



Minnesota Board of Water and Soil Resources.
Minutes.

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BOARD OF WATER AND SOIL RESOURCES
HOLIDAY INN-NORTH
2540 NORTH CLEVELAND AVENUE
ROSEVILLE, MINNESOTA
MARCH 28, 1990

Appointed Members in Attendance

Donald Ogaard
John Williamson
John Boulton
Don Warner
Loni Kemp
Natalie Haas Steffen
Loren Harste
Jack Graba
Howard Peterson
William Cofell

Appointed Members Absent

John Brooks, Jr.
James Hoese

Agency Members in Attendance

Paul Burns, Minnesota Department of Agriculture
George Foster, University of Minnesota
Ed Ross and Valentine O'Malley, Minnesota Department of Health
Tom Lutgen, Minnesota Department of Natural Resources

Others in Attendance

Al Dornfeld, Minnesota Association of Watershed Districts
John Sumption, Minnesota Association of Conservation District Employees
LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts
Franklin Denn, Minnesota Association of Townships
Gary Nordstrom, Soil Conservation Service

Staff in Attendance

Jim Birkholz
Mel Sinn
Dave Behm
Chris Hughes
Dan Steward
Doug Thomas
Jim Lemmerman
Eric Mohring
Greg Larson
Mary Jo Anderson

Meeting Called to Order - Chairman Ogaard called the meeting to order at 9:00 a.m.

90-22 **Adopt Agenda** - Moved by Warner, seconded by Boulton, to adopt the agenda as presented. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried.

90-23 **Approval of Minutes of February 28, 1990** - Moved by Williamson, seconded by Peterson, to approve the minutes of February 28, 1990 as circulated. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried.

Chairman's Report - Chairman Ogaard reported on the workshop sponsored by the Lower Red Board which was held on March 23-24, in Thief River Falls. There were 56 people in attendance.

He also attended the meeting sponsored by the BWSR on March 27 at in Thief River Falls regarding implementation of 110B Water Plans and gathering input for the state water plan.

Executive Director's Report - Jim Birkholz updated the Board on the status of legislation as it relates to the Metro Local Water Planning Task Force, water planning and implementation special levy, RIM bonding funding, funding for the Wellner-Hagemen project, and the BWSR budget reductions which are a \$600,000 reduction in the House, with \$500,000 from local water plan grants and \$100,000 from well sealing cost-share program, and \$250,000 (with agency discretion) in the Senate.

Jim reported on a RIM Reserve easement regarding Mr. and Mrs. Milton Peterson, Faribault County, who applied in 1988 to enroll 13.6 acres into the RIM Reserve Program. Their application was approved by the BWSR for enrollment. While processing the easement application the RIM staff was informed that the site encompassed a legally abandoned township dump site. This was discussed with legal counsel and it was concluded that retirement of this area from annual tillage was wise, therefore, the application continued to be processed. Subsequently, the Attorney General representative became aware of the recent court actions taken against those owning an interest in lands believed to contain a hazardous waste which resulted in groundwater contamination. If the abandoned dump should leak a hazardous substance the RIM Reserve Program could potentially be liable for up to 100% of the clean up costs. Staff then met with Minnesota Pollution Control Agency and Department of Agriculture to request direction and to see what assistance could be given to the landowner to investigate the former dump. The Petersons were requested to contact the Pollution Control Agency and the Department of Agriculture for information and advice. The Peterson's have decided not to do a study of the area due to the costs of the water sampling. Discussion followed. Staff recommended the following resolution: "The Board of Water and Soil Resources hereby directs the BWSR staff to work with Mr. and Mrs. Milton Peterson to make a reasonable settlement for income lost and

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90-24

expenses relating to RIM Reserve easement application 22-04-88-01. This settlement shall be based on documented evidence." Moved by Cofell, seconded by Peterson, to approve the aforementioned resolution. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried. Discussion followed. It was decided that the issue of settlement and liability will be brought up again at a future meeting. Staff was directed to research the future of RIM easements regarding sites with liabilities, such as abandoned dumps. Loni Kemp pointed out that most sinkholes in sensitive groundwater areas have been used to varying degrees as dumping spots in the past. The liability/landowner responsibility issue must be resolved if RIM is to be used to protect these areas.

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90-25

Delegation of Responsible Authority - Jim reported that it has been brought to his attention by the Legislative Auditor that the Board should designate a "Responsible Authority" under the Government Data Practices Act, MRS Ch. 13. Such designation would assign responsibility to see that the collection, use and dissemination of data by the Board is done in compliance with state law. Moved by Steffen, seconded by Williamson, that Jim Birkholz is appointed by the BWSR to be the "Responsible Authority" under the government data practices act, MRS. Ch. 13. Affirmative: Ogaard, Williamson, Boulton, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried.

Jim distributed a copy of a letter that will be sent from the BWSR to the Minnesota Congressional Delegation supporting adequate funding and staff assistance for the Soil Conservation Service to implement their responsibilities under the 1985 Food Security Act and for responsibilities which may be assigned by the 1990 farm bill.

EQB/Water Resources Committee Report - Howard Peterson reported that the LCMR water-related funding requests were discussed at the meeting (147 requests were received). Loni Kemp invited everyone to attend the "Minnesota Water 1990" conference to be held on April 9-10, at the Radisson Hotel, St. Paul.

Don Warner reported that he attended the first meeting of the Department of Agriculture's Pesticide Application Advisory Review Board on March 14th. The next meeting is scheduled for May 22, 1990. Don stated that twelve agencies were represented that deal with water quality. He will be working with Jim and the MDA to invite other appropriate government officials to attend the meetings.

Report on BWSR Ad Hoc Education Committee - Bill Cofell reported that the Ad Hoc Education Committee felt that it is necessary to come up with a plan on how to assist local governments in order to meet education mandates. The committee recommends the following resolution: "The Ad Hoc Education Committee recommends that the Board direct staff to identify, through involvement of representatives of local governments, the water and soil resource management education and communication needs of local governments. Furthermore, the Ad Hoc Education Committee recommends that the Board direct staff to prepare a draft "statement of need" relating to potential impacts on staffing and funding

requests for the upcoming biennium". Dave Behm commented on the recommendation and the concerns of intent of the resolution. Discussion followed. John Sumption, on behalf of the MACDE, stated that full cooperation is needed, with training being very important. He praised the Ad Hoc Education Committee's recommendation and the staff's "white paper" for the efforts that have been made thus far. Bill Cofell would like the committee's recommendation to be included in the BWSR's strategic plan.

Chairman Ogaard called for a break in the meeting at 10:35 a.m. The meeting reconvened at 10:50 p.m.

Abandoned Well Sealing Cost-Share Program - Eric Mohring updated the Board regarding implementation of the abandoned well sealing cost-share program. Eric explained that the Groundwater Protection Act provides for two options for well sealing cost-share. The first is the county cost-share program which staff has been developing. Under the second or "individual" option, the Board may accept applications from individual landowners. If the applications are accepted, the Board must pay 100% of well sealing costs which then become a government services lien. Staff is recommending that the Board not accept applications this biennium under the individual option. If funding increases in subsequent bienniums, it may then be appropriate to offer the individual landowner option. He distributed a draft article on the program that will be in the next issue of the "Water Billboard" explaining the abandoned well sealing cost-share program. He also distributed a proposed chronology of the program for the Board's information. Discussion followed. Eric encouraged Board members to contact him with ideas and concerns regarding the program. Moved by Cofell, seconded by Graba, that the Board proceed with the county cost share option but not implement the individual option/government services lien for the well sealing program the first year. This decision must be received for reconsideration of the individual option in March of 1991. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried.

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90-26

Acceptance of Draft Rules for the Local Water Resources Protection and Management Grants Program - Greg Larson distributed copies of the sixth draft rules relating to local water resources protection and management. Greg also distributed a listing of the differences between drafts 4 and 6; and explained the differences as he updated the Board on draft six. Changes were made to the sixth draft at the request of Board members. Discussion followed. Moved by Steffen, seconded by Kemp, to delete lines 11 through 13 on page 11. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried. Staff will proceed with the proposed rule and distribute copies at the April Board meeting.

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90-27

Jim Birkholz introduced Tom Lutgen, Department of Natural Resources/Division of Waters, who will be the agency's representative on the Board.

Jim also introduced Jim Lemmerman, the Board's SWCD forestry specialist located in

Duluth. Jim works with private forest management issues and activities.

Chairman Ogaard recessed the meeting for lunch at 12:25 p.m. The meeting reconvened at 1:20 p.m.

Advisor Comments

Al Dornfeld, Minnesota Association of Watershed Districts, reported on the Environmental Law Session sponsored by the Rice Creek Watershed District on March 6, at McGuire's Inn in Shoreview. He said it was a very good session, with 60 people in attendance. Al commended Howard Peterson for his efforts on environmental stewardship with the lutheran church.

Franklin Denn, Minnesota Association of Townships, stated that the townships annual informational sessions being held statewide include information about conservation issues. He reported on land use planning that is being done in the townships.

John Sumption, Minnesota Association of Conservation District Employees, stated that the establishment of a training coordinator is being pursued by the MACDE in cooperation with MASWCD and others including the BWSR.

LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts, stated that a cooperative agreement has been signed between the MASWCD and U.S. Fish and Wildlife Service for SWCDs to assist with wetland restoration and other wildlife enhancement activities. The MASWCD Policy Committee met to review resolutions. LeAnn reported that Dwain Otte, D'Wayne DeZiel, and Danny Potter will be going to Washington, D.C. next week to meet with the Minnesota Congressional Delegation on legislative issues and Minnesota's conservation programs. LeAnn stated that the MASWCD's proposed training coordinator position could work with the Board's Ad Hoc Education Committee.

Gary Nordstrom, Soil Conservation Service, reported that NACD conducted a nationwide survey that was sent to 2,900 SWCDs, regarding workload needs. There is a need to increase the staff level by 75%, but the resources are not adequate to address the issue. Gary reported that SCS sent out a "Summary Report", Board members will be receiving copies shortly. SCS is willing to support a cooperative effort on high altitude photography with federal and state agencies. SCS submitted a proposal to the U.S. Department of Agriculture for an interpersonnel agreement between the BWSR and SCS for an Ag Waste Management Specialist position. The proposal was not approved by the Department, so other avenues are presently being explored on this position. This proposal is to implement part of Minnesota's Sec 319 Clean Water Act nonpoint activities.

Gary introduced Tim Koehler, SCS Water Quality Specialist, who updated the Board on USDA pest and nutrient management activities. He distributed copies of SCS Minnesota Standards on Pest and Nutrient Management for the Board's information. He also updated

the Board on the Anoka Sand Plain Water Quality Demonstration Project and distributed a fact-sheet on the project for the Board's information.

Bois de Sioux Watershed District Overall Plan - Mel Sinn stated that staff recommends approval of the draft Order prescribing the overall plan of the Bois de Sioux Watershed District. Moved by Peterson, seconded by Steffen, to approve the Bois de Sioux Watershed District Overall Plan. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried.

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90-28

Action on 110B Local Water Plans - Doug Thomas stated that this will be the last month that such a large number of water plans will be ready for Board action.

Dan Steward briefly gave a chronological overview of the Cass water plan. Staff recommended approval of the plan. Moved by Boulton, seconded by Harste, to approve the Cass 110B Comprehensive Local Water Plan. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried. John Sumption commended Dan Steward on his fine efforts and assistance to Cass County on completing the plan.

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90-29

Chris Hughes introduced Les Ladewig, Winona County Commissioner, and Sally Kinneberg, Houston County. Chris briefly gave chronological overview for Dodge, Fillmore, Houston, Olmsted, Wabasha, and Winona Counties' plans. He also distributed a summary sheet of the plans for the Board's information. Staff recommended approval of the plans. Les Lattvig commented on the Winona County Plan and the activities involving the plan. Sally Killeberg also commented briefly on the Houston County plan. She thanked Chris for his assistance on the plan. Loni Kemp commented on the Fillmore County Plan and stated that she is proud of the accomplishments that one staff person in Fillmore County has done. Moved by Kemp, seconded by Cofell, to approve the Fillmore County 110B Comprehensive Local Water Plan. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried.

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90-30

Moved by Steffen, seconded by Boulton, to approve the Winona County 110B Comprehensive Local Water Plan. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried.

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90-31

Moved by Graba, seconded by Warner, to approve the Houston County 110B Comprehensive Local Water Plan. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried.

** 32
90-31

Moved by Peterson, seconded by Steffen, to approve the Dodge County 110B Comprehensive Local Water Plan. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried.

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90-32

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90-33 Moved by Steffen, seconded by Cofell, to approve the Wabasha County 110B Comprehensive Local Water Plan. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried.

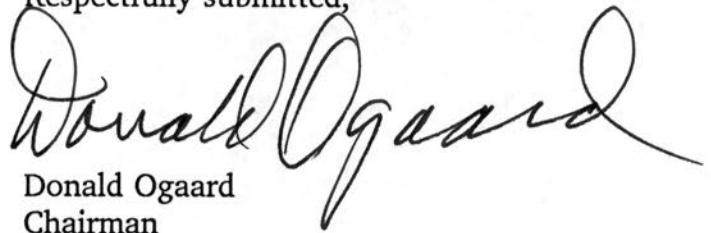
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90-34 Moved by Kemp, seconded by Boulton, to approve the Olmsted County 110B Comprehensive Local Water Plan. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried.

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90-35 Chris Hughes briefly gave a chronological overview of the Martin County 110B Comprehensive Local Water. He distributed a summary sheet of the plan for the Board's information. Staff recommends approval of the Martin County Plan. Moved by Williamson, seconded by Steffen, to approve the Martin County 110B Comprehensive Local Water Plan. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried.

Natalie Steffen suggested reading the book, "50 Simple Things To Do To Save The Earth". She said that it was a very good book and Board members would enjoy reading it.

** 37
90-36 Moved by Graba, seconded by Warner, to adjourn the meeting at 3:30 p.m. Affirmative: Ogaard, Williamson, Boulton, Warner, Kemp, Steffen, Harste, Graba, Peterson, and Cofell. Opposed: None. Carried.

