

DRAFT COMMENT RESPONSES - Heron Lake Watershed District 2011 Watershed Management Plan Update

December 20, 2011

Agency	Comment Number	Plan Section	Page No.(s)	Comment	Change Made to Plan (Y/N)?	Comment Response(s)
Minnesota Pollution Control Agency (Email)	1	General Comment	Entire Plan	The Minnesota Pollution Control Agency provided many editorial comments and suggested text revisions to the WMP via email. A subsequent letter was also provided.	Y	The comments were incorporated throughout the WMP.
Board of Water and Soil Resources (Letter)	1	7.2.1	82-85	Thus, to meet requirements of M.S. Section 103D.729 for a Water Management District, the section must specify that a project will be ordered after a separate notice and hearing process for any project funded wholly or partially with water management district funds.	Y	The WMP has been modified to identify the Best Management Practice Implementation - Water Quality Improvement Program and the Flood Damage Reduction Program as separate "projects" which will be initiated (and presumably ordered) by the Board of Managers under MS 103D.730 Stormwater Facilities. The plan has been additionally modified to indicate that each of these projects are comprised of eligible "practices or activities" (e.g., a Best Management Practice for the Water Quality Improvement Program) as described within the WMP. Only those practices or activities as defined within the WMP are "eligible" for funding using revenue collected through the Water Management District charge. A WMP amendment would be necessary to modify the list of practices or activities and a subsequent hearing to incorporate new practices or activity not described in the WMP. Language has been added to indicate that flood damage program activities must be established as a project to use revenue from the WMD.
Board of Water and Soil Resources (Letter)	2	7.2.1	82-85	Therefore, on the Water Management District Map (Figure 16) the word "proposed" should be deleted from the index identifying the Water Management District and the Area of Include par of the plan should be written to describe the Water Management District, not a proposal of the area.	Y	The word "proposed" is removed from Figure 16. Revisions were also made within the section Methods for Determining charges as recommend by BWSR by email.
Board of Water and Soil Resources (Letter and Email)	3	6.3	61-77	As discussed during our June 28, 2011 meeting the implementation section of the plan is driven by a long range work plan and development of an annual work plan. The way the BWSR currently makes decisions for competitive Clean Water Funds (CWF) is heavily scored on projects and priorities being identified in a state approved, locally adopted plan. While annual plans of work are a great tool to prioritize and identify work load and projects for the upcoming year they are not State approved. Therefore, an annual work plan cannot be used as a direct reference plan to apply for CWF. As recommended on June 28, 2011 I would advise the Watershed District to prioritize implementation, target (sub-watershed, shoreland, etc), provide measurable action items and identify priority projects. Currently the majority of the action items are watershed district wide and have no measureable action.	Y	The majority of action items within the Long Range Work Plan are at a watershed wide scale, because one important focus of and location used to evaluate the success of the District's activities is Heron Lake, which is located near the outlet of the District. Please note that Section 8.7.2 Amendments to the Watershed Management Plan discusses when a plan amendment is required, should the Long Range Work Plan be modified. Please note that BWSR guidance indicates that "Projects must be identified in a local water management plan, groundwater plan well head protection plan or surface water intake plan." Relative to CWF funding, the EPA approved implementation plan for Heron Lake is incorporated by reference, providing justification as a priority for CWF funding. Additionally, Section 6.3.2.2 Water Quality Improvement Program is specific to improving water quality making the District eligible for CWF funding. Also, please see comment response BWSR #2. Although establishing priority areas for the implementation of BMPs is certainly desirable, the experience of HLWD implementing cost-share projects for more than 16 years is that landowner interest is equally or more important for implementation. The HLWD does work with the local SWCD and others to ensure the BMPs implemented will result in improved water quality and reduced runoff. Please note that the WMP does identify priority areas for flood damage reduction. Section 6.3, Implementation Program, has been revised to include timeframe, determining factors, person(s) responsible, priority audience, efforts funded/estimated efforts, and estimated cost as a means to provide prioritization, targeting, and measurable actions.
Board of Water and Soil Resources (Letter)	4	Not Applicable	Not Applicable	As discussed on the phone and in personal on June 28, 2011 I would suggest that the Watershed District staff contact all County Boards and invite Soil and Water Conservation Districts and County Staff to openly discuss the decision to create a Water Management District.	N	Several meetings were held and HLWD staff and Managers appeared before the County Boards to discuss establishing the WMD. Text describing these meetings has been Section 1.4.
Board of Water and Soil Resources (Letter)	5	6.3.2.2.2	Pages 68-71 and Table 10 on page 70	The Water Management District is being proposed to fund projects that will address the long term water quality within Heron Lake and reduce sediment loads within the area contributing runoff to Heron Lake. My concern is a few of the practices identified will have limited success in achieving that goal. As stated in our conversation on June 28, 2011 the practices I have concern with include: farmstead shelterbelts, living snow fences, well sealing and septic system assessment.	Y	See the response to comment BWSR-1. The revised WMD language identifies those specific practices considered eligible for funding.
Board of Water and Soil Resources (Letter)	6	General Comment	Entire Plan	Finally, I have suggested several minor edits and typo changes during our discussion on June 28, 2011, such as, dating the plan and having the plan duration period on the front page.	Y	The cover has been modified to include the date and duration of the plan.

