

# PRWD Rule Revision Board Workshop #1

Goals & Objectives

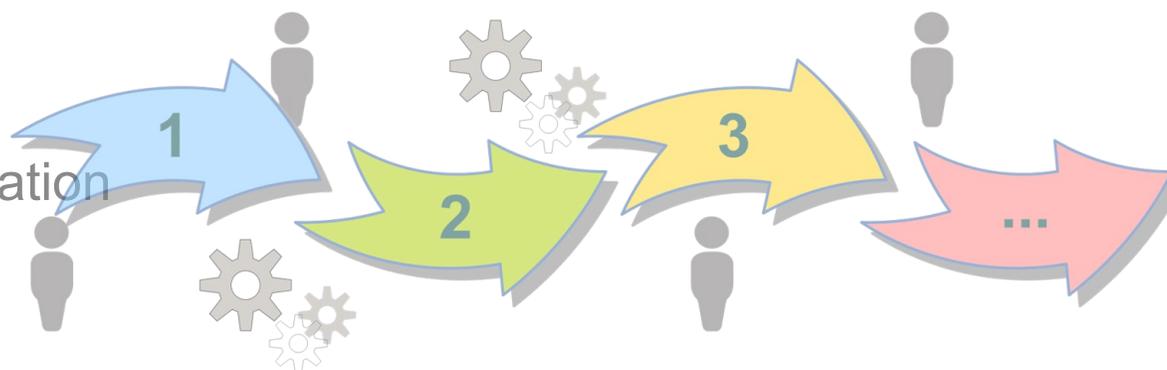


**moore**  
engineering, inc.



# Rule Making is a Process

- When we work the process we
  - Stay focused
  - Systemically address each item
  - Provide important background information
  - Make informed decisions
  - Work towards consensus
- We're not starting from scratch
  - This will be a refinement and clarification process
  - We will revisit and either edit or reaffirm as needed





# What is the Process?

## BWSR Rule Making Handbook

### Statutory Requirements

#### Facilitated by following a Roadmap

1. Review District Goals & Purpose
2. Establish Baseline Knowledge
3. Clarify/Update Rule Language and Criteria
4. Coordination With Other Agencies
5. Establish Procedures/Workflows
6. Stakeholder Review of Proposed Updates
7. Complete Review and Comment Period



# Review District Goals & Purpose



- What's in our CWMP?
- What are our PRWD goals?
- What are we obligated to do?
  - MS 103.D
  - MS 103.E
  - MPCA (WRAPS/TMDLs)
  - MS4
  - Etc.
- Review scope of rules (maybe)



# Why are we here?



- “The natural beauty and diversity of water and land in the Otter Tail Watershed is attractive to residents and tourists because of its recreational opportunities, farming, forests, and wildlife. We strive to sustain this diversity of riches for future generations to enjoy.” – Otter Tail Plan Vision Statement
- Preserve, Enhance, & Protect
- Why are you here?



## Watershed Management

- Projects
- Programs
- Partnerships



# CWMP – Otter Tail River 1W1P



## Phosphorus Reduction

- 5% reduction in focus lakes and streams through agricultural practices, stormwater management, and shoreline stabilization.

## Sediment Reduction

- 4% reduction in focus streams through agricultural practices, stormwater management, and shoreline stabilization.

## Land Protection

- 500 acres/year of land protection or forest management (5,000 acres in 10 years).

## Soil Health

- 1,500 acres/year of soil health practices such as cover crops, no till, pasture management, and conservation crop rotation (15,000 acres in 10 years).

## Groundwater Protection

- 690 acres/year groundwater protection practices such as nutrient management, irrigation water management, and DWSMA protection (6,900 acres in 10 years).

## Aquatic Connectivity

- Modify 4 dams on the Pelican River to reconnect 81 river miles, and modify 4 dams on the Otter Tail River to reconnect 88 river miles.

## Bacteria Reduction

- Implement 2 projects/year to prevent new impairments and make progress toward removing current impairments (20 projects in 10 years).

## Stream Stabilization

- 1.8 miles of stream stabilization and riparian easements in the watershed.

## AIS Prevention & Management

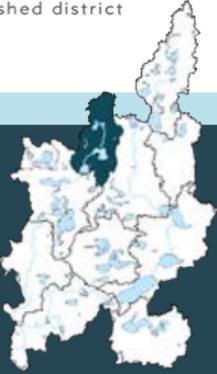
- Continue implementation of local AIS Plans including inspections, compliance, decontaminations, outreach, monitoring, and enforcement.

## Water Retention

- 0% change in watershed discharge while building resilience through agricultural practices, forest protection, stormwater retention, and wetland restoration.

