



Red River Basin Project Team Handbook

SECTION 3.

Project Implementation Process and Procedures

This section provides detailed information to guide the Project Teams through the process of bringing a project to completion.

- ⇒ 3A - Watershed Comprehensive Plans...identifies planning principles and features to develop a watershed plan for determining project need and goals.
 - ⇒ 3B - Project Implementation Process and Procedures
Table...provides aligned step-by-step instructions regarding the decisions and key actions of the Project Team, the proposer, and the regulatory agencies which are consistent with the elements of the RRBFDROW agreement.
 - ⇒ 3C - Section 404 Concurrence Points Guidance...includes detailed guidance for using the FDR/404 Merger Process on proposals requiring Clean Water Act Section 404 authorization.
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Section 3C. Project Development

Section 404 Concurrence Points Guidance

Guidance for Using the Project-Planning/404-Review Merger Process on Proposals Requiring Clean Water Act Section 404 Authorization

Objective: The goal of merging a watershed district's project planning process and the Clean Water Act (CWA) Section 404 permit evaluation process is to increase the efficiency and likelihood of project execution by completing an orderly and efficient 404 review process concurrent with the project planning process.

Benefits: The Concurrence Point process is a break-down of all the steps required in completing a 404 permit application. Therefore, following the process does not add steps that would not otherwise be required. Gaining Corps concurrence at key stages in the project development process before proceeding to the next stage should preclude revisiting project planning steps and decisions that are made prior to the submittal of a complete CWA Section 404 permit application. It would also encourage participation by Regulatory staff at early and important stages of review. Consequently, the Project-Planning/404-Review merger process (hereafter referred to as the merger process) should significantly improve the progress, efficiency and permitability of proposed projects.

Caveat: Concurrence is defined by the Corps to mean that the information developed up to a given point in the planning process is adequate relative to the permit review process and that the project can advance to the next planning phase. It also means that the Corps agrees not to revisit the previous phase unless conditions change.

Obtaining Corps concurrence at a particular point in the process does not indicate agreement that a permit will be issued. Concurrence does not in any way preclude the Corps from exercising any provision of its authorities and policies applicable to permit review.

Guidance: This merger process has four concurrence points: Purpose and Need, Alternatives Carried Forward, Selected Alternative, and Design Phase Impact Minimization. These are the key points at which concurrence would be requested from Corps Regulatory staff. At each of these points, the Corps would be requested to provide feedback regarding Clean Water Act requirements, including compliance with the Section 404(b) (1) Guidelines (the Guidelines). At these points in the process, the proposer (also referred to as the applicant by the Corps) would prepare a document describing the information needed to meet a given concurrence point and would ask the Corps to provide, in writing, concurrence or non-concurrence, in terms of whether the decisions made at this point of the planning process would satisfy 404 requirements. What follows here is additional information and guidance to assist in implementing the concurrence point process.

Concurrence Point 1: Project Purpose and Need

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Defining the project purpose and need is critical to the development of any project and in evaluating project compliance with the Guidelines. The terms “Purpose and Need” have been

used in the Corps permitting process to describe this first step. However, the terms “problem and desired outcome” can be considered to simply define the intended content of a purpose and need statement.

The project need is simply the specific problem or problems that need to be addressed. Defining and supporting the need is the first step in project planning because it provides the justification to construct a project that will have a monetary expense. From a Corps of Engineers permitting perspective, the project need is what “justifies” impacts to wetlands and other environmental resources. The project purpose is the overall goal or desired outcome of the project. Information in the form of past reports, hydrologic data, watershed management plans, and other forms of information should always be used to support the purpose and need statement where possible.

It is important to note that projects often have multiple objectives that need to be supported within the purpose and need statement. Specifically, combined Flood Damage Reduction (FDR)/Natural Resource Enhancement (NRE) projects would have at least two objectives within the purpose and need statement. This is because FDR and NRE have different goals. While it is possible and encouraged to include both FDR and NRE goals in a project, the end state, or desired outcome of each of these goals must be defined clearly. It may also be important to rank the project objectives, identifying the primary objective that will be the main driver during alternative development and selection.

To request Corps concurrence with a project’s purpose and need, the proposer would provide the Corps with a written description of the purpose and need, paying attention to each objective as discussed above. Additionally, supporting data, references to other studies, and any other information that supports the project purpose and need should also be included in this request. The proposer is encouraged to work with the Corps in developing a project-specific purpose and need statement by first providing a draft for comment and subsequent revision.

In evaluating the project purpose, the Corps would determine whether it is specific enough to define the proposer’s needs, but not so restrictive as to preclude all discussion of alternatives. A project purpose that allows for only one solution would likely need to be broadened, and a project purpose that allows solutions that don’t solve the identified need(s) would likely need to be further refined. The purpose and need should define why the proposal must be implemented, have the ability to be quantified by some means, and should be as comprehensive, specific, and concise as possible.

Items to note in writing the project purpose and need:

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- Whenever possible, relate the project need back to a problem or objective identified in a watershed plan or other published study.
- Distinguish between local and regional FDR and NRE objectives, if the proposal contains both.
- If the proposal is meant to work in concert with other FDR measures that will be pursued separately, identify the proposal's independent utility. In other words, identify which objectives the proposal can meet on its own, without the other measures.
- Describe the purpose for the complete project rather than phases.
- Both the purpose and need should be as quantitative as available data allows.
- Purpose and need statements should be concise, no more than a few paragraphs each. However, more detailed supporting documentation should be provided to the Corps for their administrative record.

In providing concurrence on the project purpose and need, the Corps is agreeing that the alternatives analysis will be limited to those alternatives that meet the stated objectives. This project purpose will be used in evaluating practicable alternatives under the Guidelines.

If substantial new information regarding the purpose and need is brought forward later in the project development process, the adequacy of the purpose and need statement may be reconsidered.

An example outline of a project purpose and need statement is below. This is intended as an example only and the format should be modified as needed for each project.