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Southwest Regional Development Commission (Letter)	1	General Comment	Page 11	I would strongly suggest that you consider Comprehensive Plans, zoning, water management, hazard mitigation, and other related plans and policies to ensure that you are not duplicating efforts already in place.	Y	HLWD staff served on the advisory committees during the development of the Comprehensive Water Plans for Nobles (2009), Jackson (2008), Murray (2007), and Cottonwood (2007) Counties. In addition, the water plan coordinators, Soil and Water Conservation staff, and a commissioner from each county serve on the HLWD Advisory Committee. All involved have done their utmost to ensure that the HLWD WMP is based upon the findings of the TMDL Study, is consistent with the Comprehensive Water Plans and the TMDL Implementation Plan, and that efforts for zoning, water management, mitigation, policy, and planning are complemented, not duplicated.
Southwest Regional Development Commission (Letter)	2	8.2	Pages 44 and 55	As your proposed plan also addresses flooding, I would invite you to be actively involved in future updates of the hazard mitigation plans in each county as required by FEMA; failure to do so may endanger future federal funding to our counties. I would also suggest substantially expanding Section 8.2 to address how your plans will be coordinated with all jurisdictions covering your district.	Y	Comment acknowledged. The Districts efforts on flood damage reduction are oriented at the problem areas identified in Figure 12. Coordination among partners will continue into the future. The District welcomes the opportunity for involvement in flooding issues. This WMP initiates a "new" flood damage reduction program. A paragraph acknowledging this has been added to Section 4.2.2, as well as Action 5.2-1k.
MN Department of Agriculture (Letter)	1	General Comment	Entire Plan	The plan should provide guidance, objectives, goals, and action items for further coordination of agricultural water management issues and Conservation Drainage (CD) implementation efforts at the local level. A number of CD practices exist to address water quality issues.	N	Comment acknowledged. The HLWD believes the WMP adequately describes the role of the District when cooperating with the drainage authority.
MN Department of Agriculture (Letter)	2	4.2.3	45	Even though the HLWD is not the primary lead on drainage issues as indicated on Page 46, it is recommended that the HLWD plan address the following in a cooperative approach with local drainage authorities: Discuss how CD practices can be utilized based on drainage needs of the watershed district coupled with associated water management issues. The use of CD practices and designs be encouraged in a proactive manner by the watershed district and local drainage authorities during repairs and improvements of existing drainage systems. That redetermination of benefits for ditch systems be done in a proactive, consistent and systematic manner. Buffer initiatives be implemented consistently and according to current drainage law. That local drainage authorities base drainage regulations on science and current best management practice knowledge.	N	Comment acknowledged. The HLWD believes the WMP adequately describes the role of the District when cooperating with the drainage authority. The primary role of the District is to provide incentives for incorporating conservation drainage practices.
MN Department of Agriculture (Letter)	3	4.2.3	45	The HLWD is also encouraged to use scientific reference to support various reference statements about drainage on Page 41 of the draft plan.	N	Comment acknowledged. The statements are general in nature.
MN Department of Agriculture (Letter)	4	6.3.2.2.2	68-69	A number of targeting tools have been developed or under development to assist local units of government in targeting BMPs and conservation practices.	Y	Acknowledged. The HLWD is currently working under a MDA grant for tracking and assessing the water quality benefits of agricultural BMPs.
MN Department of Agriculture (Letter)	5	6.3.2.2.3	72-73	The MDA is working with several partners to conduct a comprehensive inventory of agricultural BMPs that address current Minnesota water quality impairments.	Y	Acknowledged. See response to MNDA #4.
MN Department of Agriculture (Letter)	6	Unknown		The following is additional background information and material for the HLWD to consider when developing both groundwater and surface water quality goals and objectives in relation to agricultural areas.	Y	The primary focus of the HLWD is surface water. Many other local and state agencies have a lead role in managing groundwater. The WMP includes goals for surface water quality and quantity.
MN Department of Agriculture (Letter)	7	5.6	57-58	The MDA also encourages the HLWD to work with other local units of government on collaborative approaches via the education goals outlined on Pages 54 and 55 of the draft document.	Y	Comment acknowledged. The HLWD will continue its current cooperative efforts.
Minnesota Pollution Control Agency (Letter)	1	4.2.1	38-42	It is suggested the watershed plan:It is anticipated that EPA will approve the updated list of impaired waters shortly.	Y	Revisions have been made to Table 5, Table 6 and Table 7 to ensure it reflects the 2008 Impaired Waters List provided in the MPCA comment letter.
Minnesota Pollution Control Agency (Letter)	2	6.3.2.2.3	72-73	Local input will be critical in getting the best information possible for this effort. Information can be used by the Watershed District to apply for funding such as the Clean Water Funds (CWF) to continue implementation activities that may otherwise not be available. This effort may also help lead to funding for monitoring and civic engagement.	Y	A paragraph acknowledging the interest of the HLWD in participating in the "watershed-wide" TMDL approach has been added to Section 6.3.2.2.3 (last paragraph).

