

**CHAPTER 9300**  
**BOARD OF WATER AND SOIL RESOURCES**  
**LOCAL WATER MANAGEMENT**

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**DEFINITIONS**

**9300.0010 DEFINITIONS.**

Subpart 1. **Applicability.** The definitions in this part and in Minnesota Statutes, section 110B.02 apply to parts 9300.0020 to 9300.0210.

Subp. 2. **Geographic indicator.** "Geographic indicator" means latitude and longitude; or township, range, section, and 40-acre parcel.

Subp. 3. **Local units of government.** "Local units of government" means municipalities, towns, counties, soil and water conservation districts, watershed districts, organizations formed for the joint exercise of powers under Minnesota Statutes, section 471.59, and other special purpose districts or authorities exercising authority in water and related land resources management at the local level.

Subp. 4. **Minor watershed unit.** "Minor watershed unit" means each of the approximately 5,600 minor watershed units delineated on the state watershed boundaries map prepared pursuant to the requirements of Laws of Minnesota 1977, chapter 455, section 33, subdivision 7, paragraph (a) and the accompanying data base, and the revisions of that data base.

Subp. 5. **Protected waters.** "Protected waters" means those waters of the state identified as public waters or wetlands under Minnesota Statutes, section 105.37, subdivision 14 or 15, or section 105.391, subdivision 1.

Subp. 6. **State board.** "State board" means the Minnesota Board of Water and Soil Resources created by Minnesota Statutes, section 105.71, subdivision 1.

Subp. 7. **Watershed management organization.** "Watershed management organization" has the meaning given in Minnesota Statutes, section 473.876, subdivision 9.

Subp. 8. **Watershed units.** "Watershed units" has the meaning given in Minnesota Statutes, section 110B.02, subdivision 10.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408; L 1987 c 358 s 34*

**PURPOSE AND PROCEDURE OF PLANNING**

**9300.0020 PURPOSES OF PLANNING PROCESS AND SCOPE OF PLAN.**

Subpart 1. **Purposes.** The purposes of a comprehensive water plan are to:

A. identify existing and potential problems and opportunities for the protection, management, and development of water and related land resources; and

B. develop objectives and carry out a plan of action to promote sound hydrologic management of water and related land resources, effective environmental protection, and efficient management.

Subp. 2. **Scope.** In order to gain sufficient understanding of existing natural features and other phenomenon that serve as the basis for a comprehensive water plan, the county must assemble available information about the physical environment and the surface water, ground water, and related land resources. Information is relevant for inclusion in the plan if it provides the basis for understanding a county's present or future water-related conditions, and if it contributes to the understanding of water-related opportunities or problems that are or will be faced by a county.

After collecting the required information, the county must determine the implications of the information for present and future land and water use, assess those implications, and identify opportunities and problems based on this assessment. The county must then develop its goals, objectives, and plan of action for addressing identified problems and opportunities.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

### 9300.0030 PROCEDURES FOR WATER PLANNING.

Subpart 1. **Applicability.** A county board that decides to develop a comprehensive water plan under Minnesota Statutes, chapter 110B shall use the procedures provided in this part to facilitate public participation and intergovernmental coordination.

Subp. 2. **Resolution to develop plan.** A county board deciding to develop a comprehensive water plan must adopt a resolution requiring the development of a plan.

Subp. 3. **Notice of decision to develop plan.** Within 30 days after adoption of a resolution requiring the development of a comprehensive water plan, the county shall send notice of its decision to develop a plan to:

- A. the county boards of contiguous counties;
- B. the governing bodies of counties, watershed districts, and watershed management organizations that have jurisdiction in each watershed unit wholly or partly within the county;
- C. the governing bodies of all local units of government wholly or partly within the county;
- D. the regional development commission, if any; and
- E. the state board.

Upon receipt of the resolution, the state board shall notify each of the state agencies identified in part 9300.0170, subpart 2 and any other agency the state board deems appropriate.

Subp. 4. **Request for local plans and official controls.** Within 30 days after adoption of a resolution requiring the development of a comprehensive water plan, the county shall request from all local units of government having jurisdiction within the county the following information:

- A. any existing water and related land resources plans and official controls; and
- B. any conflicts, problems, or opportunities that those local units want examined and addressed in the comprehensive water plan.