Respectfully submitted,


Donald Ogaard
Chairman



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March 15, 1990

TO: Chapter 40.46 Work Group

FROM: Jim Birkholz
BWSR Director

SUBJECT: Implementation of Chapter 40.46/282.018(2)

The effective date of March 15, 1990 is here. Our efforts to postpone the effective date thereby allowing reasonable time to develop procedures, secure funding, and provide training have not achieved needed results.

Therefore, I want to outline for you how we propose to implement this law in the short term. Realizing that existing BWSR staff cannot provide the detailed delineation required, the following efforts will be attempted:

1. State land sales will not receive BWSR review, however, those agencies wishing to be trained in review techniques can call us for training assistance. We will do all we can to provide your real estate management staff with the tools to conduct your own determinations of marginal lands and wetlands.

2. Tax forfeit land sales may receive review assistance from the local SWCD office. The county land administrators should directly contact the local SWCD office to request review assistance. This review may be limited due to local staff and resource data limitations. The SWCD may provide review assistance concerning:

a. forested vs. non-forested determination,

b. soils information regarding identification of marginal lands (for mapped areas),

c. sketch of the area(s) meeting the marginal land definition, and

d. wetlands meeting the protected wetlands criteria (types 3, 4, and 5,) which may or may not be on the state protected wetlands inventory maps.

Page 2 - Ch. 40.46 Work Group

I have attached a copy of the letter sent to the SWCDs requesting their assistance in this effort. I'm hopeful that many SWCDs will be able and willing to provide the necessary information, but please understand that the assistance received from the SWCDs may be severely curtailed by limited staff and data resources.

I realize that this is not the optimal way to implement this law, however, with no funding it's the best we can do with existing resources.

I expect that this memo will raise as many questions as it has answered. Please prepare a list of concerns which we can address at a Chapter 40.46 Work Group meeting on Monday March 19 at 1:00p.m. in the BWSR office. In the mean time please feel free to call either myself or Wayne Edgerton.

cc. Pat Bloomgren
Wayne Edgerton
Carl Conney, A.G. Rep.
D'Wayne DeZiel, MASWCD

encl.

Wayne



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March 12, 1990

TO: SWCD Manager

FROM: Jim Birkholz
BWSR Director

J. Birkholz

SUBJECT: Implementation of Chapter 40.46/282.018
Subd 2.

Attached you will find a copy of the above referenced law which describes a review and delineation process that is required before the state can sell land. This was an amendment made to the 1989 RIM law at the end of the session.

This law has an effective date of March 15, 1990 and was passed without funding. Since its passage attempts have been made to postpone the effective date to allow the development of procedures, provide training to those affected, and secure implementation funds. To date those attempts have not been successful.

At this time I am asking for the assistance of your SWCD to work with your county land officials in making marginal land and wetland determinations for tax forfeit sales in your county. I suggest you limit the marginal land delineation to non-forested lands (a definition of forest land is enclosed) in land classes VI, VII, and VIII as was done in the Beginning Farmer Program. The wetlands delineation will be limited to the wetlands meeting the protected wetlands definition (attached) which may or may not be on the protected wetlands inventory maps. In many cases you will be required to use your best judgement if survey information is not available for these parcels. You may be asked to develop an Exhibit A type document for the easement that will be developed for the parcel. The easement will be developed by the State Department of Revenue at the time they process the land sale. The BWSR will assist them in developing an easement form.

The concept of protecting these acres from future abuse is good stewardship. I realize that its implementation without financial assistance may be difficult. Please do your best with the resources you have. I'm sure the BWSR will request grant funds from

(over)

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Page 2 - Chapter 40.46 Implementation

the legislature to assist in future implementation efforts, however, that request would be for F.Y. 92-93.

Thank you in advance for your assistance with this effort. We will provide you more information as it becomes available.

cc. SWCD Chairman
Don Ogaard, BWSR Chairman
Mike Wandmacher, Dept. of Revenue
Carl Conney, A.G. Rep.
D'Wayne DeZiel, MASWCD
Dwain Otte, MASWCD President

40.46 RESERVATION OF MARGINAL LAND AND WETLANDS.

Subdivision 1. Reservation of marginal land and wetlands. Notwithstanding any other law, marginal land and wetlands are withdrawn from sale by the state unless use of the marginal land or wetland is restricted by a conservation easement as provided in this section. This section does not apply to transfers of land by the board of water and soil resources to correct errors in legal descriptions under section 40.43, subdivision 8, or to transfers by the commissioner of natural resources for:

(1) land that is currently in nonagricultural commercial use if a conservation easement would interfere with the commercial use;

(2) land in platted subdivisions;

(3) conveyances of land to correct errors in legal

descriptions under section 84.0273;

(4) exchanges of nonagricultural land with the federal government, or exchanges of Class A, Class B, and Class C nonagricultural land with local units of government under sections 94.342, 94.343, 94.344, and 94.349;

(5) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10; and

(6) land not needed for trail purposes that is sold to adjacent property owners and lease holders under section 85.015, subdivision 1, paragraph (b).

Subd. 2. Delineation of wetland or marginal land. (a) Before state land is sold, the land must be submitted to the board of water and soil resources to determine and delineate the marginal land and wetlands to be reserved or restricted by a conservation easement. The delineation of the reservation or conservation easement need not be by legal description and may be a description in general terms that identifies the marginal land or wetlands.

(b) Marginal land and wetlands may not be sold unless restricted by a conservation easement with the restrictions provided in section 40.43, subdivision 4, paragraphs (a) and (c), and other restrictions determined necessary by the board of water and soil resources.

Subd. 3. School trust land. If the sale of school trust land as defined in section 92.025 is restricted by a

conservation easement and the restriction results in a reduction of the amount received from the sale, the commissioner of natural resources must determine the amount of the reduction. The amount of the reduction in sale price must be paid from appropriations to acquire conservation easements and shall be credited to the account to which the proceeds from the sale are credited.

Subd. 4. Release and alteration of conservation easement. The board of water and soil resources may alter, release, or terminate a conservation easement created under this section after consultation with the commissioners of agriculture and natural resources. The board of water and soil resources may alter, release, or terminate a conservation easement only if the board determines the public interests and general welfare are better served by the alteration, release, or termination.

NOTE: This section applies to state land and tax-forfeited land sold after March 15, 1990. See Laws 1989, chapter 353, section 13.

to the public use and reversionary provisions of this section; the tax-forfeited land so conveyed shall thereafter be free and discharged from the public use and reversionary provisions of this section, provided that said exchange shall in no way affect the mineral or mineral rights of the state of Minnesota, if any, in the lands so exchanged.

[For text of subds 2 to 11, see M.S.1988]

History: 1989 c 328 art 6 s 1

282.018 TAX-FORFEITED LAND; MEANDERED LAKES, NONFORESTED MARGINAL LAND, AND WETLANDS; SALE; EXCEPTION.

Subdivision 1. Property on or adjacent to public waters. All land which is the property of the state as a result of forfeiture to the state for nonpayment of taxes, regardless of whether the land is held in trust for taxing districts, and which borders on or is adjacent to meandered lakes and other public waters and watercourses, and the live timber growing or being thereon, is hereby withdrawn from sale except as hereinafter provided. The authority having jurisdiction over the timber on any such lands may sell the timber as otherwise provided by law for cutting and removal under such conditions as the authority may prescribe in accordance with approved, sustained yield forestry practices. The authority having jurisdiction over the timber shall reserve such timber and impose such conditions as the authority deems necessary for the protection of watersheds, wildlife habitat, shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis counties described in the Act of Congress approved July 10, 1930 (46 Stat. 1020), the timber on tax-forfeited lands shall be subject to like restrictions as are now imposed by that act on federal lands.

Of all tax-forfeited land bordering on or adjacent to meandered lakes and other public waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary high-water mark being the water side boundary thereof, and the land side boundary thereof being a line drawn parallel to the ordinary high-water mark and two rods distant landward therefrom, hereby is reserved for public travel thereon, and whatever the conformation of the shore line or conditions require, the authority having jurisdiction over such lands shall reserve a wider strip for such purposes.

Any tract or parcel of land which has 50 feet or less of waterfront may be sold by the authority having jurisdiction over the land, in the manner otherwise provided by law for the sale of such lands, if the authority determines that it is in the public interest to do so. If the authority having jurisdiction over the land is not the commissioner of natural resources, the land may not be offered for sale without the prior approval of the commissioner of natural resources.

Subd. 2. Marginal land and wetlands. Nonforested marginal land and wetlands on land that is property of the state as a result of forfeiture to the state for nonpayment of taxes is withdrawn from sale as provided in section 40.46 unless restricted by a conservation easement as provided in section 40.46.

History: 1989 c 353 s 9

NOTE: This section, as amended by Laws 1989, chapter 353, section 9, applies to state land and tax-forfeited land sold after March 15, 1990. See Laws 1989, chapter 353, section 13.

282.04 TIMBER SALE; TAX-FORFEITED LANDS, LEASE, PARTITION, EASEMENTS.

[For text of subd 1, see M.S.1988]

Subd. 2. Rights before sale. Until after the sale of a parcel of forfeited land the county auditor may, with the approval of the county board of commissioners, provide for the repair and improvement of any building or structure located upon such parcel, if it is determined by the county board that such repairs or improvements are necessary for the operation, use, preservation and safety thereof; and, if so authorized by the county board, the county auditor may insure any such building or structure against loss or damage resulting from fire or windstorm, may purchase workers' compensation

DEFINITION OF TERMS

*Forest land.-Land at least 16.7 percent stocked by trees of any size, or formerly having such tree cover, and not currently developed for non-forest use. Includes afforested areas. The minimum forest area classified was 1 acre. Roadside, streamside, and shelterbelt strips of timber must have a crown width of at least 120 feet to qualify as forest land. Unimproved roads and trails, streams, and clearings in forest areas were classed as forest if less than 120 feet wide.

*Commercial forest land.-Forest land that is producing or is capable of producing crops of industrial wood and that is not withdrawn from timber utilization by statute or administrative regulation. This includes areas capable of producing in excess of 20 cubic feet per acre of annual growth. This includes both inaccessible and inoperable areas.

*Noncommercial forest land.-(a) Unproductive--forest land incapable of yielding crops of industrial wood because of adverse site conditions, (b) productive-reserved--forest land withdrawn from commercial timber use through statute or administrative regulation, or exclusively used for Christmas tree production.

Marginal land.-Non-forested lands in land classes VI, VII, and VIII.

Wetland.-All types 3, 4, and 5 wetlands that are 10 or more acres in size in unincorporated areas, or 2.5 or more acres in size in incorporated areas. The wetland types are defined in Circular 39, Wetlands of the United States, 1971 Edition, U.S. Department of Interior.

*Definitions are from the Statewide Forest Inventory.

March 28, 1990

BACKGROUND

Mr. and Mrs. Milton Peterson, Faribault County, applied in 1988 to enroll 13.6 acres into the RIM Reserve Program. Their application (#22-04-88-01) was approved by the BWSR for enrollment. During, or shortly after, the application period the RIM Staff was informed that the site encompassed a legally abandoned township dump site. This was discussed with legal counsel and it was concluded that retirement of this area from annual tillage was wise, therefore, the application was processed. However, while processing the application the Attorney General Representative became more aware of the recent Federal and State Super-Fund actions taken against those owning an interest in lands believed to contain a hazardous waste which resulted in groundwater contamination. If the abandoned dump should leak a hazardous substance the RIM Reserve Program could potentially be liable for up to 100% of the clean up costs. As a result of these findings we gave the landowner the option of doing a study of the area with the assistance of the Pollution Control Agency and the State Department of Agriculture. The landowner has decided not to do the study due to the costs of water sampling.

BWSR RESOLUTION

The Board of Water and Soil Resources hereby directs the BWSR Staff to work with Mr. and Mrs. Milton Peterson to make a reasonable settlement for income lost and expenses relating to RIM Reserve easement application 22-04-88-01. This settlement shall be based on documented evidence. *Proposed settlement to be brought back to the BWSR next month for approval.*

March 20, 1990

TO: BWSR Members

FROM: Jim Birkholz, Executive Director

SUBJECT: Designation of "Responsible Authority"



It has been brought to my attention by the Legislative Auditor that the Board should designate a "Responsible Authority" under the Government Data Practices Act, MRS Ch. 13. Enclosed is pertinent information from the statute. Such designation would assign responsibility to see that the collection, use and dissemination of data by the Board is done in compliance with state law. I am requesting that the Board by resolution appoint me to be the "Responsible Authority" under the government data practices act, MRS Ch. 13.