- I. Opening paragraph with very brief background of who/what organization is proposing a project and why they do such work (only a few sentences to provide a little context for the project).
- II. Paragraph or section addressing the primary project goal (purpose and need).
 - a. Discuss the primary problem (need) to be addressed by the project. Provide some supporting information and refer to other studies/reports that support the existence of the problem. For example, this may be a statement that location A experiences flood damages at a frequency of X and a magnitude of Y and it has been identified and an important problem to be addressed.
 - b. Discuss the objective, or desired outcome (purpose) of the project that addresses the primary problem. For example, the purpose of the project may be to reduce the frequency and magnitude of flooding by measured amounts X and Y to reduce damages. This shows how success of the project will be measured.
- III. Paragraph or section discussing an additional goal of the project (add sections like this as needed to support multiple project goals).
 - a. Discuss the next problem to be addressed by the project and provide some supporting information and refer to other studies/reports that support

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- b. the existence of the problem. For example, this may be a statement that X amount of wetland or stream habitat in the region has been lost or degraded since European settlement (or other timeframe) and it has caused a loss of species diversity, etc.
 - c. Discuss the objective, or desired outcome of the project that addresses the problem. For example, the purpose of the project may be to enhance X acres of wetland or Y linear feet of stream habitat for an identified native community.
- IV. Close with the list of references cited and/or an appendix of those references. This appendix could be provided on CD with references saved to it in a PDF format. Doing this would allow easy access to pertinent information through the remainder of the concurrence point process.

Concurrence Point 2: Array of Alternatives and Alternatives Carried Forward

After the development of the project purpose and need statement, there are two basic steps leading to Concurrence Point 2. These steps are the identification of a full range of alternatives (array of alternatives) that may contribute to meeting the project purpose(s), and screening those alternatives to determine which will be evaluated in detail (alternatives carried forward).

When the proposer conducts the development and an initial screening of alternatives, the Corps should be asked for a determination whether the range of alternatives evaluated would satisfy CWA Section 404 regulatory requirements, and for concurrence with the dismissal of alternatives.

The identification of an acceptable array of alternatives that could meet the project purpose is the critical first step in completing Concurrence Point 2. This array of alternatives should include all alternatives that may be believed to meet the project purpose and need by the general public. If the general public could think a potential alternative could meet the project purpose, then it should be included in the initial array; in other words, if some technical information is required to dismiss an alternative, then it should be included in the array, but may be eliminated during screening. For example, no one would argue that placing a 5-gallon bucket in a watershed would hold enough water to reduce flooding (and does not need to be included in the initial array); however, while creating a 2-acre wetland in that same watershed may not hold enough water to meet the project purpose, it would take at least some technical information to support that (and maybe should be included in the initial array). An efficient method for identifying a full range of alternatives is by conducting a brainstorming session that includes project team members and stakeholders with a wide range of interests and expertise. For FDR projects, a good starting point for identifying potential alternatives is Table 1 from TSAC Technical Paper No. 11. **In addition to considering alternative features as identified in Paper 11, it is critical to also consider alternative site**

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locations for features. For example, alternative locations must be considered for proposed impoundments. This is needed to overcome the assumption that a less damaging alternative location is available.

The next step in completing Concurrence Point 2 is screening the array of alternatives. The intent of the screening process is to provide a good basis for alternative dismissal, without incurring a large expense to develop and study each alternative. Because of this, the screening process should primarily rely on available information. The primary criteria for screening the array of alternatives at this stage should be the ability of each to meet the project purpose(s), while assuming each alternative could be implemented. Secondary criteria at this stage could include environmental impacts and the practicability of each alternative. There should be clear evidence to support the argument for alternative dismissal based on secondary criteria (for example, dismissal based on unacceptable impacts to endangered species, or legal restrictions, or even clearly excessive costs that would result in an alternative being unavailable to the proposer may be acceptable). Alternatives that cannot be readily dismissed under such guidelines should be carried forward for more in-depth analysis. Information regarding a cost analysis for any given alternative that would show an alternative is not practicable for implementation would most often be developed in the next planning phase, and in most cases may not be accepted as screening criteria under Concurrence Point 2.

The following information should be included in a report with the request to the Corps for concurrence with point 2:

- Restate the project purpose and need as previously defined in the planning process and confirmed under Concurrence Point 1.
- A narrative discussing the process used to identify the full range of alternatives. This should include a listing of all team members and stakeholders that participated.
- A list and brief description of each alternative considered for implementation prior to the application of the screening process.
- A narrative summarizing the screening process implemented to identify the range of alternatives carried forward.
- A brief narrative for each alternative considered that describes why it was either dismissed from further consideration or why it will be carried forward for further analysis. Considerations for avoiding and minimizing potential wetland impacts should be explained where applicable.
- Any additional supporting information that has not already been provided to the Corps.

In providing concurrence with the alternatives carried forward, the Corps is agreeing that these are the alternatives that merit detailed review for Section 404 purposes. Before providing concurrence, the Corps will scrutinize the alternatives that are being dismissed from further analysis and determine if any of those may be practicable and less damaging overall than the alternatives to be carried forward. The Corps will also

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attempt to identify any alternatives not yet considered that the Corps would expect to be considered in the permit evaluation.

Corps agreement at this point implies that the proposer would not be asked to evaluate new alternatives when a subsequent permit application is made. However, if there are substantial changes or there is new information on the project, the Corps may require consideration of other alternatives.

Concurrence Point 3: Identification of the Selected Alternative

After receiving Corps concurrence on the array of alternatives carried forward, there are three main steps leading to the completion of Concurrence Point 3. The first step is the further development of the alternatives carried forward, the second step is the analysis of those alternatives, and the third step is the comparison of the alternatives and the selection of an alternative for implementation.

Alternative development should be limited to the detail necessary for the analysis and selection or dismissal of each alternative. The remaining discussion in this section can be used as a guide for determining the required level of alternative development. A description of each alternative in adequate detail to facilitate understanding during the permit review process will be critical. Of course, the basic description used to satisfy Concurrence Point 2 will be a good starting point, but

it is expected that additional alternative development and description will be needed at this stage in planning.