Throughout, highlight will be things that are related to PRWD Rules

CWMP – Comprehensive Watershed Management Plan



## Pelican River Watershed District Implementation Table

Actions	Targeting and Measuring			Measurable Goals								Responsibility	Timeline					Estimated Costs			
	Program	Focus Resources	10-Year Output	Phosphorus Reduction	Sediment Reduction	Soil Health	Groundwater Protection	Land Protection	Bacteria Reduction	Aquatic Connectivity	Stream Stability	Water Retention	AIS Prevention & Mgmt	Responsibility/Partners (Bold = Lead)	2023-2024	2025-2026	2027-2028	2029-2030	2031-2032	Funding Level	Estimated Total 10-Year Cost
Throughout, highlight will be things that are related to PRWD Rules																					
<b>Water Quality / Phosphorus Reduction</b>																					
<b>Meet Lake St. Clair TMDL</b> (actions in TMDL and tracking system)		Lake St. Clair	Phosphorus load at 2.75 lbs/day	●	○	○	○	○	○	○	○	○	PRWD, City of Detroit Lakes, BWSR, MPCA	●	●	●	●	●	2	3	\$1,000,000
<b>Agricultural Land Management</b> (Soil Health, Groundwater Protection, Structural Ag practices, Bacteria reduction, identify areas with high erosion potential)		PRWD Lakes & Streams	Phosphorus reduction: <i>Detroit Lake: 203 lbs/yr</i> <i>Lake St. Clair: 60 lbs/yr</i> <i>Lake Sallie: 303 lbs/yr</i> <i>Campbell Creek 45 lbs/yr</i>	●	●	●	○	○	○	○	○	○	Becker SWCD, NRCS, PRWD, BWSR	●	●	●	●	●	2	3	Costs in Pelican Subwatershed
<b>Stormwater Management</b> (rain gardens, sedimentation basins, retrofits, regional wet/dry stormwater basins east of Detroit Lakes)		PRWD Lakes & Streams	Phosphorus reduction: <i>Detroit Lake: 203 lbs/yr</i> <i>Lake St. Clair: 60 lbs/yr</i> <i>Lake Sallie: 303 lbs/yr</i>	●	●	○	○	○	○	○	●	○	PRWD, BWSR, City of Detroit Lakes	●	●	●	●	●	2	3	\$7,770,000
<b>Internal Loading Management</b> (explore alum treatment or other methods)		Lake St. Clair North Floyd	Phosphorus reduction: <i>Lake St. Clair: 60 lbs/yr</i>	●	○	○	○	○	○	○	○	○	PRWD, BWSR, MPCA	○	●	●	○	○	2	3	\$800,000
<b>Street Sweeping &amp; Sand Use</b> (develop comprehensive program, explore purchasing a street sweeper, appropriate sand use in winter)		PRWD Lakes & Streams	Phosphorus reduction: <i>Detroit Lake: 203 lbs/yr</i> <i>Lake St. Clair: 60 lbs/yr</i> <i>Lake Sallie: 303 lbs/yr</i>	●	●	○	○	○	○	○	○	○	PRWD, City of Detroit Lakes, MPCA	●	●	○	○	○	2	3	\$200,000
<b>Stream and Ditch Stabilization</b>		Campbell Creek, Floyd Lakes	Campbell Creek reductions: <i>45 lbs/yr phosphorus</i> <i>126 tons/yr sediment</i> <i>0.4 miles of stabilization</i>	●	●	○	○	○	○	○	●	○	PRWD, Becker SWCD, Becker County, BWSR, DNR	●	●	●	●	●	2	3	\$35,000
<b>Maintain Public Drainage Systems</b> (103E, inspections, records, inventories)		Ditches	Implement 103E	○	○	○	○	○	○	○	○	○	PRWD, BWSR	●	●	●	●	●	1		\$150,000
<b>Shoreline Surveys</b> (shoreline inventory surveys on lakes with potential for increased development)		PRWD Lakes	At least 2 surveys per lake	○	○	○	○	○	○	○	○	○	PRWD	●	●	●	●	●	1		\$50,000
<b>Chloride Management</b> (program to guide de-icing salt on municipal, county, and township roads, assessment of chloride in lakes)		Detroit Lake	Host two trainings on road and sidewalk maintenance, complete a chloride assessment and sampling for at least two years	○	○	○	○	○	○	○	○	○	PRWD, City of Detroit Lakes, MPCA	○	●	●	○	○	1	2	\$20,000
<b>Establish water quality goals for shallow lakes</b>		North Floyd, Wine, Abby, & Lind Lakes	Goal for each lake	●	○	○	○	○	○	○	○	○	PRWD, MPCA, DNR	●	●	○	○	○	1		\$20,000