STATE DEPARTMENTS AND AGENCIES

Administration

CHAPTER 13

GOVERNMENT DATA PRACTICES

- | | |
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| GENERAL REQUIREMENTS | |
| 13.01 | Government data. |
| 13.02 | Collection, security and dissemination of records; definitions. |
| 13.03 | Access to government data. |
| 13.04 | Rights of subjects of data. |
| 13.05 | Duties of responsible authority. |
| 13.06 | Temporary classification. |
| 13.07 | Duties of the commissioner. |
| 13.08 | Civil remedies. |
| 13.09 | Penalties. |
| 13.10 | Data on decedents. |
| DATA MAINTAINED BY STATE AGENCIES AND POLITICAL SUBDIVISIONS | |
| 13.30 | Attorneys. |
| 13.31 | Benefit data. |
| 13.32 | Educational data. |
| 13.33 | Elected officials; correspondence; private data. |
| 13.34 | Examination data. |
| 13.35 | Federal contracts data. |
| 13.36 | Firearms data. |
| 13.37 | General nonpublic data. |
| 13.38 | Health data. |
| 13.39 | Investigative data. |
| 13.40 | Library data. |
| 13.41 | Licensing data. |
| 13.42 | Medical data. |
| 13.43 | Personnel data. |
| 13.44 | Property complaint data. |
| 13.45 | Salary benefit survey data. |
| 13.46 | Welfare data. |
| 13.47 | Employment and training data. |
| DATA MAINTAINED ONLY BY POLITICAL SUBDIVISIONS | |
| 13.50 | Appraisal data. |
| 13.51 | Assessor's data. |
| 13.52 | Deferred assessment data. |
| 13.53 | Foster care data. |
| 13.531 | Farm assistance data. |
| 13.54 | Housing agency data. |
| 13.55 | St. Paul civic center authority data. |
| 13.551 | Classification of Saint Paul port authority data. |
| 13.56 | Sexual assault data. |
| 13.57 | Social recreational data. |
| 13.59 | Redevelopment data. |
| 13.60 | Elected or appointed officials; financial disclosure statements. |
| 13.61 | Insurance trust data; private and nonpublic data. |
| 13.62 | Economic assistance data. |
| DATA MAINTAINED ONLY BY STATE AGENCIES | |
| 13.64 | Department of administration data. |
| 13.641 | Public employees retirement association data. |
| 13.642 | Teachers retirement association data. |
| 13.65 | Attorney general data. |
| 13.66 | Corrections ombudsman data. |
| 13.67 | Employee relations data. |
| 13.68 | Energy and financial data and statistics. |
| 13.69 | Public safety data. |
| 13.691 | Public employees retirement association data. |
| 13.692 | Department of public service data. |
| 13.70 | Revenue department data. |
| 13.71 | Department of commerce data. |
| 13.72 | Transportation department data. |
| 13.74 | Environmental quality data. |
| 13.75 | Bureau of mediation services data. |
| 13.76 | Department of trade and economic development data. |
| 13.761 | Indian affairs council data. |
| 13.77 | Agricultural resource loan board data. |
| 13.771 | Hazardous substance injury compensation board data. |
| 13.78 | Minnesota export authority data. |
| 13.79 | Department of labor and industry data. |
| 13.791 | Rehabilitation data. |
| 13.792 | Minnesota zoological garden data. |
| DATA MAINTAINED BY CRIMINAL JUSTICE AGENCIES | |
| 13.80 | Domestic abuse data. |
| 13.82 | Comprehensive law enforcement data. |
| 13.83 | Medical examiner data. |
| 13.84 | Court services data. |
| 13.85 | Corrections and detention data. |
| 13.86 | Investigative detention data. |
| 13.87 | Criminal history data. |
| 13.88 | Community dispute resolution center data. |
| 13.89 | Dissemination of data to protection and advocacy systems. |
| 13.90 | Government data practices. |

GENERAL REQUIREMENTS

13.01 GOVERNMENT DATA.



Subd. 16. Responsible authority. "Responsible authority" in a state agency or statewide system means the state official designated by law or by the commissioner as the individual responsible for the collection, use and dissemination of any set of data on individuals, government data, or summary data. "Responsible authority" in any political subdivision means the individual designated by the governing body of that political subdivision as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law.

13.05 DUTIES OF RESPONSIBLE AUTHORITY.

Subdivision 1. **Public document of data categories.** The responsible authority shall prepare a public document containing the authority's name, title and address, and a description of each category of record, file, or process relating to private or confidential data on individuals maintained by the authority's state agency, statewide system, or political subdivision. Forms used to collect private and confidential data shall be included in the public document. Beginning August 1, 1977 and annually thereafter, the responsible authority shall update the public document and make any changes necessary to maintain the accuracy of the document. The document shall be available from the responsible authority to the public in accordance with the provisions of sections 13.03 and 15.17.

Subd. 2. **Copies to commissioner.** The commissioner may require responsible authorities to submit copies of the public document required in subdivision 1, and may request additional information relevant to data collection practices, policies and procedures.

Subd. 3. **General standards for collection and storage.** Collection and storage of all data on individuals and the use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.

Subd. 4. **Limitations on collection and use of data.** Private or confidential data on an individual shall not be collected, stored, used, or disseminated by political subdivisions, statewide systems, or state agencies for any purposes other than those stated to the individual at the time of collection in accordance with section 13.04, except as provided in this subdivision.

(a) Data collected prior to August 1, 1975, and which have not been treated as public data, may be used, stored, and disseminated for the purposes for which the data was originally collected or for purposes which are specifically approved by the commissioner as necessary to public health, safety, or welfare.

(b) Private or confidential data may be used and disseminated to individuals or agencies specifically authorized access to that data by state, local, or federal law enacted or promulgated after the collection of the data.

(c) Private or confidential data may be used and disseminated to individuals or agencies subsequent to the collection of the data when the responsible authority maintaining the data has requested approval for a new or different use or dissemination of the data and that request has been specifically approved by the commissioner as necessary to carry out a function assigned by law.

(d) Private data may be used by and disseminated to any person or agency if the individual subject or subjects of the data have given their informed consent. Whether a data subject has given informed consent shall be determined by rules of the commissioner. Informed consent shall not be deemed to have been given by an individual subject of the data by the signing of any statement authorizing any person or agency to disclose information about the individual to an insurer or its authorized representative, unless the statement is:

- (1) in plain language;
- (2) dated;
- (3) specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
- (4) specific as to the nature of the information the subject is authorizing to be disclosed;
- (5) specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
- (6) specific as to the purpose or purposes for which the information may be used by any of the parties named in clause (5), both at the time of the disclosure and at any time in the future;
- (7) specific as to its expiration date which should be within a reasonable period of time, not to exceed one year except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

Subd. 5. **Data protection.** The responsible authority shall (1) establish procedures to assure that all data on individuals is accurate, complete, and current for the purposes for which it was collected; and (2) establish appropriate security safeguards for all records containing data on individuals.

Subd. 6. Contracts. Except as provided in section 13.46, subdivision 5, in any contract between a governmental unit subject to this chapter and any person, when the contract requires that data on individuals be made available to the contracting parties by the governmental unit, that data shall be administered consistent with this chapter. A contracting party shall maintain the data on individuals which it received according to the statutory provisions applicable to the data.

Subd. 7. Preparation of summary data. The use of summary data derived from private or confidential data on individuals under the jurisdiction of one or more responsible authorities is permitted. Unless classified pursuant to section 13.06, another statute, or federal law, summary data is public. The responsible authority shall prepare summary data from private or confidential data on individuals upon the request of any person if the request is in writing and the cost of preparing the summary data is borne by the requesting person. The responsible authority may delegate the power to prepare summary data (1) to the administrative officer responsible for any central repository of summary data; or (2) to a person outside of its agency if the person's purpose is set forth, in writing, and the person agrees not to disclose, and the agency reasonably determines that the access will not compromise private or confidential data on individuals.

Subd. 8. Publication of access procedures. The responsible authority shall prepare a public document setting forth in writing the rights of the data subject pursuant to section 13.04 and the specific procedures in effect in the state agency, statewide system or political subdivision for access by the data subject to public or private data on individuals.

Subd. 9. Intergovernmental access of data. A responsible authority shall allow another responsible authority access to data classified as not public only when the access is authorized or required by statute or federal law. An agency that supplies government data under this subdivision may require the requesting agency to pay the actual cost of supplying the data.

Subd. 10. International dissemination. No state agency or political subdivision shall transfer or disseminate any private or confidential data on individuals to the private international organization known as Interpol, except through the Interpol-United States National Central Bureau, United States Department of Justice.

History: 1974 c 479 s 2; 1975 c 401 s 2; 1976 c 239 s 3; 1976 c 283 s 6,7; 1978 c 790 s 3; 1979 c 328 s 8; 1981 c 311 s 7,39; 1Sp1981 c 4 art 1 s 7; 1982 c 545 s 24; 1984 c 436 s 6-9; 1986 c 444; 1987 c 351 s 3

Letters to MN Congressional Delegation

Date

Honorable_____

Dear Senator or Representative:

I am writing you at the request of the Minnesota Board of Water and Soil Resources to encourage you to support adequate funding and staff assistance for the Soil Conservation Service to implement their responsibilities under the 1985 Food Security Act. In addition discussions are underway on the provisions of the 1990 Farm Bill proposal.

Please do not make the same mistake which was made in 1985 and ask the Soil Conservation Service to do way more than could be expected of the staff and resources of that agency. The result has been that Minnesota's soil and water conservation districts have been forced into contributing over 100 person years of staff time into helping SCS carry out the Food Security Act mandate. Additionally, a large portion of state funds available to SWCD's through the Board of Water and Soil Resources have been directed into efforts which should be funded by USDA. Failure by the State Board and local soil and water conservation districts to make this committment would have resulted in the collapse of the entire cooperative local, state and federal conservation program which we in Minnesota have worked so hard to build over the past 50 years.

Simply put, when you fund ongoing implementation of the 1985 Food Security Act and when you pass a 1990 Farm Bill, do not force state and local governments in Minnesota to drop our state and local priorities to rush to ensure that all farmers get service from and access to USDA programs. To do so is disruptive and takes an undue toll on our state and local conservation programs.

Minnesota state government is a national conservation leader. Minnesota is funding efforts like the Reinvest In Minnesota program, accellerated groundwater protection and comprehensive local water planning. Implementing these programs must be done in cooperation with soil and water conservation districts and the Soil Conservation Service. Please consider adding \$60 million to the SCS national budget for technical assistance and an additional \$35 million for existing water quality initiatives. This funding will ensure that conservation remains a balanced local, state and federal partnership.

Sincerely,

Jim Birkholz
Executive Director

REVISED RECOMMENDATION

EDUCATION & COMMUNICATION ROLE OF THE BWSR

Goal Statement:

The education and communication efforts of the Board of Water and Soil Resources are intended to result in a knowledgeable citizenry and capable local officials by fostering the flow of the best available information on how citizens and local governments can best protect Minnesota's water and soil resources.

I. Rationale and Philosophy

The Board of Water and Soil Resources (BWSR) was charged by the legislature with a clear mandate to provide an information and education program addressing water and soil resources management; that mandate also clearly included local officials as well as the general public. The statutory responsibilities may best be summarized as follows:

- (1) Develop information and education programs designed to increase awareness of water and soil resources problems; and
- (2) Develop information and education programs designed to increase awareness of opportunities for local government involvement in preventing or solving local water and soil resources problems.

The BWSR, being largely an enabling agency for local units of government involved with water and soil resources management, should provide direction and assistance to local governments to accomplish its education and communication goal.

II. Assistance to be Provided

The Ad Hoc Education Committee suggests that the underlying premises of an education and communication program are to:

- (1) provide assistance to local governments to develop their own education and communication program capabilities, and
- (2) create, when necessary, or otherwise assist the development and dissemination of needed education and communication materials and programs.

The BWSR should seek and be expected to provide the information, expertise, resources and regional interagency cooperative contacts to any and all local units of government requesting such assistance. This guidance should allow, individually and

REVISED RECOMMENDATION ON BWSR'S EDUCATION & COMMUNICATION ROLE
PAGE TWO

collectively, for those entities to develop the capabilities to implement and maintain the necessary local level of information and education programming to attain sound water and soil resources management by the public.

Presently, many local governments do not possess all of the resources to conduct effective education and communication programming. Some efforts lack appropriate focus to a desired audience while other efforts may be conveyed through a medium that is ineffective. However, some local governments conduct successful education and communication activities. Their successes should be shared with others. Availability of staff expertise on a regional basis would enable local governments to empower themselves with the capabilities to conduct effective education and communication efforts and to optimize the success of local and regional initiatives and interagency networking.

To this end, the Ad Hoc Education Committee suggests that the BWSR provide the following assistance:

- (a) developing a process to listen to ideas and needs of local governments about what they require to achieve their individual education and communication goals;
- (b) providing, through training and other means, the capability to local entities to carry out their own communications programs (i.e., "how-to" self-help);
- (c) seeking, creating, fostering, and augmenting the opportunities for local entities to share educational materials and programs (i.e., exchange of ideas and advocacy of local successes); and
- (d) assisting the coordination of local education and communication efforts with other state agencies and environmental education efforts.

For the BWSR to truly become capable of "enabling" local units of government to develop education and communication programs, it must first "enable" itself to assist others. The Ad Hoc Education Committee suggests that to provide the assistance to local governments described above may require additional staff.

III. Budget Considerations

The Ad Hoc Education Committee suggests that the BWSR's information and education program -- its communication role -- must be supported by an obvious, ongoing commitment. This commitment must be in terms of identifiable line items of the

REVISED RECOMMENDATION ON BWSR'S EDUCATION & COMMUNICATION ROLE
PAGE THREE

agency's budget and its staffing complement, providing the necessary focus to carry out the agency's statutory responsibilities for information and education.

IV. COMMITTEE RECOMMENDATION TO THE BOARD:

The Ad Hoc Education Committee recommends that the Board direct staff to identify, through involvement of representatives of local governments, the water and soil resource management education and communication needs of local governments. Furthermore, the Ad Hoc Education Committee recommends that the Board direct staff to prepare a DRAFT "statement of need" relating to potential impacts on staffing and funding requests for the upcoming biennium.

PROPOSED CHRONOLOGY FOR WELL SEALING COST-SHARE PROGRAM

Feb 90

- initial survey ($\pm$ 50 counties responding)
- meetings with work group
 - discuss goals of program
 - discuss selecting counties and prioritizing wells

March 90

- accept initial survey through 3/30/90
- prepare application packet and informational materials
- screen initial pool of respondents

April 90

- application packet to counties
packet will include information on:
 - goals of program
 - grant process and details, including:
 - no administrative funds available to counties
 - fraction for statewide eligibility (e.g. 325/75)
 - outline of the process and philosophy
 - chronology
 - requirements (what we expect for money)
 - criteria for selection of pilot counties
 - strength of funding request and preparation to date
 - distribution around state - areas of different hydrogeology and well construction
 - other criteria
 - guidelines for inventorying and prioritizing wells
 - inventory form
 - checklist of priority well characteristics
 - supporting documentation
 - contracting options for counties
- work on grant agreement

June 90

- application deadline 6/1/90
- screening and review by work group, staff
- recommendation to board
 - pilot counties
 - statewide/ wildcard eligibility
- board action??

July 90

- board action
- funding

DRAFT

DRAFT of article for "Water Billboard"

Update on Well-Sealing Cost-Share Grant Program

Program Origin

The Ground Water Protection Act provided for limited state funding to establish a cost-share program to seal abandoned wells. The program will be administered by the Board of Water and Soil Resources with the grant monies for well sealing going to selected counties. The legislation directs the BWSR, in consultation with other agencies, to select counties to participate in this effort. The selected counties may contract for the administration of the well-sealing program with another local government unit, such as a Soil and Water Conservation District or community health services agency. BWSR is also directed to establish priorities for well sealing.