Items to note in describing the project alternatives:

- Identify whether an alternative meets the project purpose partially or completely.
- Describe all components of the alternatives, including any non-jurisdictional components that are proposed by the applicant or others that meet the project purpose. Non-jurisdictional components are those measures that will be applied to help achieve the project purpose that do not themselves require CWA Section 404 authorization.
- Describe the operation and maintenance actions that would occur for each alternative.
- Identify and explain any alternatives that would be implemented in phases.
- Identify how each alternative, alone or in combination with other measures, is expected to meet the project purpose(s).

At this stage in the concurrence point process guidance it is useful to define what is referred to in the Corps 404 permitting process as the Least Environmentally Damaging Practicable Alternative (LEDPA). The LEDPA is the alternative that meets the project purpose(s), is available to the applicant (practicable), and has the least amount of impact to aquatic resources, without having other significant adverse impacts to the

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natural environment. **By law, the LEDPA is the only alternative which can be permitted by the Corps.** Therefore, factors contributing to the determination of which alternative would be the LEDPA should be used in the analysis, comparison, and selection of an alternative under Concurrence Point 3.

There are numerous factors that should be considered in the analysis of alternatives and the list will likely vary slightly with each project. As mentioned above, to meet the requirements of the 404 permit review process, factors contributing to the identification of the LEDPA must be considered. To aid in the organization of alternative analysis, these factors can be broken into three main categories: 1) the ability of each alternative to meet the project purpose or purposes; 2) factors affecting alternative “practicability”, or the “availability” of each alternative; and 3) the environmental effects of each alternative, especially effects to wetlands. Below is an example categorized list of factors that should be considered during alternative analysis. This list is not all-inclusive and should be used as a starting point for consideration when determining all the factors that will be considered.

Categorized factors to consider for alternative analysis and selection of the LEDPA.

<u>Project Purpose</u>	<u>Practicability</u>	<u>Environmental Effects</u>
<ul style="list-style-type: none"> • Flood stage reduction • Synergistic opportunities • Agricultural improvement • Habitat improvement • Minimum flow improvement • Water quality improvement • Others 	<ul style="list-style-type: none"> • Cost • Land availability • Public acceptance • Legal Issues • Permitting from other agencies • Tribal resource effects • Recreation • Aesthetics • Cultural resource effects • Others 	<ul style="list-style-type: none"> • Wetland effects • Aquatic effects • Threatened and endangered species and critical habitat • Ecosystem diversity • Water quality • Fish migration • Interaction with other habitats • Others?

After a list of factors for consideration is developed, each alternative would be analyzed to quantify their effects on those factors. Of course the level of quantification in such analyses is dependent on numerous factors that would be unique to each project. Because of this, it is impossible to provide definitive direction for that effort here. Coordination with the Corps is encouraged at an early stage to discuss the level of effort applied to each factor in the analysis. For many factors, the level of analysis will be minimal because it is often possible to assess that little or no effect would occur simply based on reasonable judgment.

In the alternatives analysis, it is critical that clear consideration be given to avoidance and minimization of adverse aquatic resource impacts. The alternatives analysis needs to explicitly evaluate, in comparative format where possible, all the environmental

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factors for each alternative considered. The project proposer must overcome the presumption in the CWA Section 404 regulations that there are alternative upland sites available that would meet the project purpose, and that the use of an upland site would be less environmentally damaging.

After each alternative is assessed, the next step is alternative comparison and selection. It is useful to compare alternatives in a narrative format supported by a matrix that summarizes each alternative and factor and the effects to each. This information provides the basis for the selection of an alternative. Again, the only alternative that can be permitted is the LEDPA, as discussed above. Therefore, any alternative not selected for implementation must either be: shown to not meet the project purpose as defined under Concurrence Point 1; shown to be unavailable (not practicable) to the project proposer; or shown to be more environmentally damaging.

Items to note in identifying the Selected Alternative:

- The LEDPA is determined before any required mitigation is applied, in other words, “credit” for mitigating environmental impacts can not be considered under Concurrence Point 3.
- The applicant must overcome the presumption that a practicable, less environmentally damaging alternative site, outside special aquatic sites, exists.
- There must be no other alternative that is practicable, is less damaging to the aquatic ecosystem, and has no other significant, adverse environmental (ecosystem) effects.
- The Corps cannot make a conclusive determination of the LEDPA until a permit evaluation has been completed.

Once an alternative is selected by the proposer, documentation should be completed describing the alternative analysis and selection process. This documentation is critical, as it will be included with the concurrence request to the Corps. Such documentation provides a clear history of alternatives development and analysis that can be included in the Corps administrative record for a permit evaluation. The documentation need not be extensive, just sufficient to show the rationale for dismissing alternatives.

The following should be included in a report with the concurrence request for Point 3:

- Restate the project purpose and need as previously defined in the planning process and confirmed under Concurrence Point 1.
- List and describe each alternative carried forward from Concurrence Point 2.
- A narrative discussing the general processes used to analyze the alternatives.
- A narrative discussing the potential effects to each factor considered for of each alternative.
- A matrix comparing the effects to each factor for each alternative considered.

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- A narrative identifying and defending the selection of the proposed alternative and the dismissal of the others.
- Any additional supporting information that has not already been provided to the Corps.

Following the receipt of the concurrence request, the Corps would determine, if possible, whether the selected alternative is the LEDPA. The Corps would also determine whether the selected alternative has any “fatal flaws” that could result in a failure to comply with the Guidelines. The alternative must be the LEDPA and comply with the Guidelines to obtain CWA Section 404 authorization.

