

Section 9

Amendments

INTRODUCTION

This Watershed Management Plan provides direction for SCWM WMC activities through the year 2012. The Shingle Creek and West Mississippi Watershed Commissions may initiate amendments to the Plan at any time. The Commissions intend that the Plan provide a flexible framework for managing the watersheds.

AMENDMENT PROCEDURES

All amendments to the Plan except minor amendments shall adhere to the full review and process set forth in Minnesota Statutes 103B.231, Subdivisions 7, 8 and 9, as they now exist or as subsequently amended. The SCWM WMC shall adopt the proposed plan amendments upon their approval by the Board of Water and Soil Resources (BWSR) in accordance with Minnesota Statutes 103B.231, Subdivision 9, as amended.

The amendment procedure for minor plan amendments, as defined in Minnesota Rules 8410.0020, Subpart 10, and 8410.0140, Subpart 3, shall be in accordance with Minnesota Rules 8410.0140, Subpart 2 (A, B and C), as such rules now exist or as subsequently amended.

Amendments to the approved capital improvement program may be considered to be minor plan amendments if the following conditions set forth in Minnesota Rules 8410.0140, Subp. 3 are met:

1. The original plan set forth the capital improvements but not to the degree needed to meet the definition of “capital improvement program” as provided in Minnesota Statutes, section 103B.205, subdivision 3; and
2. The affected county or counties have approved the capital improvement in its revised, more detailed form.

The following examples of other minor plan amendments are given in Minnesota Rules 8410.0020, Subp. 10:

“...recodification of the plan, revision of a procedure meant to streamline administration of the plan, clarification of the intent of a policy, the inclusion of additional data not requiring interpretation, or any other action that will not

adversely affect a local unit of government or diminish a water management organization's ability to achieve its plan's goals or implementation program.”

In addition, a minor plan amendment will be required for the following situation:

1. When a capital project is included in the approved Capital Improvement Program and the Commission's share of an updated cost estimate is greater than 125 percent of the Commission's share shown on the CIP, as adjusted by the Construction Cost Index as published by the Engineering News Record.

A minor plan amendment may be required for the following situation, unless the County Board determines that no minor plan amendment is necessary:

1. When a capital project is included in the approved Capital Improvement Program and the Commission's share of an updated cost estimate would require a tax levy greater than \$250,000.

Neither a minor nor a general plan amendment will be required for the following situations:

1. If projects included in the approved CIP are implemented in a different year than shown.
2. When a capital project is included in the approved Capital Improvement Program and the Commission's share of an updated cost estimate does not exceed 125 percent of the Commission's share shown on the CIP, as adjusted by the Construction Cost Index as published by the Engineering News Record.
3. Capital projects added to the Capital Improvement Program through the minor plan amendment process do not need another minor plan amendment provided the Commission's share of an updated cost estimate does not exceed 125 percent of the Commission's share of the original cost estimate, as adjusted by the Construction Cost Index as published by the Engineering News Record.
4. When a capital project is included in the approved Capital Improvement Program and the Commission's share of an updated cost estimate is less than the Commission's share shown on the CIP, as adjusted by the Construction Cost Index as published by the Engineering News Record. However, the Commission will review such projects to evaluate the extent to which the original project objectives are being met.

Unless the entire document is reprinted, all amendments adopted by the SCWM WMC Board of Commissioners must be printed in the form of replacement pages for the Plan, each page of which must include:

1. On draft amendments being considered, show deleted text as stricken and new text underlined.
2. Be renumbered as appropriate.
3. Include the effective date of the amendment.

FUTURE AMENDMENTS

Several mandatory amendments are anticipated for metropolitan area watersheds in addition to the amendments that will occur as a result of management plan implementation. A brief amendment description is provided in Table 9-1 to advise the member cities of these requirements and to stimulate stakeholder dialogue prior to their anticipated inclusion in the Plan. This list is not a comprehensive summary of mandated revisions or amendments that might be contemplated by the Commission.

**Table 9-1
Future Amendments to the SCWM WMC Management Plan**

| Approximate Year | Sponsoring Agency | Description |
|-------------------------|-------------------------------|---|
| Annual | SCWM WMC | Detailed capital improvements as they are planned and subsequently ordered by the Commissioners. |
| As necessary | SCWM WMC | Various amendments based for example on new legislative requirements or policy initiatives, or technological advances. |
| 2003 | EPA/MPCA | NPDES permitting for stormwater discharges will affect the metropolitan area. The SCWM WMC will provide assistance in the areas of education and outreach, and other areas as requested by the member cities. |
| 2003 | SCWM WMC | Upon completion of the chloride TMDL the Commission will likely promulgate new rules regarding chloride use. |
| 2004 | SCWM WMC, MDH | Upon completion of member cities' wellhead protection plans, the Commission may need to revise its rules regarding infiltration so they are consistent with the cities' Drinking Water Supply Management Areas and management tools. |
| 2004 | Metropolitan Council/ BWSR | The Council is preparing a metropolitan area plan that recommends target pollution loads for watersheds in the metropolitan area. The Council has been providing grant monies to metropolitan WMOs in an effort to facilitate watershed outlet monitoring to support development of target pollution loads. BWSR will receive the Council's recommendation and determine the actual performance standards for each watershed. |