Funding

A total of \$400,000 will be available for cost-share grants during the period July 1990 to June 1991. This will be enough money to seal only a few hundred wells statewide. Because of the limited funding, only a few selected counties will receive funding from the first phase of the program beginning July, 1990. If the legislature continues the funding beyond 1991, additional counties may be added in the future. Beginning July 1991, funds appropriated will be available only to those counties that have identified the sealing of abandoned wells as a priority in their comprehensive local water plans.

There are no administrative funds for counties associated with this grant program. It is expected that all funds will go toward well sealing costs. Cost sharing is limited to 75% of the total cost, not to exceed \$2,000 per well.

Objectives:

- Define a useable methodology for prioritizing wells for sealing. Cost-share funds are used only to seal high priority wells.
- Use most of allocated funds for pilot programs in several selected counties.
- Select pilot counties based on well construction, hydrogeology, aquifer and land use, as well as on the county's planning and inventorying efforts, the ability of the county to administer the program, and the strength of the county's proposal.
- Select pilot counties in different hydrogeologic settings around the state where different well construction practices exist.
- Use a smaller portion of the funds for statewide ("wild card") eligibility -e.g. for counties not selected for the pilot program but with a number of high priority wells identified

Progress

- An interagency work group was assembled with representation from BWSR, DNR, MPCA, MDH, and counties.
- Several meetings were held with the work group to develop a procedure for selecting pilot counties and prioritizing wells for abandonment.
- Local water planning authorities were asked to provide input.
- An initial survey was sent to counties to determine interest in the program, identify contacts, and determine the extent of inventory activities at the local level. The results showed broad interest in the program, but that in most cases, inventories of abandoned wells were either non-existent, planned, or just starting.
- BWSR has decided not to accept applications from individual landowners for the first year of the program. Under this option, individuals could have applied directly to BWSR for 100% of the costs of well sealing, to be recovered by government services lien or property tax assessments. It was felt that with the limited funds available, this option would severely detract from the county cost-share program.
- A procedure for selecting pilot counties has been outlined.

tentative

Selecting Pilot Counties

In early April, after screening the initial pool of respondents, an application packet will be sent to county contacts. The packet will contain information on the goals of the program, details of the grant process, criteria for selection of pilot counties, guidelines for inventorying and prioritizing wells, and contracting options. Counties will be given until June 1 to supply additional information and to "state their case", if desired. In early June the pool of applicants will be screened by BWSR staff and the interagency work group. Recommendations will then be made to the board for funding for pilot counties and for "wild card" eligibility. It is hoped that grants will be made soon after funds become available in July.

Pilot County Options

Pilot counties will be given substantial flexibility to tailor the program to local needs. For example, counties will be able to vary the cost-share percentages (up to the maximum). The only expectation is that funds be used to seal priority wells according to state code. The most efficient option may be for counties to develop a "package" contract with one or several water well contractors for the well sealing work.

Questions regarding this program can be addressed to Eric Mohring BWSR, (612) 297-7360.

Date: March 20, 1990

To: Board members

From: Eric Mohring

Subject: Well sealing cost share - "individual option"

As you are aware, the Ground Water protection act provided for two options for well sealing cost-share. The first is the county cost-share program which we have been developing. Under the second or "individual" option, the Board may accept applications from individual landowners. If the applications are accepted, the Board must pay 100% of well sealing costs which then become a government services lien. Staff is recommending that the Board not accept applications this biennium under the individual option for the following reasons:

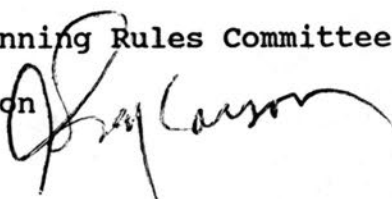
- The amount of funds allocated for well sealing is small (\$400,000 statewide). This is barely enough to set up a workable county cost-share program in selected counties. Expectations of our clientele are high and are best served by a focused program.
- In order to administer the individual option, a substantial portion of the \$400,000, perhaps as much as 1/2, would have to be set aside as seed money to pay for abandonment costs.
- The legal and administrative aspects of government services liens are extremely complex, and would take a considerable amount of time to resolve.
- Acceptance of individual applications from around the state would encourage a piecemeal approach rather than a focused effort on priority wells and areas.

If funding increases in subsequent biennia, it may then be appropriate to offer the individual landowner option.

Staff requests your action on this item.



March 8, 1990

To : Water Planning Rules Committee
From : Greg Larson 
Re. : Draft #4

Southbridge Office Building
155 South Wabasha St., Suite 104
St. Paul, Minnesota 55107

(612) 296-3767
Fax (612) 297-5615

Regional Offices

Northwest Region
1106 Paul Bunyan Drive, NE
Bemidji, MN 56601
218-755-3963

Northeast Region
394 South Lake Avenue
Room 402
Duluth, MN 55802
218-723-4752

West Central Region
503 Washington Street
Brainerd, MN 56401
218-828-2604

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
Southbridge Office Building
155 South Wabasha Ave., Suite 104
St. Paul, MN 55107
612-296-3767

I have enclosed the fourth draft of the rule. This version includes your comments from the last meeting and those received by mail. At their February meeting, the BWSR approved a staff recommendation to promulgate a separate rule for implementing metropolitan 473.878 ("509") and 473.8785 (groundwater) plans. Consequently, this draft addresses 110B plans (development and implementation); 112.46 plans (implementation); and 473.8785 plans (development). Most of the changes from draft #3 to draft #4 involve the deleting of metropolitan language. Other noteworthy changes are as follow:

page 2, lines 8-10 directs the board to consider certain factors for base grants

page 2, lines 18-20 defines "new federal funds"

page 7, I. was deleted because it was redundant with other above listed criteria

page 9, line 17 "advisory" was added to clarify the role of the review team

page 11, line 7-8 an additional criterion was added

page 13, line 7 the annual report date was changed to January 31st

I have scheduled what hopefully will be the last meeting on March 21st from 1:00 to 4:00 in conference room A, Minnesota Department of Agriculture. It is my intention to take that meetings product to the BWSR for acceptance on March 28th. Following their action, I will then write the Statement of Need and Reasonableness and initiate the formal rulemaking process.

If you cannot attend that meeting, I urge you to send comments as soon as possible. Your participation has been appreciated.

MARCH 1, 1990

**DRAFT RULES RELATING TO
LOCAL WATER RESOURCES PROTECTION AND MANAGEMENT**

0000.0100	Purpose
0000.0110	Definitions
0000.0120	Available Assistance
0000.0130	Eligibility Criteria
0000.0140	Notice of Grant Availability
0000.0150	Grant Application
0000.0160	Denial of Grant Applications
0000.0170	Allocation of Funding
0000.0180	Ranking of Applications
0000.0190	Selection of Grantees
0000.0200	Grant Conditions
0000.0210	Grant Contract
0000.0220	Grant Payments
0000.0230	Grant Termination

DRAFT RULES RELATING TO LOCAL WATER RESOURCES PROTECTION AND MANAGEMENT

0000.0100 PURPOSE

This chapter provides for the administration of the state local water resources protection and management grant program. Parts 0000.0100 to 0000.0230 implement this program by establishing the substantive criteria and procedural conditions under which the board may award state matching grants for the development and implementation of a comprehensive local water plan.

0000.0110 DEFINITIONS

Subpart 1. Scope. The definitions in this part and in Minnesota Statutes, section 103B.3363 apply to parts 0000.0100 to 0000.0230. If terms defined in this part conflict with the definitions in Minnesota Statutes, sections 110B, 112, and 473 and the rules adopted under those chapters, the definitions in this part govern.

Subp. 1. Board. "Board" means the board of water and soil resources.

Subp. 2 Comprehensive Local Water Plan. "Comprehensive Local Water plan" or "plan" means a county water plan authorized under section 110B.04, a watershed overall plan required under section 112.46, or a county groundwater plan authorized under section 473.8785.

Subp. 3 Local Share. "Local Share" means the contributions of a local unit of government to the eligible cost of a program including the value of cash expenditures and in-kind contributions of labor, equipment, material and real property used for and expended on eligible program activities. State funds are not eligible for use as local share.

2 Subp. 4 Local Unit of Government. "Local Unit of Government" means a statutory or home
3 rule charter city, town, county, or soil and water conservation district, watershed district, an
4 organization formed for the joint exercise of powers under section 471.59, a local health board,
5 or other special purpose district or authority with local jurisdiction in water and related land
6 resources management.

7 Subp. 5 Official Controls. "Official Controls" means ordinances and regulations that
8 control the physical development of the whole or part of a local unit of government, protect
9 public health, or that implement the general objectives of the local unit of government.

10 Subp. 6 Program. "Program" means a water-related program.

11 Subp. 7 Related Land Resources. "Related Land Resources" means land affected by
12 present or projected management practices that have significant effects on the quantity and
13 quality, or use of groundwater or surface water.

14 0000.0120 AVAILABLE ASSISTANCE

15 Subpart 1. Grants. The board may award grants to counties only to carry out water
16 resource protection and management programs identified as priorities in comprehensive local
17 water plans. Grants may be used to employ persons and to obtain and use information necessary
18 to: (1) Develop section 110B.04 or section 473.8785 plans that have not received funding for
19 water resources planning as provided for in Laws 1987, Chapter 404, section 30, subdivision 5,
20 clause (a). Plan development grants shall not exceed a maximum of \$15,300 for section 110B.04
21 plans and \$15,600 for section 473.8785 plans.

(2) Implement section 110B.04 or section 112.46 plans. Plan implementation grants consist of two types: base grants and challenge grants.

(a) Base grants are non-competitive and are available to any county with an approved section 110B.04 or section 112.46 plan. The purpose of base grants is to encourage plan maintenance and implementation. Related activities include, but are not limited to, supporting water plan coordination and enforcement of official controls. Base grants shall not exceed \$20,000 per year. In determining the amount of a base grant, the board must assess the progress of the county in implementing a section 110B.04 or section 112.46 plan. Further, the board may consider criteria such as, but not limited to, population and size of the county.

(b) Challenge grants are competitive and are available to any county with an approved section 110B.04 or section 112.46 plan. The purpose of challenge grants is to encourage implementation of priority actions in a section 110B.04 or section 112.46 plan. Related activities include, but are not limited to, establishment of monitoring programs, development of official controls, assessments of resources, and acquisition of geographic information systems.

Subp. 2 Local Match. All grants must be matched in their entirety with a local share.

(1) For plan development and implementation base grants, up to 50 percent of the local share may consist of new federal funds. New federal funds means a level of federal funding in excess of that which existed in the county prior to the application for plan development or implementation base grants.

(2) For implementation challenge grants, federal funds are not eligible as local share and 50 percent of the local match must consist of cash or in-kind contributions representing new

expenditures in excess of that which existed prior to the application for a challenge grant. This requirement of new expenditures apply only if a county is authorized to exceed tax levy limits.

Subp. 3. Priority. All grants must be awarded, within the limits of available appropriations, to those applicants having the highest priority.

Subp. 4. Technical Assistance. The board may provide technical assistance to counties who are considering application in order to ensure timely, accurate, and comprehensive applications. Technical assistance must be given to counties that receive grants, within the limits of available resources.

0000.0130 ELIGIBILITY CRITERIA

Subpart 1. Eligible Applicants. Only counties are eligible to apply for grants. A county must coordinate and submit requests on behalf of other local units of government within its jurisdiction.

Subp. 2. Eligible Costs. Plan costs are eligible for state matching grants if the expenditures are reasonable and necessary for developing a comprehensive local water plan as described in part 0000.0120, subpart 1 (1) or implementing an approved comprehensive local water plan as described in part 0000.0120 subpart 1 (2).

Subp. 3. Ineligible Costs. Ineligible costs include any costs that are not related to the activities in subpart 2. In addition, the following costs are ineligible whether or not they relate to the activities in subpart 2:

- A. Expenditures or in-kind contributions incurred prior to the grant award; or
- B. Activities that violate local, state, and federal statutes, rules and regulations.

0000.0140 NOTICE OF GRANT AVAILABILITY

Subpart 1. Notice. The board will publish in the State Register a notice that applications for plan development grants and plan implementation grants will be accepted whenever the board determines that funds are available to award such grants. The notice will contain a deadline for application submittal, which must be no less than 90 days from the date of publication.

Subp. 2. Notification. The board shall notify all counties of grant application periods. Any other local unit of government that wishes to be notified shall contact the board by writing to the executive director.

Whenever the board publishes notice in the State Register, the board shall mail notice of the grant application period to those local units of government who have requested to be notified.

Subp. 3. Grant application periods. The board may establish a grant application period from time to time but there must be at least one application period each fiscal year if funds are available.

0000.0150 GRANT APPLICATION

Subpart 1. General requirements. The grant application shall be submitted by a county. A county must coordinate and submit requests on behalf of other local units of government within its jurisdiction. A grant application must be submitted by the deadline to be considered. The grant application must be submitted in a format provided by the board and must contain the information required by this part.

Subp. 2. Plan development grant. Any county submitting an application for a plan development grant must submit the following information:

- A. A resolution committing the county to develop a local water plan in accordance with section 110B and Minnesota Rules Ch. 9300, or section 473.8785;
- B. A resolution by the county authorizing signing of the grant contract and other related documents; and
- C. A budget detailing expenses associated with developing a section 110B or section 473.8785 plan.

Subp. 3. Sequence of implementation grants.

- A. Before a county can submit an application for a plan implementation grant, the county must have an approved section 110B.04 or section 112.46 plan; and
- B. Although base and challenge grants may be applied for at the same time, separate applications must be used.

Subp. 4. Plan implementation base grant. Any county submitting an application for a plan implementation base grant must submit the following information:

- A. A resolution by the county authorizing the signing of the grant contract and other related documents;
- B. A detailed work plan and schedule for program implementation during the grant period;
- C. A detailed budget for the grant period including the identification of the amount requested in the grant;
- D. A list identifying the amount, type, and source of the local share, including new federal funds, if any;

E. A statement describing the relationship of the grant request to priority implementation items in the section 110B.04 or section 112.46 plan; and

F. A statement describing how cooperation will be secured with adjacent counties and, water management organizations, if applicable.

