



Minnesota Board of Water and Soil Resources.
Minutes.

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MINUTES OF JULY 27, 1988
OF THE
BOARD OF WATER AND SOIL RESOURCES

Appointed Members in Attendance

Donald Ogaard
John Williamson
John Boulton
Eugene Kalmes
Douglas Bade
Don Warner
Lowell Moen
Natalie Haas Steffen
John Brooks, Jr.
Howard Peterson
William Cofell
Loni Kemp
Jack Graba
Loren Harste

Appointed Members Absent

James Hoese
Ken Schellack

Others in Attendance

Allen Dornfeld, Minnesota Association of Watershed Districts
Warren Wallgren, Minnesota Association of Watershed Districts
Mary Peterson, Minnesota Association of Soil & Water Conservation Districts
Paul Burns, Minnesota Department of Agriculture
Gary Nordstrom, Soil Conservation Service
Laurel Reeves, Department of Natural Resources
Wayne Anderson, Minnesota Pollution Control Agency

Staff in Attendance

Jim Birkholz
Mel Sinn
Greg Larson
Dan Steward
Denice DeFrates
Mark Nelson
Wayne Edgerton
Mary Jo Anderson

Call Meeting to Order - Chairman Ogaard called the meeting to order at 9:05 a.m., in Conference Room A, Department of Agriculture Building, 90 W. Plato Blvd., St. Paul, Minnesota.

88-111 Adopt Agenda - John Brooks, Jr., requested that an additional item be added to the agenda regarding the starting time of the Board meeting. Loren Harste requested that the drought issue be addressed at the meeting today. Moved by Williamson, seconded by Kalmes, to adopt the agenda as presented. Affirmative: Ogaard, Williamson, Warner, Kalmes, Bade, Moen, Brooks, Jr., Harste, Peterson, Graba, Kemp, and Cofell. Opposed: None. Carried.

88-112 Approval of Minutes of June 22, 1988 - Loni Kemp reported that a correction needs to be made on page 3, regarding the EQB/Water Resources Committee Report. The sentence should read "The WRC sent a letter to EPA on the pesticide strategy", rather than "The WRC received a letter from EPA on the Durenberger bill". Moved by Cofell, seconded by Brooks, Jr., to approve the minutes of June 22, 1988, as corrected. Affirmative: Ogaard, Williamson, Warner, Kalmes, Bade, Moen, Brooks, Jr., Harste, Peterson, Graba, Kemp, and Cofell. Opposed: None. Carried.

Natalie Haas Steffen entered the meeting at 9:10 a.m.

Chairman's Report - Chairman Ogaard reported - on a personal note - that he was just diagnosed as having Lyme's Disease. It was successfully treated. He also had an unfortunate incident happen to him - he cut off the tip of his finger. Chairman Ogaard attended the Minnesota Association of Watershed Districts summer tour and meeting on June 24-25. The meeting was held at the Holiday Inn in ~~St. Paul~~ ^{Shoreview}. It was very well planned and a good opportunity to coordinate and cooperate with various groups. The tour and meeting was very well attended. On June 28, Chairman Ogaard attended a joint meeting with the Soil and Water Conservation Districts and the Watershed Districts at McGuire's. A very good discussion took place. He felt that the good cooperation/coordination has become a fact for the future. Chairman Ogaard attended a meeting with the Bois de Sioux Watershed District Board of Managers with Bill Cofell on the morning of July 21. Chairman Ogaard went through a complete senario of office operations with them, and they went on a tour in the afternoon. On July 8, Chairman Ogaard acted as a facilitator/coordinator with Minnesota and North Dakota officials for the development of a floodway.

John Boulton entered the meeting at 9:20 a.m.

On July 13-14, Chairman Ogaard attended a meeting and tour with the Beltrami Soil and Water Conservation District and the Red Lake Watershed District. The Red Lake Watershed District had a dedication ceremony for a pool/dike structure. Chairman Ogaard felt it was a very worthwhile event. Chairman Ogaard stated that state agencies need to work together and become aware of local concerns. He reported that MPCA ^{was amazed at the capability of local governments wishing to pursue a lake project, replacing a bridge with a dam using multiple funding sources.} was amazed at the capability of local governments wishing to pursue a lake project, replacing a bridge with a dam using multiple funding sources. Chairman Ogaard felt that this was a major break-through meeting. Working together is very important.

Executive Director's Report - Jim Birkholz reported that a groundbreaking ceremony is being held today for the Pickwick Project. This is a special project near the historic mill on Trout Brook in Winona County. This has been a good cooperative project, staff will keep the Board posted on this. Jim reported

on the Board's staffing positions. A total of 26 staff, with six positions open, which creates a workload crunch. The Assistant Director position will be advertised until August 29. There are two hydrologist positions for Comprehensive Local Water Management. One of the positions will be located in Brainerd, and the other located in New Ulm. A new eligible list should be available in two weeks. The Hydrologist III position is also a new listing and interviews will be held in August. The Grants Analyst position which Dennis Pond held is in the process of being reclassified to Accounting Director. The Department of Transportation has a listing for the RIM Realty Specialist position and candidates will be interviewed soon. Jim reported that 35 new SWCD employees attended an orientation session in St. Cloud on July 21-22. He noticed that the new employees are a younger group of people. The session was small groups and classroom style. He felt it was a very good session. Jim stated that he attended the NACD Regional Leadership Conference in Peoria, Illinois, on July 17-20. He reported that Senator Durenberger got a \$25 million amendment for Sec. 319, nonpoint money approved. Jim suggested that the Board send a letter of support, hopefully Minnesota will receive some of that funding. Moved by Cofell, seconded by Warner, to authorize sending a letter of support regarding Sec. 319 to appropriate participant conferees of the House and Senate. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Moen, Haas Steffen, Brooks, Jr., Harste, Peterson, Graba, Kemp, and Cofell. Opposed: None. Carried.

88-113

Natalie Haas Steffen would like an agenda item added regarding using a task force for the metro law relative to drainage systems. Chairman Ogaard stated that it would be added to the agenda.

Starting Time Change for BWSR Meetings - John Brooks, Jr., would like to have the Board meetings start at 8:00 a.m. rather than at 9:00 a.m. Moved by Brooks, Jr., seconded by Graba, to start the BWSR meeting at 8:00 a.m., and adjourn the meetings one hour earlier. Affirmative: Brooks, Jr., and Graba. Opposed: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Moen, Haas Steffen, Harste, Peterson, Kemp, and Cofell. Motion defeated.

88-114

EQB/Water Resources Committee Report - Loni Kemp reported that the EQB/Water Resources Committee met on July 7 and also had a special meeting on July 21 regarding LCMR proposals. Loni stated that the Water Resources Committee was assigned to consolidate and coordinate the LCMR proposals, and also rank them. She reported that of the 227 proposals received, 98 of them are water related. Loni commended Greg Larson for the great job he has done on working on this process. 20% of the submitted proposals were combined. Six of the seven BWSR proposals that were approved at the June BWSR meeting were water related and will be coordinated with other proposals. The paired ranking process is the next step to the process and is due on August 1st. Loni reported that local entities can submit proposals on their own this year rather than having a state agency submit them as in previous years. Loni, Jim Birkholz, and Greg Larson will be working on the paired ranking process for the proposals. Loni reported that the Water Resources Committee on July 7 discussed the drought situation, watering bans, and drawing down lakes. It was felt that local drought contingency plans are much more important than the state. The State Planning Agency and the Water Resources Committee will encourage local units of government to include this element in their local water plans. The Water Resources Committee strongly wants staff support for a ten-year agenda. Greg Larson will participate in the Department of Health's groundwater and well code task force. Loni reported that the groundwater strategy has been presented to the MPCA Board, it will then go

88-115

to the EQB and Governor on August 4, to review the final draft of these strategies. Loni stated that the EQB has issued a news release on the 1988 Minnesota Environmental Congress meeting schedule. Issues such as: groundwater pollution, air pollution, protecting human health, protecting wildlife habitat, water protection plans, and financing environmental protection will be addressed at the second Minnesota Environmental Congress. State environmental officials will travel to five Minnesota cities in September and October to discuss these issues with interested citizens. Day-long sessions will be held in Mankato, Alexandria, Duluth, Bemidji, and St. Paul. Loni reported that staff has drafted a resolution from the Board to the State Planning Agency for their leadership role in coordinating efforts on comprehensive local water planning. Moved by Brooks, Jr., seconded by Peterson, that the BWSR adopt the following resolution:

WHEREAS, the Minnesota State Planning Agency (SPA) has vigorously supported the development and implementation of the Comprehensive Local Water Planning Act (Ch. 110B), and

WHEREAS, SPA has successfully implemented the LCMR project which has resulted in the initiation of comprehensive local water plans in 54 counties, and

WHEREAS, SPA has further assisted local water planning efforts by facilitating regular meetings of local water plan project managers and involved agencies for the purpose of informing and coordinating planning participants, and

WHEREAS, SPA prepared "The Handbook for Comprehensive Local Water Planning" as a reference document for plan preparation;

THEREFORE, BE IT RESOLVED, that the Minnesota Board of Water and Soil Resources extend its appreciation and commendation to the staff of the State Planning Agency for their outstanding work on implementing comprehensive local water planning.

BE IT FURTHER RESOLVED, that the Board request the SPA to remain involved in the local water planning process as the Board assumes its statutorial mandate under Ch. 110B.

Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Moen, Haas Steffen, Brooks, Jr., Harste, Peterson, Graba, Kemp, and Cofell. Opposed: None. Carried.

Urban Erosion and Sediment Control Slide Show - Mark Nelson, Board Representative, and Denice DeFrates, Communications Manager, showed a slide-tape presentation and explained that the slide show has been jointly produced by the BWSR and the Association of Metropolitan Soil and Water Conservation Districts. Significant additional funding was provided by the Minnesota Pollution Control Agency and the Legislative Commission on Minnesota Resources. A proposed marketing strategy for the show is as follows: 1) The BWSR will send a memo to all Watershed Districts, counties and major cities in Minnesota announcing the slide show; 2) SWCDs in the Metropolitan area will have a copy of the show on hand to organize showings to interested parties; 3) For greater Minnesota, BWSR Regional Board Representatives will have a copy and SWCDs or Watershed Districts can work through the Board Representative to arrange showings; and 4) Other agencies such as DNR, MPCA, Metropolitan Council, and SCS will have available copies. The Erosion and Sediment Control Planning Handbook is in final draft and will be ready for major distribution to compliment the show. The handbook was also produced by the BWSR and Association of Metropolitan SWCDs. The "Minnesota Construction Site Erosion and Sediment Control Planning Handbook" includes 14 general criteria will be part of the Minnesota Pollution Control Agency's best management practices (BMP) handbook. The slide show will be available from the BWSR office and SWCD offices. It was suggested that the slide show should be presented to construction crews, local contractors, and ordinance authorities. It needs to be presented to local units in the metro area. The handbook should be made available to plan-

- 88-116 ning and zoning boards also. The Board felt that this is a very good slide show. The handbooks should be available in September. Moved by Peterson, seconded by Bade, that the BWSR endorse the Erosion and Sediment Control Slide Show and proceed to develop and enhance it. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Moen, Brooks, Jr., Harste, Peterson, Graba, Kemp, and Cofell. Opposed: None. Carried.

Chairman Ogaard called for a break in the meeting at 10:50 a.m. The meeting reconvened at 11:00 a.m.

509 Plan Reviews

- 88-117 Coon Creek WMO Plan - Dan Steward introduced representatives of the watershed district: Mel Schulte, Al Sannerud, Harold Israelson, and Ed Mathiesen. Staff recommends approval of the Coon Creek WMO Plan. Natalie Haas Steffen stated that a date needs to be included in the blank space at the bottom of the first page, item #3, on the Order Approving the Watershed Management Plan. Dan Steward replied that the date should be August 25, 1988. Moved by Haas Steffen, seconded by Boulton, to approve the Coon Creek WMO Plan. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Moen, Haas Steffen, Brooks, Jr., Harste, Peterson, Graba, Kemp, and Cofell. Opposed: None. Carried.

- 88-118 Six Cities WMO Plan - Dan Steward introduced Fred Salisbury and John Flora, representatives of the Six Cities watershed district. Dan stated that this is a joint powers agreement in Anoka County. Staff recommends approval of the Six Cities WMO Plan. The Six Cities WMO representatives commended the staff for all the work they have done on this plan. Moved by Cofell, seconded by Warner, to approve the Six Cities WMO Plan. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Moen, Haas Steffen, Brooks, Jr., Harste, Peterson, Graba, Kemp, and Cofell. Opposed: None. Carried.

- 88-119 **Use of a Task Force for the Metro Law Relative to Drainage Systems** - Haas Steffen suggested that the Board consider reviewing the statutes governing metropolitan drainage to see if changes are needed. An attorney she knows is willing to volunteer his services to chair a committee on this topic. She felt that the Minnesota Association of Counties and the Metropolitan Inter-County Association should be involved. Discussion followed. It was felt that many people may like to be involved in reviewing the committee's report, including the Met Council. The Chairman thought the ideal committee size would be would five people. Moved by Peterson, seconded by Haas Steffen, to empower Chairman Ogaard to outline the objectives and appoint the Metro Drainage Law Research Committee, with recommended changes in laws to be reported back to the full Board. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Moen, Haas Steffen, Brooks, Jr., Harste, Peterson, Graba, Kemp, and Cofell. Opposed: None. Carried.

Reinvest In Minnesota Reserve Program

1988 Payment Rates - Wayne Edgerton stated that staff is in the process of finalizing easements from the last sign-up. A two-week sign-up period has been scheduled for August 15-29. Regarding the 1988 payment rates, staff has been in contact with the Department of Revenue, State Planning Agency, and the University of Minnesota/Extension Service, as they are using the annual rental rates from last year to use as a format for easement estimated market value, this process lags two years on the payment rates. The print-out reflects land values that had a reduction at a time when land values are going up. Wayne stated that three options are available: 1) send out rates showing declines (this option is not recommended by staff); 2) delay sign-up until better data is received;

88-120 or 3) use last year's payment rates to average out the increase and decline of land values (staff recommends this option, as it is the best option available at the present time). Discussion followed. Moved by Moen, seconded by Williamson, to use the 1987 (last year's) established payment rates for RIM. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Moen, Haas Steffen, Brooks, Jr., Harste, Peterson, Graba, Kemp, and Cofell. Opposed: None. Carried.

Loren Harste stated that a seminar has been scheduled for August 19 in St. Cloud on what effect RIM and CRP have on land values, for the Board's information.

Status of Grazing - Wayne Edgerton explained that grazing is allowed only in counties that have been declared as emergency drought counties. Twenty-nine resolutions have been received, of those four have been denied, and four are pending. 1,000 landowners could have applied. Approximately 1300 acres have applied for grazing out of 20,000 acres. Discussion followed. Loni Kemp suggested that the Board needs to develop a policy. The staff will be meeting with the new Assistant Commissioner Herb Halvorson tomorrow to discuss RIM issues.

Haas Steffen left the meeting at 12:05 p.m.

Chairman Ogaard adjourned the meeting for lunch at 12:05 p.m. The meeting reconvened at 1:10 p.m.

Don Warner distributed information on the September meeting in Cloquet, for the Board's information.

Bill Cofell distributed a draft on the BWSR's educational function for the Board's information.

88-121 **Study Area II Minett-Krantz Partial Payment Request** - Greg Larson explained that the Board's share (75% of the total) is \$22,027.01. Moved by Boulton, seconded by Warner, to approve the partial payment request for Study Area II on the Minett-Krantz Project for \$22,027.01. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Moen, Brooks, Jr., Harste, Peterson, Graba, Kemp, and Cofell. Opposed: None. Carried.

Plan Review Guidelines Policy Discussion - Jim Birkholz explained the Board's responsibilities for reviewing the following local plans:

Soil and Water Conservation District comprehensive plans: 91 biennial; 91 annual.

Watershed District overall plans: 41; with approximately 20 that need updates.

WMO plans: 46; with 40 yet to review.

County comprehensive local water plans: 54 being developed; with 26 additional plans possible.

Staff proposed that they work to update, improve, and prepare guidelines for all plans and do routine review and approval at the staff level. Where plans do not meet the guidelines, staff would bring unresolved issues to the Board. The Board concurred to the staff proposal. Staff will proceed.

Pelican River Watershed District Request for Change in Number of Managers - Mel Sinn explained that the Pelican River Watershed District is located in Becker

88-122 County. The district has a history of focusing their work on management of lakes. Mel distributed copies of two letters he received from representatives of the Pelican River Watershed District. The watershed district and Becker County petitioned the BWSR to increase the board of managers from five to seven members. The district feels that by increasing the board of managers to seven there would be fairer representation by hydrological areas. Mel and Chairman Ogaard recommended that the BWSR conduct a public hearing on the petition. Moved by Kalmes, seconded by Harste, that the Dispute Resolution Committee conduct a public hearing in Detroit Lakes regarding the Pelican River Watershed District increase in managers petition and report back to the full Board. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Moen, Brooks, Jr., Harste, Peterson, Graba, Kemp, and Cofell. Opposed: None. Carried.

88-123 **Winona Nomination District Boundaries** - Jim Birkholz explained to the Board that at the May meeting, the Board acted on a Nomination Districts Resolution for the Winona County Soil and Water Conservation District. Since that time staff learned that an error in the resolution form placed one township in two nomination district boundaries. A new nomination districts resolution form corrects that error. Moved by Warner, seconded by Kalmes, to correct the previous error and accept the new Nomination District Boundaries for the Winona County SWCD. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Moen, Brooks, Jr., Harste, Peterson, Graba, Kemp, and Cofell. Opposed: None. Carried.

1989 Legislative Session Overview and Discussion - Jim Birkholz reported that the deadline for the Board's budget and legislation is September 30. Jim stated that Board members have received informational material on legislative concepts relating to the groundwater strategy. Jim reviewed this information with the Board.

- Local Water Resources Protection and Management Program - The 1986 Nonpoint Source Pollution Issues Team Report contained as Recommendation C, a program to provide financial assistance to local units of government to carry out local water quality management activities. Such a program is also an essential part of local government taking an active role in groundwater protection efforts. It would show a commitment on the part of the state to assist local government, would assure maximum acceptance of delegated authorities for water resource protection by local government and would ensure coordination by using comprehensive local water plans. This program would not be strictly limited to groundwater, but groundwater protection could be an important component. \$1,900,000 would be the total state share for 87 counties.