Substantive (Pass/Fail) Requirements of the CWA Section 404(b) (1) Regulations

In addition to some of the critical criteria listed above, CWA Section 404 regulations contain the following prohibitions:

- No discharge of dredged or fill material shall be permitted if it causes or contributes to a violation of any applicable State water quality standard.
- No discharge of dredged or fill material shall be permitted if it violates any applicable toxic effluent standard or prohibition under section 307 of the CWA.
- The proposal must not jeopardize the continued existence of a threatened or endangered species, or would likely result in the destruction or adverse modification of critical habitat.
- The discharge must not cause significant adverse effects on municipal water supplies, plankton, fish, shellfish, wildlife, special aquatic sites, or other aspects of human health or welfare.
- The discharge must not cause significant adverse effects on life stages of aquatic life and other wildlife dependent on aquatic ecosystems.
- The discharge must not cause significant adverse effects on ecosystem diversity, productivity, or stability.
- The discharge must not cause significant adverse effects on recreational, aesthetic or economic values
- All appropriate and practicable steps to minimize potential adverse effects of the discharge (wetland fill) on the aquatic ecosystem must be taken.

By obtaining the Corps’ concurrence that the selected alternative appears to be permissible at the time of the review, the proposer is reducing the risk of failure in the Section 404 permit evaluation process. If substantial new information regarding the selected alternative is brought forward later in the project development process, the Corps would need to revisit its decision regarding the selected alternative.

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Concurrence Point 4: Design Phase Impact Minimization

At the point when the selected alternative is advanced to the design phase, the proposer would provide to the Corps additional documentation of the measures taken during project design to further avoid and minimize impacts to aquatic resources. This point may be undertaken concurrently with or subsequent to the submittal of a CWA Section 404 permit application. The permit application should also include any proposed mitigation for unavoidable wetland impacts.

The primary purpose of this concurrence point would be to ensure that the Corps is engaged during project design, to reduce the possibility of having to re-design a proposal to satisfy CWA Section 404 requirements. The Corps would also evaluate any proposed mitigation for adequacy in replacing the wetland functions that would be lost as a result of the proposed project.

Definitions

Concurrence is defined as a written determination that information to date is adequate to agree that the project can be advanced to the next stage of project development. Concurrence indicates an agreement not to revisit the previous process steps unless conditions change. It does not signify agreement that a permit will be issued, and it does not preclude the Corps from issuing a denial of a permit request.

Concurrence Point is a point within the merged project development/404 review process at which the project proposer requests concurrence.

Practicable means available and capable of being done after taking into account cost, existing technology, and logistics in light of the overall project purpose.

Least Environmentally Damaging Practicable Alternative is the alternative meeting the project purpose and available to the applicant that has the least amount of impact to aquatic resources, without having other significant adverse impacts to the natural environment.

CWA Section 404(b)(1) Guidelines are the substantive requirements listed in Chapter 40, Section 230.10 of the Code of Federal Regulations (40 CFR 230.10).

Dispute Resolution

It is anticipated that concurrence will be reached in most cases. However, a process is needed to address disputes that cannot be resolved between Corps Regulatory staff and the project proposer. Terminating participation in the merger process is an option, but would only delay the dispute until a permit application is submitted. Alternatively, Corps staff or the project proposer could elevate the discussion to the District Engineer

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and the FDR Work Group, respectively. If an elevated discussion does not resolve the dispute, then the Corps and project proposer would need to pursue traditional avenues of resolving differences that arise during permit evaluations.

SECTION 4D. PROJECT FUNDING

Project Acceleration Grants

General Information:

The Red River Basin Flood Damage Reduction Work Group (FDRWG) is authorized to recommend awarding of grants to reimburse a portion of preliminary and final engineering expenses for flood damage reduction/natural resource enhancement projects in the Red River Basin of Minnesota. The source of the funds is an appropriation of the Minnesota legislature for the purpose of implementing the Red River Mediation Agreement. Funds are granted to the Red River Watershed Management Board which acts as the fiscal agent for these grants. The total amount of funds available for grants varies from year to year. The purpose of this document is to guide the applicant for project engineering grants from the FDRWG.

Refer to the following pages for instructions and forms to complete:

- Page 4D(1) – Project Approval and Funding Application¹
- Page 4D(2) – Project Team Consent Form

Eligibility:

Who may apply?

Project proposers who are legally authorized to undertake flood damage reduction and natural resource enhancement projects in the Red River Basin in Minnesota. In most cases the applicant will be a legally constituted watershed district.

What kinds of projects are eligible?

In general the FDRWG will consider the following factors in determining project eligibility:

1. The project must be consistent with any comprehensive watershed management plan for that watershed district.
2. The project must address a priority problem or opportunity area identified by the project proposer and endorsed by the project team.
3. The project must have the recommendation of the project team.
4. The project must have all required permits and approvals, or written indication from all required regulatory and approval entities that there are no known objections to the project as proposed that would prevent the issuance of a permit or approval.
5. The flood damage reduction and natural resource enhancement components of a project must result in flood damage reduction and environmental enhancement consistent with the mediation agreement in the judgment of the project team.
6. There must be sources of funds identified sufficient to complete the project.
7. The affected landowners within the project footprint have been contacted, informed about project concepts, and encouraged to participate in project team discussions.

¹ A working file (MS Word format) of the Project Approval and Funding Application form is available on the CD in the Watershed District Version of the Project Team Handbook to facilitate completion of the form.

How much are the grants and what are they for?

1. The grants are to reimburse the project proposer for some expenses incurred for the engineering costs of developing an eligible project.
2. The grant must be used to reimburse 50 percent of the non-state eligible expenses up to a maximum reimbursement of to be determined by the FDRWG. The exception is that for those projects which the legislature has designated for 75 state:25 non-state funding, the grant may be used to reimburse 75 percent of the non-state eligible expenses.

What expenses are eligible?

1. Expenses for FDR/NRE engineering include survey work, preliminary design work, site inventory and analysis, hydrologic and hydraulic analysis, expenses of project engineers, consultants under contract or on retainer with the project proposer which are incurred during the preliminary engineering phase of the project.
2. Expenses must have been incurred during the state fiscal year in which the funds are appropriated. Written verification of the date expenses were incurred must accompany the request for reimbursement. (For example: grant funds awarded during July 1, 2007 to June 30, 2008 may only be applied to engineering expenses incurred since July 1, 2007.)
3. The non-state match for engineering expenses may include documented technical in-kind services.