The information must be submitted within 60 days of the county board's request.

Subp. 5. **Public informational meeting required.** Within 90 days of the notice required in subpart 3, the county board shall hold a public informational meeting. At the meeting, the county board should solicit information about issues, problems, and opportunities to be considered in the plan. The county shall publish notice of the meeting in the official newspaper of the county at least ten days but not more than 30 days before the meeting. The county also shall notify the groups identified in subpart 3 at least 30 days before the meeting.

Subp. 6. **Meetings with local units of government within the county.** The county board adopting the resolution shall conduct meetings with local units of government exercising authority in water and related land resources management within the county during the plan preparation and implementation.

Subp. 7. **Public participation process.** The county board developing a comprehensive water plan shall ensure that there is a process for public participation during plan development and implementation.

Subp. 8. **Record of meetings.** A county must maintain a record of each meeting held under subparts 5, 6, and 7. The record shall include minutes and a list of the people in attendance and who they represented.

Subp. 9. **Delegation.** The county board is responsible for the comprehensive water plan, but may delegate all or part of the preparation of the comprehensive water plan to a local unit of government, regional development commission, or a resource conservation and development committee that is willing to carry out this assignment. If a county delegates all or part of the comprehensive water plan preparation, it must ensure that public meetings are recorded and that there is a process for public participation in the preparation of the plan.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

### CONTENTS OF A COMPREHENSIVE WATER PLAN

#### 9300.0040 DATA CONSISTENCY WITH STATE PLANNING AGENCY GUIDELINES.

Data collected after February 16, 1987, for a comprehensive water plan must follow the guidelines for consistency established by the Minnesota State Planning Agency. To assure consistency, this data must include a geographic indicator.

Data must also be coded using recommended standard identifiers, where available. Standard identifiers are: the Minnesota unique well number for wells and the protected waters inventory identification number for surface waters.

Consistency of map scales is also recommended, where possible. The information required to be presented in map form by parts 9300.0050 and 9300.0070 may be combined on multiple maps or map overlays.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

#### 9300.0050 PHYSICAL ENVIRONMENT, LAND USE, AND DEVELOPMENT.

Summarizing information about the physical environment enables a county to understand the present conditions affecting water and related land resources. At a minimum, the following information about the county's physical environment, land use, and development must be included in the comprehensive water plan:

##### A. Precipitation:

- (1) a map or list of the location of precipitation gauging stations in the county;
- (2) a map showing isolines of normal annual total precipitation in inches; and
- (3) a map showing isolines of normal total precipitation in inches for the period May through September.

##### B. Geology and water resources:

- (1) a map or description of important aquifer systems, confining layers, and flow characteristics to the extent known;
- (2) a description of ground and surface water interconnections, such as recharge and discharge areas, where they are known;
- (3) a map of boundaries and flow directions of watershed units and minor watershed units; and
- (4) a map of state protected waters and public drainage ditches, including the location of any existing dams and control structures.

##### C. Soils:

- (1) a general soils maps and description of soils infiltration characteristics;
- and
- (2) a map of erosion-prone soils.

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D. Map of original vegetation.

E. Description of general topographic relief of watershed units based on United States Geological Survey topographic maps.

F. Land use and public utility services:

(1) a general map of existing land uses;

(2) a map showing the areas served by storm sewers, sanitary sewers, and public water systems; and

(3) a map or list by geographic indicator showing the location of community public water supply intakes and wells.

G. Land ownership:

(1) a map showing the ownership of local, state, federal, and Indian tribal lands; and

(2) a map showing lands with easements that relate to water resources, where that information is available.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

### 9300.0060 EXPECTED CHANGES TO PHYSICAL ENVIRONMENT, LAND USE, AND DEVELOPMENT.

A comprehensive water plan must identify expected changes in the physical environment, land use, and development described in part 9300.0050. Information that may be used to predict changes include population projections, comprehensive plans, official controls, state and federal regulations, and plans for road, water, and sewer extensions. Expected changes that must be included in the plan are expected changes to land use and cover; expected changes in public utility services; and other expected changes potentially affecting water resources.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

### 9300.0070 SURFACE WATER, GROUND WATER, AND RELATED LAND RESOURCES.

Subpart 1. **Applicability.** Summarizing information about the surface water, ground water, and related land resources, enables a county to characterize its water and related land resources, and to identify problems and opportunities. The level of detail should be determined in conjunction with neighboring counties, based on the information available, the extent and use of the resource, and the degree to which problems and opportunities are identified. The information should be listed by watershed unit and ground water systems where appropriate. At a minimum, information about existing county resources must include the information required by subparts 2 to 5, when that information is available.