- Expanded RIM Reserve Program to Protect Susceptible Groundwater Areas - Many areas currently used for agricultural crop production are also areas where groundwater is susceptible to contamination from various chemicals associated with farming practices. In some settings the most effective way to deal with this dilemma is to retire the land from agricultural crop production and plant it to long term vegetation. The types of land which commonly have this problem are karst areas where sinkholes are prevalent or where fractured bedrock occurs close to the surface and areas of coarse textured soils overlying shallow aquifers such as are found in many sandplain areas of the state. DNR is developing costs of preparing information to guide the program. \$2,000,000 would retire approximately 4,000 acres of polluting cropland with priority given to perpetual easements.

- Sealing Abandoned Wells - Hundreds of thousands of unsealed or improperly abandoned wells pose a threat to the state's groundwater by providing a direct

avenue for pollutants to enter the groundwater. A program is needed for landowners to voluntarily come forward and indicate where such wells. Once located, a state cost-sharing approach would ensure that wells are properly sealed. Grants to share the cost of sealing wells would be \$100,000 per year per county. Jim would appreciate receiving comments and/or wording changes from Board members on this.

- Proposed Legislation Relating to the Metropolitan Water Management Act - Mel Sinn reviewed with Board members the following three amendments to the Metropolitan Water Management Act are proposed for the 1989 session and are consistent with the draft EQB/WRC "Local Water Planning and Management" 1989-91 Priorities: 1) Plan Amendments: The act does not prescribe any specific time period for reviewing and updating metro watershed plans. To provide clear and uniform direction to WMOs it is proposed that the act be amended to require plans to be reviewed and updated at least every five years. 2) Minimum Erosion and Sediment Control - One of the act's stated purposes is to control erosion and sedimentation, but it contains no specific plan requirements regarding this issue. A local bill enacted in the 1988 legislative session (Chapter 497) requires WMOs in Ramsey County to adopt erosion and sediment control programs to be developed by the Ramsey SWCD. To ensure uniformity across the metro area regarding local erosion and sediment control minimum regulations, it is proposed that the act be amended to require WMOs to adopt the minimum erosion and sediment control criteria to be promulgated by the BWSR in cooperation with affected parties. 3) Planning Responsibility - The act made county government responsible for watershed planning in instances where cities and towns failed to develop joint powers watershed management organizations. The act, however, is silent as to who is responsible for continued planning and implementation if a joint powers WMO disbands. It is proposed that the Act be amended to make it clear that county government is ultimately responsible to ensure that the act is carried out should a joint powers watershed agreement fail.

- Proposed RIM Reserve Policy Legislation - Jim Birkholz explained the following: 1) Make Susceptible Groundwater Areas Eligible for the Program - This would provide for enrolling lands in the program which presently pose high risk of groundwater contamination due to land use practices provided that enhancement of fish and wildlife habitat, soil conservation and water quality priorities are met. Typical lands to be eligible would be fractured limestone or karst topography in southeast Minnesota with shallow soils over fractured bedrock. Open sinkholes are a common feature in this area. Also eligible would be certain areas of coarse or sandy soils over shallow aquifers. When actively farmed, groundwaters in these areas are susceptible to contamination from commonly used agricultural chemicals. 2) Make Riparian Lands Eligible for the Program - Lands adjacent to rivers, streams, and lakes are extremely valuable for fish and wildlife habitat needs. Maintaining these buffer areas provides habitat and protects water quality by filtering out sediment. These lands are very fragile and usually the first to be disturbed whether for agricultural or other development activities. This proposed addition would allow riparian lands to be enrolled in the program. Easements obtained would exclude agricultural crop production and other activities deleterious to fish and wildlife. A cropping history would not be a requirement for land to be eligible. 3) Eliminate Cropping Requirements for Wetland Restorations - Currently many drained or partially drained wetlands are not eligible for the program because they were not cropped at least two years between 1981 and 1985. The value of restoring these wetlands is immense. This proposal would eliminate the cropping requirement for drained wetlands to be enrolled in the program. Drained wetlands without a cropping history would be eligible for a lower payment rate consistent with the state Waterbank Program payments (50% of EMV for

cropland). 4) Omit the 20% Enrollment Limit - The enrollment limit should be based on the payment limit as a cap for landowners. The 20% limit has caused problems in restoring some wetlands because the 20% cap is less than the restorable wetland acreage in many cases. 5) Amend Non-Cropland Conversion Requirement to 20 Year Limit - RIM Reserve contains a requirement that no non-cropland owned by the easement holder can be converted to cropland for the duration of the easement. This proposal would change that requirement to 20 years. The perpetual conversion requirement is virtually impossible to police and is dissuading applicants from participating in the program. Twenty years is the equivalent of a generation of farming and is manageable from an administration standpoint. 6) Strengthen Violations Process - Attorney General staff is developing language to expedite dealing with violations of terms of the easements which may occur. 7) Increase Individual Landowner Payment Limit from \$50,000 to \$100,000 - Presently, at least one landowner who would like to enroll land in a perpetual easement is ineligible due to having received close to the \$50,000 limit on his first RIM Reserve easement. This proposed change would maintain a reasonable cap on payments, yet allow high amenity sites to have easements conveyed on them. Additional Initiatives would be: A) Property Tax on RIM Reserve Lands - Landowners conveying easements to the state must still pay property taxes on those lands. County assessors in many cases will not revalue these lands at a non-cropland rate. This has limited participation in the program. The BWSR is addressing this issue to the State Planning Agency and the Department of Revenue to resolve policy matters relating to tax codes. Coalition support to resolve this issue would enhance the program. B) Conservation Practices on Streambanks and Lakeshores and Adjacent Uplands - Many of these areas are seriously eroding, yielding tons of destructive sediment directly into receiving waters. Minnesota has 25,000 miles of streams and rivers and over 12,000 lakes which need protection. This proposal would accelerate efforts to restore eroding lands along streams and lakes by matching state and local funds to construct conservation practices. Practices would include innovative streambank protection practices. Practices would include innovative streambank protection measures such as the Palmiteer Method, rock rip rap, gully control, vegetative measures and other approaches. Administration would be through normal soil and water conservation district channels.

- Soil Loss Limits - Jim Birkholz explained the changes to Chapter 40 regarding Urban Soil Erosion and Sediment Control: 1) Requires persons engaged in a development activity to develop a sediment control plan and time schedule. 2) Remove any reference to "excessive soil loss." 3) Change the definition of development activity, remove the road construction exemption, add exemptions for home gardens, public services, etc. 4) Require the sediment control plan and time schedule to follow the criteria developed by BWSR rules. Use as a basis the criteria from the Virginia program, but do not limit to only those criteria. 5) Require the conservation best management practices (both agriculture and urban) to be approved by the BWSR. 6) Recommend to counties/cities that SWCDs review the sediment control plan and time schedule. 7) Require counties/cities to notify the SWCDs and WMOs that they have received and are reviewing a sedimentation control plan.

Drought Discussion - Loren Harste suggested that "bulletins" or news releases be sent out. We're in a condition now that's just waiting for a disaster to happen. The people need to be educated. Remind the county agents, farmers, local districts that the dry conditions need to be stopped. It was suggested that a news conference be held with the media regarding the dry conditions, blowing, and soil loss. A press briefing is needed to deal with this issue.

88-124

Loni Kemp asked staff to research the soil loss limits, local comprehensive water plan, chapter 40 changes. Eugene Kalmes suggested an article in the ASCS news releases. The Board felt that this would be a good opportunity for the BWSR to get noticed. Moved by Cofell, seconded by Harste, that a resolution be put together to take immediate action to initiate and publicize the drought concerns as soon as possible. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Moen, Brooks, Jr., Harste, Peterson, Graba, Kemp, and Cofell. Opposed: None. Carried. It was suggested that the BWSR coordinate with ASCS publications on the drought.

FY90-91 Budget - Jim Birkholz reported that the estimated based budget for the BWSR is \$4,016,040.00. The budget process goes to Finance and then to the Governor's office. A composite of various agency budgets will be out in mid-January.

October 15 Report to the Governor and Legislature - Jim Birkholz stated that the regional staff will also be working on this.

Eugene Kalmes asked how the Board members felt about keeping the four ^{short-term 2 yr.} ~~agency~~ ^{WCD reps.} ~~interim members~~ on the Board, ^{beyond their termination date.} Williamson supports these four members to be reappointed for an indefinite time. Cofell certainly valued the four ~~agency~~ people. This issue should be brought up before the legislature this session. Chairman Ogaard suggested the associations initiate this issue, as it would more acceptable coming from the associations rather than the BWSR. This ^{issue} will be properly mentioned in the report to the Governor.

Chairman Ogaard called for a break in the meeting at 3:00 p.m. The meeting reconvened at 3:10 p.m.

Strategic Planning Discussion Small Group Break-Outs were held.

88-125

Moved by Boulton, seconded by Kalmes, to adjourn the meeting at 4:10. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Moen, Brooks, Jr., Harste, Graba, Peterson, Kemp, and Cofell. Opposed: None. Carried.

Respectfully submitted,

Donald Ogaard
Chairman



90 W. Plato Blvd.
St. Paul, Minnesota 55107
(612) 296-3767

July 18, 1988

TO: Board of Water and Soil Resources Members
and Advisors
FROM: Jim Birkholz, Executive Director *Jim Birkholz (ms)*
SUBJECT: July 27, 1988 Board Meeting

Regional Offices

Northwest Region
1819 Bemidji Ave.
Bemidji, MN 56601
218-755-3963

Northeast Region
Government Service Center
320 W. 2nd Street
Room 603
Duluth, MN 55802
218-723-4752

West Central Region
611 Iowa Avenue
Staples, MN 56479
218-894-1692

South Central Region
Box 756
New Ulm, MN 56073
507-354-2196

Southeast Region
Friedell Bldg., Room 100
1200 S. Broadway
Rochester, MN 55904
507-285-7458

Southwest Region
Box 111
1400 E. Lyon Street
Marshall, MN 56258
507-537-7260

East Central Region
90 W. Plato Blvd.
St. Paul, MN 55107
612-296-3767

Attached is a preliminary agenda and informational material for the July 27th meeting. The meeting will start at 9:00 a.m. in Conference Room A of the Department of Agriculture Building, 90 W. Plato Blvd., St. Paul.

Following are some details on agenda items to help you prepare for the meeting:

- Urban Erosion and Sediment Control Slide Show - The slide show to accompany the Urban Erosion and Sediment Control Practices Handbook is completed. This will be its premiere showing. Now is the time for discussion as to its use and any recommendations for improvements or embellishments before the slide show goes into widespread distribution.
- Reinvest In Minnesota Reserve Program - The next sign-up period for the program is the last two weeks of August. Board action is needed to authorize payment rates for this sign-up period. Staff will provide background information at the Board meeting for the payment rates. Also the Board will be updated on the status of grazing which was allowed under a controlled system since July 15 of this year.
- Study Area II Minett-Krantz Flood Control Partial Payment Request - Enclosed in your packet is information which explains the partial payment request for this flood control structure. This payment requires authorization by the Board.

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- Plan Review Guidelines - Staff has analyzed the amount of Board meeting time which potentially could be used for reviewing the various plans which the Board has statutory responsibility for. Considering the Board's plan review authorities for soil and water conservation district plans, watershed district plans, 509 plans, and 110B plans, there is a danger that entire Board meetings could be spent in plan review. Staff will bring before the Board information relating to the status of the Board's various planning guidelines and needed additional guidelines. The discussion needs to focus on future policy for plan review to guide staff review of plans and a determination of how much Board meeting time should be spent in plan review.
- 509 Metropolitan Water Plans - Attached is updated information for Board consideration and action on the Coon Creek WMO Plan and Six Cities WMO Plan.
- Pelican River Watershed District Request - The Pelican River Watershed District has requested an increase in the size of the board of managers from five to seven persons. Enclosed is a memo from Mel Sinn assessing the situation and recommending a course of action.
- Winona Nomination District Boundaries - As you recall from two meetings ago, the Board acted on a Nomination Districts Resolution for the Winona County SWCD. Since that time staff learned that an error in the resolution form placed one township in two nomination district boundaries. Enclosed is a new nomination districts form which corrects that error. This item needs Board action.
- 1989 Legislative Session Overview and Discussion - Policy direction is needed on the Board's legislative initiatives for the upcoming session. Enclosed are preliminary legislative concepts for the groundwater protection strategy and the RIM Reserve Program for the next biennium. Additional information will be presented at the meeting.
- Strategic Planning Discussion - Enclosed is a packet of materials to guide the strategic planning discussion. We would like to break into small groups as assigned at the last meeting and take the first cut at shaping up each of the strategic planning concerns. Please review the packet and come to the meeting prepared to have a fruitful discussion on each of the issues.

Also included for your information is an announcement of the publication of "Farm Chemicals In Groundwater: Strategies for Nonprofits". Please note that copies can be ordered from Loni Kemp.

If you have additional agenda items or require more information please call the Board office or Chairman Ogaard. Please travel safely, see you on the 27th.

JB:mja
Enc.

BOARD OF WATER AND SOIL RESOURCES
90 West Plato Blvd.
Conference Room A
St. Paul, Minnesota 55107
July 27, 1988

AGENDA

- 9:00 a.m.
1. Call to Order
 2. Adopt Agenda
 3. Approve Minutes of June 22, 1988
 4. Chairman's Report - Donald Ogaard
 5. Executive Director's Report - Jim Birkholz
 6. Environmental Quality Board/Water Resources Committee Report -
Loni Kemp
 - LCMR projects
 - Resolution on local water planning
 7. Urban Erosion and Sediment Control Slide Show - Mark Nelson
and Denice DeFrates
 8. Reinvest In Minnesota Reserve Program - Wayne Edgerton
 - 1988 Payment Rates
 - Status of Grazing
 9. Study Area II Minnett-Krantz Partial Payment Request - Greg Larson
 10. Plan Review Guidelines Policy Discussion - Jim Birkholz
 11. 509 Plan Reviews - Dan Steward
 - Coon Creek WMO Plan
 - Six Cities WMO Plan
- Noon LUNCH
- 1:00 p.m.
12. Pelican River Watershed District Request for Change in
Number of Managers - Mel Sinn
 13. Winona Nomination District Boundaries - Jim Birkholz
 14. 1989 Legislative Session Overview and Discussion
 - Groundwater Protection Strategy
 - Metropolitan Water Planning Program
 - Reinvest In Minnesota Reserve Program
 - Soil Loss Limits
 - FY90-91 Budget
 - October 15 Report to the Governor and Legislature
- 2:00 p.m.
15. Strategic Planning Discussion Small Group Break-Outs
- 3:30 p.m. AJDURN

**MINUTES OF JUNE 22, 1988
OF THE
BOARD OF WATER AND SOIL RESOURCES**

Appointed Members in Attendance

Donald Ogaard
John Williamson
John Boulton
Eugene Kalmes
Douglas Bade
Lowell Moen
Natalie Haas Steffen
John Brooks, Jr.
Howard Peterson
William Cofell
Loni Kemp
Don Warner
Ken Schellack
James Hoes

Appointed Members Absent

Loren Harste
Jack Graba

Others in Attendance

Allen Dornfeld, Minnesota Association of Watershed Districts
Warren Wallgren, Minnesota Association of Watershed Districts
Mary Peterson, Minnesota Association of Soil & Water Conservation Districts
Marlyn Libbesmeier, Minnesota Association of Townships
Lance Yohe, Coordinator, International Coalition
Sonja Jacobson, Soil Conservation Service
Paul Burns, Minnesota Department of Agriculture

Staff in Attendance

Jim Birkholz
Greg Larson
Wayne Edgerton
Kim Benson
Denice DeFrates
Mel Sinn
Dan Steward
Mary Jo Anderson

Call Meeting to Order - Chairman Ogaard called the meeting to order at 9:05 a.m., in Conference Room A, Department of Agriculture Building, 90 W. Plato Blvd., St. Paul, Minnesota.

88-92 **Adopt Agenda** - John Brooks, Jr., requested that an additional item be added to the agenda regarding the starting time of the Board meeting. Moved by Brooks, Jr., seconded by Warner, to adopt the agenda as presented. Affirmative: Ogaard, Boulton, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None.

88-93 **Approval of Minutes of May 25, 1988** - Moved by Cofell, seconded by Moen, to approve the minutes of May 25, 1988. Affirmative: Ogaard, Boulton, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

John Williamson entered the meeting at 9:10 a.m.

Chairman's Report - Chairman Ogaard reported that a chemical problem in his area destroyed several hundred acres of sugar beets. He used a new chemical for broad leaf weed control. Don stated that he sprayed less than 1/4 ounce per acre of the chemical 2300 acres of grain and it killed 150 acres of his sugar beets and 250 acres of his neighbors' beets. Don wanted to inform the Board members of this problem so they can be cautious if they intend to use the product. Chairman Ogaard attended the Coon Creek WMO Plan hearing. This hearing did not have very good attendance, less than a dozen people were present. The Dispute Resolution Committee met to consider the Coon Creek watershed District appeal. The parties appear to be very close to a stipulated settlement. Chairman Ogaard met with the Lower Minnesota River Watershed District and the Prior Lake-Spring Lake Watershed District concerning possible boundary changes between the two districts. Don said he believed the groundwork has been set for the districts to work together as an alternative to modifying legal boundaries. Chairman Ogaard reported that the statewide River Clean-Up Program is progressing well. Chairman Ogaard stated that the Bois de Sioux Watershed District will be touring the Wild Rice Watershed District on July 1 to look at the operations and activities of the Wild River district. The managers are very enthused about getting the Bois de Sioux District moving forward.

Executive Director's Report - Jim Birkholz commented on the Board's budget. He stated that the budget will be spent down to "0". He asked that Board members submit expense claims to Mary Jo by June 30. Jim reminded Board members that at the May meeting, a commitment was made to hold the September meeting in Cloquet on September 28-29. A meeting and tour of Area 3 will be held. Details will be presented at a later date. Jim reported that the BWSR staff met with managers and staff of Coon Creek Watershed District on June 8 to work on improving the overall operations of Coon Creek. The state auditors office will conduct an audit of the Coon Creek district's program. Jim will keep the Board members updated on progress of this prototype evaluation. Jim reported that on June 14-16, the annual BWSR staff meeting was held in southeastern Minnesota to develop the staff work plan. A tour of karst topography, Mystery Cave, Root River, and sustainable agriculture practices was also conducted. Representatives of the Land Stewardship Project and John Moncrief, University of Minnesota; conducted the tour to discuss sustainable ag practices. Rick Gauger, MDA/Planning arranged and conducted the tour. Loni Kemp stated that Ron Kroese of the Land Stewardship Project would be interested in attending a BWSR meeting at a future date to make a short presentation regarding the Land Stewardship Project. Jim updated the Board on staffing. Dennis Pond, Grants Analyst, has resigned effective July 5.

Natalie Haas Steffen entered the meeting at 9:35 a.m.