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MN Department of Natural Resources (Letter)	1	6.3	61-77	In referencing water quality goals, policies, and actions, I believe that there is a vested interest in establishing more quantitative or enumerative goals. This assertion is certainly most apparent as details as set forth in "Actions". For example: How many biotic indices assessments will be done each year? Or, how many manure storage facilities or septic systems does the District Plan to fund or assist with per year/decade/etc? What creative solutions will the District support as alternatives to standard ditch construction and danouts? How many lakes or streams per year will you complete a water protection strategy to keep them from becoming impaired?	Y	The Section 6.3, Implementation Program, has been revised to include timeframe, determining factors, person(s) responsible, priority audience, efforts funded/estimated efforts, and estimated cost as a means to provide prioritization, targeting, and measurable actions. The District operates on limited funding and much of what is accomplished with regard to implementing BMPs is because of the District receiving state and federal grants. Although more quantitative goals may seem attractive and desirable, the amount of revenue constrains the number of BMPs and water quality implementation projects which can be completed each year. Accountability relative to District activities including attaining the goals identified in the WMP is achieved through the annual reporting requirement to BWSR.
MN Department of Natural Resources (Letter)	2	6.3	61-77	The water quality goals, policies, and actions should also be vetted to determine more quantitative or enumerative goals. How many engineering reports will be done each year? How many outlet assessments will be done each year/decade? The water quantity section also exhibits a generalized Flood prone map. I believe that as presented, this map greatly limits the ability to make effective decisions about flooding projects or responses. I encourage you to get in touch with Wayne Smith from Nobles County, or representatives from FEMA, or the consulting firm PBS&J, which were hired to update the floodplain maps in Nobles County in 2010. These new maps have a significantly higher level of detail not published in previous versions. Further, shape-files are available for review and/or use by LGU staff, with detailed LIDAR data available soon. Lastly, the HLWD can be a leader in providing alternative analysis and researching other options for standard drainage practices. This strategy could be similar to the decisions made on the in-channel settling pond upstream of Fulda Lake.	Y	Section 6.3, Implementation Program, has been revised to include timeframe, determining factors, person(s) responsible, priority audience, efforts funded/estimated efforts, and estimated cost as a means to provide prioritization, targeting, and measurable actions. The HLWD will work cooperatively with the counties, SWCDs, and other partners to implement flood reduction projects and will use the best mapping resources available at project initiation. The HLWD will continue to provide leadership and direction during project development and implementation. The District operates on limited funding and much of what is accomplished with regard to implementing BMPs is because of the District receiving state and federal grants. Although more quantitative goals may seem attractive and desirable, the amount of revenue constrains the number of BMPs and water quality implementation projects which can be completed each year. Accountability relative to District activities including attaining the goals identified in the WMP is achieved through the annual reporting requirement to BWSR.
Board of Water and Soil Resources (email)	1	1.3	9	1.3 Description of the Planning Process (pg. 9). Bullet number 12 should be changed to read "BWSR Board prescribes and approves a watershed management plan". Currently the text reads that the managers must adopt the WMP following BWSR board approval.	Y	Bullet number 12 was changed to read "BWSR prescribes and approves the WMP."
Board of Water and Soil Resources (email)	2	1.3	9	1.3 Description of the Planning Process (pg. 9). Bullet number 13 should be changed to read "The Board of Water & Soil Resources must send copies of the approval order to the managers, the county board of each county affected by the watershed district, the commissioner, the director, governing body of each municipality affected by the watershed district, and soil and water conservation districts affected by the watershed district".	Y	Bullet number 13 was changed to read "BWSR must send copies of the approval order to the HLWD managers, the county boards, governing bodies of each municipality, and SWCDs affected by the HLWD, and the commissioner and director of the DNR."
Board of Water and Soil Resources (email)	3	7.2.1	87	Any other changes to the plan that the HLWD board of managers would like to change after public information/input/discussion. I know there has been discussion about parcel maximum and minimum charge restrictions be in place for the water management district. <i>Currently the plan does not identify parcel maximum or minimum amounts.</i> There has also been discussion that parcel maximum & minimum fees would limit the District's ability to collect more than \$90,000 annually. Currently the maximum revenue generated by the water management district is capped at \$200,000. Again this a policy decision that should be made by the board of managers. If a change is made again I would suggest incorporating it into the plan.	Y	Bullet number 7 was changed to read "A maximum annual per parcel charge of up to \$24.00 will be imposed."