Actions	Targeting and Measuring			Measurable Goals								Responsibility	Timeline					Estimated Costs				
	Program	Focus Resources	10-Year Output	Phosphorus Reduction	Sediment Reduction	Soil Health	Groundwater Protection	Land Protection	Bacteria Reduction	Aquatic Connectivity	Stream Stability	Water Retention	AIS Prevention & Mgmt	Responsibility/Partners (Bold = Lead)	2023-2024	2025-2026	2027-2028	2029-2030	2031-2032	Funding Level	Estimated Total 10-Year Cost	
<b>Lake Management Plans</b>		PRWD Lakes	Complete plan for each lake	○	○			○	○				○	PRWD, Lake Associations, COLA	●	●				1	\$150,000	
<b>Data Collection</b> (lake monitoring, stream monitoring, analysis of data, project efficiency monitoring)		PRWD Lakes & Streams	Trend analysis, problem investigation, post data on website and reports	○	○				○				○	PRWD, MPCA, DNR, Becker SWCD, Lake Associations, COLA	●	●	●	●	●	1	\$850,000	
<b>Wetland management and enhancement</b> (Manage, enhance, and restore wetland water quality and function, enforce rules)		Wetlands	Complete wetland inventory, explore opportunities.	●	●					○		●		PRWD, Becker County, Becker SWCD, NRCS, DNR, MPCA, BWSR, City of Detroit Lakes	●	●	●	●	●	1	\$60,000	
<b>Capital Improvement Projects</b> (Evaluate and inventory opportunities for capital improvement projects that reduce nutrient and sediment loads)		Focus Lakes & Streams	Perform at least one formal evaluation which generates at least 10 project opportunities	●	●		○	○	●	○	○	○		PRWD, City of Detroit Lakes, Becker County, MPCA, DNR, local businesses		●	●	●	●	1	\$100,000	
<b>Rice Lake Wetland Restoration</b> (complete project)		Wetlands, Detroit Lake	Rice Lake Project: 691 acre-feet storage 461 acres restored	●	●					○		●		PRWD, BWSR, DNR, City of Detroit Lakes	●	●				3	\$1,250,000	
<b>Water Quantity</b>																						
<b>Localized Flooding Resilience</b> (mitigate flooding and prevent flood-related damages to property, public safety, and water resources, prepare for emergency scenarios)		Floodplains	Gather floodplain data and FEMA information, Implement design standards for water-related infrastructure	○	○								●		PRWD, City of Detroit Lakes, MNDOT, DNR, townships, FEMA	●	●	●	●	●	3	\$80,000
<b>Capital Improvement Projects</b> (Evaluate opportunities for capital improvement projects that reduce stormwater volume and peak flows)		Focus Lakes & Streams, MS4 areas	Perform at least one formal evaluation which generates at least 10 project opportunities	○	○		○	○	○	○	○	●		PRWD, City of Detroit Lakes, MPA, DNR		●	●	●	●	2	3	\$100,000
<b>Water Reuse</b> (explore and implement water reuse projects)		Detroit Lake	Implement one project.	○	○							○		PRWD, City of Detroit Lakes		●	●	●	●	2	3	\$100,000
<b>Habitat Management and Protection</b>																						
<b>Buffer and Shoreline Management</b> (i.e. shoreline restoration, remove seawalls, riparian buffers, riparian enhancement)		Focus Lakes & Streams	20 projects, 2 projects/year pace	●	●				○			●	○	PRWD, City of Detroit Lakes, Becker County, Becker SWCD, DNR	●	●	●	●	●	2	\$80,000	
<b>Land Protection</b> (SFIA, 2c, conservation easements, acquisition of forests, wetlands, or other sensitive areas)		Focus Lakes & Streams, LSP	1 conservation easement or AMA	○	○		○	●						Becker SWCD, PRWD, BWSR, DNR, City of Detroit Lakes, Becker County, MDH, MPCA, BWSR (RIM)			●	●	●	3	Costs in Pelican Subwatershed	