Jim Birkholz stated that the Assistant Director position now has a Hay rating as of yesterday. DOER is now ready to advertise the position starting July 22. The position will be advertised for a minimum of six weeks. If Board members know of people interested in the Assistant Director position, they should contact Jim with those names. Jim stated the three 110B position descriptions are almost completed. They will then be sent to DOER by the end of this week. Jim reported that drought response meetings are being held by DNR. DNR will be cutting off irrigation permits if river levels continue to drop. DNR has requested groundwater monitoring assistance from Soil and Water Conservation Districts.

Winona Tour Report - Gene Kalmes reported that a tour was held in his area sponsored by the University of Minnesota/Extension Service. They looked at nitrogen plots, a research farm, conservation tillage practices, and a weed control plot. Gene met with Senator Steve Morse while on the tour and they discussed the importance of protecting groundwater quality. He also met with Senator Pat Piper and discussed the issue of capping abandoned wells. Gene also met with Senator Earl Renneke, who felt that water quality issues should be prioritized. Gene felt that it was a very well planned day.

EQB/Water Resources Committee Report - Loni Kemp reported that the EQB/Water Resources Committee met in the first part of June and discussed the Groundwater Strategy and the Pest & Nutrient Management Strategy. The EQB/WRC received 36 responses from groups on the pest and nutrient management strategy; and 23 responses from groups on the groundwater strategy. The comments conveyed were: more urgency; it's important to keep comprehensive approaches; it was unanimously agreed that nondegradation is supported as a goal for all groundwater; felt that the pest and nutrient strategy is of importance to the federal farm programs; the EQB should continue the role with state agencies; there is a need for state financial assistance on implementing the water plans. It was proposed that the legislature form a special commission on water. The WRC will review the draft on all comments in July and finalize them in August. The WRC ^{sent} received a letter ^{to} from EPA on the ^{pesticide strategy} Durenberger bill. EPA emphasizes the state role, but is not at all consistent with the State of Minnesota. Loni reported that the Environmental Congress plans to hold five conferences this fall: September 8 in Mankato; September 15 in Alexandria; September 22 in Duluth; October 6 in Bemidji; and October 20 in St. Paul. Loni stated that the staff of all agencies is working on a tentative agenda. Loni reported that LCMR proposals must be submitted by June 30. LCMR has a total \$8 million to work with for the projects. LCMR's number one priority is groundwater, and number two priority is surface water priorities. Mick Finn, Minnesota Department of Health, stated that ten states in the nation, Minnesota being one of the ten, would have their own pest management plans for aldicarb. The Minnesota Department of Health will know the outcome of this today.

RIM Reserve Program Grazing Issue - Jim Birkholz explained to Board members that because of the drought situation, Commissioner Jim Nichols has raised a number of significant policy challenges for the RIM Reserve Program. By law, the BWSR is the implementing agency for the RIM Reserve Program even though the Commissioner of Agriculture has statutory authority for it. Commissioner Nichols informed Wayne Edgerton, RIM Reserve Coordinator, that he was going to open the RIM Reserve lands to haying and grazing as a bargaining chip to offer Secretary of Agriculture Lyng in return for his opening CRP lands. Wayne

and Jim attempted to discourage the Commissioner from taking any action prior to discussing it with the RIM Coalition, BWSR, and Department of Natural Resources. The Commissioner refused to reconsider and delivered his message to Washington. Jim and Wayne then met with Steve Thorne, DNR; Attorney General's staff, and Commissioner Nichols to discuss legal issues surrounding his decision and to appeal to him to reconsider. They then agreed on a compromise that states that after a county board declares a local drought emergency, a landowner with RIM lands may apply through his local SWCD for permission to graze that land between July 15 and August 31. The July 15 date is set to protect nesting wildlife. The August 31 date would ensure regeneration of vegetation for the next year's nesting cover. This compromise was seen as showing compassion for farmers who may need forage during late summer and still holding the line on the wildlife, soil conservation and water quality priorities of the program.

A news release was issued from the Department of Agriculture, and instructions were sent to SWCDs from the BWSR central office on the opening of RIM Reserve lands to possible grazing after July 15. Jim reported that many groups including the RIM Coalition are upset over this chain of events. Some of its members are calling for removing the RIM Reserve Program from the Department of Agriculture. Wildlife interests which supported passage of the RIM program feel betrayed by what they term is a premature reaction on the part of the Commissioner. It is felt that the action of Commissioner Nichols and the way he went about it has jeopardized the future of RIM and potentially set back for years agriculture and wildlife working relationships. The RIM Program was founded on trust among all the various support groups and agencies involved. The RIM Reserve Program was originally established in the Department of Agriculture because at that time its implementor, the Soil and Water Conservation Board, was a part of the Department. The BWSR inherited the implementation responsibility but is autonomous from MDA. It was recommended by staff that a BWSR policy statement regarding future administration of the RIM Reserve Program should be considered. By successfully implementing the RIM Reserve program the BWSR has obtained the confidence of agricultural, environmental, wildlife and sportsmens groups. This confidence may be shattered and their support for us lost if the Board does not assure them that their interests will be considered in future program decisions.

Chairman Ogaard commended those for trying to do what they could. Jim explained that there are 20,000 total RIM acres, of which 10,000 acres have enough cover to be available for grazing, and another 1,000 acres of those are planted to trees and shrubs. So realistically, there are 9,000 acres available, with optimistically 4-5,000 acres actually available. Most RIM Reserve landowners do not have livestock. It was stated that maybe several dozen people would benefit by opening up those RIM acres. The biggest casualty would be losing support of the RIM Coalition, with big costs in return for low return or benefit. It was asked, how do you explain to the public why CRP is open to haying and not grazing and RIM to grazing not haying? CRP acres are not near proximity for cattle, livestock population. It was noted that there is a Hay Hotline available which is administered by the MDA Commissioner's Office and the University of Minnesota/Extension Service.

Haas Steffen suggested that staff work on changing language in the legislation of the program, but first, get BWSR approval on those changes. She felt that the drought issue should be given consideration on both sides. Salvage what we have, and do something positive now rather than let this issue continue

to fester. Chairman Ogaard suggested that a step-by-step procedures policy is needed. Wayne Edgerton stated that he attended the June 14 Fish & Wildlife Legislative Alliance meeting. The FWLA's concern is what will become of the RIM Reserve Program in the future - the intent of the program was for hunting and fishing, not relief. What type of support will be given from groups involved in the Environmental Trust Fund? Jim Birkholz suggested that two items need to be addressed by the BWSR: 1) the grazing issue on RIM Reserve lands; and 2) dealing with similar issues in the future with Commissioner of Agriculture. A position statement from the BWSR needs to be sent to the RIM Coalition and the FWLA. Haas Steffen suggested developing long-term criteria and when the draft has been completed, present it to the Commissioner of Agriculture, with time given for people to react. Chairman Ogaard once again stated that to off-set future problems, good analysis of the present issue is needed. Moved by Cofell, seconded by Haas Steffen, that the BWSR support the staff's letter of June 14, 1988, to SWCD Rim Coordinators, regarding the opening of RIM Reserve lands to grazing. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

88-94

Moved by Haas Steffen, seconded by Cofell, that the BWSR direct staff to develop policy statements to be brought before the BWSR at the July meeting for consideration of the guidelines. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried. Wayne Edgerton stated that the guidelines will be sent to SWCDs. Howard Peterson felt that potential exploitation of grazing permission needs to be avoided, while giving aid to the intended persons.

88-95

Chairman Ogaard called for a break in the meeting at 11:02. The meeting reconvened at 11: 10 a.m.

FY89 Grants to Soil and Water Conservation Districts - Greg Larson discussed with the Board each of the FY89 grant allocation procedures as distributed earlier to Board members (see attached). Discussion followed. Moved by Boulton, seconded by Schellack, to approve all FY89 Grant Allocations as presented to the Board. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

88-96

Greg Larson explained the RIM Service Grant. This grant provides funds for administration of the Reinvest In Minnesota Conservation Reserve Program. Each SWCD will receive \$100 for each easement conveyed in prior years to defray the administrative cost of maintenance follow-up and spot-checks. Additional amounts will be allocated based on the number of sign-ups received during the August sign-up period. The base will be approved in June and the additional amount in October. Moved by Schellack, seconded by Williamson, to approve the staff recommendation for the RIM Services Grant. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

88-97

Chairman Ogaard adjourned the meeting for lunch at 11:50 a.m. The meeting reconvened at 12: 50 p.m.

Strategic Planning Issues - Jim Birkholz read the updated draft Mission Statement for the Board's information. Haas Steffen felt that legislation needs to be developed as a separate issue of the mission statement. Peterson felt that an issue should follow Conflict Resolution. Three changes were made in paragraph three. The new paragraph now reads: The Minnesota Board of Water and Soil Resources considers water and soil to be our most precious natural resources. It is the BWSR mission to provide leadership in managing policies and programs that encourage our citizens to be wise stewards of irreplaceable land and water. Moved by Boulton, seconded by Warner, that the BWSR approve of the Mission Statement as presented. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

88-98

Discussion followed on the selection of strategic issues. It was decided to change the 'Forestry/Land Use' issue to 'Land Use Management', with forestry listed under that category. The 'Flooding' issue would be renamed to 'Water Management', with drainage listed under that category. Jim distributed a listing of Board member assignments for strategic issues. Staff assignments will be made this week. It was suggested that during the July Board meeting, discussion take place on strategic planning. This will be incorporated into the next meeting.

Consideration of LCMR Proposals - Greg Larson presented to the Board a proposal on Comprehensive Local Water Plan Development. Approximately \$400,000 total would be needed to fund 27 counties with authorities under MS 110B to develop comprehensive water plans have not received funding to facilitate the initiation of water plans. Blanket coverage of the state with water plans would facilitate orderly management of statewide surface and groundwater resources and would ensure local government access to state water resource programs. Moved by Kemp, seconded by Haas Steffen, to approve the potential LCMR proposal on Comprehensive Local Water Plan Development. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

88-99

Jim Birkholz presented to the Board a proposal on Development of Metropolitan Area Groundwater Plans, with approximately \$30,000 per county per year. The 1987 legislature authorized voluntary development of groundwater plans in the seven county metropolitan area. Seed grants to facilitate plan development would ensure the development of sound groundwater strategies for this area which contains over 1/2 the states population. Moved by Haas Steffen, seconded by Brooks, Jr., to approve the potential LCMR proposal on Development of Metropolitan Area Groundwater Plans. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Schellack, Moen, Hoese, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

88-100

Mel Sinn presented a potential LCMR proposal on Resolving Water Management Disputes, with approximately \$70,000 needed for funding. Minnesota Statutes Ch. 110B.35, subd. 8 establishes a committee of the Board of Water and Soil Resources to hear and resolve disputes, appeals and interventions under various water related statutes. This proposal would provide for appropriate legal, research, informational and technical resources to allow the committee to effectively resolve the increasing number of water management disputes as an alternative to the courts system. Staff was directed to include in the proposal the idea of attempting to save taxpayer money, and including SWCDs in detecting disputes. Moved by Haas Steffen, seconded by Kalmes, to approve the potential

88-101

LCMR proposal on Resolving Water Management Disputes. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

88-102

Mel Sinn presented a potential LCMR proposal on a Handbook for Applying Drainage Law in an Environmentally Sensitive Manner. Using statutes 106A, 112 and 473, drainage authorities have a mixture of old, established and new, unexplored options for conducting drainage activities which can also accomplish environmental goals such as wetlands protection/reestablishment. Many local drainage authorities have expressed an interest in receiving more guidance on use of these statutes to conduct drainage activities in an environmentally sensitive manner which addresses the concerns of both citizens in their communities and natural resource agencies. This project would provide a handbook and workshops for drainage authorities. It requires coordination with DNR. It was decided that there is a need for education. Moved by Cofell, seconded by Schellack, to approve the potential LCMR proposal on Handbook for Applying Drainage Law in an Environmentally Sensitive Manner. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

88-103

Greg Larson presented a potential LCMR proposal on the Impact of Long Term Agricultural Land Retirement Program on Water Quality, Fisheries, Wildlife and Forestry, with approximately \$200,000 needed for funding. State and federal programs have existed for several years to take marginal agricultural land out of production and put them in a conserving use. This project would provide for research to identify the impacts of taking marginal lands out of production. Results would guide future program decisions and identify the most appropriate applications of this approach to protecting water quality, fisheries, wildlife and forests. Requires coordination with DNR and MPCA. It was decided that the proposal should include an assessment of the affect of opening up CRP and RIM lands. Moved by Cofell, seconded by Moen, to approve the potential LCMR proposal on Impact of Long Term Agricultural Land Retirement Programs on Water Quality, Fisheries, Wildlife and Forestry. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

Jim Birkholz and Denice DeFrates presented a potential LCMR proposal on Controlling Wind Erosion in the Red River Valley, with approximately \$400,000 needed for funding. The windy, dry conditions this spring have highlighted a perennial problem in the Red River Valley - lack of field windbreaks and surface residue has left the soil exposed to wind erosion. Wind blown sediment has filled drainageways, causing drainage and water quality problems and damages to crops and other facilities. Traditional conservation programs have not been effective to change landowner practices. Many areas are not classified as highly erodible and are not eligible for cost-sharing programs, but wind erosion is still significant on an annual basis and severe one year out of five. This proposal is for a pilot program to establish field windbreaks on every section line in the Red River Valley. It would involve a blend of cost-sharing, tree maintenance and information/education to influence land management decisions. It was decided that the DNR conservation corp, minimal chemical use, and landowner share in the cost should be included. This would be a pilot program, with the bulk of the program being an information/education program. The information and education program includes a proposal for Public Service Announcements for Soil and Water Conservation. Research has shown that a large source of information for land use decisionmakers is various

88-104 broadcast media from metro area television to farm broadcast radio stations. This project would provide high quality public service announcements on soil and water conservation to broadcast media in the Red River Valley. It would be aimed at influencing land management decisions and giving citizens a sense of responsibility for stewardship of their basic soil and water resources. This would be broadcast during the Fargo and Grand Forks prime time. Moved by Moen, seconded by Schellack, to approve the potential LCMR proposal for Controlling Wind Erosion in the Red River Valley and Public Service Announcements for Soil and Water Conservation. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

88-105 Jim Birkholz presented a potential LCMR posposal on Training Program to Control Erosion & Sedimentation in Urbanizing Areas, with approximately \$20,000 needed for funding. This handbook application is for developers and local government officials. Involving MPCA and DNR. Moved by Kalmes, seconded by Haas Steffen, to approve the potential LCMR proposal on a Training Program to Control Erosion and Sedimentation in Urbanizing Areas. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

88-106 Chairman Ogaard introduced Lance Yohe. He and Greg Larson presented a potential LCMR proposal on Updating LMIC Land Use Data Base, with approximately \$400,000 needed for funding. Lance Yohe has been working with fifteen counties in the northwestern part of Minnesota on local water planning. The land use data base would be a statewide product showing more specifically land uses from 40 acres to five acres. It would be considered in the metro area. Paul Burns, MDA, stated that the department is interested in this proposal. They will support the BWSR on this, and would like to work on a cooperative effort with the BWSR on this proposal. Moved by Brooks, Jr., seconded by Cofell, to approve the potential LCMR proposal on Updating LMIC Land Use Data Base. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

Chairman Ogaard called a break in the meeting at 2:55 p.m. The meeting reconvened at 3:15 p.m.

Jim Birkholz stated that the Minnesota Department of Health is meeting this afternoon on potential LCMR proposals. He stated that the Department of Health will take the lead on any proposal to seal abandoned wells with the BWSR as a cooperating agency.

Jim Birkholz presented the issue of Stream Corridor Protection as a potential item, with no specific proposal at this time.

88-107 Jim Birkholz presented a potential LCMR proposal on a Dissemination System for Environmental Education, with approximately \$300,000 needed for funding. This system would be used to catalog and make available in school curriculum K - 12 environmental education materials tailored to required major curriculum subjects. The Department of Education should be contacted on this proposal. Moved by Cofell, seconded by Kalmes, to approve the potential LCMR proposal on Dissemination System for Environmental Education Program. Affirmative: Ogaard, Boulton, Williamson, Warner, Kalmes, Bade, Schellack, Moen, Hoese, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

509 Metropolitan Water Planning Policies and Procedures - Mel Sinn stated that the draft 509 policy and procedures had been sent out to metro WMOs, cities, townships, counties, SWCDs, and various organizations for comment. Only five written responses were received. The policy statement focuses on a few of the key issues contained in the earlier WRB 509 "guidelines", particularly wetland protection. Mel felt it was vitally important for the BWSR to urge WMOs to establish a strong partnership with state and federal resource agencies in the area of wetland preservation. Cofell felt that staff needs direction and support on this issue.

John Boulton left the meeting at 3:45 p.m.

Loni Kemp suggested a one-letter response be made to all five written comments. Haas Steffen suggested staff send out the guidelines to WMOs, alerting them of the criteria and stating that the BWSR is willing to work with them not against them in developing plans that are in conformance with the intent of the law. Mel stated that the law is broadly worded and needs to be interpreted by the BWSR in carrying out its plan review responsibility.

James Hoesle left the meeting at 4:00 p.m.

Discussion followed.

John Williamson left the meeting at 4:05.

- 88-108 Moved by Kemp, seconded by Cofell, to adopt the 509 draft policies and procedures as presented by staff, with the understanding that individual elements could be reconsidered by the BWSR. Affirmative: Ogaard, Warner, Kalmes, Bade, Schellack, Moen, Haas Steffen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

509 Plan Review

Coon Creek Watershed District 509 Plan Review Update - Dan Steward stated the plan had been summarized at the last Board meeting. He asked that staff be given additional time to review the plan and develop recommendations for strengthening it. The BWSR advised the staff to continue the review process.

Six Cities WMO 509 Plan Review - Dan Steward introduced Fred Salsbury, engineer for Columbia Heights, who has been working with the WMO. Dan stated that he will be meeting with the representatives of the WMO next month, and he will report back to the BWSR with specific recommendations on the plan at the July meeting.

Natalie Haas Steffen left the meeting at 4:10 p.m.

- 88-109 **Mower SWCD Nomination Districts Boundary Change** - Jim Birkholz explained the requested boundary changes to the BWSR. Discussion followed. Moved by Brooks, Jr., seconded by Kalmes, to approve the Mower SWCD's Nomination Districts Resolution. Affirmative: Ogaard, Warner, Kalmes, Bade, Schellack, Moen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

John Brooks, Jr., requested changing the time of the BWSR starting time from 9:00 a.m. to 8:00 a.m. It was decided to bring this before the full Board at the July meeting, since many of the members had left the meeting already.

Gene Kalmes invited the Board to hold their out-state meeting in the southeastern part of the state in September of 1989. Chairman accepted the request.

