

Minnesota Board of Water and Soil Resources. Minutes.

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Version 3
August 20, 2018

BOARD OF WATER AND SOIL RESOURCES
MINNESOTA DEPARTMENT OF AGRICULTURE BUILDING
CONFERENCE ROOM A
90 WEST PLATO BOULEVARD
ST. PAUL, MINNESOTA 55107
JANUARY 23, 1991

AGENDA

9:00 a.m.

1. Call to Order

2. Adopt Agenda

3. Approval of Minutes of November 28, 1990

4. Introduction of new Executive Director

5. Reports
   - Chairman's Report - Don Ogaard
   - Staff Report - Jim Birkholz
   - EQB/Water Resources Committee Report
   - Status of hearing on proposed Snake River Watershed District

10:00 a.m.

6. Budget Review - Tom Schwanke
   - FY91 first half
   - FY92-93 Budget Proposal

7. Erosion and Sediment Control Cost-Share Program - Chuck Niska
   - Update on rollover allocations
   - Report from January 15, Ad Hoc Committee and discussion

8. Advisor Comments

   Elton Redalen, Commissioner, Minnesota Department of Agriculture

Noon	Lunch	
1:00 p.m.	9.	Review of easement procedures for state land sales involving marginal land or wetlands - Wayne Edgerton - Board direction needed on wetland size and type
2:00 p.m.	10.	Comprehensive Local Water Planning - Amount Available for Challenge Grants - for Board decision - Chuck Niska - Mower County request for retroactive costs - for decision - Doug Thomas - Metropolitan Water Management Plans Bloomington-Richfield WMO - for approval - Mel Sinn Lower Rum River WMO - for approval - Bruce Sandstrom
	11.	Strategic Plan Review/Retreat Planning
	12.	Board Issues - discussion, comments, action needed
		Next meeting - February 27, 1991
3:30 p.m.	Adjourn	

Minnesota Board of Water & Soil Resources

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

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

DATE: January 15, 1991

TO: Board of Water and Soil Resources Members, Staff, and Advisors

FROM: Jim Birkholz, Executive Director

SUBJECT: January 23, 1991 BWSR Meeting

Happy New Year to all of you! The January 23 BWSR meeting will begin at 9:00 a.m. Please note that we will be meeting in Conference Room A of the Minnesota Department of Agriculture Building at 90 W. Plato Blvd. I've extended an invitation to the new Commissioner of Agriculture, Elton Redalen to visit with the Board. Since we last met at the Department of Agriculture, the parking lot has been expanded so there should be adequate spaces available. Room reservations may be made directly at the Kelly Inn, 612-227-8711; the Radisson Hotel-St. Paul, 612-292-1900; the Ramada Inn, 612-735-2330, or wherever may be convenient for you.

The Personnel Committee has been very active since the last Board meeting. As authorized, the Committee screened through the 27 applicants for the Executive Director position and selected six persons to interview. After the interview process, Mr. Ron Harnack was offered the job and accepted. Ron has been a long-time employee of the Division of Waters at the Department of Natural Resources. His first official day at the Board office will be January 22, the day before the Board meeting. Ron will be at the Board meeting to get to know you all better.

Following is information related to the meeting agenda:

- Proposed Snake River Watershed District. The hearing on the proposed watershed district has concluded. We are currently awaiting the recommendation of the administrative law judge. Hopefully we will have more updated information at the Board meeting.

Regional Offices

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

Northeast Region
394 South Lake Avenue
Room 403
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
507-359-6074

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

Southwest Region
Box 267
1400 E. Lyon Street
Marshall, MN 56258
507-537-6060

East Central Region
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- Budget Status. As you have read in the papers, the Carlson administration is requesting agencies to come up to enough budget reductions to balance the state books for the 1992-93 biennium. We have been requested to provide information to the Department of Finance regarding budget cuts ranging from 6% to 16%. These figures translate to reductions in the BWSR budget of between $500,000 each year of the biennium to a high of $1.3 million in each year of the biennium. Timelines did not allow Board action on this item. A full report will be made at the meeting.

- Erosion and Sediment Control Cost-Share Program. We have received over $800,000 in cost-share rollover applications from soil and water conservation districts. Approximately $250,000 is available. Staff will continue to work on prioritization of requests, however, due to the current budget status we do not recommend that the allocations be made at the January meeting. As directed at the November meeting, staff has convened an ad hoc committee composed of representatives from various soil and water conservation districts to make recommendations to the Board regarding the allocation procedures and formula for the cost-share program. A full report from the meeting will be made on the 23rd.

