropriate shared network drives, and implementing password protections for not public electronic data.
- Password protecting employee computers and locking computers before leaving workstations.
- Securing not public data within locked work spaces and in locked file cabinets.
- Shredding not public documents before disposing of them.

**Penalties**

NCRWMO will utilize the penalties for unlawful access to not public data as provided for in Minnesota Statutes, Section 13.09, if necessary. Penalties include suspension, dismissal, or referring the matter to the appropriate prosecutorial authority who may pursue a criminal misdemeanor charge.



# NORTH CANNON RIVER

## WATERSHED MANAGEMENT ORGANIZATION

### 2022 Annual Report

**Mission Statement:** “Managing groundwater and surface water to prevent property damage, maintain hydrologic balance, and protect water quality for the safety and enjoyment of citizens and the preservation and enhancement of wildlife habitat through collaboration among member communities.”

#### ABOUT US

The North Cannon River Watershed Management Organization (NCRWMO) is a government unit formed through a joint powers agreement signed by eight townships and three cities in southern Dakota County. Its jurisdiction covers approximately 150 square miles.

The sub-watersheds within its boundaries are Chub Creek, Trout Brook, Pine Creek, Mud Creek, and the Cannon River from Northfield to Lake Byllesby. The NCRWMO is predominantly rural in nature with agriculture as its primary landuse.

The NCRWMO was created in 1983 as a result of the State of Minnesota’s Surface Water Management Act. Minnesota Statute 103B.201 states that the purposes of a Watershed Management Organization shall be to:

1. Protect, preserve, and use natural surface and groundwater storage and retention systems.
2. Minimize public capital expenditures needed to correct flooding and water quality problems.
3. Identify and plan for means to effectively protect and improve surface and groundwater quality.
4. Establish more uniform local policies and official controls for surface and groundwater management.
5. Prevent erosion of soil into surface water systems.
6. Promote groundwater recharge.
7. Protect and enhance fish and wildlife habitat and water recreational facilities.
8. Secure the other benefits associated with the proper management of surface and groundwater.

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*Erosion along an old grassed waterway before it was reconstructed.*



*One week of oat cover crop growth after sweet corn harvest.*

## 2021 ACTIVITIES

The NCRWMO Watershed Management Plan identifies the following projects and tasks:

- ◆ Monitor water quality and water quantity in Chub Creek.  
*Status:* Water quality and quantity monitoring in Chub Creek was completed in 2022 through a Joint Powers Agreement with the SWCD. Partners, including Dakota County Parks, provided additional funding for water quality monitoring at sites through the entire NCRWMO watershed. An Annual Water Quality Monitoring Report is available on the NCRWMO website.
- ◆ Conduct nitrate monitoring at springs in Trout Brook Watershed.  
*Status:* Partnerships with Dakota County SWCD and Parks, allow for the continued monitoring and expansion of four-times per year monitoring of the Springs in Trout Brook watershed. The springs monitored are Fox, LeDuc, Beaver and Swede. Results are analyzed in the Annual Water Quality Monitoring Report.
- ◆ Cooperate with agencies to update nitrogen fertilizer rates; disseminate nitrogen fertilizer management recommendations.  
*Status:* Through partnerships with Dakota County SWCD and the Minnesota Department of Agriculture (MDA), efforts have been made. Dakota County adopted the Agricultural Chemical Reduction Effort (ACRE) Plan which aims to increase voluntary practices that reduce nitrate levels in drinking water.
- ◆ Provide grant match for water quality BMPs, BMPs that reduce rate and volume of runoff, nutrient management practices, wetland restoration projects, and shoreline BMPs.  
*Status:* The NCRWMO annually provides \$4,000 to be used for projects or as grant match to leverage grant funding. The NCRWMO also provides \$3,000 annually for raingardens, shoreline restorations or native plantings through the Dakota SWCD Landscaping for Clean Water Program.
- ◆ Promote and encourage volunteer water monitoring.  
*Status:* The NCRWMO continues to sponsor the Wetland Health Evaluation Program (WHEP). Furthermore, through partnerships with Dakota County SWCD and the Minnesota Pollution Control Agency, monitoring of streams is promoted and multiple streams within the watershed have been monitored by volunteers.
- ◆ Provide education and partner with others; find funding to educate and engage agricultural producers.  
*Status:* The Watershed Based Funding grants through the Board of Water and Soil Resources (BWSR) have helped the NCRWMO accomplish this task. Through a partnership with Dakota County SWCD outreach was provided on a number of BMPs.