Throughout, highlight will be things that are related to PRWD Rules



Actions	Targeting and Measuring			Measurable Goals									Responsibility	Timeline					Estimated Costs				
	Program	Focus Resources	10-Year Output	Phosphorus Reduction	Sediment Reduction	Soil Health	Groundwater Protection	Land Protection	Bacteria Reduction	Aquatic Connectivity	Stream Stability	Water Retention	AIS Prevention & Mgmt	Responsibility/Partners (Bold = Lead)	2023-2024	2025-2026	2027-2028	2029-2030	2031-2032	Funding Level	Estimated Total 10-Year Cost		
<b>Fish Passage Projects</b>		Little Floyd Lake, Pelican River	2 rock rapids projects (Little Floyd Lake and Bucks Mill Dam)							●	○			<b>DNR, PRWD, Becker County</b>	●	●				3	\$600,000		
<b>Aquatic Invasive Species Prevention and Management</b>																							
<b>Adaptive Management</b> (update and implement aquatic invasive plant management plans, continue mechanical and chemical treatments)		PRWD Lakes	Flowering Rush: <i>Maintain less than 2% occurrence in littoral zone</i> Curly-leaf pondweed: <i>Reduce occurrence by 90%</i>	○										●	<b>PRWD, Lake Associations, DNR</b>	●	●	●	●	●	1	\$800,000	
<b>AIS Prevention and Monitoring</b> (AIS monitoring, identification, rapid response, research new treatments)		Floyd, Little Floyd, Detroit, Curfman, Long, Sallie, Melissa lakes, Pelican River	At least 2 surveys per lake, Rapid Response Plan, Collaborate with researchers	○										●	<b>PRWD, Lake Associations, DNR</b>	●	●	●	●	●	1		
<b>Regulatory Programs</b>																							
<b>Ordinances and Rules</b> (see Section 8, Table 8.2, Appendix F)		All	Implement WD rules	●	●		●		○					●	●	<b>PRWD, Becker County, BWSR, MPCA, DNR, City of Detroit Lakes</b>	●	●	●	●	●	1	\$940,000
<b>Education and Outreach Programs</b>																							
<b>Education and Outreach</b> (see Section 8, Tables 8.5-8.6)		All	Implement program	○	○	○	○	○	○	○	○	○	○	○	○	<b>PRWD, Becker County, BWSR, MPCA, DNR, City of Detroit Lakes, Lake Associations, Becker COLA</b>	●	●	●	●	●	1	\$100,000
																				<b>Total Level 1 Funding Scenario (Baseline Funds):</b>		1	\$3,240,000
																				<b>Total Level 2 Funding Scenario (Baseline + WBIF):</b>		2	\$8,085,000
																				<b>Total Level 3 Funding (Partner Projects, Other Funding):</b>		3	\$3,930,000

Throughout, highlight will be things that are related to PRWD Rules

● Primary Goal this action will address | ○ Secondary Goal this action will address

**Total Level 1 Funding Scenario (Baseline Funds):** 1 \$3,240,000  
**Total Level 2 Funding Scenario (Baseline + WBIF):** 2 \$8,085,000  
**Total Level 3 Funding (Partner Projects, Other Funding):** 3 \$3,930,000

# CWMP – Otter Tail River 1W1P



## 2024 Work Plan for Pelican River Watershed District Area and Pelican River sub-watershed Area

OTW 1W1P: Pelican River WD/Pelican River Watershed -Targeted Focus Areas

### 2023-2032 Otter Tail River 1W1P

Plan Partners: Becker County, Otter Tail County, Becker SWCD, East Otter Tail SWCD, West Otter Tail SWCD, Cormorant WD

### Surface Waters

*Includes all water on the surface such as lakes, streams, wetlands, and drainage systems.*

**Primary Issues:** Untreated Stormwater; Excessive Nutrient Loading; Unstable Stream Channels; Excessive Erosion (wind/water), insufficient protection

**Secondary Issues:** High E.coli; Altered Hydrology (increased rate/quantity of water flows ; bank erosion, habitat impacts), destruction of habitat

**Focus Restoration Goal:** St. Clair Lake; Campbell Creek/Ditch 12 (reduce sediment 126 tons/year)

**Focus Enhance Goal:** Big & Little Detroit; Sallie

**Focus Protection Goal:** Floyd (Big/North), Little Floyd

**Implementation Actions:** Wetland Restoration/Creation; Stormwater Management; Shoreline/Streambank Stabilization; Ag Land management (soil health, water/sediment control structures); CRP/RIM/Forest Easements; In-lake treatments; Septic/Wastewater

Throughout, highlight will be things that are related to PRWD Rules

# CWMP – Otter Tail River 1W1P



## Habitat Management and Protection

*Includes habitat for wildlife, game, birds, and aquatic life (fish and macroinvertebrates), and sensitive species such as wild rice, cisco, and trout.*

**Primary Issue:** Aquatic Invasive Species (All Lakes, Rivers, Wetlands within the basin)

**Secondary Issues:** Destruction of In-Lake & Riparian Habitat (development pressure/shoreline alterations/river sediment loads); Barriers (dams, perched culverts) to Fish Movement (Pelican & Otter Tail Rivers)