Subp. 5. Plan implementation challenge grant. Any county submitting an application for a plan implementation challenge grant must submit the following information:

A. A resolution by the county authorizing the signing of the grant contract and other related documents;

B. A detailed work plan and schedule for program implementation during the grant period;

C. A detailed budget for the grant period including the identification of the amount requested in the grant;

D. A list identifying the amount, type, and source of the local share;

E. A statement describing the relationship of the grant request to priority implementation items in the section 110B.04 or section 112.46 plan;

F. A statement describing how cooperation will be secured with adjacent counties and, water management organizations, if applicable;

G. A statement indicating local support and interagency coordination; and

H. A description of how the challenge grant complements the base grant.

0000.0160 DENIAL OF GRANT APPLICATIONS

Subpart 1. Grounds. An application for a plan development grant or a plan implementation grant shall be denied by the board for the following reasons:

- A. An ineligible applicant;
- B. The proposed expenditures are ineligible; or
- C. A late submittal.

Subp. 2. Procedure. The board shall review each grant application within 30 days after the deadline for application submittal. The board shall notify each denied grant applicant of the denial of its application and the reasons for the denial within 14 days after the determination.

Subp. 3. Effect of denial. A grant applicant whose application is denied must reapply in a subsequent application period in order to be considered for a grant.

0000.0170 ALLOCATION OF FUNDING

Subpart 1. Grant fund allocation. Within 60 days of the close of an application period, the board shall determine the funding to be made available for grant awards. In deciding how much money to make available for new grant awards, the board shall consider the necessity to have money available for subsequent grant periods, the necessity to have money available for anticipated grant amendments in the next year, and other factors relating to the ability to ensure that money will be available for upcoming applications.

Subp. 2. Development; base; challenge grant split. Within the time period in part 1., the board shall determine how much of the funds available for new grants in that application period

2 will be available for plan development, implementation base, and implementation challenge grants.
3 In determining the allocation of funds between plan development, base, and challenge grants, the
4 board shall give priority to development of section 110B.04 and section 473.8785 plans.

5 If the money intended for plan development or base or challenge grants, or all, is not
6 awarded during a grant period, the board may reallocate the funds to one of the other type of
7 grants or to a subsequent grant period.

8 0000.0180 RANKING OF APPLICATIONS

9 Subpart 1. Process of ranking. Upon completion of the review of the grant applications
10 for acceptability, and determination of available funds, the board shall proceed to: (a) fund all
11 acceptable plan development and base grant requests as provided in part 0000.0120, subpart 1
12 (1) and (2)(a); and (b) rank in order of priority all acceptable challenge grant applications. Each
13 challenge grant request for which an acceptable grant application has been submitted must be
14 awarded the number of priority points the request is entitled to under subparts 3 and 4. The
15 requests with the highest number of priority points will be given the highest priority. All requests
16 will be given a ranking depending on the number of points awarded.

17 Subp. 2. Review team. Prior to ranking applications, the board shall establish an advisory
18 review team to evaluate requests. The review team, chaired by the board, shall consist of the
19 following agencies or organizations: Association of Metropolitan Municipalities, Association of
20 Minnesota Counties, Minnesota Departments of Agriculture, Health, Natural Resources, League
21 of Minnesota Cities, Metropolitan Intercounty Association, Minnesota Association of Conservation
22 District Employees, Minnesota Association of County Planning and Zoning Administrators,

2 Minnesota Association of Soil and Water Conservation Districts, Minnesota Association of
3 Townships, Minnesota Association of Watershed Districts, Metropolitan Council, Minnesota
4 Extension Service, Minnesota Geological Survey, Minnesota Pollution Control Agency, State
5 Planning Agency and others as the board may determine.

6 Subp. 3. Priority points for challenge grant applications. The following criteria must be
7 used to determine the number of priority points to be awarded in the evaluation of each challenge
8 grant application. The review team, acting as a committee, shall award each request between zero
9 and ten points under each of the following criteria, depending on how well the application
10 satisfies the criterion. The number of points under each criterion must be added together to
11 determine the application's total point value. This total number must be used to determine the
12 application's overall ranking and priority. The criteria are as follows:

- 13 A. The extent to which the request is consistent with priorities described in the applicant's
14 section 110B.04 or section 112.46 plan;
- 15 B. The extent to which the request demonstrates a high potential for success based on
16 local support and involvement as well as participation, coordination and cooperation
17 of federal, state and local agencies and units of government;
- 18 C. The extent to which the request demonstrates regional cooperation;
- 19 D. The extent to which the request expresses long-term commitment to effective water
20 protection and management;
- 21 E. The extent to which the request employs methods which provide a technically and
22 economically feasible means to protect and manage water and related land resources;

F. The extent to which the request complements efforts of federal, state, and local units of government; and

G. The extent to which the request supports efforts of local units of government to adopt, administer, and enforce official controls to protect and manage water and related land resources; and

H. The extent to which the proposal, when completed, is transferable to other counties in the state.

Subp. 4. Other considerations. In assigning points, the review team must consider the regional variations that exist in program needs and priorities. Further, the uniqueness or ability of existing state delegated or mandated programs to successfully protect or manage water and related land resources must also be considered.

0000.0190 SELECTION OF GRANTEEES

Subpart 1. Ranking. The review team shall complete its ranking of all applications for challenge grants for which an acceptable grant application has been submitted and forward the recommendation to the board within 60 days of the close of the application period.

Subp. 2. Projects funded. The board shall select those applicants that will be awarded grant funds by awarding grants to the highest priority challenge grant requests within the limits of available funds established under 0000.0170 subpart 2.

Subp. 3. Board decision. All decisions of the board in ranking applications and awarding grants must be made at a regular or special board meeting.

2 Subp. 4. Timing. The board shall make its decision on fund availability, and selection of
3 grantees within 60 days of the close of the application period. The board
4 shall notify all applicants of the status of their application within 14 days after the selection of
5 grantees.

6 Subp. 5. Reapplication. A grant applicant whose application is not awarded grant funds
7 must reapply in a subsequent application period to be reconsidered for a grant.

8 0000.0200 GRANT CONDITIONS

9 Subpart 1. Amount. A grant that is made must be for the amount requested by the
10 applicant, up to a maximum in accordance with part 0000.0120 subpart 1 and subpart 1(2).

11 Subp. 2. Grant period. The grant period for a plan development grant shall be for a period
12 of two years. The grant period for an implementation base grant shall be for a period of one year.
13 The grant period for an implementation challenge grant shall be for a period of two years and
14 may be extended an additional one year with prior board approval.

15 Subp. 3. Grant contract. The county must enter into a contract with the board before a
16 grant will be awarded. The contract must include the provisions established in Part 0000.0210.

17 Subp. 4. Records. The county, or delegated local unit of government, shall maintain all
18 records relating to the receipt and expenditure of grant funds for a period of six years from the
19 date of termination of the grant contract.

20 Subp. 5. Audit. The county, or delegated local unit of government, must agree that the
21 books, records, documents and accounting procedures and practices of the county, relevant to this
22 program may be examined at any time by the board or board's designee. It is the responsibility

of the county or delegated local unit of government implementing a grant to provide for an audit that meets the standards of the Office of State Auditor. The audit must cover the duration of a grant and be performed within one year after the end of a grant period or when routinely audited, whichever occurs first. Copies of the audit must be provided to the county and the board.

Subp. 6. Annual progress report. The county, or delegated local unit of government, shall submit an annual progress report to the board by January 31st of each year the grant is in effect. The report must include the following information:

- A. A discussion of progress relative to the application and schedule, and difficulties encountered meeting the schedule during the year;
- B. A discussion of the program results appropriate to the work conducted during the year; and
- C. A report of expenditures in the year and those anticipated during the upcoming year.

Subp. 7. Eligible costs. No grant funds shall be used to reimburse the county, or delegated local unit of government, for costs incurred prior to or after the end of the contract period.

0000.0210 GRANT CONTRACT

Subpart 1. Contents. The board and the county shall enter into a grant contract. The grant contract must:

- A. Establish the term and conditions of the grant;
- B. Provide that the county may contract with others, including appropriate local units of government under the terms and conditions specified by the county, to complete the work specified in the contract;
- C. Provide that the cost overruns are the sole responsibility of the county;

D. Require that a county is responsible for ensuring that state funds are properly expended even if the work specified in the grant contract is performed by a local unit of government acting on behalf of the county;

E. Require that that county submit an annual progress report; and

F. Incorporate terms and conditions required by federal or state statutes, rules and regulations.

Subp. 2. Amendments. A grant contract may be amended upon agreement of the board and the county.

Subp. 3. Contract period. Grant contracts shall be for a duration as specified in part 0000.0200, subpart 2.

0000.0220 GRANT PAYMENTS

Subpart 1. Payment. The board shall transfer to the county the total amount of the grant promptly after the grant contract is executed as to encumbrance by the Commissioner of Finance.

Subpart 2. Unencumbered funds. Any grant funds unencumbered or becoming unencumbered after the end of the contract period shall be returned to the board within two months of that date.

0000.0230 GRANT TERMINATION

Subpart 1. Board action. The board may rescind a grant for "just cause". "Just cause" shall mean that the county, or a delegated local unit of government, is not disbursing grant funds in accordance with established board and State procedures or has otherwise breached a term of the contract. In the event of such cancellation, the county shall have fourteen (14) days' prior written notice. The county shall have until the date of cancellation to "demonstrate" why the contract

1 MARCH 1, 1990

4TH DRAFT

2 should not be cancelled. If it is determined by the board that the county's default was beyond its
3 control or it was not otherwise in default, the contract shall not be cancelled. The county may
4 cancel this contract with or without cause. In the event of such cancellation by the board or
5 county, all unencumbered funds or grant funds becoming unencumbered shall be returned
6 promptly to the board.

7 Subp. 2. Agency action. At the request of a state agency commissioner, the board shall
8 rescind the portion of a grant used to support a program not in compliance.

March 28, 1990

DIFFERENCES BETWEEN DRAFTS 4 AND 6

Reading from draft #6-

General comments: 110B.04 plans, 112.46, and 473.8785 plans are now called a local water plan, watershed overall plan, and county groundwater plan, respectively

pg 1, line 20: federal funds are not eligible as local match

pg 3, line 16: clarifies that more than one challenge grant may be submitted

pg 5, line 6 : the application notice also includes the amount of available funding

pg 7, line 10: challenge grant applications must include an executive summary

pg 7, line 22: challenge grant applications must also indicate if partial funding would be acceptable

pg 8, line 7 : another criteria is added to plan eligibility criteria

pg 8, line 17: the time for the board to determine funding for each type of grant is shortened to 30 days

pg10, subp.3 : a number of changes were made-

- the board must provide background information to the review team
- criteria a, b, and h (draft 4) were deleted; c and e were rewritten

pg11, line 17: the review time is granted an additional 30 days

pg12, line 2 : because of the extra time allowed for other parts of the process, the board's decision is not due until 120 days after the application period

MARCH 26, 1990

**DRAFT RULES RELATING TO
LOCAL WATER RESOURCES PROTECTION AND MANAGEMENT**

0000.0100	Purpose
0000.0110	Definitions
0000.0120	Available Assistance
0000.0130	Eligibility Criteria
0000.0140	Notice of Grant Availability
0000.0150	Grant Application
0000.0160	Denial of Grant Applications
0000.0170	Allocation of Funding
0000.0180	Ranking of Applications
0000.0190	Selection of Grantees
0000.0200	Grant Conditions
0000.0210	Grant Contract
0000.0220	Grant Payments
0000.0230	Grant Termination

DRAFT RULES RELATING TO LOCAL WATER RESOURCES PROTECTION AND MANAGEMENT

0000.0100 PURPOSE

This chapter provides for the administration of the state local water resources protection and management grant program. Parts 0000.0100 to 0000.0230 implement this program by establishing the substantive criteria and procedural conditions under which the board may award state matching grants for the development and implementation of a comprehensive local water plan.

0000.0110 DEFINITIONS

Subpart 1. Scope. The definitions in this part and in Minnesota Statutes, section 103B.3363 apply to parts 0000.0100 to 0000.0230. If terms defined in this part conflict with the definitions in Minnesota Statutes, sections 110B, 112, and 473 and the rules adopted under those chapters, the definitions in this part govern.

Subp. 1. Board. "Board" means the board of water and soil resources.

Subp. 2 Comprehensive Local Water Plan. "Comprehensive Local Water plan" or "plan" means a local water plan authorized under Minnesota Statutes, section 110B.04, a watershed overall plan required under Minnesota Statutes, section 112.46, or a county groundwater plan authorized under Minnesota Statutes, section 473.8785.

Subp. 3 Local Share. "Local Share" means the contributions of a local unit of government to the eligible cost of a program including the value of cash expenditures and in-kind contributions of labor, equipment, material and real property used for and expended on eligible program activities. State ~~and federal~~ funds are not eligible for use as local share.

1 MARCH 26, 1990

6TH DRAFT

2 Subp. 4 Local Unit of Government. "Local Unit of Government" means a statutory or home
3 rule charter city, town, county, or soil and water conservation district, watershed district, an
4 organization formed for the joint exercise of powers under Minnesota Statutes, section 471.59,
5 a local health board, or other special purpose district or authority with local jurisdiction in water
6 and related land resources management.

7 Subp. 5 Official Controls. "Official Controls" means ordinances and regulations that
8 control the physical development of the whole or part of a local unit of government, protect
9 public health, or that implement the general objectives of the local unit of government.

10 Subp. 6 Program. "Program" means a water-related program.

11 Subp. 7 Related Land Resources. "Related Land Resources" means land affected by
12 present or projected management practices that have significant effects on the quantity and
13 quality, or use of groundwater or surface water.

14 0000.0120 AVAILABLE ASSISTANCE

15 Subpart 1. Grants. The board may award grants to counties to develop a local water plan
16 or county groundwater plan or carry out water resource protection and management programs
17 identified as priorities in comprehensive local water plans. Grants may be used to employ persons
18 and to obtain and use information necessary to: (1) Develop a local water plan or county
19 groundwater plan that have not received funding as provided in Laws 1987, Chapter 404, section
20 30, subdivision 5, clause (a). Development grants shall not exceed a maximum of \$15,300 for
21 a local water plan and \$15,600 for a county groundwater plan.