## 2022 PROJECTS

### STRUCTURAL

**Jeremy Irrthum**  
Grassed Waterways  
Pine Creek

**Randy Peine**  
Basins  
Trout Brook

**Caroline Leifeld**  
Basins  
Trout Brook

**Ista-Messner**  
Grassed Waterways  
Cannon River

### NEW COVER CROPS

**Peine Farms**  
4 Contracts x 1 & 3 yrs  
Trout Brook

**DST LLP**  
2 contracts x 1 yr  
Trout Brook

**Peter Schweich**  
2 contracts x 1 yr  
Trout Brook

**Paul Gergen**  
3 contracts x 1 yr  
Pine Creek

**Dave Stein**  
2 contracts x 1 yr  
Trout Brook & Pine Creek

**George Feidt**  
1 yr  
Pine Creek

**Doug Wille**  
3 contracts x 3 yrs  
Pine Creek

**Dan Peine**  
3 yrs  
Trout Brook

**SCPF, LLC**  
1 yr  
Trout Brook

### NATIVE PRAIRIE

**MMDDB, LLC**  
Trout Brook

An interactive map of projects is available on the Dakota County SWCD website



**Beaver Spring** in Miesville Ravine Park is one of four natural springs in the **Trout Brook Watershed** that are monitored for **Nitrates**

The **Department of Natural Resources** maintains an online **spring inventory** that allows users to submit locations of springs they have **located**

### **CANNON RIVER WATERSHED JOINT POWERS BOARD (CRWJPB)**

The NCRWMO is a member of the CRWJPB along with thirteen other Local Government Units within the Cannon River Watershed that implement the Cannon River Comprehensive Watershed Management Plan.

The **mission** of the CRWJPB is to:

*“Work collaboratively to improve and protect the natural resources within the **Cannon River Watershed** to ensure prosperity of our urban and agricultural communities.”*

## **2022 WORK PLAN**

The NCRWMO Watershed Management Plan identifies the following projects and tasks scheduled for 2023:

- ◆ Monitor water quality and water quantity throughout the watershed.
- ◆ Cooperate with agencies to update nitrogen fertilizer rates; disseminate nitrogen fertilizer management recommendations.
- ◆ Provide grant match for water quality BMPs, BMPs that reduce rate and volume of runoff, nutrient management practices, wetland restoration projects, and shoreline BMPs.
- ◆ Track groundwater quantity and quality through reports by others.
- ◆ Promote and encourage volunteer water monitoring.
- ◆ Provide education and partner with others; find funding to educate and engage agricultural producers.

The following tasks are not identified in the NCRWMO Watershed Management Plan but are needed in order to address State strategies:

- ◆ Participate as a member of the Cannon River Watershed Joint Powers Board.
- ◆ Participate in the Watershed Based Implementation Funding grant process through the Board of Water and Soil Recourses (BWSR).

The NCRWMO started the process of updating their Comprehensive Watershed Management Plan in 2021. In 2022 NCRWMO worked with the Advisory Committee and Technical Committee to develop a draft plan. The Draft Watershed Plan was released for 60-day agency and public comment in November 2022. It is anticipated that the updated Plan should be adopted by August 2023.



## WETLAND HEALTH EVALUATION PROGRAM

For the sixth consecutive year the NCRWMO sponsored a Wetland Health Evaluation Program (WHEP) team and two wetlands were monitored. Water levels were low which made monitoring difficult. Over the six years data has been collected at three different sites.