Application Process:

1. **Content:** The applicant must complete the relevant portions of the RRB FDRWG Project Funding Application (attached). The application must include a funding plan (Application Section IV.) The application must include a completed Project Team consent form (attached).
2. **Submittal Deadline:** The completed application and supporting material must be received by the FDRWG Facilitator no less than two weeks before the date of the FDRWG meeting at which the application will be acted upon. (Send application to: MNDNR Red River Basin Coordinator, 2115 Birchmont Beach Rd NE, Bemidji 56601)
3. **Distribution:** The FDRWG Facilitator will distribute copies to the Work Group members and alternates for their review prior to the meeting.

Approval Process:

1. The application approval decision will be made by the FDRWG at a regularly scheduled meeting.
2. The project proposer will be informed of the time on the agenda when the application will be considered and the proposer is **strongly encouraged** to be present or have a representative who can speak authoritatively and knowledgeably to the project details present at the FDRWG meeting. Lack of attendance by a project proposer representative may lead to the rejection or postponement of application approval.
3. The project proposer will be notified in writing of the decision of the FDRWG.

Reimbursement Process:

Evidence of eligible expenses and a written request for reimbursement must be submitted to the Treasurer of the Red River Watershed Management Board. (Naomi Erickson, P.O. Box 763, Detroit Lakes, MN 56502-0763)

SECTION 4D(1). PROJECT FUNDING

Project Acceleration Grant Application

RED RIVER BASIN FLOOD DAMAGE REDUCTION WORK GROUP

Note to Applicants:

This application must be used to provide information to the Flood Damage Reduction Work Group that will be used to determine eligibility for project acceleration grants. This application and any supporting materials must be provided to the Work Group facilitator for distribution to the FDRWG at least two weeks prior to the date of the meeting at which the proposal will be considered.

I. PROJECT INFORMATION

A. Project Name: _____

B. Project Proposer:
Name _____

Address _____

Contact Person _____

Phone _____

Fax _____

E-mail _____

Other Partners/Proposers:

Provide the name of the consultant(s) that will be performing the engineering work.

Note: *If this project has been submitted for RRWMB funding, please attach a copy of the RRWMB Step I project information and skip to Section III of this application.*

C. Project Purpose(s):

A brief statement of the primary project purpose and any secondary purposes or functions.

D. Problem Area Description:

Describe the flooding problem that this project is intended to address.

E. Project Description

1. Describe the project features that are intended to reduce flood damages. Attach maps and site plans, as applicable.

2. Describe the project features that are intended to achieve natural resource goals. Attach maps and site plans, as applicable.

3. If the project will be constructed in phases, describe the project components for each phase.

F. Land Ownership

List the site owner(s) and attach a map or photo showing the project site and landowners.

1. Is the land area affected by the proposed project to be acquired by permanent easement or purchase?

2. Describe the current status of land acquisition.

II. ENVIRONMENTAL EFFECTS

A. Project Site Characteristics

1. Land Use/vegetative cover

Describe the land use and vegetative cover of the project site (attach map).

2. Hydrologic System

Describe the principal watercourse involved, the drainage area, design discharges, known peak discharges and stages.

3. Soil Characteristics

Describe the soils on the project site or attach a soils map showing the project site.

4. Fisheries and Wildlife Habitat, Rare Ecological Features

Describe fish and wildlife habitat, rare species, recreational resources in the area to be affected directly or indirectly by the project.

5. Water Quality

Describe existing water quality characteristics of the project area and any positive or negative impacts.

B. Effects on Hydrology and Stream Flow

Describe the project's expected effects on hydrology and channel stability. Attach before and after hydrograph for principal stream(s).

C. Effects on Natural Features, Fish and Wildlife Habitat

Describe the project's expected impacts on fish and wildlife habitat, rare species, and other natural features, recreational resources.

D. Effects on Flooding and Flood Damages

Describe the location and size of the area to be protected by the proposed project. Attach a map showing flood damage reduction area.

III. PROJECT PHASING AND FUNDING PLAN

A. Estimated total project cost

\$ _____

B. List the estimated project phases and the estimated contribution by each funding source for each phase

Project Phase	State FDR (bonding)	State FDR (gen. fund)	RRWMB	WD	Federal (specify)	Other (specify)

C. Project Schedule

Estimated project start date: _____

Estimated project completion date: _____

IV. APPROVALS AND PERMITS

A. Required Permits and Approvals

List all required permits and approvals and indicate the status of each.

B. Environmental Review (check ALL that apply)

State: EAW | * _____ EIS | * _____

Federal: EA | * _____ EIS | * _____

** For environmental review documents already completed list the type of document and the date of negative declaration, FONSI, or EIS adequacy determination.*

C. Watershed Project Team Approval

1. Indicate the Step completed for this project as listed in 3B: *Project Implementation Process and Procedures* (Section 3 of the Project Team Handbook).

Step: _____

2. Does this project as described above have the consensus approval of the project team?

No: *If no, what steps have been taken to achieve consensus?*

Yes: *If Yes, please attach project team consent form.*

3. List and briefly describe the alternatives considered by the project team.

D. Red River Watershed Management Board Approval

For projects that will be partially funded by the Red River Watershed Management Board indicate which Step approval has been granted by that Board. (See RRWMB Governing Documents, Section 4.)

Step: _____

E. Watershed District Board Approval

Indicate date of approval by the watershed district board of managers: _____

F. Consistency with Watershed Management Plan

1. Is the project consistent with the local watershed management plan?

_____ Yes _____ No

2. Is the project consistent with other applicable water management plans?

_____ Yes _____ No

V. ATTACHMENTS (as applicable, list all attachments here)

- 1. RRWMB Step 1 Application Material
- 2. Environmental Assessment Worksheet
- 3. Project Team Consent Form
- 4. Maps (specify)

Project Compatibility and Readiness

Process for Evaluating Project Readiness for Funding

In 2006 the DNR Division of Waters requested the FDRWG to provide a rating of FDR/NRE projects that are seeking funding through the state capital bonding program. In response, the Work Group developed a Project Compatibility and Readiness form that project proposers can use to provide information about their project(s). The form is divided into five categories that rate a project on compatibility with flood damage reduction goals, compatibility with natural resource enhancement goals, readiness, external support and partnerships, and a category for other non-specific regional priorities, local issues, and controversies.