88-110 Moved by Kalmes, seconded by Brooks, Jr., to adjourn the meeting at 4:20 p.m. Affirmative: Ogaard, Warner, Kalmes, Bade, Schellack, Moen, Brooks, Jr., Peterson, Kemp, and Cofell. Opposed: None. Carried.

Respectfully submitted,

Donald Ogaard
Chairman

JUL 18 1988



MINNESOTA ENVIRONMENTAL QUALITY BOARD

300 Centennial Building • 658 Cedar Street • St. Paul, Minnesota 55155
612-296-2603

NEWS RELEASE

From: Sheldon Mains
(612) 297-2376

FOR IMMEDIATE RELEASE

1988 MINNESOTA ENVIRONMENTAL CONGRESS ANNOUNCED

Groundwater pollution, air pollution, protecting human health, protecting wildlife habitat, water protection plans, and financing environmental protection are some of the issues to be addressed at the second Minnesota Environmental Congress.

State environmental officials will travel to five Minnesota cities in September and October to discuss these issues with interested citizens. Day-long sessions will be held in Mankato, Alexandria, Duluth, Bemidji and St. Paul.

The Congress, sponsored by the Minnesota Environmental Quality Board, is open to the public. Information gathered from these meetings will be compiled into a report for the Governor and the Legislature.

Meetings will be held on September 8 in Mankato, September 15 in Alexandria, September 22 in Duluth, October 6 in Bemidji and October 20 in St. Paul.

For more information about the Environmental Congress or to pre-register, contact the Minnesota Environmental Quality Board, 300 Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155, or call (612) 296-2603. Individuals who pre-register will receive background materials prior to the session.

DRAFT RESOLUTION

WHEREAS, the Minnesota State Planning Agency (SPA) has vigorously supported the development and implementation of the Comprehensive Local Water Planning Act (Ch. 110B), and

WHEREAS, SPA has successfully implemented the LCMR project which has resulted in the initiation of comprehensive local water plans in 54 counties, and

WHEREAS, SPA has further assisted local water planning efforts by facilitating regular meetings of local water plan project managers and involved agencies for the purpose of informing and coordinating planning participants, and

WHEREAS, SPA prepared "The Handbook for Comprehensive Local Water Planning" as a reference document for plan preparation

THEREFORE BE IT RESOLVED, that the Minnesota Board of Water and Soil Resources extend its appreciation and commendation to the staff of the State Planning Agency for their outstanding work on implementing comprehensive local water planning.

BE IT FURTHER RESOLVED, that the Board request the SPA to remain involved in the local water planning process as the Board assumes its statutorial mandate under Ch. 110B.

July 27, 1988

MEMORANDUM

TO: BWSR Members

FROM: Mark Nelson, Board Representative
Denice DeFrates, Communications Specialist

SUBJECT: Erosion and Sediment Control Slide Show and Fact Sheet

This slide show has been jointly produced by the BWSR and the Association of Metropolitan Soil and Water Conservation Districts. Significant additional funding was provided by the Minnesota Pollution Control Agency and the Legislative Commission on Minnesota Resources.

A proposed marketing strategy for the show is as follows:

1. The BWSR will send a memorandum to all Watershed Districts, counties and major cities in Minnesota announcing the slide show.
2. SWCD's in the Metropolitan area will have a copy of the show on hand to organize showings to interested parties.
3. For Greater Minnesota, BWSR Regional Board Representatives will have a copy and SWCD's or Watershed Districts can work through the B.R. to arrange showings.
4. Other agencies such as DNR, MPCA, Metropolitan Council, and SCS will have available copies.

The Erosion and Sediment Control Planning Handbook is in final draft and will be ready for major distribution to compliment the show. The handbook was also produced by the BWSR and Association of Metropolitan SWCD's

We feel these planning tools will help the BWSR provide leadership in this issue. The BWSR will also be responsible to revise the show and handbook as needed.

MN/DD/jb

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

Erosion and sedimentation from construction activities can have detrimental impacts on our waterbodies and watercourses. Appropriate planning and implementation of control practices can minimize these impacts.

A proven method adopted by the Board of Water and Soil Resources are the 14 General Criteria for construction site erosion and sediment control. Very similar to those used in the State of Virginia, the General Criteria provide a checklist that if planned for and implemented, will provide adequate erosion and sediment control. The criteria are useful for construction site activities in urban areas and may also be used wherever construction activities occur near watercourses or waterbodies.

A list of the General Criteria are as follows:

- GC-1: Stabilization of Denuded Areas and Soil Stockpiles.
- GC-2: Establishment of Permanent Vegetation.
- GC-3: Protection of Adjacent Properties.
- GC-4: Timing and Stabilization of Sediment Trapping Measures.
- GC-5: Use of Sediment Basins.
- GC-6: Cut and Fill Slopes
- GC-7: Stormwater Management Criteria for Controlling Off-Site Erosion.
- GC-8: Stabilization of Waterways and Outlets.
- GC-9: Storm Sewer Inlet Protection.
- GC-10: Working in or Crossing Waterbodies.
- GC-11: Underground Utility Construction.
- GC-12: Construction Access Routes.
- GC-13: Disposition of Temporary Measures.
- GC-14: Maintenance of Practices.

The General Criteria can be used as minimum performance standards to protect the site.

The General Criteria are further explained in the "Minnesota Construction Site Erosion and Sediment Control Planning Handbook." The Handbook also contains example practice specifications that can be used to accomplish the performance standard.

Additional information on the General Criteria and its application can be obtained from:
Board of Water and Soil Resources.
90 West Plato Boulevard
St. Paul, MN 55075 Phone: (612) 296-3767.

Minnesota Board of Water and Soil Resources
90 West Plato Boulevard
First Floor
St. Paul, Minnesota 55107

In the Matter of Reviewing the Watershed
Management Plan for the Coon Creek Watershed
District (Minnesota Statutes Section 473.878,
Subdivision 7)

ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN

The Board of Managers of the Coon Creek Watershed District (CCWD) submitted a Watershed Management Plan (Plan) on April 26, 1988 pursuant to Minn. Stat. Section 473.878, Subd. 7 (1986). On June 6, 1988 the Minnesota Board of Water and Soil Resources (Board) conducted a public hearing on the Watershed Plan.

Having considered the Plan, the Board makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The CCWD was established as a watershed district in 1959. Parts of the Cities of Andover, Blaine, Coon Rapids, Ham Lake, and Columbus Township are located within the District. The District is located entirely in Anoka County.
2. The Metropolitan Water Management Act requires the preparation of a watershed management plan for the area, meeting the requirements of both Minn. Stat. Chapter 112 and Minn. Stat. Sections 473.875 to 473.883.
3. The CCWD completed a draft Plan in _____ and submitted it to affected local units of government for review and comment.

4. On August 5, 1987 the Metropolitan Council's Environmental Resources Committee reviewed the plan. On August 13, 1987 the Metropolitan Council accepted the Plan recommendations made by its Environmental Resources Committee and transmitted them to the Board on August 25, 1987.
5. On January 19, 1988 the Board received written comments on the Plan from the Director of the Division of Water Quality of the Minnesota Pollution Control Agency.
6. On January 29, 1988 the Board received written comments on the Plan from the Region IV Administrator for the Department of Natural Resources.
7. On April 26, 1988 the CCWD submitted the Plan to the Board for review.
8. The Board published its Order for Hearing and Notice Thereof on the Plan in the Coon Rapids Herald on May 13 and May 20, 1988. The notice described the general content of the Plan and stated that the Plan was available for inspection at the Board's office and at the office of the District Administrator. The notice stated that a public hearing on the Plan would be conducted on June 6, 1988 beginning at 7:30 p.m. at the Bunker Hills Activity Center in Andover, Minnesota. The notice further stated that all interested persons will be given an opportunity to be heard and to submit information pertinent to the Plan.
9. On May 16, 1988, Dan Steward of the Board's staff toured the Coon Creek watershed with Mel Schulte, President of the District; Paul Williams, Secretary of the District; Al Sannerud, District Administrator; and Ed Matthiesen, District Engineer.

10. On May 23, 1988 Paul Williams, Al Sannerud, and Ed Matthiesen of the CCWD, and Mel Sinn and Dan Steward of the Board's staff, met to discuss the Plan and Board staff suggestions for clarifications and additions.
11. On May 25, 1988 Dan Steward of Board staff summarized the CCWD Plan at the regular Board meeting. Paul Williams, Al Sannerud, and Ed Matthiesen of the CCWD answered Board questions.
12. On June 3, 1988 staff of the CCWD furnished Board staff with Plan clarifications and additions discussed at their May 23, 1988 meeting including the following: statements reflecting the need to preserve and use natural retention systems; an expanded executive summary; a statement requiring local plans to include a commitment to notify the Corps of Engineers of any proposals to fill or develop within wetlands shown on the National Wetland Inventory maps; a statement requiring each local unit of government to maintain a copy of the National Wetland Inventory map at its principal place of business; a statement requiring local units of government to amend their Comprehensive Plans to reflect the public waters shown on the DNR's Protected Waters Inventory map; standards for local plans; and a policy statement regarding the need for a petition before the CCWD will repair ditches.
13. On June 6, 1988 the Board received written comments on the Plan from the U.S. Fish and Wildlife Service.
14. On July 13 and July 21, 1988 Dan Steward of the Board's staff met with CCWD representatives to further discuss staff recommendations for the Plan.

15. On July 25, 1988 the CCWD submitted the additional Plan changes and clarifications agreed upon at the July 13 and July 21, 1988 meetings including the following: a statement expressing concern for potential groundwater quality degradation caused by septic systems on sandy soils; an expanded wetland values statement; expanded local plan standards; and miscellaneous other changes.
16. The Board reviewed the Plan for conformance with the requirements of the Metropolitan Water Management Act and the Minnesota Watershed Act at its July 27, 1988 regular meeting.

CONCLUSIONS OF LAW

1. All relevant substantive and procedural requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the CCWD pursuant to Minn. Stat. Sections 473.878, Subd. 7 and 112.46.
2. The Coon Creek Watershed District Plan attached to this Order states water and water-related problems within the CCWD, possible solutions thereto, general objectives and policies of the CCWD, and an implementation program. The attached Plan is in conformance with the requirements of Minn. Stat. Chapter 112 and Sections 473.875 to 473.883.

IT IS THEREFORE ORDERED

1. That the Board hereby approves the attached Plan as the Watershed Management Plan for the Coon Creek Watershed District.

Dated at Saint Paul, Minnesota, this 27th day of July 1988.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Donald H. Ogaard
Chairman

Minnesota Board of Water and Soil Resources
90 West Plato Boulevard
First Floor
St. Paul, Minnesota 55107

DRAFT

In the Matter of Reviewing the Watershed
Management Plan for the Six Cities Watershed
Management Organization (Minnesota Statutes
Section 473.878, Subdivision 7)

ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN

The Board of Commissioners of the Six Cities Watershed Management Organization (SCWMO) submitted a draft Watershed Management Plan (Plan) on June 18, 1986 pursuant to Minn. Stat. Section 473.878, Subd. 7 (1986). On June 10 and June 17, 1988 the Minnesota Board of Water and Soil Resources (Board) published Notice of Filing of the Watershed Plan in the Anoka County Union. The notice stated that any interested party could request that a public hearing be held on the Plan. No requests for hearing were received.

Having considered the Plan, the Board makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The SCWMO was established by joint powers agreement in December 1983. The parties to the agreement are the Cities of Blaine, Columbia Heights, Coon Rapids, Fridley, Hilltop, and Spring Lake Park.

2. The Metropolitan Water Management Act requires the preparation of a watershed management plan for the area, meeting the requirements of both Minn. Stat. Chapter 112 and Minn. Stat. Sections 473.875 to 473.883.
3. The SCWMO completed a draft plan in May 1986, and submitted it to affected local units of government for review and comment.
4. On June 18, 1986 the SCWMO submitted the Plan to the Board for review.
5. On August 5, 1987 the Metropolitan Council's Environmental Resources Committee reviewed the Plan. On August 13, 1987 the Metropolitan Council accepted the Plan recommendations made by its Environmental Resources Committee and transmitted them to the Board.
6. On December 3, the Board received written comments on the Plan from the Director of the Division of Water Quality of the Minnesota Pollution Control Agency.
7. On February 26, 1988, May 17, 1988, and June 21, 1988 the SCWMO furnished Board staff with Plan clarifications and additions including an executive summary, and a table indicating whether existing local regulations are consistent with the Plan.
8. On June 3, 1988, Dan Steward and Kim Benson of the Board's staff toured the Six Cities watershed with SCWMO representatives from the Cities of Fridley, Columbia Heights, Blaine, and Coon Rapids.

9. The Board published its Notice of Filing of Watershed Plan in the Anoka County Union on June 10 and June 17, 1988. The notice described the general content of the Plan and stated that the Plan was available for inspection at the Board's office and at the Fridley City Hall. The notice further stated that any person objecting to the proposed Plan could submit a written request for hearing, and that if no requests for hearing were received by July 18, 1988, the Board would make a decision on the Plan without conducting a public hearing. No requests for hearing were received.
10. On June 21, 1988 John Flora, Fridley Public Works Director and SCWMO Chairman, and Mel Sinn and Dan Steward met to discuss the Plan and Board staff suggestions for clarifications and additions.
11. On June 22, 1988 the Board received written comments on the Plan from the Region IV Administrator for the Department of Natural Resources.
12. On June 22, 1988 the Board received written comments on the Plan from the U.S. Fish and Wildlife Service.
13. On June 22, 1988 Dan Steward summarized the SCWMO Plan at a regular Board meeting. Fred Salsbury, Columbia Heights Engineer and SCWMO member, was present representing the SCWMO.
14. On July 13, 1988 Mel Sinn and Dan Steward met with John Flora, Fred Salsbury, and Larry Peterson, Blaine Engineer, to further discuss staff suggestions for Plan clarifications and additions.

15. On July ____, 1988 the SCWMO submitted a revised draft of the Plan incorporating the changes agreed upon at the July 13, 1988 meeting.

CONCLUSIONS OF LAW

1. All relevant substantive and procedural requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the SCWMO pursuant to Minn. Stat. Sections 473.878, Subd. 7 and 112.46.
2. The Six Cities Watershed Management Organization Plan attached to this Order states water and water-related problems within the SCWMO, possible solutions thereto, general objectives and policies of the SCWMO, and an implementation program. The attached Plan is in conformance with the requirements of Minn. Stat. Chapter 112 and Sections 473.875 to 473.883.

IT IS THEREFORE ORDERED

1. That the Board hereby approves the attached Plan as the Watershed Management Plan for the Six Cities Watershed Management Organization.

Dated at Saint Paul, Minnesota, this 27th day of July 1988.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Donald H. Ogaard
Chairman

DRAFT BY BILL COFELL

BWSRS AND ITS EDUCATIONAL FUNCTION

How does a state agency function to support efficient and effective assistance for local government units? How can a state agency go about achieving cooperation and assisting in resource management without using institutional bureaucratic regulatory control?

The answer to this question lies in the personal and organizational goals of state agency and the local agency with which it works. It is personnel that makes the difference. Persons appointed to state agencies who genuinely wish to achieve public objectives in conservation management will seek in every way possible the successful functioning of the local government unit. In the area of resource management this is an essential practice, since it will be extremely difficult to manage resources without knowledge and experience present in the local area.

The Board of Water and Soil Resources is a unique organization in Minnesota State Government. It is a one of a kind organization because it is charged with the task of facilitating, coordinating activities in resource management. It is charged with assisting local organizations, specifically Soil and Water Conservation Districts, Watershed Districts, and Water Management Organizations. The organizations are the communication linkage between the state agency and local government. The success of the state agency will be through maintaining effective relationships with local units of government. Open and two-way communication will be necessary for the effective functioning of both levels of government.

Citizens understand that Soil and Water Conservation Districts, Watershed Districts, and Water Management Organizations have come into being in order to assure the care of resources held in trust by government. The reason for the additional units of government is that present general government is overburdened with work and responsibility. The problems arising from population growth, increasing pressure on resources, and the careless and thoughtless use of resources have created problems that demand more specialized attention. It seems apparent from the actions of the State Legislature that there is a strong belief that it is the citizen who will be relied upon to make essential resource management decisions through these specialized units of local government.

It seems logical that there is a need for an agency that can assist the local units in preparing themselves for the task they are assigned. It requires that there be someone who can provide information and assistance as these units begin to work on their tasks. The Board of Water and Soil Resources has among other duties a variety of educational functions.

The Board of Water and Soil Resources is charged by law to correlate, facilitate, cooperate, communicate, educate, and resolve in order to achieve effective resource management at the local level. It is authorized to establish watershed districts, soil and water conservation districts, and water management organizations. It thus has the power of establishment through a process included in the law.

The Board then has a wide range of powers, but its main function seems to be to help improve the operation of other components of state resource management. The style of administration and powers acquired under law make a difference in the way resources are managed in the countryside. It has two functions that make it different. One is the educational, the other is power to resolve disputes.

These two functions may appear separate but in fact, they are closely related. It seems to offer a new avenue to achieve resource management with improved social relationships. This appears to be a possibility. There are numerous ways of doing this of which only a few are apparent at the present time. We have experienced some events that reveal new ways of proceeding.

The resolution of disputes exposes the causes as well as discrepancies in operation of units. Some causes are technical knowledge of law or accounting, but others are due to human factors, failure to properly consult along with poor communication, being so close to a situation they cannot see the creative solutions that might be available, perhaps arrogant contentious behavior, honest differences of opinion, or local hostilities and unresolved but ancient disputes. These are what is revealed in hearings.

The direct exposure to the source and causes of disputes, and a desire to avoid resource disputes enables the Board to more exactly see the causes of problems. It enables the board or its members to analyze the problem and take action at the local level. It can act in an educational and informational role by assisting the local unit in corrective action. It thus can deal with a unique local problem at an individual level. There is another side that the Board will learn from its experience with dispute resolution and that is those things that may need to be legislated to enable local units to function more effectively. Thus the Board will be able to make more effective recommendations to the Governor and the legislature. It also means that some of the causes of conflict need to be corrected through legislative action but through education and conflict resolution.

The Board of Water and Soil Resources is as anxious to avoid disputes as it is to prevent inaction. It means the members are alert to the kinds of problems arising in local units and working toward realistic correction and making sure that what is learned in one situation is communicated to other units.

One must begin with several assumptions: (1) that citizens are reasonable when given facts; (2) that citizens understand the

relationship between human life and livelihood and resource management, especially soil and water; (3) that citizens are interested in and understand the necessity of protecting a resource base; (4) citizens understand the social and political economy and that it will fluctuate and inflate and eventually become disordered and chaotic in face of resource scarcity. There is another important assumption and that is citizen effort to manage resources may be determined by natural laws and events but human impact must be considered and managed.