WHEP helps the NCRWMO reach their Watershed Plan goals for Education and Outreach. Each year a team of volunteers learns about wetland health and how to monitor macroinvertebrates and vegetation. The monitoring results are then used to look at the health of a wetland over time. Most importantly, the program familiarizes watershed residents with their local water resources and the benefits wetlands provide.

Below is a summary of results from 2022 based on the Index of Biotic Integrity (IBI). The IBI is a tool for assessing the health of a body of water by analyzing how the biology—including creatures living in the water—are responding to human behavior. Trends for the NC-1 wetland are stable. The NC-3 site does not have enough data yet to establish trends. A full report of the WHEP program can be viewed on the program web-site at [www.mnwhep.org](http://www.mnwhep.org).

Wetland Code	Description	Vegetation Score	Invertebrate Score
NC-1	A 0.5 acre restoration completed in 1996	Moderate (17)	Excellent (24)
NC-2	Not monitored in 2022	—	—
NC-3	A 36 acre restoration completed in 2019	Moderate (19)	Moderate (20)



## WATERSHED BASED IMPLEMENTATION FUNDING

Clean Water Land and Legacy funding through the Board of Water and Soil Resources (BWSR) is shifting from competitive grants to Watershed Based Implementation Funding (WBIF). Watershed Based means that Watershed Plans are referenced in order to prioritize and target funding for measurable results. NCRWMO has participated in three WBIF funding rounds. Partners work together and are funding activities throughout the watershed. Dakota SWCD manages these grants either directly or through a Joint Powers Agreement (JPA) with NCRWMO.

Below is a list of some activities in these grants, a brief description, and an update on progress:

### ◆ Structural Erosion Control Practices

*Description:* Funds will be prioritized for projects in areas where a Subwatershed Analysis (SWA) is complete and according to their cost-benefit ratio.

*Progress:* SWAs are complete for the sub-watersheds of Trout Brook, Pine Creek, North Lake Byllesby, Cannon Direct, North Branch Chub Creek, and Headwaters Chub Creek. Mud Creek, Dutch Creek and Hazelwood Creek are scheduled to be complete in 2023-2024. Structural practices have been installed in some priority locations in all completed SWAs.

### ◆ Non-Structural Erosion Control Practices

*Description:* Funds will be used primarily for cover crops, and may include perennial cover or perennial crops. Priority is based on location (i.e. groundwater susceptibility) and project details (i.e. other pollutant concerns addressed).

*Progress:* Initial round of funding has been spent or encumbered. This funding is leveraged with local county dollars and competitive CWF grants.

### ◆ Irrigation Water Management

*Description:* Provide tools and assistance for producers to schedule irrigation which can reduce groundwater demand and reduce the potential of nitrate leaching.

*Progress:* The Irrigation Management Assistant (IMA) tool is now available to all producers. The free online scheduling tool expanded to include crops beyond corn and soybeans, such as peas, potatoes and sweet corn. Partners will continue to provide resources on irrigation.

### ◆ Drainage Water Management Outreach

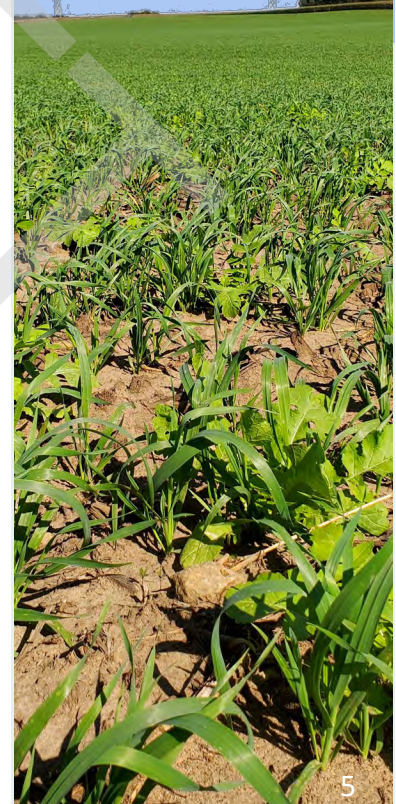
*Description:* Provide education and outreach on suitable drainage water management (DWM) practices in the NCRWMO area.