Subp. 2. **Water quantity information.** The following information about water quantity must be included in the plan:

A. Surface water:

(1) a description of high, mean, and low flows on streams;

(2) a list of lakes where the state has established ordinary high water marks;

(3) a list of permitted withdrawals from lakes and streams, including the location by geographic indicator, source, use, and amounts withdrawn;

(4) a list of lakes and streams in the county for which state protected levels or flows have been established;

(5) a description of known water use conflicts, including those caused by ground water pumping that affects surface water; and

(6) the implications of surface water quantity information for present and future water and land uses and an assessment of those implications.

B. Ground water:

(1) a list of wells covered by state appropriation permits, including the location by geographic indicator, amounts of water appropriated, type of use, and aquifer source;

(2) a description of known well interference problems and water use conflicts;

(3) a list of state observation wells located in the county including geographic indicator, unique well number, aquifers measured, years of record, and average monthly levels; and

(4) the implications of ground water quantity information for present and future water and land uses and an assessment of those implications.

**Subp. 3. Water quality information.** The following information about water quality must be included in the plan:

**A. Surface water:**

(1) a map or list of the state water quality management classifications for each stream and lake;

(2) a summary of available lake and stream water quality monitoring data; examples of these kinds of data are:

(a) bacteriological contamination indicators (for example, total coliform counts);

(b) inorganic chemicals (for example, phosphorus, nitrogen, and metals);

(c) organic chemicals (for example, petroleum constituents, pesticides, and organic solvents);

(d) sedimentation (for example, suspended solids);

(e) dissolved oxygen; and

(f) excessive growth or deficiency of aquatic plants;

(3) a summary of information from informal sources relating to surface water quality, such as fish kills; and

(4) the implications of surface water quality information for present and future water and land use, and an assessment of those implications.

**B. Ground water:**

(1) A summary of available water quality data, including routinely monitored sites. Examples of data are:

(a) bacteriological contamination indicators (for example, total coliform counts);

(b) inorganic chemicals (for example, nitrate/nitrite and metals concentrations); and

(c) organic chemicals (for example, organic solvents, petroleum constituents, and pesticides).

(2) The implications of ground water quality information for present and future water and land uses with emphasis on those with potential health-related impacts and an assessment of those implications.

Where possible, the information required in this item should be presented by aquifer system and geographic area.

**Subp. 4. Information on special land uses and conditions that influence quality and quantity.** The following information about special land uses and conditions must be included in the plan:

**A. Eroding lands:**

(1) a description or map by watershed unit of areas where eroding lands are causing sedimentation problems;

(2) water quality and quantity implications for watercourses, water basins, ditches, and wetlands of sedimentation and an assessment of those implications; and

(3) an assessment by watershed unit of the effects of land use and cover on quantity and quality of runoff.

**B. Irrigation:**

(1) a map or list by geographic indicator of irrigated acreage; and

(2) for any county containing more than 1,000 acres of irrigated land in any one township, the implications of irrigation for present and future land and water use and an assessment of those implications.

C. Drainage:

(1) a table listing the public drainage systems in the county and the amounts expended, by year, for repair work on each system;

(2) an assessment of any significant water quality and quantity effects due to public or private ditch systems; and

(3) a summary of any known water quality and quantity information from engineering reports and modeling efforts on ditches in the county.

D. Pollutant sources:

(1) a map or list by geographic indicator of known closed and open sanitary landfills, closed and operating open dumps, and Minnesota Superfund hazardous waste sites and a summary of available water quality information relating to these sites;

(2) a map or list by geographic indicator of feedlots, abandoned wells not sealed in accordance with state statutes and rules, underground storage tank sites, and permitted wastewater discharges under chapter 7001 and parts 7023.9000 to 7023.9050, and a summary of available water quality information relating to these sites;

(3) a list by geographic indicator of facilities that have hazardous waste generator identification numbers; and

(4) the implications of pollutant sources for present and future water and land uses and an assessment of those implications.