**GOALS:** Aquatic Connectivity Enhancement, AIS Prevention and Management

**OTW Goals:** modify dams with rock arch rapids; manage Flowering rush, Curly-leaf pondweed; prevent AIS introductions to waters, survey vegetation on lakes; address perched culverts to allow for fish passage; Promote & install shoreline restoration projects, acquire one conservation easement or AMA

**Implementation Actions:** AIS prevention, monitoring, adaptive management, rapid response, research, special studies; Land Protection (conservation easements, acquisition of forests, wetlands or other sensitive aquatic areas); riparian buffers and enhancement, shoreline management (shoreline restoration, removal of seawalls/retaining walls); incorporate fish spawning habitat into applicable projects; encourage wildlife and pollinator-friendly seed mixes and plantings in buffers or linear projects

Throughout, highlight will be things that are related to PRWD Rules

# CWMP – Otter Tail River 1W1P



## Land Stewardship

*Includes multiple benefits of managing the land for healthy soils, groundwater, surface water, and habitat quality.*

**Primary Issues:** Fragmentation and loss of forests and grasslands by land use change impacts land resilience, habitat, and surface and groundwater quality.

**Secondary Issues:** Soil Quality Degradation – Organic matter depletion; Inadequate Habitat for Fish & Wildlife – Habitat Degradation & Habitat Continuity

**Goals:** Protection of outstanding resources • Fragmentation of forests and grasslands • Destruction of riparian habitat

**Implementation Actions:** Forest Management Plans, SFIA, 2c, Easements, Acquisitions

Throughout, highlight  
will be things that are  
related to PRWD Rules

# CWMP – Otter Tail River 1W1P



## Groundwater

*Includes all groundwater resources including aquifers, with a focus on drinking water*

**Primary Issues:** Water Quality Degradation-Excess nutrients in groundwater; **Groundwater contamination**

**Secondary Issues:** Groundwater Quality, Groundwater sustainability is vulnerable to overuse and loss of recharge

**Goals:** Protect vulnerable Drinking Water Supply Areas and vulnerable aquifers.

**Implementation Actions:** managing nitrates, arsenic, well-sealing, **wellhead protection**, septic systems, and protection of **Drinking Water Supply Management Areas**.

Throughout, highlight  
will be things that are  
related to PRWD Rules

# 2020 WMP



## Water Quality

**Lakes:** *Adaptively manage District lakes to protect, enhance and restore lake water quality and recreational utility as appropriate to each lake.*

- Reduce excess nutrient and sediment loading to lakes through BMPs, capital improvement projects and regulatory controls.
- Reduce rate and volume of stormwater runoff entering lakes to help meet water quality loading goals.
- Reduce internal phosphorus loading (from bottom sediments) to lakes.
- Monitor and reduce chloride loading to lakes.
- Acquire data necessary to better understand water quality trends and threats in order to most effectively implement water quality improvement practices.

**Wetlands:** *Protect, enhance and restore wetland water quality and function.*

- Restore hydrology of altered wetlands and surrounding areas that are contributing excess nutrients to downstream waters.
- Inventory wetland water quality and function.
- Protect high quality wetlands as identified in wetland inventory to be performed.
- Help implement requirements for wetland management

**Rivers, streams and other waterways:** *Protect, enhance and restore rivers, tributary streams and other waterways, such as ditches.*

- Inventory water quality and function of public drainage systems in the District in accordance with Minnesota State Statute 103E.
- Restore stream water quality and stream ecosystem health.
- Protect high quality stream reaches.

**Groundwater:** *Protect aquifers and maintain or improve groundwater quality, so that drinking water is safe.*

- Protect groundwater quality and ensure safe drinking water.
- Increase public awareness of groundwater protection issues and of the City of Detroit Lakes Wellhead Protection Plan.

# 2020 WMP



## Water Quantity

**Water Levels:** *Promote shoreline resilience to fluctuations in water levels of lakes, streams and drainage systems.*

- Monitor lake, stream and drainage system water levels.
- Promote shoreline that is resilient under fluctuating water levels through shoreline rehabilitation (e.g., with deep-rooted plants, soft-armor plantings, etc.)

**Localized Flooding:** *Mitigate localized flooding issues and prevent flooding-related damages to property, public safety and water resources.*

- Gather baseline floodplain data.
- Mitigate current flooding and prevent future flooding.
- Prepare for emergency flood scenarios.

**Groundwater** *Ensure groundwater supply is sustainable.*

- Reduce groundwater withdrawal.
- Increase groundwater recharge.

# 2020 WMP



## **Ecological Integrity**

***AIS:*** Prevent establishment of new invasive species and manage invasive species that already exist in the watershed.