*Progress:* Targeted outreach to landowners along North Branch Chub Creek. This sub-watershed has conditions that are conducive to DWM practices.

### ◆ Wetland Restorations

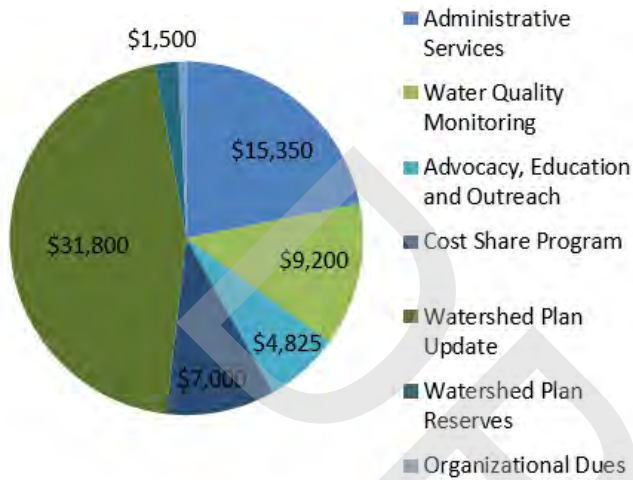
*Description:* Target areas in the Chub Creek sub-watershed for wetland restorations.

*Progress:* Modeling tools used to show priority locations. Tracked progress on private wetland banks and developed strategies for outreach and new restorations.

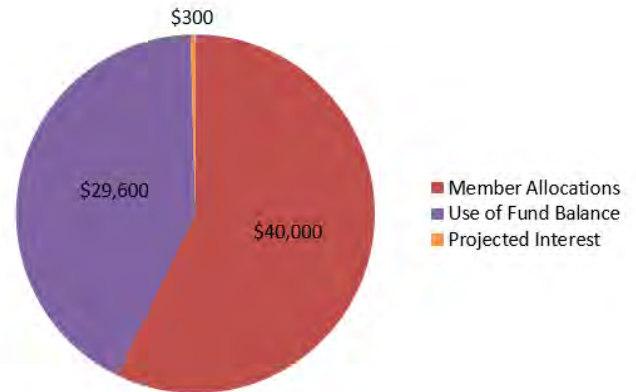


## 2021 BUDGET

### EXPENSES



### REVENUE



## 2022 MEMBER DUES

Community	% of Watershed	Tax Capacity in Watershed	% Tax Capacity	50/50 Share	Member Dues
Castle Rock Township	10.31	1.09	11.21	10.76	\$4,318.40
Douglas Township	17.78	1.19	12.24	15.01	\$5,815.61
Eureka Township	7.43	0.61	6.28	6.85	\$2,704.87
Greenvale Township	19.97	1.55	15.95	17.96	\$7,188.02
Hampton Township	15.68	1.17	12.04	13.86	\$5,590.04
Randolph Township	6.98	1.66	17.08	12.03	\$4,871.47
Sciota Township	9.99	0.88	9.05	9.52	\$3,690.95
Waterford Township	9.90	0.99	10.19	10.04	\$4,066.06
Miesville	1.17	0.20	2.06	1.61	\$652.24
New Trier	0.12	0.06	0.62	0.37	\$158.47
Randolph	0.67	0.32	3.29	1.98	\$943.87
<b>Total Dues</b>					<b>\$40,000.00</b>