- Review of easement procedures for state land sales involving marginal land or wetlands. Working with an advisory group including other implementing state agencies, county land commissioners, and soil and water conservation districts the staff has devised a procedure to implement the law requiring easements on marginal land or wetlands when state and tax forfeit land is sold. The BWSR responsibilities are limited to the sale of state land. DNR is responsible for taking care of similar responsibilities regarding sale of tax forfeit lands. Before the act is effective on March 15, Board direction is requested regarding minimum wetland size and easement sizes which are eligible. Please review the attached guidelines and be prepared to discuss this issue at the meeting.

- Comprehensive Local Water Planning. Mower County has requested being able to cover current costs of implementing their local water plan out of their water planning grant when it is received. The program rules allow for this to occur if the Board approves it. Enclosed in your packet is a letter of request from Mower County. More details will be available at the meeting.

Two Metropolitan Water Management Plans are up for approval. First, the Bloomington-Richfield WMO Plan has had amendments made as a result of a public hearing held nearly two years ago. Also up for approval is the Lower Rum River WMO Plan.

- Strategic Plan Review and Retreat Planning. Staff have been doing preparatory work for a Board and association retreat in the near future. Hopefully time will allow for some discussion and direction from Board members on this topic.

If you have any questions or require additional information please call Chairman Ogaard or myself. See you on the 23rd!

JB:mja
Enc.

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MINNESOTA DEPARTMENT OF AGRICULTURE BUILDING
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Minnesota Board of Water & Soil Resources

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

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

January 15, 1991

TO: BWSR Members

FR: Mel Sinn

SU: Richfield-Bloomington WMO Plan

Attached is a draft order approving the Richfield-Bloomington WMO Plan for consideration at the January 23rd Board meeting.

I am handling this agenda item because the Plan review process started prior to the time Bruce Sandstrom began working for the BWSR.

The Plan was initially considered by the Board in May 1988, following a public hearing requested by residents of the Smith Pond area of Bloomington. The Board tabled the Plan at that time based on recommendations from the Board members who attended the hearing. They recommended the Plan not be approved until the WMO committed to a clear plan of action to address flooding problems in the Smith Pond area. Subsequently, the City of Bloomington completed stormwater improvements that resulted in a lowering of Smith Pond's 100-year flood elevation, and amendment of the Federal Emergency Management Agency's flood plain map. The map amendments removed Smith Pond area homes from the federally designated flood plain.

New WMO planning requirements to be adopted by the BWSR by rule would be applicable to future Plan amendments. The Plan states that it must be revised before the end of 1995.

Recommendation:

> That the Board approve the draft order approving the watershed plan of the Richfield-Bloomington Watershed Management Organization.

CC: Scott Thureen, City of Bloomington
Marilu Anderson, Smith Pond Area Resident
John Pauley, DNR
Jeff Stollenwerk, MPCA
Marcel Jouseau, Metropolitan Council
Kim Benson, Department of Health

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

DRAFT

In the Matter of Reviewing the Watershed Management Plan for the Richfield-Bloomington Watershed Management Organization (Minnesota Statutes 1988, Section 473.878, Subdivision 7)

ORDER APPROVING WATERSHED MANAGEMENT PLAN

The Board of Commissioners of the Richfield-Bloomington Watershed Management Organization (RBWMO) filed a Watershed Management Plan (Plan) on February 8, 1988 pursuant to Minnesota Statutes 1986, section 473.878, subdivision 7. The Minnesota Board of Water and Soil Resources (Board) published notice of filing of the Plan and in response to a written request for hearing conducted a public hearing on the Plan on May 18, 1988.

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

FINDINGS OF FACT

1. The RBWMO was established by joint powers agreement on December 19, 1983 between the cities of Richfield and Bloomington.

2. The Metropolitan Water Management Act requires the preparation of a watershed management plan for the area, meeting the requirements of both Minnesota Statutes, Chapter 112 and Sections 473.875 to 473.883 (recodified by 1990 Laws of Minnesota, Chapter 391, as Chapter 103D and Sections 103B.201-.251, respectively).

3. The RBWMO completed a draft Plan on October 28, 1986, and submitted it to affected local units of government for review and comment.

4. On April 15, 1987 the Metropolitan Council's Environmental Resources Committee reviewed the plan and recommended that the RBWMO coordinate a program of data collection to define the extent of impacts from storm water runoff on Long Meadow Lake's water quality. The Council also recommended that the RBWMO should implement measures to prevent or mitigate the identified impacts on the lake. On April 23, 1987 the Metropolitan Council accepted the Plan recommendations made by its Environmental Resources Committee and transmitted them to the Board on May 8, 1987.