- Manage priority invasive species using the best available methods and technology.
- Monitor for new invasive species.
- Stay current with new management strategies and aquatic invasive species research

***Wildlife Habitat:*** Protect, enhance and restore wildlife habitat.

- Search for opportunities to partner on multi-benefit projects that will enhance water quality and create new wildlife habitat.

***Fish Communities:*** Maintain healthy fish communities.

- Prioritize areas for aquatic habitat protection
- Protect, enhance, and restore fish habitat, especially when projects have multiple benefits that meet District objectives.

# Review District Goals & Purpose



- What's in our CWMP?
- What are our PRWD goals?
- What are we obligated to do?
  - MS 103.D
  - MS 103.E
  - MPCA (WRAPS/TMDLs)
  - MS4
  - Etc.
- Review scope of rules



# MS 103D – Watershed Law



## 103D.201 WATERSHED DISTRICT PURPOSES.

Subdivision 1. **General purposes.** To conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources, the establishment of watershed districts is authorized under this chapter.

Subd. 2. **Specific purposes.** A watershed district may be established for any of the following purposes:

(1) to control or alleviate damage from floodwaters;

(2) to improve stream channels for drainage, navigation, and any other public purpose;

(3) to reclaim or fill wet and overflowed land;

(4) to provide a water supply for irrigation;

(5) to regulate the flow of streams and conserve the streams' water;

(6) to divert or change all or part of watercourses;

(7) to provide or conserve water supply for domestic, industrial, recreational, agricultural, or other public use;

(8) to provide for sanitation and public health, and regulate the use of streams, ditches, or watercourses to dispose of waste;

(9) to repair, improve, relocate, modify, consolidate, and abandon all or part of drainage systems within a watershed district;

(10) to control or alleviate soil erosion and siltation of watercourses or water basins;

(11) to regulate improvements by riparian property owners of the beds, banks, and shores of lakes, streams, and wetlands for preservation and beneficial public use;

(12) to provide for hydroelectric power generation;

(13) to protect or enhance the water quality in watercourses or water basins; and

(14) to provide for the protection of groundwater and regulate its use to preserve it for beneficial purposes.

**History:** [1990 c 391 art 4 s 6](#)

# MS 103D – Watershed Law



## 103D.341 RULES.

Subdivision 1. **Requirement.** The managers must adopt rules to accomplish the purposes of this chapter and to implement the powers of the managers.

## 103D.345 PERMITS.

Subdivision 1. **Application fee.** A person applying for a permit required by the managers under a rule controlling the use and development of land in the floodplain, greenbelt, and open space areas of the watershed district must accompany the application with a permit application fee to defray the cost of recording and processing the application. The managers may set the fee not to exceed \$10.

Subd. 2. **Field inspection fee.** The managers may charge, in addition, a field inspection fee of at least \$35. The inspection fee must be used to cover actual costs related to a field inspection. Inspection costs include investigation of area affected by the proposed activity, analysis of the proposed activity, services of a consultant, and any required subsequent monitoring of the proposed activity. Costs of monitoring an activity authorized by permit may be charged collected as necessary after issuance of the permit.

Subd. 3. **Government agencies exempt.** The fees in subdivisions 1 and 2 may not be charged to the federal government, the state, or a political subdivision.

Subd. 4. **Bond.** The managers may require an applicant for a permit to file a bond with the managers in an amount set by the managers and conditioned on performance by the applicant of authorized activities in conformance with terms of the permit.

Subd. 5. **Applicability of permit requirements to state.** A rule adopted by the managers that requires a permit for an activity applies to the Department of Transportation.

Subd. 6. **General permits.** A watershed district may issue general permits for public transportation projects for work on existing roads.

**WATER MANAGEMENT RULES**  
**RULES OF PELICAN RIVER WATERSHED DISTRICT**  
TO PROTECT AND ENHANCE THE QUALITY OF WATERSHEDS WITHIN ITS JURISDICTION; TO ENSURE THAT WISE DECISIONS ARE MADE CONCERNING THE MANAGEMENT OF STREAMS, WETLANDS, LAKES, GROUNDWATER AND RELATED LAND RESOURCES WHICH IMPACT THESE WATERSHEDS; AND TO ACCOMPLISH THE PURPOSES FOR WHICH A WATERSHED DISTRICT IS ESTABLISHED.