The process works by having the project proposer fill out a form for each project for which they will be seeking capital bonding funds in the next bonding cycle. A bonding cycle begins in July of the even numbered calendar years. The completed forms are submitted to the Work Group facilitator by a specified deadline, usually in the early spring of the year prior to the start of the next bonding cycle. The forms are then reviewed by the Technical and Scientific Advisory Committee for accuracy in the FDR and NRE Compatibility categories. After TSAC review, the committee makes findings of accuracy that are sent to the FDRWG. The Work Group meets to review all information on the form. At the end of their review, the Work Group issues findings regarding the project's compatibility with the mediation agreement and the project's readiness for bonding. Those recommendations are then transmitted to the DNR Director of Waters by June 15 of the year prior to the start of the next bonding cycle.

Refer to the following pages for instructions and forms to complete:

- Page 4C(1) -- Instruction Sheet for the Project Compatibility and Readiness Form
- Page 4C(2) – FDRWG Project Compatibility and Readiness Form¹

¹ A working file (MS Word format) of the Project Compatibility and Readiness Form is available on the CD in the Watershed District Version of the Project Team Handbook to facilitate completion of the form.

SECTION 4C(2). PROJECT FUNDING

FDRWG Project Compatibility and Readiness Form

PROJECT NAME _____

PROJECT PROPOSER _____

DATE OF THIS EVALUATION _____

EVALUATORS _____

Use of this Form: This form is for projects that are eligible for or that have received a portion of required State of Minnesota Capital Bonding funds. The FDRWG will use the information in this form to make a recommendation regarding funding eligibility and readiness of this project. The instructions for each section are in the boxes at the head of the section.

Compatibility with FDR Objectives

This category identifies the project's consistency with established goals, principles, and strategies for Flood Damage Reduction. Section A: Identify the statement that most accurately reflects your project's flood damage reduction effects for each item. Add up the pluses and minuses at the end. Section B: record the information about the project using TSAC Technical Paper 11 as a reference (available at www.rrwmb.org under Resources).

A. Consistency with Mediation Agreement FDR Goals (Net Downstream Impacts)

A.1 People and Property Flood Damage Reduction

(---)___A.1.1 Increased potential flooding of homes, farm structures, or communities

(0)___A.1.2 No homes, farm structures, or communities affected by project

(+++)_A.1.3 Project will reduce flood potential for homes, farm structures, or communities

Provide specific Description and Location for A.1.1 or A.1.3:

A.2 Transportation Flood Protection

(--)_A.2.1 Project will increase flood damages to transportation

(0)___A.2.2 Project has no effect on transportation flood damage potential

(++)_A.2.3 Project will reduce flood damages to transportation

Provide specific Description and Location for A.2.1 or A.2.3:

- A.3 Flooding Effects on Intensively Farmed Agricultural Land
 (-)___A.3.1 Increased crop damage on intensively farmed ag land
 (0)___A.3.2 No effect on crops of intensively farmed ag land
 (+)___A.3.3 Protects crops on intensively farmed ag land up to 10-year summer storm event
 (++)__A.3.4 Protects crops on intensively farmed ag land at greater than the 10-year summer storm event when feasible at a minimal incremental cost

Provide specific Description and Location for A.3.1, A.3.3 or A.3.4:

- A.4 Flooding Effects on Water Quality
 (-) A.4.1 Project includes measures that reduce runoff storage or increase conveyance capacity resulting in increased turbidity
 (+) A.4.2 Project includes measures that increase runoff storage or reduce flood volume resulting in reduced turbidity
 (+) A.4.3 Project includes measures that will improve water quality, other than turbidity. Describe:

Total Number of (+)_____ **Total Number of (-)**_____

**B. Consistency with TSAC Technical Paper 11: FDR Framework
 (Table 1: Expected RR Mainstem Peak Flow Reduction Effects)**

Use the table below to record information about each of the FDR Measures of this project as listed in Table 1 of TP 11. Each FDR Measure has its own footprint and for each of these footprints *only one* FDR Measure can be listed (e.g. do the rating for an ungated impoundment *or* a wetland restoration, not both on the same footprint). In order for the effects ratings to apply (i.e. + or -) the specific measure as planned for the project must be consistent with the guidance for operation and design in the Flood Damage Reduction Measures section of TSAC TP 11; pg. 24-36. Negative (-) effects must be explained below as to how those effects will be minimized or mitigated.

Flood Damage Reduction Measures (from Table 1 p. 9 of this form)	Timing Zone (E,M,L) of Project Drainage Area (Fig 24 see p.10)	RR Effects (+ or -) (Table 1, see p. 9)

Explanation:

- C. **Contribution to Mainstem Flow Reduction Goals (RRBC)**
[Currently undeveloped. This is a placeholder for when tributary goals are established.]