E. Special geologic conditions:

(1) a map of known geologic conditions, such as karst areas, buried valleys, or sand plains that may pose concerns relating to water quality or quantity; and

(2) the implications of special conditions for present and future water and land uses and an assessment of those implications.

**Subp. 5. Information on related land resources.** The following information about related land resources shall be included in the plan:

A. Wetlands:

(1) maps of wetlands identified under the National Wetlands Inventory, where available;

(2) a summary of plans for wetlands with controlled outlets, such as plans for draw downs;

(3) a description of the United States Corps of Engineers, Section 404 permit requirements affecting county waters; and

(4) the implications of wetlands for present and future water uses with special consideration for water quality, flood attenuation, wildlife, and recreation, and an assessment of those implications.

B. Floodplains:

(1) a map showing those areas delineated as floodplain by existing local ordinances or in proposed ordinances that have a due date established by the Minnesota Department of Natural Resources or the Federal Emergency Management Agency;

(2) a map of areas with known flooding problems;

(3) an estimate of average annual flood damages, if available; and

(4) an assessment of the adequacy and enforcement of existing floodplain ordinances.

C. Shorelands:

(1) a list of local units of government with approved shoreland ordinances;

(2) a list of protected waters, and their shoreland classifications under Minnesota Statutes, section 105.485; and

(3) an assessment of the adequacy and enforcement of the shoreland ordinances.

**D. Water-based recreation lands:**

- (1) a map and description of water oriented recreational resources listed in the State Comprehensive Outdoor Recreation Plan;
- (2) a map of public water accesses;
- (3) a map and description of state or federally designated wild and scenic rivers and state designated canoe and boating routes; and
- (4) an assessment of the adequacy of water-based recreational lands for present and future use.

**E. Fish and wildlife habitat:**

- (1) a map and description of any state designated wildlife management areas and any lakes with state designated classifications for game or fish management within the county;
- (2) a map and description of any state designated trout lakes or trout streams within the county;
- (3) a list and description of the state ecological and management classifications and use attainability for lakes and streams, where available;
- (4) a list and description of the conclusions and recommendations of biological surveys or reconnaissance studies, where available;
- (5) a description of state management plans for fish and wildlife areas, where available; and
- (6) an assessment of the adequacy of fish and wildlife habitat for present and future use.

**F. Unique features and scenic areas:**

- (1) a map or description of unique features and scenic areas with relationships to water including state designated natural and scientific areas, areas containing county, state, and federal rare and endangered species, and other features such as waterfalls, springs, and historic mills; and
- (2) the implications of unique features and scenic areas for present and future water and land use, and an assessment of those implications.

**Statutory Authority:** *MS s 110B.10*

**History:** *11 SR 1408; 18 SR 614*

### **9300.0080 EXPECTED CHANGES TO SURFACE WATER, GROUND WATER, AND RELATED LAND RESOURCES.**

**Subpart 1. Changes to be included.** Changes may be anticipated in distribution, availability, quality, and use of water resources in a county. To assess the probability and effect of potential changes to its water resources, a county must list, consider, and describe the impacts on those resources from the following areas of potential change:

- A. changes to the physical environment, land use, and development identified under part 9300.0060;
- B. special land and water uses or conditions, and trends within or without the county that might affect a county's water and related land resources; and
- C. the influence of existing programs on water and related land resources and the administrative, technical, and financial capability of the county to develop and implement new programs.

**Subp. 2. Method of listing.** Expected changes should be listed by watershed unit and ground water system, where appropriate, for water quantity, water quality, special land uses and conditions, and related land resources categories.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

### **9300.0090 PROBLEMS AND OPPORTUNITIES.**

**Subpart 1. Purpose.** Identification of problems and opportunities is needed to guide the county in developing its objectives and plan of action.

Subp. 2. **Description of problems and opportunities.** For each watershed unit and ground water system, where appropriate, the comprehensive water plan must identify key issues relating to water quality, quantity, special land uses and conditions, and related land resources. The plan must discuss assets or opportunities, as well as problems associated with each issue.