**Section 1.0 Introduction**  
1.1 Statutory Authority to Adopt Rules  
According to Minnesota Statutes 103.51 Section 103D.341, subdivision 1, the managers must adopt rules to accomplish the purposes of this chapter and to implement the powers of the managers.  
1.2 Short Title  
These rules shall be known and may be cited as the "Pelican River Watershed District Rules."  
1.3 Inconsistent Provisions  
If any rule or rules herein contained are inconsistent with the provisions of M.S. Chapter 103D or other applicable laws of the State of Minnesota, the provisions of Chapter 103D or other applicable law shall govern.  
1.4 Severability  
The provisions of these rules shall be severable and the invalidity of any section, subdivision or any other part thereof shall not make invalid any other section, subsection, paragraph, subparagraph, subdivision or any other part thereof.

**Section 2.0 Policy Statement**  
2.1 General Policy  
These rules shall be adopted by the Board of Managers of the Pelican River Watershed District to effectuate the purposes of M.S. Chapter 103D and the powers of the Board of Managers therein provided. It is the intention of the Board of Managers that its rules conform to the legislative policy of M.S. Chapter 103D.  
It is the Managers' intention to use these rules as a tool to carry out the District's mission to enhance the quality of water in the lakes within its jurisdiction. It is understood that to accomplish this, the District must ensure that wise decisions are made concerning the management of streams, wetlands, lakes, groundwater, and related land resources which directly affect these lakes. The Managers further intend to accomplish this mission in a manner that is most beneficial to the general welfare of present and future residents of the District and to minimize adverse environmental impacts upon the water resources of the District.  
Specifically, the District seeks to minimize increased discharges or nutrients in the waters of the District by enforcing control over government agencies undertaking reservoir or other existing rules, plans or statutes, or undertaking certain land use modification or development activities within the District.  
The rules stated below shall be followed by any persons, corporations, firms, state, county or municipal governments, and other land development activities within the District.

**Section 3.0 Definitions**  
For the purposes of these Rules, certain words and terms are defined below. In the absence of a definition, the definitions established for the State of Minnesota by statute or by case law shall apply to these Rules unless clearly to conflict, clearly inapplicable, or unless the context makes such meaning "obvious" thereto. Certain terms or words used herein shall be interpreted as follows: the word "shall" is mandatory, not permissive. All disputes, unless otherwise specified, shall be resolved as follows: the word "ALTERATIONS TO LAND" - grading, excavation, fill or movement of soil or vegetative material.  
PRWD Revised Water Management Rules

Throughout, highlight will be things that are related to PRWD Rules

# MS 103E – Drainage Law



## 103E.011 DRAINAGE AUTHORITY POWERS.

Subdivision 1. **Generally.** The drainage authority may make orders to:

- (1) construct and **maintain** drainage systems;
- (2) deepen, widen, straighten, or change the channel or bed of a natural waterway that is part of the drainage system or is located at the outlet of a drainage system;
- (3) extend a drainage system into or through a municipality for a suitable outlet; and
- (4) construct necessary dikes, dams, and control structures and power appliances, pumps, and pumping machinery as provided by law.



Throughout, highlight will be things that are related to PRWD Rules

# MPCA



- Otter Tail River Watershed WRAPS
  - Watershed Approach – holistic approach to surface water management
  - Identify impairments and stressors
    - Excess nutrients & Eutrophication
    - Fish and aquatic insect impacts due impairments
    - 8 stream reaches impaired for E. coli
  - Coordinate with 1W1P partners

MPCA – Minnesota Pollution Control Agency  
WRAPS – Watershed Restoration And Protection Strategies

Throughout, highlight  
will be things that are  
related to PRWD Rules

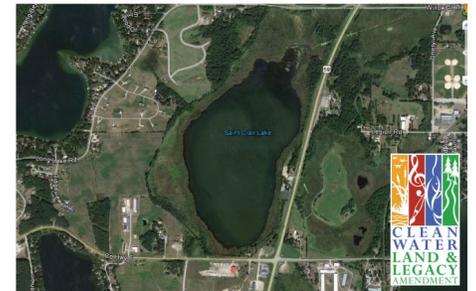
# MPCA



- Otter Tail River Watershed Total Maximum Daily Load Report (TMDL)
  - Purpose – Section 303(d) of the federal CWA requires that TMDLs be developed for waters that do not support their designated uses. These waters are referred to as “impaired” and are included in Minnesota’s list of impaired waterbodies. The term “TMDL” refers to the maximum amount of a given pollutant a waterbody can receive on a daily basis and still achieve water quality standards.
  - Plainly – What’s the sustainable limit
  - St. Clair Lake
  - Campbell Creek/CD12

## St. Clair Lake Total Maximum Daily Load (TMDL)

Quantification of the phosphorus reductions needed to improve lake water quality



Minnesota Pollution Control Agency

March 2016

wq-iw5-07e

# MS4 – Municipal Separate Storm Sewer System



An MS4 is a conveyance or system of conveyances that is:

- owned by a state, city, town, village, or other public entity that discharges to waters of the U.S.,
- designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches),
- not a combined sewer, and
- not part of a sewage treatment plant, or publicly owned treatment works (POTW).