In some cases the local units, the Soil and Water Conservation Districts, Watershed Districts, quickly realize the need for support, for knowledge of the law and experiences in administration of their units, the need to understand government accounting and almost always for technical information. These are things necessary to carry out their jobs. The Board of Water and Soil Resources provides numerous workshops, training and information sessions. These take care, we hope, of the general needs of groups.

However, there is another type of educational measure that is useful in assisting the efficient function of an agency. There are those situations that are unique to a group or locality, they require a more personal touch to draw out the citizen capability of effective resource management. Since we are human it must sometimes be demonstrated that there is interest in what local groups are doing.

The members of the Board and staff attend local meetings in their area as well as statewide meetings. They do this to keep themselves informed and often times to be helpful to the local unit. Training of new members of boards is felt to be particularly important as is the training of new staff members.

The Board of Water and Soil Resources engages in providing information so that new local boards can begin their operation as quickly as possible with the assurance that assistance is available both through staff and members of the Board. The chairman of the Board has been particularly active in assisting local boards in solving problems. His wide knowledge and experience in both Watershed District management and Soil and Water Conservation enables him to be an effective educator. He has an excellent knowledge of law arising from practical experiences. He is able to focus on the central issue and this enables the local group to resolve their problems and acquire a viewpoint that enables solution of future problems.

Ideally local boards should have knowledge of their limitation. What can they do or not do according to laws? What are technical demands established by nature? What are their powers under the enabling laws? Many times boards must make decisions based upon information provided by consultants. How do they make decisions in the interest of the citizen?

Boards are not units where people can sit in position of honor. Boards and committees are formed because society wishes to make use

of collective wisdom in the decision process. Such units prevent unilateral decision-making by one individual or a power group, or they should. Each member of a board assumes a responsibility for communicating the best knowledge to other board members. The knowledge, experience and thinking of all board members should ideally enter into consideration of an issue. Boards should not be dominated by one person nor allow their decisions to be dictated by persons not on the board. The board is responsible for the decision and must act accordingly. This is sometimes a difficult lesson for new boards or new board members to understand. The local boards supervised by the Board of Water and Soil Resources usually find need for legal and technical consultation but they have the final responsibility for decisions and actions taken. They must understand they are the ones that must answer for the decision.

The value of experience gained in Soil and Water Conservation Districts and Watershed Districts greatly assists the educational functions of the Board. Usually the person has experienced both successes and failures as well as coped with technical and human problems faced by such boards.

A person wishing to assist in the educational process must be willing to share fully their experience of administration and other activities of the local boards or their directors or managers. Along with this is the importance of communication skills and both in sensing the issue and transmitting the knowledge. For the Board of Water and Soil Resources a knowledge of law and ability to apply it correctly to the local situation seems a basic requirement.

At the local level the concerns and functions of a district are of a practical kind. What can or cannot be done? What resources are necessary? What are local demands? The theoretical considerations yield to what can be accomplished by people in the field. The education of local units must proceed from that practical base. It would seem this is necessary for it would be tragic to allow local units to flounder while they are gaining experience. They have a right to the experience and knowledge that are available from others in the resource field. It is one of the tasks of the Board of Water and Soil Resources to communicate the technical knowledge as well as practical experience to the local units.

The Pelican River Watershed District

DETROIT LAKES, MINN. 56501

STATE OF MN.

7-15-88

BD-OF WATER & SOIL RES.

RE: EXPANSION OF PRWD Bd.

90 W. PLATO BLVD.

ST. PAUL, MN. 55107

JUL 19, 88

Gentlemen:

The previous board of 5 managers had fair representation from the 5 major hydrological areas. Since Roper and Youngquist were not reappointed, the Sallie-Melissa area and Big Floyd Lake are not represented.

The new managers, Oore and Oheson are good people and will represent the agricultural interests in the northern part of the District and Little Floyd Lake. This is good.

By enlarging the Board to (7) seven, the Sallie-Melissa Lake Improvement Assoc. and the Floyd Lake Assoc. could each nominate 3 people from their respective areas and then the commissioners may select one from each area. We would then have fair representation by hydrological basins.

Presently 3 people, Caren, Oore and Oheson live north of Hwy. 34 and east of County Hwy 21 in primarily agricultural lands and about 3% of the total WD population.

I have enclosed a map to clarify the above.

Very truly yours,

Dwight Klompare, Exec. Sec.

The Pelican River Watershed District

DETROIT LAKES, MINN. 56501

7-22-88

Bd of Water & Soil Resources

JUL 25 88

90 W. Plato Blvd.

St. Paul, Mn. 55107

Re: Bd. expansion

attn: Mr. Mel Sinn

Dear Mel;

To confirm my telcon today, please be advised that the Pelican River Watershed District Bd. would prefer a hearing in Detroit Lakes.

We suggest that it be as soon as possible, before Labor Day and probably on a Sat. morning at the local Vo-Tech School.

Very truly yours,

Don Klomstad

Exec Sec.

Legislative Concepts Relating to the Groundwater Strategy
1989 Legislative Session
Minnesota Board of Water and Soil Resources

I. LOCAL WATER RESOURCES PROTECTION AND MANAGEMENT PROGRAM

Background: The 1986 Nonpoint Source Pollution Issues Team Report contained as Recommendation C (attachment 1) a program to provide financial assistance to local units of government to carry out local water quality management activities. Such a program is an essential part of local government taking an active role in groundwater protection efforts. It would show a commitment on the part of the state to assist local government, would assure maximum acceptance of delegated authorities for water resource protection by local government and would ensure coordination by using comprehensive local water plans. Obviously such a program would not be strictly limited to groundwater, but groundwater protection could be an important component. Draft legislation is included as attachment 2.

Major Goal: Ensure that local units of government exercise maximum initiative to protect water quality, including groundwater by using their planning, zoning, official controls, authorities, local knowledge, information and technical resources.

Requirements:

1. State and local 50:50 matching grant.
2. Must ensure maintenance of effort at local level.
3. Requests must demonstrate coordination and agreement among local units of government and be consistent with local water plans.
4. Memo of agreements between BWSR and appropriate state agencies.

Responsibilities:

1. BWSR administer grants program.
2. Local units of government and work out their responsibilities in grant requests.
3. Project review and coordination team composed of all appropriate resource management agencies and units advises the Board on this program.

Budget and Staffing:

Grants (preliminary estimate)
\$30,000 base salary for local technical staff
+ 6,000 (20% fringe)
+ 7,500 (support budget)
\$43,500 average cost per county
\$21,750/county state share
\$1,900,000 total state share for 87 counties

BWSR Administration

- Staffing 1 Central staff position - to establish rules and operate program
2 Hydrologists (field positions)

Biennial Budget	<u>FY 90</u>	<u>FY 91</u>
Grants to Local Government		\$1,900,000
BWSR Administration	\$50,000	160,000
	Write rules and establish program	Implement program and add field positions
	<u>\$50,000</u>	<u>\$2,060,000</u>

Funding Sources:
General fund

II. EXPANDED RIM RESERVE PROGRAM TO PROTECT SUSCEPTIBLE GROUNDWATER AREAS

Background: Many areas currently used for agricultural crop production are also areas where groundwater is susceptible to contamination from various chemicals associated with farming practices. In some settings the most effective way to deal with this dilemma is to retire the land from agricultural crop production and plant it to long term vegetation. The types of land which commonly have this problem are karst areas where sinkholes are prevalent or fractured bedrock occurs close to the surface and areas of coarse textured soils overlying shallow aquifers such as are found in many sandplain areas of the state. Draft legislation is included as attachment 3.

Major Goal: Identify areas where agricultural practices are polluting groundwater, retire those areas through landowner incentives and establish long term vegetation which also provides habitat for wildlife.

Requirements:

1. Identify susceptible groundwater recharge areas.
2. Landowners convey an easement of either 20 year or perpetual duration to the state for the cropping rights to the land in exchange for an equitable payment.
3. Landowner must, with state financial assistance, establish permanent vegetative cover and implement other parts of a conservation plan agreement which promote wildlife habitat and prevent groundwater contamination.

Responsibilities:

1. DNR in cooperation with the BWSR, MGS and MPCA would develop criteria for identifying susceptible groundwater areas and provide maps.
2. The BWSR in cooperation with appropriate agencies would administer the easement program through local soil and water conservation districts.

Budget and Staffing:

1. DNR is developing costs of preparing information to guide the program.
2. \$2,000,000 would retire approximately 4,000 acres of polluting cropland with priority given to perpetual easements.
3. SWCD implementation costs currently run about 15% of easement totals depending on level of program activity. BWSR implementation costs including providing training would run approximately 4-5%.

Funding Sources:

Bonding
General fund

III. SEALING ABANDONED WELLS

Background: Hundreds of thousands of unsealed or improperly abandoned wells pose a threat to the state's groundwater by providing a direct avenue for pollutants to enter the groundwater. A program is needed for landowners to voluntarily come forward and indicate where such wells are. Once located, a state cost-sharing approach would ensure that wells are properly sealed.

Major Goal: Locate and seal unused or improperly abandoned wells.

Requirements:

1. Close interagency cooperation between MDH and BWSR at state level and CHS and SWCDs at local level.
2. Other requirements are suggested in the draft legislation (attachment 4). This language requires further review before it is acceptable to MDH, but is included in order to discuss the concept.

Responsibilities:

1. Minnesota Department of Health should be responsible for technical leadership of the program related to the well code.
2. The BWSR is appropriate to administer a state grant program to cost-share on sealing abandoned wells.
3. Local soil and water conservation districts can provide a clearinghouse for persons to voluntarily come forward and identify the locations of unused or improperly abandoned wells. SWCDs can also administer the cost-share program locally.
4. County/Community Health Services should provide local technical leadership in complying with the state well code and other responsibilities identified by MDA.
5. BWSR, MPCA, MDH, DNR, and MGS would conduct a statewide assessment of the potential for groundwater pollution from abandoned wells.

DRAFT

-4-

Budget:

Interagency assessment and notice	\$15,000
Rules and program development	50,000
Grants to share cost of sealing wells	\$100,000/yr./county

Funding Sources:

- General fund
- New fees

RECOMMENDATION C: Local Assistance

It is recommended that a program be established to provide financial assistance to local units of government to carry out local water quality management activities. This assistance should be made as part of a comprehensive program of financial assistance for local water resources planning and management capabilities.

In most of the topics of Recommendation B, there is need for local leadership and involvement. This is a direct result of the importance of local knowledge and authorities in achieving nonpoint source pollution control.

To provide local units of government an incentive to become active in protecting water quality using their planning, zoning, official controls, authorities, local knowledge, information and technical resources, a program should be established to provide funds for water quality management activities, local staff and related administration. The funding should be administered through the county, although it may be used to fund activities and staff of other local units of government including SWCD, WD, municipalities, etc. to:

1. develop local water plans authorized or required by Minnesota Statutes, Chapter 110B, 112 or 473.775-.882,
2. participate in the County Feedlot Permit Program,
3. provide follow up and enforcement of shoreland management ordinances,
4. provide Soil and Water Conservation District technical assistance to local units of government and individuals for land and water resources management,
5. improve local regulation of onsite sewage treatment system installation, operation and maintenance,
6. provide local regulation and assistance for forestry management practices to control erosion and sediment in shoreland areas, and
- add → 7. groundwater protection and management
8. other activities related to water quality protection and management.

Each county participating would be required to submit an annual report of activities and a proposal of activities for the following year. This program should complement and coordinate with the MDH Community Health Services Program as well as other local, state and federal programs related to water resources management. A portion of the program funds should be reserved for state agencies to provide assistance for local activities.

DRAFT

DRAFT

5/31/88

LOCAL WATER RESOURCES PROTECTION AND MANAGEMENT PROGRAM

A bill for an act
relating to water resource protection and management; financial
assistance to local units of government for local resource protection
programs; water quality; local water planning;

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [Short title]

Sections 1 through 6 may be cited as the "LOCAL WATER
RESOURCES PROTECTION AND MANAGEMENT PROGRAM"

Section 2. [Purpose]

It is the purpose of the LWRPM Program to protect
and improve surface and ground water in Minnesota
through state financial assistance to local units
of government to develop local programs to protect
and manage water resources.

Section 3. [Definitions]

- *. [Board] "Board" means the Board of Water and
Soil Resources.
- *. [Director] "Director" means the Executive Director
of the Board of Water and Soil Resources.
- *. [Local Unit of Government] "Local Unit of
Government" means a statutory or home rule charter
city, town, county, soil and water conservation
district, watershed district, an organization
formed for the joint exercise of powers under
section 471.59, and other special purpose district
or authority exercising authority in water and
related land resources management at the local
level.
- *. [Local water plan] "Local water plan" means
a comprehensive water plan authorized under
Minnesota Statutes, chapter 110B; a surface water
management plan required under Minnesota Statutes,
section 473.878; an overall plan required under
Minnesota Statutes, chapter 112; or until July
1, 1991, any other local plan that provides an
inventory of existing physical and hydrologic
information on the area, a general identification
of water quality problems and goals, and that
demonstrates a local commitment to water quality
protection or improvement.

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- *. [Nonpoint Source] "Nonpoint source" is a land management activity or land use activity that contributes or may contribute to ground and surface water pollution as a result of runoff, seepage, or percolation and that is not defined as a point source in section 115.01, subdivision 15. Nonpoint sources include, but are not limited to rural and urban land management activities and land use activities and specialty land use activities such as transportation.

Section 4. [Local Water Resources Protection and Management Program]

Subdivision 1. [Establishment of Program] A local water resources protection and management program is established as provided in sections 1 to 6. The Board shall administer the program in accordance with those sections. The board shall provide financial assistance to local units of government for technical assistance activities which protect or improve water quality. These activities may include, but are not limited to, planning, zoning, official controls and use of local knowledge, information and technical resources. Financial assistance may be provided for water quality management activities and associated technical and administrative expenses.

Subdivision 2. [Local Unit of Government Sponsorship] Funding requests must be submitted to the Board by a locally designated sponsor. The sponsor must be a local unit of government. Other participating local units of government must co-sponsor the request. An explanation of the roles of participating local units of government must accompany the funding request.

Subdivision 3. [Financial Assistance] The Board may award grants for up to fifty percent to local units of government to implement this program. Grants may be used to:

1. develop, amend or implement local water plans authorized or required by Minnesota Statutes chapter 110B, 112, or 473.775-.882;
2. adopt a county Feedlot Permit Program;
3. adopt shoreland management, wetland protection, soil loss or other water quality protection ordinances;
4. provide technical assistance through soil and water conservation districts to local units of government and individuals for land and water resources management;

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5. enforce local regulations of onsite sewage treatment systems and provide information concerning their installation, operation and maintenance;
6. implement other activities related to water quality protection and management; and
7. manage or protect groundwater including locating and sealing abandoned wells and protection of susceptible groundwater and wellhead areas.

Subdivision 4. [Program Administration]

Subpart 1. [Rulemaking]

The Board shall adopt rules and is authorized to adopt emergency rules in order to implement sections 1 to 5. The rules shall specify:

- (a) that state agencies retain overall program authority;
- (b) that local units of government must participate in training programs to retain eligibility; and
- (c) the maximum grant allowed per county.

Subpart 2. [Eligibility] A local unit of government requesting funds must meet the following conditions:

- (a) a grant request must be submitted in accordance with rules adopted by the Board;
- (b) availability of local matching funds to support the grant must be verified by a resolution;
- (c) the grant request must be sponsored as provided in Subd. 2;
- (d) the grant request must demonstrate coordination of local units of government; and
- (e) a local water plan must be completed or under development.

Subdivision 5. [Priorities] The rules of the Board must provide that priority be given to requests which:

- (a) indicate the participation of several local units of government;
- (b) are consistent with local water plans;
- (c) are consistent with the state water quality management plans and other state and local resource management programs; and
- (d) complement existing efforts of local units of government to assume delegation of state programs.

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Section 5. [Public Agency Coordination]

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Subdivision 1. [Project Review Team] The director must coordinate efforts with the appropriate public agencies to achieve optimum public benefits. The director shall establish a team made up of representatives of the Pollution Control Agency, Department of Natural Resources, Department of Health, Department of Agriculture, State Planning Agency, Minnesota Extension Service, USDA Agricultural Stabilization Service, USDA Soil Conservation Service, Metropolitan Council, Minnesota Association of Soil and Water Conservation Districts, Minnesota Association of Watershed Districts, Association of Minnesota Counties, League of Minnesota Cities, Minnesota Association of Townships and other agencies the director invites.

Subdivision 2. [Duties] The project coordination team shall advise the board in preparation of rules, evaluate requests, and recommend to the director those requests that the team believes should receive financial or assistance from the board. After approval of assistance for a project by the board, the team shall review project activities and assist in the coordination of the state program with other state and federal resource management programs.

Section 6. [Appropriation and Complement]

RIM Reserve Program - Groundwater Protection

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7 Sec. 9. Minnesota Statutes 1986, section 40.42, is amended
8 by adding a subdivision to read:

9 Subd. 4a. [SUSCEPTIBLE GROUNDWATER RECHARGE
10 AREA.] "Susceptible groundwater recharge area" means an area of
11 land with unique hydrogeological characteristics that make the
12 area highly susceptible to groundwater contamination from land
13 use practices.

14 Sec. 10. Minnesota Statutes 1987 Supplement, section
15 40.43, subdivision 2, is amended to read:

16 Subd. 2. [ELIGIBLE LAND.] (a) Land may be placed in the
17 conservation reserve program if the land:

18 (1) is marginal agricultural land, or is adjacent to
19 marginal agricultural land and is either beneficial to resource
20 protection or necessary for efficient recording of the land
21 description, or consists of a drained wetland, or is land that
22 with a windbreak would be beneficial to resource protection, or
23 is land consisting of a susceptible groundwater recharge area.
24 Cropland adjacent to the restored wetland may also be enrolled
25 to the extent of up to four acres of cropland for each acre of
26 wetland restored;

27 (2) was owned by the landowner on January 1, 1985, or was
28 owned by the landowner, or a parent or other blood relative of
29 the landowner, for at least three years before the date of
30 application;

31 (3) is at least five acres in size, except for a windbreak,
32 or is a whole field as defined by the United States Agricultural
33 Stabilization and Conservation Services;

34 (4) is not set aside, enrolled or diverted under another
35 federal or state government program; and

36 (5) was in agricultural crop production for at least two

(from SF2318, 1988 session)

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1 years during the period 1981 to 1985.