(2) Implement a local water plan or watershed overall plan. Plan implementation grants consist of two types: base grants and challenge grants.

(a) Base grants are non-competitive and are available to any county with an approved local water plan or watershed overall plan. The purpose of base grants is to encourage plan maintenance and implementation. Related activities include, but are not limited to, supporting water plan coordination and enforcement of official controls. Base grants shall not exceed \$20,000 per year.

Not less than \$15,000
In determining the amount of a base grant, the board must assess the progress of the county in implementing a local water plan or watershed overall plan. ~~Further, the board may consider criteria such as, but not limited to, population and size of the county.~~

(b) Challenge grants are competitive and are available to any county with an approved local water plan or watershed overall plan. The purpose of challenge grants is to encourage implementation of priority actions in a local water plan or watershed overall plan. Related activities include, but are not limited to, establishment of monitoring programs, development of official controls, assessments of resources, and acquisition of geographic information systems. A county may submit more than one challenge grant application.

Subp. 2 Local Match. All grants must be matched in their entirety with a local share. For implementation challenge grants, 50 percent of the local match must consist of cash or in-kind contributions representing new expenditures in excess of that which existed prior to the application for a challenge grant. This requirement of new expenditures apply only if a county is authorized to exceed tax levy limits.

Subp. 3. Priority. All grants must be awarded, within the limits of available appropriations, to those applicants having the highest priority.

2 Subp. 4. **Technical Assistance.** The board may provide technical assistance to counties who
3 are considering application in order to ensure timely, accurate, and comprehensive applications.
4 The board will provide technical assistance, within the limits of available resources to counties
5 that receive grants, to assist in developing or implementing a comprehensive local water plan.

6 **0000.0130 ELIGIBILITY CRITERIA**

7 Subpart 1. **Eligible Applicants.** Only counties are eligible to apply for grants. A county must
8 coordinate and submit requests on behalf of other local units of government within its
9 jurisdiction.

10 Subp. 2. **Eligible Costs.** Plan costs are eligible for state matching grants if the expenditures
11 are reasonable and necessary for developing a comprehensive local water plan as described in part
12 0000.0120, subpart 1 (1) or implementing an approved comprehensive local water plan as
13 described in part 0000.0120 subpart 1 (2).

14 Subp. 3. **Ineligible Costs.** Ineligible costs include any costs that are not related to the
15 activities in subpart 2. In addition, the following costs are ineligible whether or not they relate
16 to the activities in subpart 2:

17 A. Expenditures or in-kind contributions incurred prior to the grant encumbrance; or

18 B. Activities that violate local, state, and federal statutes, rules and regulations.

0000.0140 NOTICE OF GRANT AVAILABILITY

Subpart 1. Notice. The board will publish in the State Register a notice that applications for plan development grants and plan implementation grants will be accepted whenever the board determines that funds are available to award such grants. The notice will include the amount of available funding and contain a deadline for application submittal, which must be no less than 90 calendar days from the date of publication. *except for FY91*

Subp. 2. Notification. The board shall notify all counties of grant application periods. Any other local unit of government that wishes to be notified shall contact the board by writing to the executive director.

Whenever the board publishes notice in the State Register, the board shall mail notice of the grant application period to those local units of government who have requested to be notified.

Subp. 3. Grant application periods. The board may establish a grant application period from time to time but there must be at least one application period each fiscal year if funds are available.

0000.0150 GRANT APPLICATION

Subpart 1. General requirements. The grant application shall be submitted by a county. A county must coordinate and submit requests on behalf of other local units of government within its jurisdiction. A grant application must be submitted by the deadline to be considered. The grant application must be submitted in a format provided by the board and must contain the information required by this part.

Subp. 2. Plan development grant. Any county submitting an application for a plan development grant must submit the following information:

A. A resolution committing the county to develop a local water plan in accordance with section 110B and Minnesota Rules, Chapter 9300, or Minnesota Statutes, section 473.8785;

B. A resolution by the county authorizing signing of the grant contract and other related documents; and

C. A budget detailing expenses associated with developing a local water plan or county groundwater plan.

Subp. 3. Sequence of implementation grants.

A. Before a county can submit an application for a plan implementation grant, the county must have an approved local water plan or watershed overall plan; and

B. Although base and challenge grants may be applied for at the same time, separate applications must be used.

Subp. 4. Plan implementation base grant. Any county submitting an application for a plan implementation base grant must submit the following information:

A. A resolution by the county authorizing the signing of the grant contract and other related documents;

B. A detailed work plan and schedule for program implementation during the grant period;

C. A detailed budget for the grant period including the identification of the amount requested in the grant;

D. A list identifying the amount, type, and source of the local share;

- E. A statement describing the relationship of the grant request to priority implementation items in the local water plan or watershed overall plan; and
- F. A statement describing how cooperation will be secured with adjacent counties and, water management organizations, if applicable.

Subp. 5. **Plan implementation challenge grant.** Any county submitting an application for a plan implementation challenge grant must submit the following information:

- A. A resolution by the county authorizing the signing of the grant contract and other related documents;
- B. An executive summary of the application;
- C. A detailed work plan and schedule for program implementation during the grant period;
- D. A detailed budget for the grant period including the identification of the amount requested in the grant;
- E. A list identifying the amount, type, and source of the local share;
- F. A statement describing the relationship of the grant request to priority implementation items in the local water plan or watershed overall plan;
- G. A statement describing how cooperation will be secured with adjacent counties and, water management organizations, if applicable;
- H. A statement indicating local support and interagency coordination;
- I. A description of how the challenge grant complements the base grant; and
- J. A statement indicating if partial funding could be accepted. If partial funding is acceptable, applicable components must be listed in order of funding priority.

0000.0160 DENIAL OF GRANT APPLICATIONS

Subpart 1. **Grounds.** An application for a plan development grant or a plan implementation grant shall be denied by the board for the following reasons:

- A. An ineligible applicant;
- B. The proposed expenditures are ineligible;
- C. The request is not consistent with priorities described in the applicant's local water plan or watershed overall plan; or
- D. A late submittal.

Subp. 2. **Procedure.** The board shall review each grant application within 30 calendar days after the deadline for application submittal. The board shall notify each denied grant applicant of the denial of its application and the reasons for the denial within 14 calendar days after the determination.

Subp. 3. **Effect of denial.** A grant applicant whose application is denied must reapply in a subsequent application period in order to be considered for a grant.

0000.0170 ALLOCATION OF FUNDING

Subpart 1. **Grant fund allocation.** Within 30 calendar days of the close of an application period, the board shall determine the amount of funding to be made available for each type of grant. In deciding how much money to make available for new grant awards, the board shall consider the necessity to have money available for subsequent grant periods, the necessity to have money available for anticipated grant amendments in the next year, and other factors relating to the ability to ensure that money will be available for upcoming applications.

2 Subp. 2. Development; base; challenge grant split. Within the time period in subpart 1.,
3 the board shall determine how much of the funds available for new grants in that application
4 period will be available for plan development, implementation base, and implementation challenge
5 grants. In determining the allocation of funds between plan development, base, and challenge
6 grants, the board shall give priority to development of a local water plan and county groundwater
7 plan.

8 If the money intended for plan development or base or challenge grants, or all, is not
9 awarded during a grant period, the board may reallocate the funds to one of the other type of
10 grants or to a subsequent grant period.

11 0000.0180 RANKING OF APPLICATIONS

12 Subpart 1. Process of ranking. Upon completion of the review of the grant applications
13 for acceptability, and determination of available funds, the board shall proceed to: (a) fund all
14 acceptable plan development and base grant requests as provided in part 0000.0120, subpart 1;
15 and (b) rank in order of priority all acceptable challenge grant applications. Each challenge grant
16 request for which an acceptable grant application has been submitted must be awarded the
17 number of priority points the request is entitled to under subparts 3 and 4. The requests with the
18 highest number of priority points will be given the highest priority. All requests will be given a
19 ranking depending on the number of points awarded.

20 Subp. 2. Review team. Prior to ranking applications, the board shall establish an advisory
21 review team to evaluate requests. The review team, chaired by the board, shall consist of the

a board member must be on review team

2 following agencies or organizations: Association of Minnesota Counties, Minnesota Departments
3 of Agriculture, Health, Natural Resources, League of Minnesota Cities, Minnesota Association of
4 Conservation District Employees, Minnesota Association of County Planning and Zoning
5 Administrators, Minnesota Association of Soil and Water Conservation Districts, Minnesota
6 Association of Townships, Minnesota Association of Watershed Districts, Minnesota Extension
7 Service, Minnesota Geological Survey, Minnesota Pollution Control Agency, State Planning Agency
8 and others as the board may determine.

9 Subp. 3. **Priority points for challenge grant applications.** The following criteria must be
10 used to determine the number of priority points to be awarded in the evaluation of each challenge
11 grant application. To expedite the review process, the board is responsible for providing
12 background information and summaries of the applications to the review team. The review team,
13 acting as a committee, shall award each application between zero and ten points under each of
14 the following criteria, depending on how well the application satisfies the criterion. The number
15 of points under each criterion must be added together to determine the application's total point
16 value. This total number must be used to determine the application's overall ranking and priority.
17 The criteria are as follows:

- 18 A. The extent to which the proposal demonstrates participation of several local units of
19 government, including multicounty efforts;
- 20 B. The extent to which the request expresses long-term commitment to effective water
21 protection and management;

C. The extent to which the request employs local programs and approaches that provide a reasonable and effective means to protect and manage water and related land resources;

D. The extent to which the request complements efforts of federal, state, and local units of government; and

E. The extent to which the request supports efforts of local units of government to adopt, administer, and enforce official controls to protect and manage water and related land resources.

Subp. 4. **Other considerations.** In assigning points, the review team must consider the regional variations that exist in program needs and priorities. ~~Further, the uniqueness or ability of existing state delegated or mandated programs to successfully protect or manage water and related land resources must also be considered.~~

0000.0190 SELECTION OF GRANTEES

Subpart 1. **Ranking.** The review team shall complete its ranking of all applications for challenge grants for which an acceptable grant application has been submitted and forward the recommendation to the board within 90 calendar days of the close of the application period.

Subp. 2. **Projects funded.** The board shall select those applicants that will be awarded grant funds by awarding grants to the highest priority challenge grant requests within the limits of available funds established in part 0000.0170 subpart 2.

Subp. 3. **Board decision.** All decisions of the board in ranking applications and awarding grants must be made at a regular or special board meeting.

2 Subp. 4. **Timing.** The board shall make its selection of grantees within 120 calendar days
3 of the close of the application period. The board shall notify all applicants of the status of their
4 application within 14 calendar days after the selection of grantees.

5 Subp. 5. **Reapplication.** A grant applicant whose application is not awarded grant funds
6 must reapply in a subsequent application period to be reconsidered for a grant.

7 0000.0200 GRANT CONDITIONS

8 Subpart 1. **Amount.** A grant that is made must be for the amount requested by the
9 applicant, up to a maximum in accordance with part 0000.0120 subpart 1.

10 Subp. 2. **Grant period.** The grant period for a plan development grant shall be for a period
11 of two years. The grant period for an implementation base grant shall be for a period of one year.
12 The grant period for an implementation challenge grant shall be for a period of two years and
13 may be extended an additional one year with prior board approval.

14 Subp. 3. **Grant contract.** The county must enter into a contract with the board before a
15 grant will be awarded. The contract must include the provisions established in part 0000.0210.

16 Subp. 4. **Records.** The county, or delegated local unit of government, shall maintain all
17 records relating to the receipt and expenditure of grant funds for a period of six years from the
18 date of termination of the grant contract.

19 Subp. 5. **Audit.** The county, or delegated local unit of government, must agree that the
20 books, records, documents and accounting procedures and practices of the county, relevant to this
21 program may be examined at any time by the board or board's designee. It is the responsibility

of the county or delegated local unit of government implementing a grant to provide for an audit that meets the standards of the Office of State Auditor. The audit must cover the duration of a grant and be performed within one year after the end of a grant period or when routinely audited, whichever occurs first. Copies of the audit must be provided to the county and the board.

Subp. 6. **Annual progress report.** The county, or delegated local unit of government, shall submit an annual progress report to the board by January 31st of year the grant is in effect. The report must include the following information:

- A. A discussion of progress relative to the application and schedule, and difficulties encountered meeting the schedule during the year;
- B. A discussion of the program results appropriate to the work conducted during the year; and
- C. A report of expenditures in the year and those anticipated during the upcoming year.

Subp. 7. **Eligible costs.** No grant funds shall be used to reimburse the county, or delegated local unit of government, for costs incurred prior to or after the end of the contract period.

0000.0210 GRANT CONTRACT

Subpart 1. **Contents.** The board and the county shall enter into a grant contract. The grant contract must:

- A. Establish the term and conditions of the grant;
- B. Provide that the county may contract with others, including appropriate local units of government under the terms and conditions specified by the county, to complete the work specified in the contract;
- C. Provide that the cost overruns are the sole responsibility of the county;

D. Require that a county is responsible for ensuring that state funds are properly expended even if the work specified in the grant contract is performed by a local unit of government acting on behalf of the county;

E. Require that the county submit an annual progress report; and

F. Incorporate terms and conditions required by federal or state statutes, rules and regulations.

Subp. 2. **Amendments.** A grant contract may be amended upon agreement of the board and the county.

Subp. 3. **Contract period.** Grant contracts shall be for a duration as specified in part 0000.0200, subpart 2.

0000.0220 GRANT PAYMENTS

Subpart 1. **Payment.** The board shall transfer to the county the total amount of the grant promptly after the grant contract is executed as to encumbrance by the Commissioner of Finance.

Subpart 2. **Unencumbered funds.** Any grant funds unencumbered or becoming unencumbered after the end of the contract period shall be returned to the board within two months of that date.