Requires MS4s to obtain NPDES permit coverage for stormwater discharges

- NPDES – National Pollutant Discharge Elimination System
  - Nationwide permit
  - Typically for Construction Stormwater and Industrial use
  - Threshold of 1 acre of disturbance (or cumulative of 1 acre for planned development)
  - Often focused on no net increase in rate and minimize nutrient loading

# What's the Takeaway?



- PRWD has/shares many goals
  - CWMP
  - WMP
  - WRAPS
- PRWD has obligations
  - 103D
  - 103E
  - TMDL
  - MS4 (in collaboration with partners)
- The obligations won't inherently meet the goals
  - The Pelican River Watershed is a unique context with unique needs and interests
  - Accomplishing goals will require a multifaceted approach



## Watershed Management

- Projects
- Programs
- Partnerships

**WATER MANAGEMENT RULES**  
**RULES OF PELICAN RIVER WATERSHED DISTRICT**  
MADE CONCERNING THE MANAGEMENT OF STREAMS, WETLANDS, LAKES, GROUNDWATER AND RELATED LAND RESOURCES WHICH IMPACT THESE WATERS, AND TO ACCOMPLISH THE PURPOSES FOR WHICH A WATERSHED DISTRICT IS ESTABLISHED.

**Section 1.0 Introduction**

**1.1 Statutory Authority to Adopt Rules**  
According to Minnesota Statutes (M.S.) Section 103D.341, subdivision 1, the managers must adopt rules to accomplish the purposes of this chapter and to implement the powers of the managers.

**1.2 Short Title**  
These rules shall be known and may be cited as the "Pelican River Watershed District Rules."

**1.4 Investment Provisions**  
If any rule or rules herein contained are inconsistent with the provisions of M.S. Chapter 302D or other applicable laws of the State of Minnesota, the provisions of Chapter 302D or other applicable laws shall govern.

**1.6 Severability**  
The provisions of these rules shall be severable and the invalidity of any action, subdivision or any other part thereof shall not make invalid any other section, subsection, paragraph, subparagraph, subdivision or any other part thereof.

**Section 2.0 Policy Statement**

**2.1 General Policy**  
These rules shall be adopted by the Board of Managers of the Pelican River Watershed District to effectuate the purposes of M.S. Chapter 302D and the powers of the Board of Managers thereof provided: it is the intention of the Board of Managers that its rules conform to the legislative policy of M.S. Chapter 302D.

It is the Managers' intention to use these rules as a tool to carry out the District's mission to enhance the quality of water in the lakes within its jurisdiction. It is understood that to accomplish this, the District must ensure that wise decisions are made concerning the management of streams, wetlands, lakes, groundwater, and related land resources which directly affect these lakes. The Managers' further intent is to accomplish this mission in a manner that is most beneficial to the general welfare of present and future residents of the District and to reconcile adverse environmental impacts upon the water resources of the District.

Specifically, the District seeks to minimize increased discharges or nutrients to the waters of the District by exercising control over development and to require improvements by riparian property owners of the beaches, banks, and shores of lakes, streams, and wetlands for preservation and beneficial public use.

The rules listed below shall be followed by any person, corporation, firm, state, county or municipal governments, and other government agencies concerning revision of their existing rules, plans or statutes, or undertaking certain land use modification or land development activities within the District.

**Section 3.0 Definitions**

For the purposes of these Rules, certain words and terms are defined below. In the absence of a definition, the definitions established for the State of Minnesota by statute or by case law shall apply to these Rules unless clearly in conflict. Clearly inapplicable or unused "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

**ALTERATIONS TO LAND** - grading, excavation, fill or movement of soil or vegetative material.

PRWD Revised Water Management Rules



# What is the Process?

## BWSR Rule Making Handbook

### Statutory Requirements

#### Facilitated by following a Roadmap

1. ~~Review District Goals & Purpose~~
2. Establish Baseline Knowledge
3. Clarify/Update Rule Language and Criteria
4. Coordination With Other Agencies
5. Establish Procedures/Workflows
6. Stakeholder Review of Proposed Updates
7. Complete Review and Comment Period





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# Rule Revision Scoping

Items not currently in the Rules or requiring additions:

- Sedimentation – Drainage (private)
- Drainage Modification (public)
- Shoreline restoration
- Wetlands

\*Think of this as an opportunity to provide guidance/clarity, not add hardship



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