Compatibility with NRE Objectives

- A. **List the NRE Features associated with this project:**

Project Readiness

This category evaluates a project’s readiness for FDR program funding. Use checkmarks to indicate the project’s status for each of the item, A-H. Use no more than one checkmark per item unless otherwise indicated. Leave item blank if none of the options apply. **For items highlighted in Yellow or Red, provide explanation about project readiness with respect to timing of the next bonding cycle.**

- A. **Project Team Support**
- A.1**(R) Project Team not formed for this project
 - A.2**(R) Project Team does not have a recommended project
 - A.3**(Y) Project Team majority support of recommended project
 - A.4**(G) All Project Team members can live with the recommended project

For Red and Yellow provide Explanation:

- B. **Acquisition of Land Rights (can have more than one checkmark)**
- B.1**(R) Land acquisition issues not identified
 - B.2**(R) Significant difficulties with acquisition of land rights expected
 - B.3**(R) Project proposer waiting for willing seller(s)
 - B.4**(Y) Acquisition of land rights proceeding with landowner opposition
 - B.5**(Y) Acquisition of land rights proceeding without landowner opposition
 - B.6**(G) Land or use rights acquired

For Red and Yellow provide Explanation:

C. Project Operating and Monitoring Plans

C.1 Project Operating Plan

- _____ **C.1.1**(R) Operating plan not addressed
- _____ **C.1.2**(Y) Operating plan under development
- _____ **C.1.3**(G) Project has draft operating plan
- _____ **C.1.4**(G) Project has an approved operating plan
- _____ **C.1.5**(G) Project does not need an operating plan

C.2 Project Monitoring Plan (see TSAC TP9 for guidance)

- _____ **C.2.1**(R) Monitoring plan not addressed
- _____ **C.2.2**(Y) Monitoring plan under development
- _____ **C.2.3**(G) Project has draft monitoring plan
- _____ **C.2.4**(G) Project has an approved monitoring plan

For Red and Yellow provide Explanation:

D. Watershed Board Approvals

- _____ **D.1**(R) No Preliminary Engineers report
- _____ **D.2**(Y) Preliminary Engineers report ordered
- _____ **D.3**(Y) Preliminary Engineers report approved
- _____ **D.4**(G) Public Hearing
- _____ **D.5**(G) Final Engineers report approved
- _____ **D.6**(G) Order to Proceed

For Red and Yellow provide Explanation:

E. Funding Status

E.1 Total Project Cost Information

- E.1.1 Total Project Cost \$ _____
 - E.1.2 Total State FDR Bonding Share \$ _____ (_____ % of project cost)
 - E.1.3 Total State non-FDR Bonding Share \$ _____
 - E.1.4 Total non-State Share \$ _____
 - _____ **E.1.5**(G) State FDR Bonding already under contract/received \$ _____
- [Also check the corresponding item in the summary on page 8]

E.2 State FDR Bonding Application Status for this Request

- E.2.1 State FDR Bonding this Request/Phase* \$ _____
- _____ **E.2.2**(Y) No funding request/application submitted to DNR
- _____ **E.2.3**(G) Project application submitted (accepted)

When the project is proposed to be constructed in “stand alone” phases attach a description of each phase and expected cost, identifying bonding dollars needed and fiscal year schedule for each phase.

G.2 DNR Public Waters/Dam Safety Permit

- ___ (G)no jurisdiction
- ___ (Y)director's report response received
- ___ (Y) permit not applied for
- ___ (Y)permit applied for
- ___ (G)permit received

G.3 NPDES Stormwater Permit (MPCA)

- ___ (Y)permit/approval not applied for
- ___ (Y)permit/approval applied for
- ___ (G)permit/approval received

G.4 Permit/Approval 2 _____

- ___ (R)permit/approval not applied for
- ___ (Y)permit/approval applied for
- ___ (G)permit/approval received

G.5 Permit/Approval 3 _____

- ___ (R)permit/approval not applied for
- ___ (Y)permit/approval applied for
- ___ (G)permit/approval received

___ G.6 Additional permit/approval status listed on attachment

___ G.7 (R) All required permits and approvals have not been identified

For Red and Yellow provide Explanation:

H. Consistency with Approved Local Plans

[WD plans, land use plans, local water plan, SWCD comp plan]

___ H.1 (Y) Project inconsistent with any local plan

___ H.2 (G) Project consistent with all local plans

For Red and Yellow provide Explanation:

External Support and Partnerships

This category looks at the amount of political support or opposition for a project and which partners are involved. Use checkmarks to indicate which item describes the project for each of the factors A-D. For items highlighted in **Yellow(Y)** provide an explanation with respect to the timing of the bonding cycle.

A. Local Landowner Support (in and around project)

___ A.1 (Y) Significant landowner opposition (in funding timeframe)

___ A.2 (G) No significant landowner opposition

For Yellow provide Explanation:

B. Political Support

B.1a Local political: (indicate twp) _____

_____ B.1a.1(Y) opposition

_____ B.1a.2(Y) unknown

_____ B.1a.3(G) neutral

_____ B.1a.4(G) support

B.1b Local political: (indicate county) _____

_____ B.1b.1(Y) opposition

_____ B.1b.2(Y) unknown

_____ B.1b.3(G) neutral

_____ B.1b.4(G) support

B.1c Local political: (indicate city) _____

_____ B.1c.1(Y) opposition

_____ B.1c.2(Y) unknown

_____ B.1c.3(G) neutral

_____ B.1c.4(G) support

B.2. State (other than project team members) (can have more than one checkmark)

_____ B.2.1(Y) State government officials/legislators opposed to project

_____ B.2.2(Y) State government officials/legislators not aware of project

_____ B.2.3(G) State government officials/legislators neutral

_____ B.2.4(G) State government officials/legislators support for project

_____ B.2.5(G) Project received special state designation/recognition (e.g.,
governor's pilot project, earmarked funds in legislation)

[Also check the corresponding item in the summary below]

B.3 Federal (other than project team members) (can have more than one checkmark)

_____ B.3.1(Y) Federal government officials/legislators opposed to project

_____ B.3.2(Y) Federal government officials/legislators not aware of project

_____ B.3.3(G) Federal government officials/legislators neutral

_____ B.3.4(G) Federal government officials/legislators support for project

_____ B.3.5(G) Project received special Federal designation/recognition (e.g., special
congressional authorization, earmarked funds in legislation)

For Yellow provide Explanation:

C. Non Governmental Organization Support

Name of NGO _____ : Support(G) _____ Opposed (Y) _____

Name of NGO _____ : Support(G) _____ Opposed (Y) _____

Name of NGO _____ : Support(G) _____ Opposed (Y) _____

For Yellow provide Explanation:

D. Participating Partner Programs

(Check all that apply as to whether project program has been considered, and/or program is part of the project.)