Subp. 3. **Determining issues, problems, and opportunities.** A county must determine water related issues, problems, and opportunities in its comprehensive water plan. At a minimum, a county must gather information about water related problems and opportunities in the following manner:

A. investigate those problems and opportunities disclosed at public meetings and in written comments;

B. investigate those problems and opportunities that affected local units of government want examined;

C. assess information gathered under parts 9300.0050 to 9300.0080; and

D. assess the status and adequacy of official controls, plans, and other local, state, or federal programs concerning water and related land uses.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

### 9300.0100 ESTABLISHMENT OF COUNTY GOALS.

The comprehensive water plan must state goals for present and future water and land uses to set the framework for determining plan objectives and related actions.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

### 9300.0110 OBJECTIVES AND PLAN OF ACTION.

The objectives and plan of action should be tailored to address the problems and opportunities previously identified in the comprehensive water plan. A comprehensive water plan must state measurable objectives and a plan of action for each watershed unit and ground water system, where appropriate, for each of the following categories:

A. opportunities and problems in surface and ground water quality and quantity identified pursuant to part 9300.0090;

B. significant special land uses and conditions that influence water quantity and quality based on opportunities and problems identified pursuant to part 9300.0090; and

C. related land resources opportunities and problems identified pursuant to part 9300.0090.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

### 9300.0120 PRIORITY ACTION CATEGORIES.

Subpart 1. **Priorities required.** A county must establish priorities in the plan of action relating to water quality, water quantity, special land uses or conditions that influence water quality and quantity, and related land resources.

Subp. 2. **Priority development.** A comprehensive water plan must state priorities of action that reflect the urgency of the problem or opportunity identified.

Subp. 3. **Priority description.** In describing the priorities, the comprehensive water plan must describe those actions that will be taken by the county alone, and those actions that will require the cooperation of other local units of government or state and federal agencies, and must state whether the county board has received commitments for that cooperation.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

### 9300.0130 DESCRIPTION OF RECOMMENDED CHANGES IN STATE PROGRAMS.

If changes in state programs, policies, and requirements that a county considers important to water management in the county are recommended in the comprehensive water plan, the description of those changes must include:



- A. identification of the specific program, policy, or requirement for which change is recommended by the county;
- B. a statement of the specific changes recommended by the county; and
- C. the reasons the county considers the changes important.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

### **9300.0140 LOCAL REVIEW AND POTENTIAL CONFLICTS.**

**Subpart 1. Applicability.** The procedures in this part apply to local review and to the identification and resolution of existing and potential conflicts between a comprehensive water plan and the plans or local controls of: (1) local units of government within the county preparing the water plan; (2) contiguous counties; and (3) water management organizations, watershed districts, and joint powers boards sharing jurisdiction over watershed units and ground water systems affected by the comprehensive water plan.

**Subp. 2. Identification of conflicts.** Conflicts or potential conflicts that occur between the comprehensive water plan and the existing or proposed plans of local units of government must be identified either during the planning process or during review of the comprehensive water plan by other local units of government.

**Subp. 3. During plan preparation.** Local units of government must notify the county board intending to develop a comprehensive water plan of any conflicts that those local units want examined and addressed in the comprehensive water plan in accordance with part 9300.0030, subpart 4.

#### **Subp. 4. During plan review.**

A. Before it is submitted to the state board for review, the comprehensive water plan must be submitted for review and comment to:

- (1) all local units of government wholly or partly within the county preparing the plan;
- (2) all applicable regional development commissions;
- (3) all contiguous counties and water management organizations; and
- (4) other counties, watershed districts, intercounty joint powers boards, and watershed management organizations within the same watershed unit or ground water system as the county preparing the plan that may be affected by the plan.

B. In their comments on the plan, other local units of government must identify and describe any conflicts they have with the plan not already identified in the plan. The local unit must state its position on any relevant conflict identified by the county for consideration by the state board during the board's review of the plan.

C. Comments shall be submitted as required by Minnesota Statutes, section 110B.08, subdivision 3.

**Subp. 5. Description of conflicts.** The description of a conflict in the comprehensive water plan or in the comments of local units of government must include:

- A. the units of local government or state agencies involved in the conflict;
- B. the comprehensive water plan provisions or omissions causing the conflict;
- C. any local plan or control that conflicts with the comprehensive water plan and that would require change;
- D. the objections of the local unit of government to the comprehensive water plan; and
- E. suggested measures to resolve the conflict other than making the change indicated.