2 (b) The enrolled land of a landowner may not exceed 20
3 percent of the landowner's total agricultural land acreage in
4 the state, if the landowner owns at least 200 acres of
5 agricultural land as defined by section 500.24, subdivision 2.
6 If a landowner owns less than 200 acres of agricultural land the
7 amount that may be enrolled in the conservation reserve is:

8 (a) (1) all agricultural land owned, if 20 acres or less;
9 or

10 (b) (2) if the total agricultural land owned is more than
11 20 acres but less than 200 acres, 20 acres plus ten percent of
12 the balance of the agricultural land.

13 (c) In selecting land for enrollment in the program,
14 highest priority must be given to permanent easements that are
15 consistent with the purposes stated in section 40.41.

16 Sec. 11. Minnesota Statutes 1986, section 40.43, is
17 amended by adding a subdivision to read:

18 Subd. 2a. [SUSCEPTIBLE GROUNDWATER RECHARGE AREA
19 DESIGNATION.] The commissioner of natural resources, in
20 cooperation with the board of water and soil resources, the
21 director of the Minnesota geological survey, and the
22 commissioner of the pollution control agency, shall develop
23 criteria for identifying susceptible groundwater recharge areas
24 by December 31, 1988, and provide maps identifying susceptible
25 recharge areas to the board for use in administration of the
26 pilot conservation reserve program for protecting susceptible
27 groundwater recharge areas.

Draft well sealing legislation
(from SF 2318, 1988 session)

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4 Section 1. Minnesota Statutes 1986, section 40.036, is
5 amended by adding a subdivision to read:

6 Subd. 1a. [ABANDONED WELLS.] (a) The state board shall,
7 within the limits of available money, provide cost-sharing funds
8 for a pilot project to seal unused wells and to properly abandon
9 wells that are not required to be sealed under chapter 156A.
10 The cost-share contracts may provide a state cost share of up to
11 75 percent for each contracted project.

12 (b) The well sealing project must be implemented under
13 procedures adopted by the state board that protects groundwater
14 from further contamination from the well. The district board
15 must certify the location of the wells that have been properly
16 sealed with cost-share funds and forward the certification to
17 the state board. The state board must provide information on
18 the location of sealed wells to the commissioners of health and
19 natural resources.

20 (c) The owner of a well that has been certified as being
21 properly sealed is not liable for contamination of groundwater
22 from the well that occurs after the well has been sealed if the
23 owner has not disturbed or disrupted the sealed well.

24 Sec. 2. [40.0371] [COST-SHARING CONTRACTS TO SEAL

1 ABANDONED WELLS.]

2 The state board shall establish a pilot cost-share program
3 to identify and permanently seal unused wells. The contracted
4 projects to seal wells must protect groundwater from pollution.
5 The wells must be properly abandoned and sealed under chapter
6 156A unless the well is abandoned, sealed, or reconstructed as
7 an observation well.

8 Sec. 3. [40.0372] [STATEWIDE ASSESSMENT.]

9 The board, in consultation with the commissioner of natural
10 resources, the commissioner of the pollution control agency, the
11 commissioner of health, and the director of the Minnesota
12 geological survey, shall assess geographical areas for a
13 potential for groundwater pollution caused by abandoned wells.
14 The assessment must include notice of the program and assessment
15 that is published in newspapers of general circulation and
16 opportunities for persons to report abandoned and unused wells
17 to the district board. Districts having staff trained in
18 groundwater resources must assess areas within their districts,
19 in cooperation with the board. The board shall provide
20 financial and technical assistance to districts for projects
21 that have been assessed as areas with a high potential for
22 groundwater pollution caused by abandoned and unused wells.

23 Sec. 4. [40.0373] [FINANCIAL AND TECHNICAL ASSISTANCE.]

24 Subdivision 1. [FINANCIAL ASSISTANCE.] (a) The board must
25 allocate at least 70 percent of available cost-sharing funds to
26 seal wells to districts to share the cost of identifying or
27 properly sealing wells in high-priority areas. Areas must be
28 selected based on statewide priorities established by the board.

29 (b) Remaining cost-sharing funds may be allocated to
30 districts for administrative expenses, not exceeding 20 percent
31 of the funds, and sealing wells in lower-priority areas.

32 Subd. 2. [TECHNICAL ASSISTANCE.] The board may provide
33 technical assistance to districts to efficiently and effectively
34 develop and implement projects.

35 Sec. 5. [40.0374] [ELIGIBILITY FOR ASSISTANCE.]

36 Subdivision 1. [GENERALLY.] Only projects that are a part

1 of, or responsive to, a district comprehensive or annual work
2 plan are eligible for the assistance provided in section 4.
3 After July 1, 1991, only projects that are a part of, or
4 responsive to, a local water plan under chapter 110B or section
5 473.8785 are eligible for the assistance provided in section 4.

6 Subd. 2. [DOCUMENTS REQUIRED.] To be eligible for the
7 assistance provided in section 4, a district must provide the
8 board with:

- 9 (1) an application prescribed by the board;
10 (2) evidence that the district has consulted the local
11 health department in preparing the application; and
12 (3) one of the following documents:
13 (i) the comprehensive water plan authorized under chapter,
14 110B;
15 (ii) the county groundwater plan authorized under section
16 473.8785; or
17 (iii) the district comprehensive or annual work plan that
18 provides an inventory of existing physical and hydrologic
19 information about the area, that provides general identification
20 of water quality problems and goals, and that demonstrates a
21 local commitment to water quality protection or improvement.

22 Sec. 6. [40.0375] [BOARD REVIEW OF APPLICATIONS.]

23 Subdivision 1. [RANKING OF APPLICATIONS.] The district
24 boards must rank applications for technical and financial
25 assistance in order of priority and within the limits of
26 available funding and grant applications with the highest
27 priority.

28 Subd. 2. [RANKING CRITERIA.] (a) The state board, in
29 cooperation with the commissioner of natural resources, the
30 commissioner of the pollution control agency, the commissioner
31 of health, and other appropriate state agencies, must by rule
32 adopt appropriate criteria for the district boards to determine
33 the priority of projects. The criteria used to rank projects
34 must include:

- 35 (1) current use of the affected aquifer or aquifers for
36 water supply;

1 (2) projected water demand;
2 (3) availability of alternate sources of drinking water;
3 (4) proximity of potential contaminant sources;
4 (5) aquifer susceptibility to contamination;
5 (6) current contamination of the wells and the aquifer;
6 (7) present and anticipated land use in the area;
7 (8) well construction; and
8 (9) suitability of the well for use as a monitoring well.
9 (b) The state board shall contact the commissioner of
10 natural resources and the director of the Minnesota geological
11 survey for locations where observation wells are needed.

12 Sec. 7. [40.0376] [LANDOWNER WELL SEALING PROJECTS.]

13 Subdivision 1. [CONTRACTS BY DISTRICTS.] A district may
14 contract on a cost-share basis to furnish financial aid to a
15 landowner or land occupier to seal unused wells. Payment to a
16 land occupier must not be made until the well, or wells,
17 specified in the contract has been properly sealed by a licensed
18 water well contractor. The district board must certify the
19 location of the wells that have been properly sealed with
20 cost-share funds, forward the certification to the state board
21 and commissioner of health, and file the sealed well
22 certification with the county recorder or registrar of deeds
23 where the sealed well is located.

24 Subd. 2. [REVIEW BY BOARD.] The board or its designated
25 representative may inspect a project at any reasonable time and
26 must audit the cost-sharing funds expended by the district.

27 Sec. 8. [40.0377] [RULES FOR COST-SHARING PROGRAM.]

28 The board, in consultation with the commissioner of the
29 department of health, must adopt rules specifying:

30 (1) procedures and criteria for allocating funds to
31 districts for cost-sharing contracts;
32 (2) standards and guidelines for all cost-sharing contracts;
33 (3) scope and content of comprehensive plans, plan
34 amendments, and annual work plans, which districts submit under
35 section 40.07, subdivision 9;
36 (4) standards and methods necessary to plan and implement a

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1 priority cost-sharing program, including guidelines to identify
2 high-priority areas;

3 (5) the share of the cost of sealing wells to be paid from
4 cost-sharing funds; and

5 (6) requirements for districts to document their efforts to
6 identify and contact land occupiers in high-priority areas.

Proposed Legislation Relating to the
Metropolitan Water Management Act

The following three amendments to the Metropolitan Water Management Act are proposed for the 1989 session and are consistent with the draft EQB-WRC "Local Water Planning and Management" 1989-91 Priorities:

1. Plan Amendments

The Act does not prescribe any specific time period for reviewing and updating metro watershed plans. To provide clear and uniform direction to WMOs it is proposed that the Act be amended to require plans to be reviewed and updated at least every five years.

2. Minimum Erosion and Sediment Control

One of the Act's stated purposes is to control erosion and sedimentation, but it contains no specific plan requirements regarding this issue. A local bill enacted in the 1988 legislative session (Chapter 497) requires WMOs in Ramsey County to adopt erosion and sediment control programs to be developed by the Ramsey SWCD. To ensure uniformity across the metro area regarding local erosion and sediment control minimum regulations, it is proposed that the Act be amended to require WMOs to adopt the minimum erosion and sediment control criteria to be promulgated by the MBWSR.

3. Planning Responsibility

The Act made county government responsible for watershed planning in instances where cities and towns failed to develop joint powers watershed management organizations. The Act, however, is silent as to who is responsible for continued planning and implementation if a joint powers WMO disbands. It is proposed that the Act be amended to make it clear that county government is ultimately responsible to ensure that the Act is carried out should a joint powers watershed agreement fail.

**PROPOSED RIM RESERVE POLICY LEGISLATION
FOR 1989 LEGISLATIVE SESSION**
(See corresponding numbers on attachments)



1. Make Susceptible Groundwater Areas Eligible for the Program

Would provide for enrolling lands in the program which presently pose high risk of groundwater contamination due to land use practices provided that enhancement of fish and wildlife habitat, soil conservation and water quality priorities are met. Typical lands to be eligible would be fractured limestone or karst topography in southeast Minnesota with shallow soils over fractured bedrock. Open sinkholes are a common feature in this area. Also eligible would be certain areas of coarse or sandy soils over shallow aquifers. When actively farmed, groundwaters in these areas are susceptible to contamination from commonly used agricultural chemicals.

1. Make Riparian Lands Eligible for the Program

Lands adjacent to rivers, streams and lakes are extremely valuable for fish and wildlife habitat needs. Maintaining these buffer areas provides habitat and protects water quality by filtering out sediment. These lands are very fragile and usually the first to be disturbed whether for agricultural or other development activities. This proposed addition would allow riparian lands to be enrolled in the program. Easements obtained would exclude agricultural crop production and other activities deleterious to fish and wildlife. A cropping history would not be a requirement for land to be eligible.

2. Eliminate Cropping Requirements for Wetland Restorations

Currently many drained or partially drained wetlands are not eligible for the program because they were not cropped at least two years between 1981 and 1985. The value of restoring these wetlands is immense. This proposal would eliminate the cropping requirement for drained wetlands to be enrolled in the program. Drained wetlands without a cropping history would be eligible for a lower payment rate consistent with the state Waterbank Program payments (50% of EMV for cropland).

3. Omit the 20% Enrollment Limit

The enrollment limit should be based on the payment limit as a cap for landowners. The 20% limit has caused problems in restoring some wetlands because the 20% cap is less than the restorable wetland acreage in many cases. (Also see item #6 relating to the payment limit).

4. Amend Non-Cropland Conversion Requirement to 20 Year Limit

RIM Reserve contains a requirement that no non-cropland owned by the easement holder can be converted to cropland for the duration of the easement. This proposal would change that requirement to 20 years. The perpetual conversion requirement is virtually impossible to police and is dissuading applicants from participating in the program. Twenty years is the equivalent of a generation of farming and is manageable from an administration standpoint.

5. **Strengthen Violations Process**

Attorney General staff is developing language to expedite dealing with violations of terms of the easements which may occur.

6. **Increase Individual Landowner Payment Limit from \$50,000 to \$100,000**

Presently, at least one landowner who would like to enroll land in a perpetual easement is ineligible due to having received close to the \$50,000 limit on his first RIM Reserve easement. This proposed change would maintain a reasonable cap on payments, yet allow high amenity sites to have easements conveyed on them.

7. ~~**Correction of Conservation Easement Boundary Lines**~~

in Omnibus bill from last year's legisl.
An addition to the RIM Reserve statute is proposed to correct errors in legal descriptions for easements obtained that affect the ownership interests in the state and adjacent landowners.

Additional Initiatives

A. **Property Tax on RIM Reserve Lands**

Landowners conveying easements to the state must still pay property taxes on those lands. County assessors in many cases will not revalue these lands at a non-cropland rate. This has limited participation in the program. The BWSR is addressing this issue to the State Planning Agency and the Department of Revenue to resolve policy matters relating to tax codes. Coalition support to resolve this issue would enhance the program.

B. **Conservation Practices on Streambanks and Lakeshores and Adjacent Uplands**

Many of these areas are seriously eroding, yielding tons of destructive sediment directly into receiving waters. Minnesota has 25,000 miles of streams and rivers and over 12,000 lakes which need protection. This proposal would accelerate efforts to restore eroding lands along streams and lakes by matching state and local funds to construct conservation practices. Practices would include innovative streambank protection measures such as the Palmiteer Method, rock rip rap, gully control, vegetative measures and other approaches. Administration would be through normal soil and water conservation district channels.

CONSERVATION RESERVE PROGRAM

40.40 SHORT TITLE.

Laws 1986, chapter 383 sections 2 to 15 may be cited as the "reinvest in Minnesota resources act of 1986."

HIST:1986 c 383 s 1

40.41 PURPOSE AND POLICY.

It is the purposes of sections 40.41 to 40.45 to keep certain marginal agricultural land out of crop production to protect soil and water quality and support fish and wildlife habitat. It is state policy to encourage the retirement of marginal, highly erodable land, particularly land adjacent to public waters and drainage systems, from crop production and to reestablish a cover of perennial vegetation.

HIST:1986 c 383 s 2; 1987 c 357 s 1

40.42 DEFINITIONS.

Subdivision 1. Applicability. The definitions in this section apply to sections 40.42 to 40.45.

Subd. 2. Commissioner. "Commissioner" means the commissioner of agriculture.

Subd. 3. Conservation easement. "Conservation easement" means a conservation easement as defined in section 84C.01.

Subd. 4. Conservation reserve program. "Conservation reserve program" means the program established under section 40.43.

Subd. 5. Landowner. "Landowner" means individuals, family farms, family farm corporations as defined under section 500.24, subdivision 2, paragraph (c), and authorized farm corporations as defined under section 500.24, subdivision 2, paragraph (d), which either own eligible land or are purchasing eligible land under a contract for deed.

Subd. 6. Marginal agricultural land. "Marginal agricultural land" means land that is: (1) composed of class IIIe, IVe, V, VI, VII, or VIII land as identified in the land capability classification system of the United States Department of Agriculture; or (2) similar to land described under (1) and identified under a land classification system selected by the commissioner.

Subd. 7. Wetland. "Wetland" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that periodically does support, a predominance of hydrophytic vegetation typically adapted for life in saturated

soil conditions.

Subd. 8. Windbreak. "Windbreak" means a strip or belt of trees, shrubs, or grass barriers at least six rows deep and within 300 feet of the right-of-way of a highway.

HIST:1986 c 383 s 3; 1987 c 357 s 2-4

40.43 CONSERVATION RESERVE PROGRAM.

Subdivision 1. Establishment of program. The commissioner of agriculture, in consultation with the commissioner of natural resources, shall establish and administer a conservation reserve program. The commissioner of agriculture shall contract with the board of water and soil resources to implement sections 40.40 to 40.44. Selection of land for the conservation reserve program must be based on its potential for fish and wildlife production, reducing erosion, and protecting water quality.

Subd. 2. Eligible land. Land may be placed in the conservation reserve program if the land:

(1) is marginal agricultural land, or is adjacent to marginal agricultural land and is either beneficial to resource protection or necessary for efficient recording of the land description, or consists of a drained wetland, or is land that with a windbreak would be beneficial to resource protection.

1 Cropland adjacent to the restored wetland may also be enrolled to the extent of up to four acres of cropland for each acre of wetland restored;

(2) was owned by the landowner on January 1, 1985, or was owned by the landowner, or a parent or other blood relative of the landowner, for at least three years before the date of application;

(3) is at least five acres in size, except for a windbreak, or is a whole field as defined by the United States Agricultural Stabilization and Conservation Services;

(4) is not set aside, enrolled or diverted under another federal or state government program; and

2 (5) was in agricultural crop production for at least two years during the period 1981 to 1985.

The enrolled land of a landowner may not exceed 20 percent of the landowner's total agricultural land acreage in the state, if the landowner owns at least 200 acres of agricultural land as defined by section 500.24, subdivision 2. If a landowner owns less than 200 acres of agricultural land the amount that may be enrolled in the conservation reserve is:

3 (a) all agricultural land owned, if 20 acres or less; or

(b) if the total agricultural land owned is more than 20 acres but less than 200 acres, 20 acres plus ten percent of the balance of the agricultural land.

In selecting land for enrollment in the program, highest priority must be given to permanent easements that are consistent with the purposes stated in section 40.41.

Subd. 3. Conservation easements. The commissioner

may acquire conservation easements on eligible land. An easement may be permanent or of limited duration. An easement of limited duration may not be acquired if it is for a period less than 20 years. The negotiation and acquisition of easements authorized by this section are exempt from the contractual provisions of chapter 16B.

Subd. 4. Nature of property rights acquired. (a) A conservation easement must prohibit:

- (1) alteration of wildlife habitat and other natural features, unless specifically approved by the commissioner;
- (2) agricultural crop production, unless specifically approved by the commissioner for wildlife management purposes;
- (3) grazing of livestock unless approved by the commissioner after consultation with the commissioner of natural resources, in the case of severe drought, or a local emergency declared under section 12.29; and
- (4) spraying with chemicals or mowing, except as necessary to comply with noxious weed control laws or emergency control of pests necessary to protect public health.

(b) A conservation easement is subject to the terms of the agreement provided in subdivision 5.

(c) A conservation easement must allow repairs, improvements, and inspections necessary to maintain public drainage systems provided the easement area is restored to the condition required by the terms of the conservation easement.

Subd. 5. Agreements by landowner. The commissioner may enroll eligible land in the conservation reserve program by signing an agreement in recordable form with a landowner in which the landowner agrees:

(1) to convey to the state a conservation easement that is not subject to any prior title, lien, or encumbrance;

(2) to seed the land subject to the conservation easement, as specified in the agreement, to establish and maintain perennial cover of either a grass-legume mixture or native grasses for the term of the easement, at seeding rates determined by the commissioner; or to plant trees or carry out other long-term capital improvements approved by the commissioner for soil and water conservation or wildlife management;

(3) to restore any drained wetland and to convey to the state a permanent easement for the wetland;

(4) that other land supporting natural vegetation owned or leased as part of the same farm operation at the time of application, if it supports natural vegetation or has not been used in agricultural crop production, will not be converted to agricultural crop production or pasture;

(5) to the enforcement of the terms of the easement and agreements in this subdivision by an action for specific performance, a mandatory injunction, or for damages in an amount not to exceed the total amount paid by the state to the landowner under subdivision 6, with interest from the date of

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each default under the agreement; and

(6) that the easement duration may be lengthened through mutual agreement with the commissioners of agriculture and natural resources if they determine that the changes effectuate the purpose of the program or to facilitate its administration.