Considered Participating

_____	_____	CREP/WREP (Cons. Reserve/Wetland Reserve Enhancement Programs)
_____	_____	RIM (Reinvest in Minnesota)
_____	_____	CRP/CCRP/WRP (Conservation Reserve/Continuous Conservation/Wetland Reserve Programs)
_____	_____	CSP (Conservation Security Program)
_____	_____	319
_____	_____	TMDL (Total Maximum Daily Load)
_____	_____	Clean Water Partnership
_____	_____	Clean Water Legacy
_____	_____	Challenge Grants
_____	_____	Corps 206/1135 Habitat Restoration
_____	_____	WMA (state wildlife management area)
_____	_____	WPA (federal waterfowl production area)
_____	_____	Other (specify)_____

Other Issues

Provide additional information relevant to items listed below as they apply to project readiness or compatibility with Mediation Agreement goals and objectives. Additional information may be added by FDRWG members during review of this project.

- A. Local Issues**
- B. Caution Flags**
- C. Consistency with Basin-wide Priorities**
- D. Other Priorities/Information**

Summary of Project Compatibility and Readiness

The following information is transferred from the preceding sections.

FDR Compatibility: A. ____ + ____ - B. ____ + ____ -

NRE Compatibility: under development

Special Considerations for Priorities (repeated from above)

_____ E.1.3 State FDR Bonding previously under contract/received

_____ B.2.5 Project received special state designation/recognition (e.g., governor's pilot project, earmarked funds in legislation)

_____ B.3.5 Project received special Federal designation/recognition (e.g., special congressional authorization, earmarked funds in legislation)

Project Readiness

_____ (# of **Green**) _____ (# of **Yellow**) _____ (# of **Red**)

External Support and Partnerships

_____ (# of **Green**) _____ (# of **Yellow**)

Funding Priority

To be completed by FDRWG.

Project is Compatible with Mediation Agreement _____ **Yes** _____ **No**
Not Determined _____

Explanation:

Project Ready for Bonding:

_____ Immediate	_____
_____ Second year of cycle	_____
_____ May be ready in next Bonding Cycle	_____

Fiscal Year

Instruction Sheet

Instructions for Completing the FDRWG Project Compatibility and Readiness Form

Process for Completing the Evaluation

- Step 1: The project proposer must fill out the evaluation form. The proposer may choose to involve the Project Team in this process or may review the completed form with the project team.
- Step 2: The proposer submits the form and any attachments to the Flood Damage Reduction Work Group (FDRWG) MNDNR Red River Basin Coordinator (2115 Birchmont Beach Rd NE, Bemidji 56601) by the established deadline. This will usually be in May of odd number calendar years.
- Step 3: The FDRWG will schedule times for the proposer to meet with the Technical and Scientific Advisory Committee (TSAC) and the FDRWG for review of the project information.
- Step 4: Project proposer meets with the Technical and Scientific Advisory Committee (TSAC) for preliminary review of the completed form. The TSAC will provide the FDRWG with a finding regarding the accuracy of the information in the first two categories.
- Step 5: Project proposer meets with the FDRWG to review the information in the form and answer questions from the Work Group. The Work Group will make a determination about the project's compatibility with the mediation agreement and readiness for capital bonding.
- Step 6: The FDRWG will submit recommendations to the DNR Division of Waters regarding the findings from the evaluation. Those recommendations will be used by the DNR in putting together the Governor's capital bonding request and in making project funding decisions during the subsequent bonding cycle. This will usually be in the spring of odd numbered calendar years.

Definition of Terms Used in the Form

Bonding cycle- a two-year period starting on July 1 of even calendar years during which state capital bonding funds are made available for specific purposes.

Intensively farmed ag land-land that was planted with annually seeded crops or was in a crop rotation seeding of pasture grass or legumes in six out of the last 10 years; excluding land incorporated within flood protection works (e.g., between setback levees), regardless of whether this land has been or will be farmed.

“Stand alone” phase- a project phase that is capable of useful FDR function on its own. Land acquisition for a specific FDR/NRE project may be considered a stand alone phase.

Significant- related to whether the funds can be spent within the upcoming bonding cycle

Transportation- this can be any type of public roads, either individually or as a system; infrastructure only, not traffic flow.

SECTION 4B. PROJECT FUNDING

Flood Damage Reduction Grants: How to Apply for State Capital Bonding Money

Since 1987 the State of Minnesota has provided funds on a cost share basis to local units of government and other project proposers to cover part of the cost of flood damage reduction benefits. These funds are available through the sale of general obligation bonds issued by the State and the money is granted for a wide range of capital projects.

This program is administered by the Minnesota Department of Natural Resources (MDNR) Division of Waters. The following website provides grant application information:

http://www.dnr.state.mn.us/waters/watermgmt_section/flood_damage/index.html

Capital bonding funds are authorized by the state legislature. In general the legislature hears requests and appropriates capital bonding money in even-year legislative sessions (i.e., 2008, 2010, etc.).

SECTION 4A. PROJECT FUNDING

Flood Damage Reduction Studies: How to Apply for State Flood Hazard Mitigation Assistance Grants

Since 1987 the State of Minnesota has provided funds on a cost share basis to local units of government and other project proposers to provide technical and financial assistance to local governmental units for conducting flood damage reduction studies and for planning and implementing flood damage reduction measures. These grants are for studies, planning, and engineering that lead to the design and development of flood damage mitigation projects.

Flood damage mitigation projects include: acquisition of structures in the flood plain, relocations, flood-proofing, development of flood warning systems, public education, flood plain restorations, dams, dikes, levees, flood bypass channels, flood storage structures, water level control structures and other related activities.

Grants are limited to \$50,000 each. This program is administered by the Minnesota Department of Natural Resources (MDNR) Division of Waters. The following website provides grant application information:

http://www.dnr.state.mn.us/grants/water/flood_hazard.html