**Subp. 6. Process to resolve conflicts.** The comprehensive water plan must state whether there is a process underway to resolve identified conflicts. If there have been unsuccessful attempts to resolve conflicts, those attempts must be described.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

**9300.0150 INCORPORATION OF PLANS AND RULES OF WATERSHED DISTRICTS AND INTERCOUNTY JOINT POWERS BOARDS.**

Subpart 1. **Incorporation required.** A county must incorporate plans and rules of watershed districts or intercounty joint powers boards with jurisdiction within the county into its comprehensive water plan and may change the plans and rules it incorporates if the requirements of this part are met.

Subp. 2. **Changes to plans and rules.** To change the plans or rules of a watershed district or intercounty joint powers board that a county incorporates into its comprehensive water plan, a county must demonstrate in its plan that changes to the district or intercounty plans or rules are necessary, and that these changes are supported by each county that selects members on the respective boards.

If all affected counties do agree on watershed district or intercounty joint powers board plan or rule revisions, resolutions of support for recommended changes must be attached to the plan.

Subp. 3. **Criteria for changing plans and rules.** To make changes in a watershed district or intercounty joint powers board plan or rule that a county incorporates into its comprehensive water plan, the county must demonstrate that the plan or rule does not adhere to the principles in part 9300.0170, subpart 4.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

**9300.0160 IMPLEMENTATION PROGRAM.**

Subpart 1. **Program and schedule required.** The comprehensive water plan must state how and when the plan will be implemented to meet the objectives and carry out the actions described in part 9300.0110. Components and schedules that are described previously do not have to be repeated.

Subp. 2. **Program.** An implementation program may include data collection programs, educational programs, capital improvement projects, project feasibility studies, enforcement strategies, amendments to existing official controls, adoption of new official controls, and other actions. If the county considers no actions are necessary to address identified problems or opportunities it must explain why actions are not needed. Staff and financial resources available or needed to carry out the comprehensive water plan must be stated.

Subp. 3. **Schedule.** The implementation schedule must state the time in which each of the actions contained in the implementation program will be taken.

Subp. 4. **Agreements with local units.** If a county board has made any agreement for the implementation of a comprehensive water plan or portions of a plan by a local unit of government within the county, that local unit must be specified, the responsibility indicated, and a description included indicating how and when the implementation will happen.

Subp. 5. **Capital improvement program.** If capital improvement projects are proposed to implement the comprehensive water plan, the projects must be described in the plan. The description of a proposed capital improvement project must include the following information:

A. the physical components of the project, including their approximate size, configuration, and location;

B. the purposes of the project and their relationship to the objectives in the comprehensive water plan;

C. the proposed schedule for project construction;

D. the expected federal, state, and local costs;

E. the types of financing proposed, such as special assessments, ad valorem taxes, and grants; and

F. the sources of local financing proposed for the project, such as subcounty, countywide, or multicounty.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

**REVIEW OF COMPREHENSIVE WATER PLANS  
BY STATE AGENCIES AND THE STATE BOARD**

**9300.0170 STATE REVIEW.**

**Subpart 1. Submittal to state board.** After conducting the public hearing required by Minnesota Statutes, section 110B.08, subdivision 4, the county board must submit to the state board ten copies of its comprehensive water plan, all written comments received on the plan, a transcript or tape recording of the public hearing held on the plan, and a summary of changes made to the plan as a result of the local review process.

In order to determine whether a comprehensive water plan is consistent with state law, the state board shall make the determinations in the manner provided by subparts 2, 3, and 4.

**Subp. 2. State board consultation with agencies.** Upon receipt of a comprehensive water plan and supporting documents, the state board shall transmit a copy of the plan to the departments of agriculture, health, and natural resources; the pollution control agency; the state planning agency; the environmental quality board; and any other state agency the state board believes could assist it in determining whether the plan is consistent with state law. An agency receiving a copy of the plan shall determine whether any portion of the plan is contrary to state law. Within 45 days of receipt of a comprehensive water plan from the state board, a state agency must submit a letter to the board identifying the portions of the plan that the agency has determined to be inconsistent with state law.