Subd. 6. Payments for conservation easements and establishment of cover. The commissioner must make the following payments to the landowner for the conservation easement and agreement:

(1) to establish the perennial cover or other improvements required by the agreement, up to 75 percent of the total eligible cost not to exceed \$75 per acre for limited duration easements, and 100 percent of the total eligible cost not to exceed \$100 per acre for perpetual easements;

(2) for the cost of planting trees required by the agreement, up to 75 percent of the total eligible cost not to exceed \$200 per acre for limited duration easements, and 100 percent of the total eligible cost not to exceed \$300 per acre for perpetual easements;

(3) for a permanent easement, 70 percent of the township average equalized estimated market value of agricultural property as established by the commissioner of revenue at the time of easement application;

(4) for an easement of limited duration, 90 percent of the present value of the average of the accepted bids for the federal conservation reserve program, as contained in Public Law Number 99-198, in the relevant geographic area and on bids accepted at the time of easement application; or

(5) an alternative payment system for easements based on cash rent or a similar system as may be determined by the commissioner.

6 The commissioner may not pay more than \$50,000 to a landowner for all the landowner's conservation easements and agreements.

Subd. 7. Easement renewal. When a conservation easement of limited duration expires, a new conservation easement and agreement for an additional period of not less than 20 years may be acquired by agreement of the commissioner and the landowner, under the terms of this section. The commissioner may adjust payment rates as a result of renewing an agreement and conservation easement only after examining the condition of the established cover, conservation practices, and land values.

7 HIST:1986 c 383 s 4; 1987 c 357 s 5-9; 1987 c 358 s 93

40.44 COOPERATION AND TECHNICAL ASSISTANCE; SUPPLEMENTAL CONSERVATION PAYMENT.

Subdivision 1. Cooperation. In implementing sections 40.41 to 40.44 the commissioner must share information and cooperate with the department of natural resources, the pollution control agency, the United States Fish and Wildlife

Service, the Agricultural Stabilization and Conservation Service and Soil Conservation Service of the United States Department of Agriculture, the Minnesota extension service, the University of Minnesota, county boards, and interested private organizations and individuals.

Subd. 2. Technical assistance. The commissioners of agriculture and natural resources must provide necessary technical assistance to landowners enrolled in the conservation reserve program. The commissioner of natural resources must provide technical advice and assistance to the commissioner on (1) the form and content of the conservation easement and agreement; (2) forestry and agronomic practices; and (3) hydrologic and hydraulic design relating to the establishment and maintenance of permanent cover, or other conservation improvements. The commissioner of transportation must provide technical advice and assistance to the commissioners of agriculture and natural resources on the planting of windbreaks adjacent to highways. The commissioners of agriculture and natural resources shall jointly prepare an informational booklet on the conservation reserve program and other state and federal programs for land acquisition, conservation, and retirement to be made available to eligible landowners and the general public.

Subd. 3. Supplemental conservation payments. The commissioner may supplement payments made under federal land retirement programs to the extent of available appropriations other than bond proceeds. The supplemental payments must be used to establish perennial cover on land enrolled or increase payments for land enrollment in programs approved by the commissioner, including the federal conservation reserve program and federal and state waterbank program.

HIST:1986 c 383 s 5; 1987 c 357 s 10,11

40.45 RULEMAKING.

The commissioner may adopt emergency rules to implement Laws 1987, chapter 357. The emergency rules adopted on August 27, 1986, shall remain in effect until December 31, 1987, or until amended or replaced by emergency or permanent rules. The rules must include standards for tree planting so that planting does not conflict with existing electrical lines, telephone lines, rights-of-way, or drainage ditches.

HIST:1986 c 383 s 6; 1987 c 357 s 12

1

(1) is marginal agricultural land, or is adjacent to marginal agricultural land and is either beneficial to resource protection or necessary for efficient recording of the land description, or consists of a drained wetland, or is land that with a windbreak would be beneficial to resource protection, or is land consisting of a susceptible groundwater recharge area, or is land adjacent to high amenity water. Cropland adjacent to the restored wetland may also be enrolled to the extent of up to four acres of cropland for each acre of wetland restored;

2

(5) was in agricultural crop production for at least two years during the period 1981 to 1985, except drained wetlands, susceptible groundwater recharge areas, and areas along high amenity waters.

3

~~The-enrolled-land-of-a-landowner-may-not-exceed-20-percent-of-the-landowner's total--agricultural--land--acreage--in--the--state;--if--the--landowner--owns--at least--200--acres--of--agricultural--land--as--defined--by--section--500.24; subdivision--2.---If--a--landowner--owns--less--than--200--acres--of--agricultural land-the-amount-that-may-be-enrolled-in-the-conservation-reserve-is:~~

~~--(a)--all-agricultural-land-owned;--if-20-acres-or-less;--or~~

~~--(b)--if-the-total-agricultural-land-owned-is-more-than-20-acres-but-less-than--200-acres;--20-acres-plus-ten-percent-of-the-balance-of-the agricultural-land;~~

4

(4) that other land supporting natural vegetation owned or leased as part of the same farm operation at the time of application, if it supports natural vegetation or has not been used in agricultural crop production, will not be converted to agricultural crop production or pasture for the duration of the easement or 20 years, whichever is less;

5

The language for amending this part is being drafted by the Attorney General Representative.

6

The commissioner may not pay more than ~~\$50,000~~ \$100,000 to a landowner for all the landowner's conservation easements and agreements.

7

Sec. 12. Minnesota Statutes 1986, section 40.43, is amended by adding a subdivision to read:

Subd. 8. [CORRECTION OF CONSERVATION EASEMENT BOUNDARY LINES.] To correct errors in legal descriptions for easements obtained that affect the ownership interests in the state and adjacent landowners, the commissioner may, in the name of the state, with the approval of the attorney general, convey, without consideration, interests of the state necessary to correct legal descriptions of boundaries. The conveyance must be by quitclaim deed or release in a form approved by the attorney general.

PROPOSED FY '90-91 RIM BUDGET
DEPARTMENT OF AGRICULTURE/BOARD OF WATER AND SOIL RESOURCES
RIM RESERVE PROGRAM

<u>Program Component</u>	<u>Amount</u>	<u>Funding Source</u>
RIM Reserve Easements	\$12,000,000	Bonding
includes:		
• Retire marginal agricultural land		
• Restore previously drained wetlands		
• Living snowfences		
• Protect susceptible groundwater areas (proposed)		
• Protect riparian lands (proposed)		
Conservation Practices on streambank and lakeshores and adjacent uplands (cost-share)	\$ 500,000	General fund
Implementation		
Grants to soil and water conservation districts	\$ 1,875,000	General fund
BWSR administration	<u>625,000</u>	
TOTAL REQUEST	\$15,000,000	

Changes to Chapter 40

- Requires persons engaged in a development activity to develop a sediment control plan and time schedule.
- Remove any reference to "excessive soil loss."
- Change the definition of development activity, remove the road construction exemption, add exemptions for home gardens, public services, etc.
- Require the sediment control plan and time schedule to follow the criteria developed by BWSR rules. Use as a basis the criteria from the Virginia program, but do not limit to only those criteria.
- Require the conservation best management practices (both agriculture and urban) to be approved by the BWSR.
- Recommend to counties/cities that SWCDs review the sediment control plan and time schedule.
- Require counties/cities to notify the SWCDs and WMOs that they have received and are reviewing a sedimentation control plan.

**STRATEGIC PLANNING DISCUSSION GUIDE
FOR BOARD OF WATER AND SOIL RESOURCES MEMBERS**

CONTENTS:

1. BWSR Mission Statement
2. BWSR Strategic Natural Resource Concerns and small group assignments
3. Strategic Planning Worksheet
4. Statutory powers and duties (reference)
5. Section from DNR Strategic Plan (sample format)

SUGGESTED PROCESS AT JULY 27 BWSR MEETING:

1. Review mission statement
2. Review concerns
3. Split into small groups
4. Use worksheets as a discussion guide
5. Report back to large group

INTRODUCTION

The Minnesota Board of Water and Soil Resources is a unique organization whose membership and structure enable it to deal directly with local government and citizens, permitting the most direct and effective process for two-way communication and project administration.

The BWSR approaches resource problems from a holistic perspective, recognizing the inter-relationship between surface water, groundwater, people, and land.

MISSION STATEMENT

The Minnesota Board of Water and Soil Resources considers water and soil to be our most precious natural resources. It is the BWSR mission to provide leadership in managing policies and programs that encourage all citizens to be stewards of our irreplaceable land and water.

The mission is accomplished in the following ways:

Policy Development: The BWSR seeks, through legislative initiative, policies favorable to water and soil resource management. The BWSR also serves as a forum for policy development relating to water and soil resource management and encourages public agencies and citizens to become involved through local units of government.

Service to Local Units of Government: The BWSR provides local governments with guidelines, training and technical assistance in developing, implementing, and administering water and soil resource management plans. It offers leadership training to local officials and provides local government with educational materials on resource management issues.

Coordination: The BWSR uses its plan-approval authority guidelines, rules and staff assistance to ensure effective management of natural resources and to foster communication and understanding among the various units of government involved in natural resource protection.

Education: The BWSR develops and provides information and education programs and materials to increase awareness of local water and soil resource management problems and to promote opportunities for individual citizen action and local government involvement. The BWSR's information and education programs stress creative problem solving and prevention.

Funding: The BWSR advocates funding for water and soil management activities. It provides funding to local units of government to help them accomplish their resource management goals. Funding includes financial incentives to landowners.

Conflict Resolution: The BWSR acts as a mediator in resolving conflict between people and agencies, and recommends procedures to avoid future conflict.

GROUNDWATER

- Quality/Quantity
- Planning
- Implementation
- Role of State Agencies
- Role of Local Governments
- Disposal of Wastes
- Feedlots
- Land Use Activities
- Plan Contents
- Review/Groundwater Strategy

Kalmes
Kemp
Haas Steffen
Finn (MDH)

NONPOINT POLLUTION CONTROL

- CWP (Clean Water Partnership)
- Implementation of Nonpoint Issues Team Report
- Water Quality Focus of Erosion Control
- Ag Waste Management
- Erosion and Sediment Control
- Best Management Practices
- Appropriate Land Use
- Focus on Erosion Control from Productivity, Off-site
Damages or Water Quality Perspective
- Construction Site Erosion
- Rural Upland (soil erosion)
- Streambank/Lakeshore

Williamson
Harste
Bade
Robertson (MPCA)

LAND USE MANAGEMENT

- Productivity on Private Forest Lands
- Soil Productivity
- Role of SWCD's
 - Southeast
 - North
- Forestry Land Use
- Resource Inventory Needs
- Relationship to CLWMP

Warner
Graba
Brooks, Jr.
Thorne (DNR)

WATER (QUANTITY) MANAGEMENT

- Damage Control
- Prevention
 - Link with Flood Damage Reduction Program (DNR)
- Study Area II
- Erosion and Sediment Control
- Local Ordinances
- Local Plan and Project Review
- Drainage

Boulton
Schellack
Moen

WETLANDS MANAGEMENT

- Preservation
- Restoration
- Management
- Inter-relationship with Other Issues

Hoese
Peterson
Cofell
Burns (MDA)

BWSR STRATEGIC PLANNING WORKSHEET

1. For each strategic natural resource concern, what "issues" need to be dealt with?

CONCERN: _____

ISSUES:

2. What is an appropriate goal for the BWSR in dealing with this concern?
(considering statutory mandate)

3. What are some "Strategies for Action?"

4. What are some more specific tasks within each strategy?

**CURRENT STATUTORY POWERS AND DUTIES OF THE:
BOARD OF WATER AND SOIL RESOURCES
SOIL AND WATER CONSERVATION DISTRICTS
WATERSHED DISTRICTS**

PUBLIC POLICY AND PURPOSE

CHAPTER 40

40.02 PUBLIC POLICY; PURPOSE.

Improper land-use practices have caused serious wind and water erosion of the lands of this state, the runoff of polluting materials, increased costs to maintain agricultural productivity, increased energy costs and increased flood damage. Land occupiers have the responsibility to implement the practices which correct these conditions and to conserve the soil and water resources of the state.

It is the policy of the state to encourage land occupiers to conserve the soil and water resources through the implementation of practices that effectively reduce or prevent erosion, sedimentation, siltation and agriculturally related pollution in order to preserve natural resources, insure continued soil productivity, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, and protect public lands.

CHAPTER 112

112.34 WATERSHED ACT.

Subdivision 1. Policy. To conserve the natural resources of the state through land use, flood control and other needs on sound scientific principles for protection of public health and welfare and provident use of natural resources, a public corporation as an agency of the state, may be established under this chapter. This chapter must be construed and administered to make these purposes effective.

CHAPTER 105

105.72 DECLARATION OF POLICY.

The code of water law of Minnesota is contained in numerous statutes that must be considered as a whole to systematically administer water policy for the public welfare. Seeming contradictions in these laws when applied in a specific proceeding create a need for a forum where the public interest conflicts involved can be presented and by consideration of the whole body of water law the controlling policy can be determined and apparent inconsistencies resolved.

POWERS AND DUTIES OF THE BOARD OF WATER AND SOIL RESOURCES

Relating to Soil and Water Conservation Districts

40.03 STATE SOIL AND WATER CONSERVATION BOARD.

Subdivision 1. Repealed, 1987 c 358 s 132

Subd. 1a. Repealed, 1987 c 358 s 132

Subd. 2. Repealed, 1987 c 358 s 132

Subd. 3. Repealed, 1987 c 358 s 132

Subd. 4. Powers and duties. In addition to the powers and duties conferred upon the board by section 110B.35, it shall have the following powers and duties:

(1) Receive and disburse any grants made available to the state by the United States Department of Agriculture under the preferred program developed under United States Code, title 16, sections 2001 to 2009;

(2) Offer any appropriate assistance to the supervisors of the districts in implementing any of their powers and programs. Any funds made available to a district for expenditures necessary for the operations of the district shall be a grant to the district to be used only for purposes authorized by the state board pursuant to law. The soil and water conservation district may designate the board of county commissioners to act as the agent of the district to receive and expend these funds at the direction and with the approval of the board of supervisors of the district. At least annually the state board shall audit, in a manner it prescribes, the expenditure of funds so granted;

(3) Keep the supervisors of each district informed of the activities and experience of all other districts and facilitate cooperation and an interchange of advice and experience among the districts;

(4) Coordinate the programs and activities of the districts with appropriate agencies by advice and consultation;

(5) Approve or disapprove the plans or programs of districts relating to the use of state funds administered by the state board;

(6) Secure the cooperation and assistance of the appropriate agencies in the work of the districts and to develop a program to advise and assist appropriate agencies in obtaining state and federal funds for erosion, sedimentation, flooding, and agriculturally related pollution control programs;

(7) Develop and implement a comprehensive public information program concerning the districts' activities and programs, the problems and preventive practices of erosion, sedimentation, agriculturally related pollution, flood prevention, and the advantages of formation of districts in areas where their organization is desirable;

(8) Subdivide and consolidate districts without a hearing or a referendum so as to confine districts within county limits, provided that no district, when feasible and practicable, shall

contain less than four full or fractional congressional townships;

(9) Assist in the implementation of a statewide program for inventorying and classification of the types of soils throughout the state as determined by the Minnesota cooperative soil survey;

(10) Identify research needs and cooperate with other public agencies in research concerning the nature and extent of erosion, sedimentation, flooding and agriculturally related pollution, the amounts and sources of sediment and pollutants delivered to the waters of the state, and long-term soil productivity;

(11) Develop programs to reduce or prevent soil erosion, sedimentation, flooding and agriculturally related pollution, including but not limited to structural and land-use management practices;

(12) Develop a system of priorities within the state to identify the erosion, flooding, sediment and agriculturally related pollution problem areas that are most severely in need of control systems; and

(13) Ensure compliance with statewide programs and policies established by the state board pursuant to this section and section 40.02 by advice, consultation, and approval of grant agreements with the districts.

Relating to Watershed Districts

D. Watershed Act (112)

- *1. Establish Watershed Districts (112.39, Subd. 3)
2. Modify Watershed District Boundaries (112.39, Subd. 4; 112.761; 112.85)
- *3. Terminate Watershed Districts (112.411)
4. Redistribute the Power to Appoint Watershed District Managers Among Affected Counties (112.42, Subd. 3)
5. Increase Number of Watershed District Managers (112.421, Subd. 2)
6. Review and Approve Watershed District Overall Plans (112.46)
7. Review and Comment on Proposed Watershed District Works of Improvement (112.49, Subd. 6)
8. Approve Watershed District Water Use Contracts (112.71)
- *9. Hear and Decide Appeals from Watershed District Decisions (112.801)
10. Consolidate Watershed Districts (112.86)

Relating to Chapter 105

105.74 BOARD DUTIES; WATER POLICY QUESTIONS.

In addition to other duties, the board has the function defined in sections 105.72 to 105.79 when the decision of the agency in a proceeding involves a question of water policy in one or more of the areas of water conservation, water pollution, preservation and management of wildlife, drainage, soil conservation, public recreation, forest management, and municipal planning under any of the following: sections 84.57, 97A.135, 105.41, 105.42, 105.43, 105.44, 105.64, 106A.011, 106A.015, 115.04, 115.05, and chapter 110.

105.75 PETITION FOR INTERVENTION.

105.751 COURT REFERRALS.

105.76 PETITION ABATES PROCEEDING UNTIL BOARD ACTS.

105.77 HEARING, DETERMINATION.

105.78 CONSENT, NOTICE AND PROCEDURE.

105.79 FINDINGS BY BOARD.

Relating to 110B

Subd. 7. Powers and duties. In addition to the powers and duties prescribed elsewhere, the board has the following powers and duties:

(a) It shall coordinate the water and soil resources planning activities of counties, soil and water conservation districts, watershed districts, watershed management organizations, and any other local units of government through its various authorities for approval of local plans, administration of state grants, and by other means as may be appropriate.

(b) It shall facilitate communication and coordination among state agencies in cooperation with the environmental quality board, and between state and local units of government, in order to make the expertise and resources of state agencies involved in water and soil resources management available to the local units of government to the greatest extent possible.