0000.0230 GRANT TERMINATION

Subpart 1. **Board action.** The board may rescind a grant for "just cause". "Just cause" shall mean that the county, or a delegated local unit of government, is not disbursing grant funds in accordance with established board and State procedures or has otherwise breached a term of the

1 MARCH 26, 1990

6TH DRAFT

2 contract. In the event of such cancellation, the county shall have fourteen (14) calendar days'
3 prior written notice. The county shall have until the date of cancellation to "demonstrate" why
4 the contract should not be cancelled. If it is determined by the board that the county's default was
5 beyond its control or it was not otherwise in default, the contract shall not be cancelled. The
6 county may cancel this contract with or without cause. In the event of such cancellation by the
7 board or county, all unencumbered funds or grant funds becoming unencumbered shall be
8 returned promptly to the board.

9 Subp. 2. Agency action. At the request of a state agency commissioner, the board shall
10 rescind the portion of a grant used to support a program not in compliance.

PEST MANAGEMENT (685)

SOIL CONSERVATION SERVICE - MINNESOTA STANDARD

DEFINITION: Managing agricultural pest infestations (including weeds, insects, and disease) to reduce adverse effects on plant growth, crop production and environmental resources.

PURPOSE: To develop a pest management program consistent with selected crop production goals that is environmentally acceptable.

This standard addresses -

Integrated Pest Management Principles:

- Scouting and pest identification
- Evaluate alternatives
- Consider economics of alternatives
- Evaluate effectiveness of alternative selected

Common Agricultural Pests:

- Diseases
- Insects
- Weeds

Pest Control Methods:

- Biological
- Cultural
- Mechanical
- Chemical

Pesticide Assessment:

- Suitable to control identified target pest
- Evaluate potential for pesticide leaching and runoff using these factors -
 1. Water solubility
 2. Soil adsorption
 3. Soil half-life

Soil Considerations Used in Rating Surface Runoff Potential:

- Factors considered -
 1. Hydrologic group
 2. Soil erodibility
 3. Field slope
 4. Flooding frequency
 5. Surface drainage of ponded water

(3/27/90)

Soil Considerations Used in Rating Leaching Potential:

Factors considered -

1. Hydrologic group
2. Organic matter in surface layer
3. Depth to bedrock
4. Fractured vs. consolidated bedrock
5. Depth to layer with permeability (6 in/hr)
6. Depth to high water table

Pesticide/Soil Matrix

Potential 1 - This pesticide applied on this soil has a high probability of being lost through leaching or runoff

Potential 2 - This pesticide applied on this soil has a possibility of being lost through leaching or runoff

Potential 3 - This pesticide applied on this soil has a low probability of being lost through leaching or runoff

Other Considerations:

Equipment operation and maintenance
Safety
Documentation
References

(3/27/90)

NUTRIENT MANAGEMENT (680)

SOIL CONSERVATION SERVICE - MINNESOTA STANDARD

DEFINITION: Managing the amount, form, placement and timing of applications of plant nutrients.

PURPOSE: To supply plant nutrients for optimum forage and crop yields, minimize entry of nutrients to surface and groundwater, and to maintain or improve chemical and biological condition of the soil.

This standard addresses -

Plant Nutrient Sources:

- Soil
- Legume Residues
- Organic waste
- Commercial fertilizer
- Irrigation water

Nutrient Application Rates:

- Soil test results
- Realistic yield goal
- Method of application
- Tillage practices

Nitrogen:

- Soil texture
- Climate
- Nutrient form
- Time of application

Phosphorus, Potash and Micronutrients:

- Slope
- Type
- Time of application

Organic Wastes:

- Determine nutrient content
- Incorporate or inject
- Separation distance from water, wells & sink holes
- Waste utilization plan

Other Considerations:

- Soil pH
- Equipment calibration
- Sanitation
- Documentation
- References

(3/27/90)

ANOKA SAND PLAIN WATER QUALITY DEMONSTRATION PROJECT

INTEGRATED CROP MANAGEMENT (SPECIAL PRACTICE SP53)

Agricultural Stabilization and Conservation Service (ASCS) Special Practice SP-53, Integrated Crop Management (ICM) will be used as a cost-share component of The Anoka Sand Plain Water Quality Demonstration Project, which is a joint effort between the Minnesota Extension Service (MES), Soil Conservation Service (SCS) and ASCS.

ICM incorporates pest and nutrient management, crop selection, crop rotations, and economics into a total management program to minimize the potential for nutrients and agricultural chemicals to pollute the environment while maintaining farm profitability.

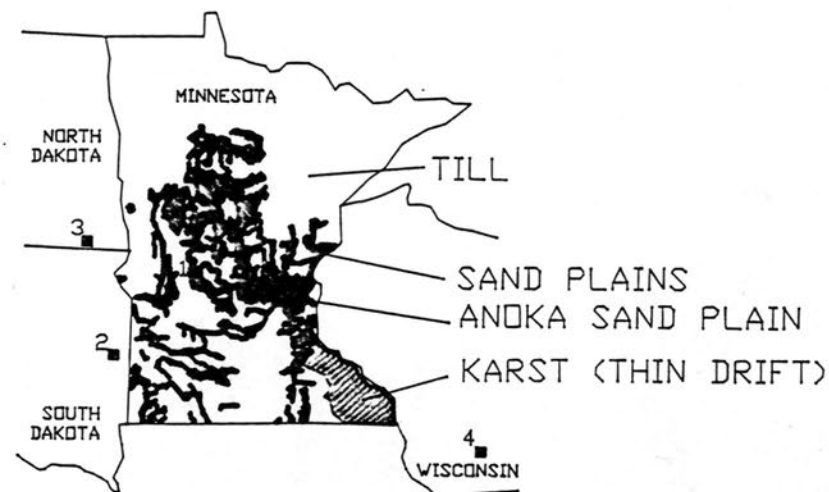
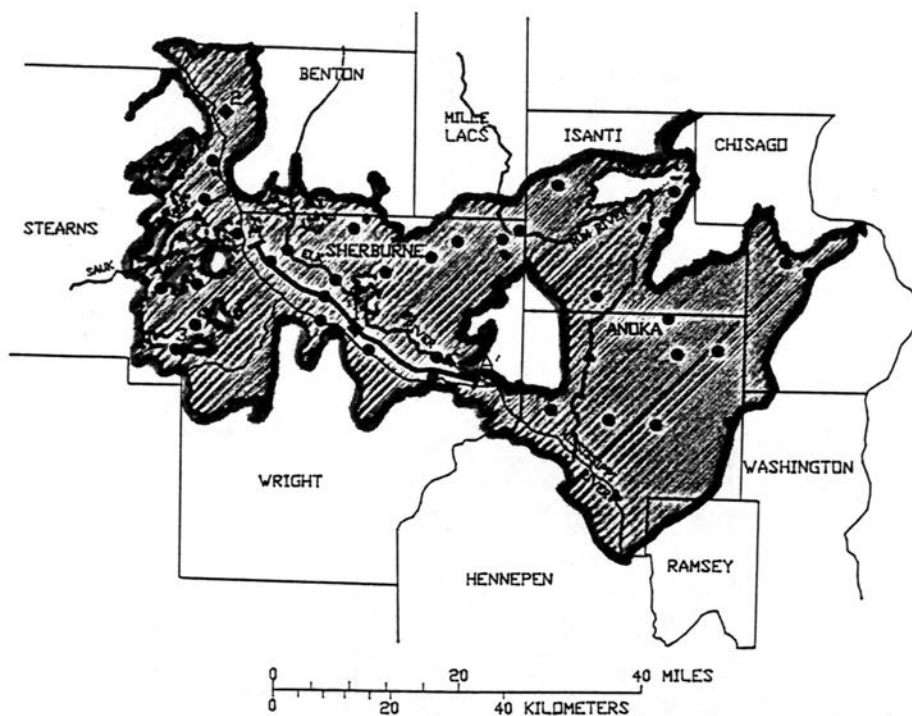
Cost-share payments will be offered to participating farmers within parts of eleven counties that make up the Anoka Sand Plain (see map on reverse side). The eleven counties include: Anoka, Benton, Chisago, Hennepin, Isanti, Mille Lacs, Ramsey, Sherburne, Stearns, Washington and Wright.

A farmer must implement an ICM plan to be eligible for payment. This plan will be developed by SCS, MES or a qualified consultant and address both nutrient and pest management.

The program will cost-share with up to 20 farmers per county utilizing three year long term agreement contracts. For small grains, forage, hay and row crops a maximum of \$7.00 per acre payment can be paid on a minimum of 40 acres and on a speciality crop \$14.00 per acre on a minimum of 10 acres can be paid. These cost-shares will be paid as a flat-rate based on the producer following the ICM plan.

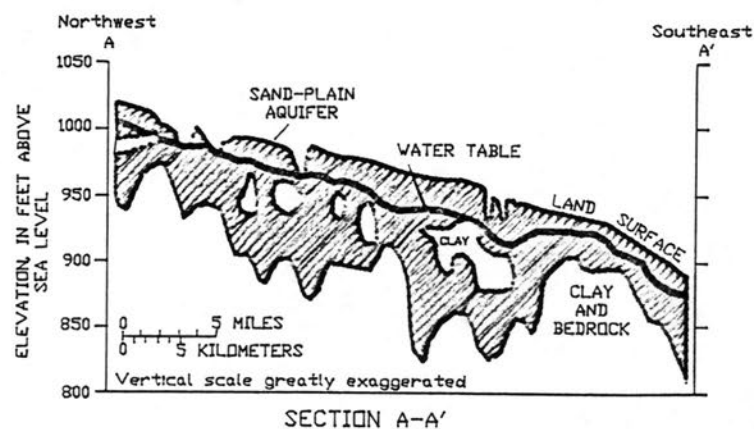
Signup dates will run from May 1 to May 31, 1990 at your local ASCS office. Producers will also need to work very closely with MES, SCS or a qualified consultant to develop an integrated crop management plan.

(3/27/90)



EXPLANATION

-  ANOKA SAND PLAIN
-  TRACE OF SECTION
-  MONITORING WELL
-  LONG-TERM STREAM GAGING SITE



3-10

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
SOUTHBRIDGE OFFICE BLDG., SUITE 104
155 SOUTH WABASHA STREET
ST. PAUL, MN 55107

Jim

612 - 297-2622

For Your Information -

Friday afternoon my thought was to try to wait until the April BWSR meeting to deal with Bois de Sioux WD's Overall Plan, but since I had promised them to try to get it taken care of in March I came in today to prepare a draft Order and cover memo. I'm not sure how tight the agenda is but it would be good to get this on the agenda for the Board meeting.

Mel Sinn *[Signature]*

See you on the 19th.

March 10, 1990

TO: BWSR Members

FR: Mel Sinn *MS*

SU: Bois de Sioux Watershed District Overall Plan

In December of 1989 the Bois de Sioux Watershed District completed work on its Overall Plan. The District developed its Plan simultaneously with the development of county water plans in five of its six counties (Big Stone County was the only county that did not initiate planning). The Districts Overall Plan is ready to be acted on by the BWSR at the March meeting. Attached is a draft Order prescribing the Plan for the District.

Unlike most newly-formed districts, Bois de Sioux immediately went ahead and hired a district administrator, Jon Roeschlein. This has enabled the District to get a quick start. For example, they have already made significant progress in formulating water management rules for the District.

Their Plan addresses both water quantity and quality management. The Plan contains commitments to implement a hydrologic monitoring program, inventory potential water retention sites and actively pursue flood control projects, coordinate with road authorities to take advantage of opportunities to provide retention as part of road crossing improvements, work with wildlife agencies to develop multi-purpose flood control and wildlife enhancement projects, cooperate with other agencies in nonpoint pollution control efforts, and take initiatives to educate District residents about District programs and responsibilities and resource management needs.

The Plan, as well as the actions the District has taken to date, indicate that Bois de Sioux intends to be an active and effective watershed district. The first two pages of the policy section of the Plan are attached, which reflect the management philosophy of the board of managers.

POLICY

The present policies and positions of the District regarding water management issues are set forth herein. The District is a new entity and its policies will naturally evolve as experience is gained. The purpose of this chapter is to provide a basis for making consistent policy decisions and to present as clear a picture as possible of the District's position on water management issues.

I. The **OVERALL GOAL** of the Managers is to make the wisest possible use and conservation of the District's water and related resources. To further this general goal, the Managers will:

A. Educate themselves on a wide range of topics so as to understand as best they can all matters related to the District's resource management.

The educational process shall include the following:

1. The Managers will actively participate in the Minnesota Association of Watershed Districts.
2. Contact and information exchanges will be made with members from other watershed districts and associations dealing with similar subjects.
3. Each Manager shall seek the opinions and input of residents within the Watershed District.
4. All Managers shall listen with attentive and open minds to all individuals and entities wishing to express opinions or views as to any matter relevant to the District's management of resources.
5. The Managers, individually and collectively, shall make a conscientious effort to keep abreast of the activities of all other public agencies and private organizations that have any involvement in water management or related subjects.
6. The Managers, individually and collectively, shall diligently seek out and study all scientific or other data that is relevant to the District's management of its water and related resources.

7. Each Manager shall diligently strive to become personally acquainted with the physical features and areas of concern of the entire District through personal inspection.
 8. The Managers, through similar methods, will endeavor to keep fully informed on all water management issues and activities which affect the water and related resources of the District.
- B. Conscientiously endeavor to keep the public fully informed of the Watershed Board's activities and scrupulously endeavor to conduct all meetings in full compliance with the letter and spirit of the Minnesota Open Meeting Law (M.S.A. 471.705).
 - C. Endeavor to work with all other public agencies and private organizations to achieve common or compatible goals.
 - D. Maintain a broad perspective and be receptive to the input of all individuals and entities and give equitable and fair consideration to the concerns and positions of the entire Watershed District.
 - E. Seek to actively inform and educate the public as to the information they themselves learn relative to the wise use and conservation of the District's water and related resources.
 - F. Seek to develop wise use and conservation of the District's water and related resources through the development of feasible projects involving the cooperation of multiple groups and resources, combined with fair and equitable regulation.
 - G. Endeavor to give due consideration to the historical background in the consideration of projects within the District and strive to respect both the legal and equitable rights of individuals to the extent possible, which shall include scrupulous adherence to the constitutional principle that no private right shall be taken or adversely affected without just compensation.
 - H. The Board accepts the responsibility for making decisions on all issues that come before it, based upon the collective judgment of its members.