**Subp. 3. State board determination of consistency with other plans.** In determining whether a comprehensive water plan is consistent with state law, the state board shall determine whether the plan is consistent with the plan of another county or counties wholly or partially within affected watershed units or ground water systems, as required by Minnesota Statutes, section 110B.04, subdivision 4, clause (4), that has already been approved by the board or that has already been submitted under subpart 1. To determine consistency, the board shall consider the compatibility of the plans' goals, objectives and related actions, and implementation programs. If the board determines that the unapproved or subsequently submitted plan would not impede achievement of the goals, objectives, related actions, and implementation programs of the approved or previously submitted plan or plans, the board shall find the plan consistent with the plan or plans.

**Subp. 4. Principles for review.** To determine whether a comprehensive water plan conforms to the requirements of Minnesota Statutes, section 110B.04, subdivision 4, clause (3), the state board shall determine whether the plan conforms to the following principles:

**A. Sound hydrologic management of water:**

(1) significant upstream and downstream effects on surface water, and up-gradient and down-gradient effects on ground water, of actions impacting water and related land resources should be fully considered;

(2) natural water storage and retention systems should be preserved and used to the maximum extent practical;

(3) water management decisions should be based on sound data and technical analysis;

(4) interrelationships between surface and ground water, land and water use, and quality and quantity of water should be recognized; and

(5) potential variations in precipitation, both short-term and long-term, should be fully considered.

**B. Effective environmental protection:**

(1) potential cumulative effects of proposed actions should be considered;

(2) prevention of potential water and related land resources problems should be emphasized;

(3) the overall quality of the environment should be protected or enhanced; and

(4) public health and safety should be protected or enhanced.

**C. Efficient management:**

(1) the total benefits of water programs and projects should exceed the total costs;

(2) water management programs should be adequately funded to achieve high-priority objectives;

(3) comprehensive water planning should be coordinated with other related planning programs to fill management gaps and minimize duplication of effort;

(4) comprehensive approaches to identified problems and opportunities should be considered; and

(5) water conservation practices should be used to the maximum extent practical.

**Subp. 5. State board decision.** Within 90 days after the filing of a comprehensive water plan and supporting documents with the state board, the board shall approve or disapprove a comprehensive water plan and provide the county board notice of the approval or disapproval of the plan. The state board shall approve a plan only if it determines that the plan is consistent with state law. If a plan is disapproved, the state board shall as part of its notice of disapproval provide the county board with a written statement of its reasons for disapproval.

**Subp. 6. Resubmittal.** A disapproved comprehensive water plan must be revised by the county board and resubmitted to the state board within 120 days after receiving notice of disapproval, unless the state board extends the period for good cause at the county's request. The state board must identify those portions of a disapproved plan that require revision. Upon receipt of revised portions of the plan, the state board shall follow the same review process as for an originally submitted plan.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

#### IMPLEMENTING AN APPROVED COMPREHENSIVE WATER PLAN

#### 9300.0180 AMENDMENT OF LOCAL PLANS AND OFFICIAL CONTROLS.

**Subpart 1. Notification after plan adoption.** After a county board has adopted an approved comprehensive water plan or amendments to the plan, the county board that adopted the plan shall notify local units of government within the county of the adoption of the plan or amendments. Within 90 days of the notification, local units must submit existing water and related land resources plans and official controls to the county board for review.

**Subp. 2. County review.** Within 180 days, the county board shall review the plans and official controls submitted and identify any inconsistencies between the local plans and official controls and the comprehensive water plan. In conducting the review, the county board shall determine the need for local units of government to revise plans, adopt new controls or revise existing controls, and specify the necessary measures to bring the local plans and official controls into conformance with the comprehensive water plan.

**Subp. 3. Local appeal.** If a local unit of government disagrees with any changes to its plans or official controls recommended by the county board, the local unit has 60 days after receiving the county's recommendations to appeal the recommendations to the state board.