(c) It shall coordinate state and local interests with respect to the study in southwestern Minnesota under United States Code, title 16, section 1009.

(d) It shall develop information and education programs designed to increase awareness of local water and soil resources problems and awareness of opportunities for local government involvement in preventing or solving them.

(e) It shall provide a forum for the discussion of local issues and opportunities relating to water and soil resources management.

(f) It shall adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law.

(g) It shall report to the governor and the legislature by October 15 of each even-numbered year with an assessment of board programs and recommendations for any program changes and board membership changes necessary to improve state and local efforts in water and soil resources management.

POWERS AND DUTIES OF SOIL AND WATER CONSERVATION DISTRICTS

40.07 POWERS OF DISTRICT BOARDS.

Subdivision 1. A soil and water conservation district shall constitute a governmental and political subdivision of this state, and a public body, corporate and politic, and shall have the following powers in addition to those otherwise prescribed by law.

Subd. 2. A district may conduct surveys, investigations, and research to identify the problems and preventive practices specified in section 40.02. In order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with a state agency or an agency of the United States. A district may publish its comprehensive plan and the results of its surveys, investigations, and research and may disseminate information to the public concerning any of its activities.

Subd. 3. A district may conduct demonstration projects within the district on lands owned or administered by a state agency, with the cooperation of the administering agency, and on any other lands with the consent of the land occupier, in order to demonstrate by example the practices which implement the state policy specified in section 40.02.

Subd. 4. A district may implement any necessary practices within the district, including but not limited to structural measures and works of improvement for any purpose specified in section 40.02, methods of cultivation, the use of vegetation, and changes in use of land, on lands acquired by the district, and on other lands owned or administered by a state agency, with the cooperation of the administering agency, and on any other lands, with the consent of the land occupier.

Subd. 5. A district may cooperate or enter into agreements with and, within the limits of available appropriations furnish financial or other aid to any land occupier or appropriate agency, to implement the policy specified in section 40.02 within the district, subject to conditions the supervisors deem necessary.

Subd. 6. A district may acquire any rights or interests in real or personal property by option, purchase, exchange, lease, gift, grant, bequest, devise, or otherwise. It may maintain, operate, administer, and improve any properties acquired, may receive income from the properties and expend the income in implementing the provisions of this chapter, and may sell, lease, or otherwise dispose of any of its property or interests.

Subd. 7. A district may make available, on terms it shall prescribe, to land occupiers within the district, any agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and other material or equipment which will assist land occupiers to implement upon their lands the practices specified in section 40.02.

Subd. 8. A district may construct, install, improve, maintain, and operate any structures and works necessary or convenient for the performance of any of the operations authorized in this chapter.

Subd. 9. A district may develop and revise a comprehensive plan, specifying the practices to implement the state policy specified in section 40.02, including, without limitation, the construction, maintenance, and operation of structural measures, methods of cultivation, the use of vegetation, cropping programs, mechanical practices, and changes in use of land and technical standards and specifications related thereto. The plan shall include a classification of the soil types within the district as determined by the Minnesota cooperative soil survey and the areas within the district where erosion, sedimentation and related water quality problems appear most in need of control methods. The plan shall be consistent with the statewide framework water resources plan, the statewide water quality management plan, and the state board's soil and water program plan, and shall be prepared in the manner required by the rules of the state board.

By August 1 of each even-numbered year, beginning in 1984, each district which applies for cost-sharing funds under section 40.036 shall submit to the state board an amendment of its comprehensive plan which identifies high priority erosion, sedimentation and water quality problems within the district in the manner required by the rules of the state board.

By August 1 of each year, beginning in 1984, each district which applies for cost-sharing funds under section 40.036 shall submit to the state board an annual work plan for responding to the high priority erosion, sedimentation and water quality problems in the district. The work plan shall be prepared in the manner required by the rules of the state board. In preparing the annual work plan, the district shall actively identify and seek out land occupiers with high priority erosion problems who have not participated in cost-sharing contracts and encourage their participation in programs to control their erosion problems.

Subd. 10. A district may take over by purchase, lease, or otherwise, and may improve, maintain, operate and administer any soil or water conservation, erosion-control, erosion-prevention, watershed protection, flood prevention or flood control project located within its boundaries undertaken by the United States or by a state agency, may accept donations, gifts, grants, or contributions in money, services, materials, or otherwise from the United States, any state agency or any other source, in order to accomplish the authorization in this section. A board may enter into any contract or agreement necessary or appropriate to accomplish the transfer, and may use or expend any moneys, services, materials, or other things to accomplish any authorized purpose.

Subd. 11. A district may sue and be sued in the name of the district, have perpetual succession unless terminated as hereinafter provided, make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and make, amend, or repeal rules and regulations not inconsistent with this chapter.

Subd. 12. As a condition to the extending of any benefits for the performance of work upon any lands not owned or administered by a state agency or the district, the supervisors may require compensation or contributions in money, services, materials, or otherwise commensurate with the cost or reasonable value of the operations or work conferring the benefits.

POWERS AND DUTIES OF WATERSHED DISTRICTS

112.43 MANAGERS; POWERS, DUTIES.

Subdivision 1. The managers, to carry out this chapter, may:

(1) Make necessary surveys or use other reliable surveys and data and develop projects to accomplish the purposes for which the district is organized and may initiate, undertake, and construct projects not required to be instituted by a petition under section 112.47.

(2) Cooperate or contract with any state or subdivision of a state or federal agency or private or public corporation or cooperative association.

(3) Construct, clean, repair, alter, abandon, consolidate, reclaim, or change the course or terminus of any public ditch, drain, sewer, river, watercourse, natural or artificial, within the district.

(4) Acquire, operate, construct, and maintain dams, dikes, reservoirs, water supply systems, and appurtenant works.

(5) Regulate, conserve, and control the use of water within the district.

(6) Acquire by gift, purchase, or the right of eminent domain necessary real and personal property. The district may acquire property outside the district where necessary for a water supply system.

(7) Contract for or purchase insurance the managers find necessary for the protection of the district.

(8) Establish and maintain devices for acquiring and recording hydrological data.

(9) Enter into contracts of construction authorized by this chapter.

(10) Enter lands inside or outside the district to make surveys and investigations to accomplish the purposes of the district. The district is liable for actual damages resulting from entry.

(11) Take over when directed by the joint county ditch authority or county board all joint county or county drainage systems within the district, together with the right to repair, maintain, and improve them. When a joint county or county drainage system is taken over in whole or in part, it becomes part of the works of the district to the extent taken over.

(12) Provide for sanitation and public health and regulate the use of streams, ditches, or watercourses to dispose of waste and prevent pollution.

(13) Borrow funds from: (a) any agency of the federal government; (b) any state agency; (c) any county in which the district is located in whole or in part; or (d) a financial institution authorized under chapter 47 to do business in this state. A county board may lend the amount requested by a district. No district may have more than a total of \$50,000 in loans from counties and financial institutions under this clause outstanding at any time.

(14) Prepare a flood plain map of the lands of the district that are in the flood plain of lakes and watercourses. The map must be made available to the counties and local municipalities for inclusion in flood plain ordinances. It must conform to state rules setting standards for designation of flood plain areas.

Subd. 13. Repealed, 1977 c 304 s 25

Subd. 14. A district may submit any application and enter into any agreement or contract with the secretary of agriculture or other designated authority for the purpose of obtaining or using federal assistance under the provisions of Public Law 566 or any other law providing for federal assistance for any authorized purpose of the district. A district may acquire without cost to the federal government any land, easements, or rights-of-way needed in connection with works of improvement installed with federal assistance; may assume the proportionate share of the cost of installing any works of improvement involving federal assistance determined by the secretary or other designated authority to be equitable in consideration of anticipated benefits from the improvements; may make arrangements satisfactory to the secretary or other authority for defraying costs of operating and maintaining the works of improvement in accordance with prescribed regulations; may acquire or provide assurance that land occupiers have acquired the water rights and other rights, pursuant to state law, needed in the installation, maintenance, and operation of the works of improvement; may obtain agreements to carry out recommended soil and water conservation measures and prepare farm plans for owners of not less than 50 percent or other required percentage of the lands situated in any drainage area above any retention reservoir which may be installed with federal assistance, all as prescribed in said Public Law Number 566 or applicable federal law, and may do any other acts necessary to secure and use federal aid.

Subd. 15. The district board of supervisors annually shall present a budget consisting of an itemized statement of district expenses for the ensuing calendar year to the board of county commissioners or boards of county commissioners of the county or counties in which the district is located. The county board or boards may levy an annual tax on all taxable real property in the district for such amount as the board or boards determine to be necessary to meet the requirements and obligations of the district. The amount levied shall be collected and distributed to the district in like manner as prescribed by chapter 276. This amount may be spent by the district board for any district purpose authorized by law.

Subd. 16. A district may appropriate necessary funds to provide membership in state and national associations which have as their purpose the betterment and improvement of soil and water conservation district operations. A district is also authorized to participate through duly designated representatives in the meetings and activities of such associations, and is authorized to appropriate necessary funds to defray the actual and necessary expenses of such representatives in connection therewith, which expenses may be paid only upon the presentation and allowance of a properly verified itemized claim.

(15) Prepare an open space and greenbelt map of the lands of the district that should be preserved and included in the open space and greenbelt land areas of the district. The map must be made available to the counties and local municipalities for inclusion in flood plain and shoreland ordinances.

(16) Appropriate necessary funds to provide for membership in a state association of watershed districts whose purpose is to improve watershed governmental operations.

(17) Control the use and development of land in the flood plain and the greenbelt and open space areas of the district. To do this, the managers may adopt, amend, or repeal rules to control encroachments, the changing of land contours, the placement of fill and structures, the placement of encumbrances or obstructions and require the landowner to remove fill, structures, encumbrances, or other obstructions and restore the previously existing land contours and vegetation. The managers may by rule provide a procedure by which the district can do the work required and assess its cost against the affected property as a special assessment. The rules apply only in the absence of county or municipal ordinances regulating the items set forth in this clause. The rules must be adopted in accordance with subdivision 1c.

Subd. 1a. Notice to city. A resolution or rule approved by the managers after August 1, 1978, that affects land or water within the boundaries of a home rule charter or statutory city is not effective within the city's boundaries until the governing body of the city is notified.

Subd. 1b. Metropolitan watershed districts. A watershed district located wholly within the metropolitan area has the duties and powers in sections 473.875 to 473.883. Notwithstanding any contrary provision of subdivision 1, a watershed district located wholly within the metropolitan area may regulate the use and development of land only under the conditions specified in section 473.877, subdivision 1, clause (c).

Subd. 1c. District rules. Each district shall adopt rules to accomplish the purposes of this chapter and to implement the powers of the managers. Rules of the district must be adopted or amended by a majority vote of the managers, after public notice and hearing. They must be signed by the secretary of the board of managers and recorded in the district's official minute book. For each county of the district the managers shall publish a notice of any hearing or adopted rules in one or more legal newspapers published in the county and generally circulated in the district and file adopted rules with the county recorder of each county affected. A copy of the rules must be mailed by the managers to the governing body of each municipality affected.

Any ordinance of a district in effect on March 23, 1982, remains in effect until the district adopts rules under this subdivision.

Subd. 2. Enforcement powers. The district court may enforce by injunction or other appropriate order sections 112.34 to 112.89 and any rule adopted or order issued by the managers under them.

Subd. 3. Business report. The managers shall annually make and file a report of the financial conditions of the district, the status of all projects in the district, the business transacted by the district, other matters affecting the interests of the district, and a discussion of the managers' intentions for the succeeding year. Copies of the report must be sent to the secretary of the board, the commissioner, and the director within a reasonable time.

Subd. 4. Board review of managers. The exercise of the managers' powers is subject to review by the board as provided in this chapter.

Taken from:

DIRECTIONS
for Natural
Resources

MDNR 1/87

FISH, WILDLIFE, AND NATIVE PLANT RESOURCES

Whitetail deer and common loon, stream trout and walleye, wild rice and native prairie grasses: these and many other species provide Minnesotans with hunting, fishing, birdwatching, wildlife viewing, and other outdoor recreation opportunities.

While Minnesotans demand a natural environment brimming with a diversity of plants and animals, many complex problems confront the DNR in its efforts to effectively manage fish, wildlife and native plant resources.

The Reinvest in Minnesota (RIM) initiative is critical to effectively addressing many of these problems by improving habitat and enhancing wildlife populations (see box at right).

Habitat Changes

Since the 1950s, 5 million acres of Minnesota's natural habitat have been converted into cropland or commercial development. The state has lost a total of 85 percent of its wetlands and 99.9 percent of its native prairies. Land use changes and ecological succession are also changing our forest, grassland, and aquatic habitats.

These and other changes in habitat often result in reduced populations of fish, wildlife, and native plant species. This decreases opportunities for use and appreciation of these resources by Minnesota citizens.

Resource User Demands

Demands from the public for opportunities to hunt, fish, trap, observe wildlife, visit natural habitats and appreciate these resources are accelerating. Unfortunately, land and water areas providing the necessary recreational opportunities are often in short supply.

As a result, individuals often need to use the same land and water areas for different purposes. They also compete with one another when they appreciate and use the same fish, wildlife, and native plant resources in very different ways.

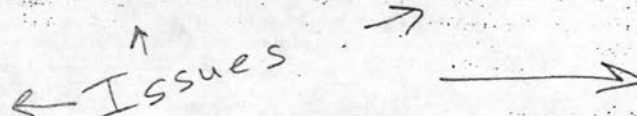
Such conflicts detract from the resource user's experience. These conflicts are accentuated on public lands

and waters where there is a greater potential for multi-purpose use and overcrowding.

Providing the high quality opportunities for resource use and appreciation demanded by Minnesotans requires an intricate balancing of social, economic, and biological concerns.

Environmental Contamination

Environmental degradation and contamination are threats to fish, wildlife, native plants, and their communities and, in some cases, are reducing opportunities to appreciate and use these resources.



REINVEST IN MINNESOTA (RIM) will:

- improve habitat by converting highly erodible cropland to permanent vegetative cover
- protect critical habitat through cooperative public and private funding efforts
- enhance fish and wildlife populations and expand opportunities for their use and appreciation

FISH, WILDLIFE, AND NATIVE PLANT RESOURCES 13



Ram's Head orchid, a rare plant.

Certain land and water use practices are increasing the risks of soil erosion, sewage discharge, and nonpoint source pollution. Toxic wastes, industrial and residential wastes, pesticides, fertilizers, sulfur dioxide, and nitrogen oxide emissions all contribute to increasing contamination of the environment. In addition, some chemical contaminants can accumulate within the body tissues of some fish and wildlife species, limiting opportunities for safe consumption.

Resource Management Coordination and Cooperation

Effective fish, wildlife, and native plant resource management requires coordination and cooperation among public and private resource managers.

Programs and activities of other federal, state, and local agencies and private landowners can have a tremendous impact on fish, wildlife, and native plant resources. Similarly, DNR activities designed to enhance and protect these resources can affect the programs of other resource managers.



Revenue Necessary to Support Increased Resource Management

Minnesota's fish, wildlife and native plant management programs are funded primarily through hunting, fishing and trapping license fees. Although total revenues and expenditures have grown in both nominal and constant dollars (as adjusted for inflation), this growth has been in "earmarked" or special use revenues. The basic management programs have not grown in constant dollars, and the 1985 Legislative Audit of the Game and Fish Fund noted "that license fees are no longer adequate to finance all of the current and proposed activities of the fund."

The Governor's "Citizen Commission to Promote Hunting and Fishing in Minnesota" compared Minnesota's fish and wildlife resources to an aging factory that needs major reinvestments to ensure continuing returns to the stockholders — the citizens of Minnesota. These investments are costly. In addition to internal actions and license fee increases, alternative and stable funding sources must be found.

GOAL

Maintain appropriate fish, wildlife, and native plant populations and the viability of their communities, and provide quality opportunities for public use and appreciation of these resources.

STRATEGIES FOR ACTION

1. STRENGTHEN PARTNERSHIPS IN CONSERVATION
 - Provide advice and assistance on establishing good fish, wildlife, and native plant habitat to landowners and administering agencies participating in land retirement programs such as the federal conservation reserve and commodity set-aside programs, and the Reinvest in Minnesota (RIM) conservation reserve. Work to improve the conservation provisions in the laws and rules governing these programs.
 - Continue working with conservation organizations in co-sponsoring habitat improvements on private

FISH, WILDLIFE, AND 14 NATIVE PLANT RESOURCES



lands such as wetland restoration, wildlife food plots and woody cover.

- Improve local hunting and fishing opportunities, through programs such as Project CORE, in which the state and local communities become partners in projects such as lake aeration systems, fishing piers and fish habitat improvement.

2. EXPAND HABITAT DEVELOPMENT AND PROTECTION

- Improve trout and salmon fishing by increasing the amount of stream



trout lake rehabilitation and by increasing hatchery production of trout and salmon for stocking in inland lakes, streams, and Lake Superior.

- Improve forest wildlife habitat for deer, grouse and other species by improving automated information and increasing forest/wildlife planning coordination.
- Expand prescribed burning efforts to protect native prairie and other fire-dependent ecosystems.
- Promote the Critical Habitat Matching Program (part of RIM): a program that matches private contributions of land or cash, dollar-for-dollar, with state funds to acquire and develop critical fish and wildlife habitat.

3. STRENGTHEN RESEARCH, MONITORING AND ENVIRONMENTAL PROTECTION EFFORTS

- Improve information on resource user demand, socio-economic values, and public attitudes about fish, wildlife and native plant resources.
- Expand information on rare and endangered species and communities through the Natural Heritage Pro-

gram's new systematic county surveys, and non-game program efforts.

- Identify techniques for restoring fish, wildlife, and native plant resources in areas affected by acid rain in cooperation with the federal Acid Rain Precipitation Mitigation Program.

- Strengthen technical support for developing and implementing mitigation actions for projects that adversely affect fish, wildlife and native plant resources.

4. IMPROVE EFFECTIVENESS THROUGH COMPREHENSIVE PLANNING

- Improve strategic and long-range planning processes for fish, wildlife, native plants, and their communities.
- Implement a new budgeting system through operational planning that will improve programmatic and fiscal accountability of fish, wildlife, and native plant management.
- Expand opportunities for effective public participation in planning fish, wildlife, and native plant resource management.

5. MODIFY FUNDING STRUCTURE

- Strengthen efforts with citizens' groups, public and private organizations, and the Minnesota Legislature to secure a permanent funding source for the Reinvest in Minnesota (RIM) initiative, which will expand, accelerate, and improve fish, wildlife, and native plant management programs.
- Improve the federal financial aid monitoring system to ensure maximum reimbursement of available federal aid dollars.
- Increase and expand revenue sources to ensure a stable Game and Fish Fund.