5. On June 24, 1987 the Minnesota River Valley National Wildlife Refuge's manager Ed Crozier sent a letter to the RBWMO expressing concern regarding the quality of stormwater runoff discharging into the floodplain lakes and marshes within the refuge.

6. On February 3, 1988 the Board received written comments on the Plan from the Director of the Division of Water Quality of the Minnesota Pollution Control Agency.

7. On February 8, 1988 the RBWMO submitted the Plan to the Board for review.

8. The Board published its Notice of Filing of Watershed Plan in the Richfield Sun-Current and the Bloomington Sun-Current on February 17 and 24, 1988. The notice described the general content of the Plan and stated that the Plan was available for inspection at the Board's office and at the office of the City Engineer for the City of Bloomington at 9750 James Avenue South, Bloomington, Minnesota 55431, or the office of the City Engineer for the City of Richfield at 6700 Portland Avenue, Richfield, Minnesota 55423. The notice further stated that any person objecting to the proposed Plan could submit a written request for hearing, and that if no requests for hearing were received, the Board would make a decision on the Plan without conducting a public hearing.

9. On March 3, 1988 Kim Benson and Dan Steward of the Board's staff toured the RBWMO with Brian Borg of the RBWMO staff.

10. On March 10, 1988 Brian Borg, Ed Crozier, Kim Benson and Dan Steward met to discuss the Plan and Board staff suggestions for clarifications and additions.

11. On March 21, 1988 Brian Borg furnished Board staff with the Plan clarifications and additions agreed upon at their March 10, 1988 meeting, including the following: a statement supporting development of uniform erosion control standards; a map of the Long Meadow Lake area, a statement recognizing that the Minnesota River Valley National Wildlife Refuge will be the lead agency in developing a water quality study of Long Meadow Lake, a list of options for increasing the treatment of stormwater runoff to the lake, a summary of water quality monitoring data relating to the lake, a process and a timetable for pursuing water quality studies of the lake, and a summary of the effect of the 1987 summer storm on the RBWMO.

12. On March 24, 1988 the Board received a written request for hearing from Marilu Anderson of Bloomington.

13. On April 14, 1988 the Board issued an Order for and Notice of Hearing.

14. The Board conducted a public hearing on the Plan on May 18, 1988 beginning at 7:00 p.m. in the Bloomington City Council Chambers, 2215 West Old Shakopee Road, Bloomington, MN 55431. The Board was represented by members Don Ogaard, Loni Kemp, William Cofell, and Douglas Bade; and staff members Mel Sinn and Dan Steward. The RBWMO was represented by City of Bloomington staff members Brian Borg and Russ Langseth. A number of concerned RBWMO residents were present.

15. At the May 18, 1988 public hearing Brian Borg presented an overview of the Plan and described three main flood hazard areas, including the Smith Pond area. Jack Aldridge, on behalf of certain concerned residents of the Smith Pond area, offered a written statement with attachments that primarily presented concerns about how the Plan addressed the flooding problems in the Smith Pond area (Public Exhibit No. 12). Jack Aldridge also provided verbal testimony about the Smith Pond area and its history of flooding problems.

16. The Board considered the Plan at its May 25, 1988 meeting. Board members who attended the hearing recommended that the Plan not be approved until amended to include a clear plan of action for reducing the flood damage potential in the Smith Pond area.

17. On June 28, 1989 the Board received a letter from Russ Langseth of the City of Bloomington describing the improvements being constructed to reduce flood hazards in the Smith Pond area and requesting approval of the Plan. The letter was accompanied by correspondence from Terrence E. Huntrods of TKDA stating that the stormwater improvements would reduce the 100-year flood elevation of Smith Pond from 817.01 to 814.90.

18. On July 31, 1989 Board staff member Mel Sinn wrote a letter to RBWMO Executive Director Charles Honchell acknowledging receipt of the letter from Russ Langseth and stating that Board staff would recommend approval of the Plan upon receipt of two Plan supplements: a) available historical aerial photos overlaid on a current street map to indicate the location and extent of the natural surface water storage and retention areas existing prior to watershed urbanization; and b) appropriate updated Plan elements needed to reflect pertinent improvement projects, studies, etc. completed since the Plan was initially drafted.

19. On December 19, 1991 Charles Honchell transmitted a revised Plan to the Board that described stormwater system improvements constructed since the initial Plan was prepared. He also submitted half-section aerial photo maps for the Smith Pond area for the years 1953 and 1985 with street map overlays. These maps show that natural retention areas were affected by urban development. The improvements in the Smith Pond area included a partial diversion of stormwater from Richfield via the I-494 stormsewer system, a new 42" stormsewer along 82nd Street, and replacement of the

pumped outlet at the southeast corner of Smith Pond with a fixed weir outlet. The Plan revisions also state that the Federal Emergency Management Agency approved revisions to the desigated flood plain in the Smith Pond area on May 31, 1990, based on Bloomington's stormwater improvements.