Minnesota Board of Water and Soil Resources
155 South Wabasha Street
Suite 104
Saint Paul, Minnesota 55107

In the Matter of Prescribing an Overall Plan
for the Bois de Sioux Watershed District
(Minn. Stat. 1988, Sec. 112.46)

**ORDER
PRESCRIBING
OVERALL PLAN**

The board of managers of the Bois de Sioux Watershed District (District) filed a proposed Overall Plan with the Minnesota Board of Water and Soil Resources (Board) on December 20, 1989. On January 11, 1990 the Board issued a Notice of Filing of Proposed Overall Plan. The Board received no requests for hearing in response to the Notice.

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

Findings of Fact

1. The District was established on May 11, 1988 by Order of the Board.
2. The District appointed an 18-member advisory committee to assist it in developing an Overall Plan for the District. The advisory committee included representatives of county boards, soil and water conservation districts, state and federal resource agencies, and private resource organizations.
3. The District sought public input in the planning process by advertising and conducting public meetings in several cities within the District.
4. During the planning process District managers also served as members of advisory committees to the counties in their area who were involved in the preparation of comprehensive county water plans under the Comprehensive Local Water Management Act (Minn. Stat. Chapter 110B).
5. The District adopted a proposed Overall Plan and transmitted it on December 20, 1989 to the counties of Big Stone, Grant, Otter Tail, Stevens, Traverse, and Wilkin; the Commissioner of the Minnesota Department of Natural Resources (DNR); the Director of the Division of Waters of the DNR; the municipalities within the District; the soil and water conservation districts within the District; and other interested parties.

6. On January 11, 1990 the Board issued a Notice of Filing of Proposed Overall Plan pursuant to Minnesota Statutes sections 112.46, subdivision 2 and 112.401, subdivision 2. The Notice was published in the *Morris Sun* on January 23 and 30, 1990, and in the *Breckinridge Daily News*, *Clinton/Graceville Northern Sun*, *Fergus Falls Daily Journal*, *Herman Review*, and *Wheaton Gazette* on January 25 and February 1, 1990. The Notice was also mailed to each affected county, soil and water conservation district, and municipality; the Director of the Division of Waters of the DNR; the District; and other interested parties. The Notice briefly summarized the content of the proposed Overall Plan, invited written comments on the Plan, and stated that any person could request a public hearing on the Plan. No written comments or requests for hearing were received by the Board.
7. On March 5, 1990 the Board received from the District improved maps of the District's boundary and soils, and a statement of intent to prepare and distribute a public informational brochure, for inclusion in the Plan.

Conclusions of Law

1. All relevant, substantive, and procedural requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of prescribing an Overall Plan for the District.
2. The proposed Overall Plan states existing water and water-related problems in the District, possible solutions, and the general objectives of the District. The proposed Overall Plan conforms with the requirements of the Minnesota Watershed Act.

Order

1. The Board prescribes the attached Plan as the Overall Plan for the Bois de Sioux Watershed District.

Dated at Saint Paul, Minnesota 55107 this 28th day of March 1990.

Minnesota Board of Water and Soil Resources

Donald H. Ogaard
Chairman

Recommended Resolution:

To approve the draft Order prescribing the Overall Plan of the Bois de Sioux Watershed District.

110B PLAN SUMMARY
FOR
DODGE, FILLMORE, HOUSTON, OLMSTED, WABASHA, AND WINONA

PLAN CONSULTANTS:

Pam Hunt, Winona State University

PRIORITY NATURAL RESOURCE ISSUES:

Use and Disposal of Agricultural and Urban Chemicals
Solid Waste Management
Agricultural Erosion and Runoff
Under and Above Ground Storage Tanks
Public, Private, and Industrial Waste Treatment Systems
Sensitive Groundwater Management Areas

IMPLEMENTATION ACTIVITIES:

AGRICULTURAL AND URBAN CHEMICALS

- * Development of a education program for the proper handling, storage, use of pesticides and disposal of unused pesticides.
- * Establish county/regional groundwater monitoring programs.
- * Develop local programs for the collection and use of pesticide and fertilizer sales and use information.

EROSION / RUNOFF

- * Accelerate soil and water conservation programs by increasing staff and other financial resources.
- * Digitize soil surveys and local Geographic Information Systems.
- * Identify priority feedlots.

SOLID WASTE MANAGEMENT

- * Inventory old municipal, township, and private dumps and implement cleanup efforts for priority dumps.

WASTE TREATMENT SYSTEMS

- * Develop local programs for the identification and repair of non-conforming or polluting waste water treatment systems.
- * Regulate the hauling and disposal of septage and sludge.

WATER MANAGEMENT AREAS

- * Compile, map, digitize and interpret county hydrogeologic data.
- * Delineate sensitive water management areas.
- * Develop appropriate programs and administer land use activities within designated water management areas

**110 B PLAN SUMMARY
FOR
MARTIN COUNTY**

PLAN CONSULTANTS:

Henry Quade, Mankato State University

PRIORITY NATURAL RESOURCE ISSUES:

Storm Sewers, Sanitary Sewers and Tile Outlets
Lakeshore Development
Abandoned, Injection and Active Wells
Pollutant Sources
Composting Solid Waste
Underground Storage Tanks

IMPLEMENTATION ACTIVITIES:

STORM AND SANITARY SEWERS AND TILE OUTLETS

- * Identify source of storm sewer pollution of surface waters and eliminate problem
- * Upgrade failing individual sewage treatment systems
- * Educate on use of chemicals, handling of leaves and clippings and de-icers

LAKESHORE DEVELOPMENT

- * Update existing shoreland ordinance and ensure compliance of county and DNR shoreland regulations
- * Establish demonstration plot of lakeshore plantings to eliminate erosion

ABANDONED, INJECTION AND ACTIVE WELLS

- * Inventory abandoned, active and injection wells
- * Regulate demolition activities to require proper sealing of wells

POLLUTANT SOURCES

- * Educate farmers about the benefits of soil testing for nitrogen
- * Educate the public on proper use and handling of chemicals
- * Require buffer zone for all feedlots near surface waters

COMPOSTING SOLID WASTE

- * Develop education recycling and composting program
- * Build composting facility

UNDERGROUND STORAGE TANKS

- * Require permit for all buried tanks
- * Inventory all underground storage tanks

WATER PLANNING SPECIAL LEVY

- 1985 - 110B LOCAL WATER PLANNING WAS ADOPTED AND INCLUDED PROVISIONS FOR A .75 MILL LEVY EXEMPTION TO COUNTIES FOR IMPLEMENTING APPROVED LOCAL WATER PLANS
- 1987 - TAX LAW REPEALED COUNTY AUTHORITY TO USE SPECIAL LEVIES INCLUDING 110B
- 1990 - LEGISLATIVE PROPOSAL TO REINSTATE LEVY EXEMPTION

SUMMARY OF SPECIAL WATER LEVY PROPOSAL

TIER 1 - EQUALIZED BASE AMOUNT

Each County would levy, outside the limits, a specified uniform tax capacity rate, and would be guaranteed a base amount of \$_____. This would be similar to the existing school aid system.

This level takes into account local ability to pay and establishes the concept of minimum local effort.

TIER 2 - BWSR CHALLENGE GRANTS

Counties would only be able to apply for BWSR challenge grants if they have levied the minimum uniform rate as specified in Tier 1.

TIER 3 - SPECIAL LEVY FOR FUNDING NEEDS NOT MET BY TIER 1 + 2, WITH CAP

Each county would be allowed to levy, outside the limits, the additional dollar amount necessary to fund their BWSR approved comprehensive water plan.

However the dollar amount of the levy cannot exceed the lesser of 1) amount of budget in BWSR approved plan or 2) a tax capacity rate of _____%

BOARD OF WATER & SOIL RESOURCES
110B COMPREHENSIVE WATER PLANNING
COUNTY STATUS REPORT

March 27, 1990

COUNTY	RESOLUTION TO PLAN (DATE)	INDEPENDENT COUNTY	PART OF REGIONAL PLANNING GROUP	SUBMITTED FOR PRELIMINARY REVIEW (DATE)	SUBMITTED FOR FINAL REVIEW (DATE)	BWSR BOARD OVERVIEW (DATE)	BWSR PLAN APPROVAL (DATE)	SCHEDULED PLAN UPDATE (DATE)
AITKIN	9/15/87		MH					
BECKER	YES		RRV	8/04/89	12/01/89	12/20/89	2/28/89	1995
BELTRAMI	10/27/87		MH	6/05/89	8/09/89	8/23/89	10/25/89	1995
BENTON	10/19/88	X						
BIG STONE								
BLUE EARTH	6/24/86		SC					
BROWN	8/24/87		SC	9/01/89	12/05/89	1/24/90	2/28/90	1995
CARLTON	12/8/87	X						
CASS	10/9/87		MH	8/23/89	1/05/90	1/24/90		
CHIPPEWA	3/05/90		WC					
CHISAGO								
CLAY	YES		RRV	8/04/89	12/01/89	12/20/89	2/28/90	1995
CLEARWATER	10/28/87		MH	6/05/89	8/09/89	8/23/89	10/25/89	1995
COOK								
COTTONWOOD	8/18/87		SC					
CROW WING	11/3/87		MH	12/27/89				
DODGE	12/22/87		RZ	8/21/89	1/01/90	1/24/90		
DOUGLAS	5/24/88	X		8/15/89	11/01/89	11/22/89		
FARIBAULT	6/17/86		SC	11/14/89				
FILLMORE	12/8/87		RZ	8/30/89	12/05/89	1/24/90		
FREEBORN	6/23/86		SC	10/01/89				
GOODHUE	12/15/87		RZ	7/31/89	12/05/89	1/24/90	2/28/90	1995
GRANT	YES		RRV	8/04/89	12/01/89	12/20/89	2/28/90	1995
HOUSTON	12/8/87		RZ	9/25/89	1/5/90	1/24/90		
HUBBARD	10/7/87		MH	7/05/89	10/03/89	10/25/89	12/20/89	1994
ISANTI								
ITASCA	10/27/87		MH					
JACKSON	6/23/86		SC	2/01/90				
KANABEC								
KANDIYOHI	2/06/90		EC					
KITTSO	10/6/87		RRV	8/04/89	12/01/89	12/20/89	2/28/90	1995
KOOCHICHING								
LAC QUI PARLE								
LAKE								
LAKE OF THE WOODS								
LESUEUR	6/24/86		SC					
LINCOLN	9/15/87		RC	10/29/89				
LYON	10/10/87		RC	10/29/89				
MCLEOD	2/06/90		EC					
MAHNOMEN	10/13/87		RRV	8/04/89	12/01/89	12/20/89	2/28/90	1995
MARSHALL	10/20/87		RRV	8/04/89	12/01/89	12/20/89	2/28/90	1995
MARTIN	6/17/86		SC	6/1/89	1/02/90	1/24/90		
MEEKER	8/15/89		EC					
MILLE LACS	12/89	X						
MORRISON	10/27/87		MH	12/01/89				
MOWER	12/15/87		RZ	8/04/89	12/05/89	1/24/90	2/28/90	1995
MURRAY	10/10/87		RC	10/15/89				

BOARD OF WATER & SOIL RESOURCES
110B COMPREHENSIVE WATER PLANNING
COUNTY STATUS REPORT

March 27, 1990

COUNTY	RESOLUTION TO PLAN (DATE)	INDEPENDENT COUNTY	PART OF REGIONAL PLANNING GROUP	SUBMITTED FOR PRELIMINARY REVIEW (DATE)	SUBMITTED FOR FINAL REVIEW (DATE)	BWSR BOARD OVERVIEW (DATE)	BWSR PLAN APPROVAL (DATE)	SCHEDULED PLAN UPDATE (DATE)
NICOLLET	7/15/86		SC	1/05/90				
NOBLES	YES	X		9/20/89	2/01/90	2/28/90		
NORMAN	YES		RRV	8/04/89	12/01/89	12/20/89	2/28/90	1995
OLMSTEAD	YES		RZ	8/07/89	1/01/90	1/24/90		
OTTER TAIL	YES		RRV	8/04/89	12/01/89	12/20/89	2/28/90	1995
PENNINGTON	YES		RRV	8/04/89	12/01/89	12/20/89	2/28/90	1995
PINE								
PIPESTONE	10/10/87		RC	11/22/89				
POLK	YES		RRV	8/04/89	12/01/89	12/20/89	2/28/90	1995
POPE								
RED LAKE	YES		RRV	8/04/89	12/01/89	12/20/89	2/28/90	1995
REDWOOD	10/10/87		RC	12/28/89				
RENVILLE	3/01/90		EC					
RICE	12/8/87		RZ	8/23/89	12/05/89	1/24/90	2/28/90	1995
ROCK	7/01/89	X						
ROSEAU	YES		RRV	8/04/89	12/01/89	12/20/89	2/28/90	1995
ST. LOUIS	12/19/89	X						
SHERBURNE	11/21/89	X						
SIBLEY	6/24/86		SC					
STEARNS	2/3/88		*					
STEELE	6/24/86		SC	8/24/89				
STEVENS	YES		RRV	8/04/89	12/01/89	12/20/89	2/28/90	1995
SWIFT								
TODD	9/18/89	X						
TRAVERSE	YES		RRV	8/04/89	12/01/89	12/20/89	2/28/90	1995
WABASHA	12/22/87		RZ	8/27/89	1/01/90	1/24/90		
WADENA								
WASECA	7/1/86		SC	10/01/89				
WATONWAN	6/24/86		SC	4/89	8/01/89	8/23/89	10/25/89	1995
WILKIN	YES		RRV	8/04/89	12/01/89	12/20/89	2/28/90	1995
WINONA	2/23/88		RZ	9/06/89	1/05/90	1/24/90		
WRIGHT	6/20/89	X						
YELLOW MEDICINE	10/10/87		RC					
TOTALS	80	67	10	57	46	33	33	23

RRV - Red River Valley 15 Co. Joint Powers Board
MH - Mississippi Headwaters Board, 8 Counties
RC - Redwood-Cottonwood Rivers Control Area, 6 Counties
SC - South Central Watershed Planning Project, 13 Counties
RZ - Root-Zumbro Rivers Watershed, 9 County Joint Powers Board
* - Stearns County is a LCMR funded planning effort

X - Independent Counties, Counties preparing plans alone