**Subp. 4. Revision to local plans and official controls.** After receiving the recommendations of the county board, or after resolution of an appeal, a local unit of government has 180 days to initiate revisions to its plans and official controls. New or revised plans and official controls must be submitted to the county board for review and recommendations in the manner provided by this part for submission of existing plans and official controls.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

#### 9300.0190 AMENDMENT OF A COMPREHENSIVE WATER PLAN.

**Subpart 1. Amendment required.** A comprehensive water plan must apply to every year through the year 1995 or any later year that is evenly divisible by five.

**Subp. 2. Description required.** The comprehensive water plan must describe the procedure the county will use for amendment of the plan.

Subp. 3. **Procedure and criteria.** Amendments to a comprehensive water plan shall be reviewed in the same manner, and are subject to the same criteria for approval, as an initial comprehensive water plan.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

## RESOLUTION OF DISPUTES

### 9300.0200 INFORMAL RESOLUTION OF DISPUTES.

Subpart 1. **Applicability.** A county preparing or that has prepared a comprehensive water plan or another local unit of government may use the procedures provided in this part to:

- A. determine the meaning of any provision of Minnesota Statutes chapter 110B, or parts 9300.0010 to 9300.0210;
- B. resolve any conflict between two comprehensive water plans;
- C. resolve any conflict between a comprehensive water plan and any local plans or official controls; or
- D. settle any other dispute relating to a comprehensive water plan.

Use of the procedure provided in this part is without prejudice to any party's use of the procedure provided for in Minnesota Statutes, section 110B.25, subdivision 2, and part 9300.0210.

Subp. 2. **Request for meeting; response.** A local unit of government desiring a meeting with the state board chair shall submit a written request to the chair identifying the issue involved, the local unit or units of government involved, and the pertinent provisions of the comprehensive water plan, statute, or rule involved in the dispute. The chair shall in writing acknowledge receipt of the request and, if the request complies with the requirements of this part, notify the other involved local units of government and request a written response from them. If the request for a meeting does not satisfy the requirements of this part or, if there is no response from other interested local units of government, the chair shall make a reasonable effort to obtain the required information in another manner.

Subp. 3. **Response and meeting.** When the chair obtains the response of other involved local units of government or has made reasonable efforts to obtain it, the chair may attempt to resolve the issue informally or shall set a meeting between the chair and the involved local units of government and adequately inform those units in writing of the issues, time, date, and place of the meeting. At the meeting, a local unit of government may be represented by any person or persons of its choosing, subject to control by the chair, and the chair may consider any relevant evidence or argument by a local unit of government that any reasonable person would rely upon to resolve the issues in question. The decision of the chair may be announced at the hearing or be made later but in either case shall be reduced to writing and a copy sent to all interested local units of government. The decision of the chair is effective 60 days following the decision of the chair unless a petition is filed within that time pursuant to Minnesota Statutes, section 110B.25, subdivision 3, for a contested case hearing under that section.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*

### 9300.0210 FORMAL RESOLUTION OF DISPUTES.

Subpart 1. **Applicability.** A county or other local unit of government may petition for a contested case hearing by satisfying the requirements of Minnesota Statutes, section 110B.25, subdivisions 2 and 3, and this part.

Subp. 2. **Petition for hearing.** A petition for a hearing shall be made in writing and addressed to the state board. The petition shall contain:

- A. the name of the local unit of government petitioning and the names, addresses, and phone numbers of the officers of the local unit or other person representing the local unit for the purposes of the petition;
- B. a request for a hearing;

C. a statement of the allegations or issues to be determined by the hearing; and  
D. proof of service of a copy of the petition on all other involved local units of government.

**Subp. 3. Filing of petition.** A petition is considered filed with the state board when it is received by the board. Upon receipt of the petition, the board shall acknowledge its receipt in writing.

**Subp. 4. Request for judge.** Within five days of receipt of a sufficient petition for a hearing, the state board shall file a request under part 1400.5300 for the assignment of an administrative law judge.

**Subp. 5. Hearings.** Hearings are governed by the contested case procedure of Minnesota Statutes, chapter 14 and by parts 1400.5100 to 1400.8400.

**Subp. 6. Hearing fees.** For the purpose of apportioning the fees of the Office of Administrative Hearings and transcript fees, the state board shall not be considered a party to the proceeding.

**Statutory Authority:** *MS s 110B.10 subd 2*

**History:** *11 SR 1408*