## 2022 REVENUES AND EXPENDITURES

<b>Revenues</b>	
Member City Assessments	\$40,000.00
Interest Income	\$57.73
Total Revenues:	\$40,057.73
<b>Expenses</b>	
Administrative Services—General	\$17,195.00
Administrative—Watershed Plan Update	\$9,477.50
Organizational Dues	\$500.00
Advocacy, Education, Outreach	\$2,742.50
Agricultural Conservation	\$4,000.00
Landscaping for Clean Water	\$0.00
Water Monitoring	\$4,473.28
4th Generation WM Plan	\$25,774.00
Total Expenses:	\$64,162.27
<b>Net Surplus/Deficit</b>	<b>-\$24,104.54</b>
<b>Watershed Based Funding Grant</b>	
Total Grant Funds Received (90% of Total)	\$122,868.00
Grant Expenses	
Grant Administration	\$1,296.50
Project Development	\$0.00
Agricultural Practices	\$18,261.51
Subwatershed Analysis	\$0.00
Drainage Water Management	\$1,791.00
Total Expenses:	\$21,349.01
Previous Grant Expenses	\$115,431.50

## 2022 YEAR END FINANCIALS

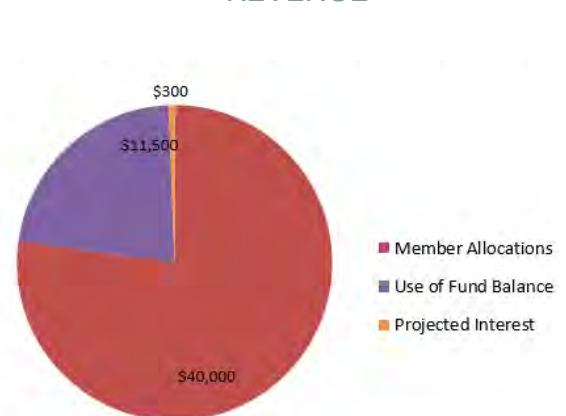
<b>Assets</b>	
Cash in Checking	\$1,096.20
Cash in Savings	\$26,514.06
Certificate of Deposit 11236	\$0.00
Total Cash:	<b>\$27,610.26</b>
<b>Accounts Receivable</b>	
Accounts Receivable WBF	\$13,912.51
Total Assets:	<b>\$41,522.77</b>
<b>Liabilities</b>	
Accounts Payable	\$11,816.60
Accounts Payable WBF Grant	\$9,979.80
Total Liabilities:	\$21,796.40
<b>Grant Funds Deferred</b>	
	\$0.00
<b>Equity</b>	
General Fund Balance January 1	\$43,830.91
Reserve for Watershed Plan	\$0.00
Net Surplus / (-) Deficit	-\$24,104.54
Total Equity:	<b>\$19,726.37</b>
<b>Total Liabilities and Equity:</b>	<b>\$41,522.77</b>

## 2022 BUDGET

### EXPENSES



### REVENUE



## ADMINISTRATION

The Dakota County Soil and Water Conservation District (SWCD) provides administrative and technical support to the NCRWMO through an annual Joint Powers Agreement. Dakota County SWCD can be contacted at :

**4100 220th St West, Suite 102,  
Farmington, MN 55024**

**(651) 480-7777**

## 2023 MEETING SCHEDULE

February 1st

April 12th

July 19th

November 15th

*Locations to be Determined*

## WEBSITE

[www.northcannonriverwmo.org](http://www.northcannonriverwmo.org)

## BOARD OF MANAGERS

Member	Appointee
Castle Rock Township	Primary: Sandy Weber (Chair) Alternate: Vacant
Douglas Township	Primary: Jeff Reed Alternate: Vacant
Eureka Township	Primary: Nancy Sauber Alternate: Vacant
Greenvale Township	Primary: Greg Langer Alternate: Wayne Peterson
Hampton Township	Primary: Dan Peine Alternate: Vacant
City of Miesville	Primary: Vacant Alternate: Vacant
City of New Trier	Primary: Vacant Alternate: Vacant
City of Randolph	Primary: Harlan Lichty Alternate: Vacant
Randolph Township	Primary: Don Dinesen Alternate: Tom Krauter
Sciota Township	Primary: Tony VanDeSteege Alternate: Vacant
Waterford Township	Primary: Frank Wergin (Treasurer) Alternate: Vacant