20. Board staff informed Marilu Anderson by phone of the submittal of the revised Plan and supplemental maps. Board staff communicated with Scott Thureen of the City of Bloomington by phone regarding the content of the revised Plan and maps. Scott Thureen said the RBWMO also was willing to change the year the Plan is intended to extend through from 2000 to 1995.

CONCLUSIONS OF LAW

1. All relevant, substantive, and procedural requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the RBWMO.

2. The RBWMO Plan attached to this Order states water and water-related problems within the RBWMO, possible solutions thereto, general objectives and policies of the RBWMO, and a management plan. The attached Plan is in conformance with the requirements of Minnesota Watershed Act and the Metropolitan Surface Water Management Act.

IT IS THEREFORE ORDERED

1. That the Board hereby approves the attached Plan as the Watershed Management Plan for the Richfield-Bloomington Watershed Management Organization.

Dated at Saint Paul, Minnesota, this 23rd day of January 1991.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

Donald H. Ogaard
Chairman

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC

LAND AND WATER SHALL BE PRESERVED

Send to 12 members only

November 27, 1990

f Water and Soil Resources

1987 established the Board or Water
and S replaced the two existing agencies,
name the Soil and Water Conservation
Boar ivers Basin Council.

Watershed Districts supported this
legi p in consolidating some of the
agen ces of soil and water. It was felt
that this new Board with representatives of counties, soil and water conservation districts, watershed districts plus three members of the public would bring unity and a single purpose in managing these resources. It would also provide a central point for Minnesota residents to get information and help.

The recent action of the Soil and Water Conservation Districts Association as it relates to the proposed Snake River Watershed District disturbs me deeply. D'Wayne DeZiel of SWCD Association has been making statements which are totally untrue or are half truths. His efforts to discredit Watershed Districts certainly does not lead to unity of purpose. I object to people using taxpayers money for the gratification of their own egos.

He also stated that their Association will seek a one year moratorium on the establishment of additional watershed districts.

I find it difficult to believe this is the thinking of the majority of SWCD's in the State. There have been many successful joint efforts in the State where watershed districts and SWCD's worked together to the benefit of our natural resources.

I hope the BWSR, which has administrative authority over watershed districts and SWCDs, takes action to correct this situation, and get the focus back on preservation of water and soil resources.

Allen Damfeld
MAWD President

© Minnesota Association of Watershed Districts, Inc.

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC

LAND AND WATER SHALL BE PRESERVED

November 27, 1990

An Open Letter to the Board of Water and Soil Resources

The Minnesota Legislature in 1987 established the Board or Water and Soil Resources, a Board which replaced the two existing agencies, namely the Water Resources Board, the Soil and Water Conservation Board and the Southern Minnesota Rivers Basin Council.

The Minnesota Association of Watershed Districts supported this legislation because this was a step in consolidating some of the agencies that deal with the resources of soil and water. It was felt that this new Board with representatives of counties, soil and water conservation districts, watershed districts plus three members of the public would bring unity and a single purpose in managing these resources. It would also provide a central point for Minnesota residents to get information and help.

The recent action of the Soil and Water Conservation Districts Association as it relates to the proposed Snake River Watershed District disturbs me deeply. D'Wayne DeZiel of SWCD Association has been making statements which are totally untrue or are half truths. His efforts to discredit Watershed Districts certainly does not lead to unity of purpose. I object to people using taxpayers money for the gratification of their own egos.

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Allen Damfeld
MAWD President

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

DECEMBER 10, 1990

COUNTY	RESOLUTION TO PLAN (DATE)	PART OF REGIONAL PLANNING GROUP	SUBMITTED FOR PRELIMINARY REVIEW (DATE)	SUBMITTED FOR FINAL REVIEW (DATE)	BWSR BOARD OVERVIEW (DATE)	BWSR PLAN APPROVAL (DATE)	LOCAL PLAN ADOPTION (DATE)	SCHEDULED PLAN UPDATE (DATE)	BWSR GRANT AGREEMENT (DATE)
AITKIN	9/15/87	MH	1/01/90	4/01/90	4/25/90	6/27/90	7/10/90	1995	LCMR
BECKER	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/89	6/12/90	1995	LCMR
BELTRAMI	10/27/87	MH	6/05/89	8/09/89	8/23/89	10/25/89	YES	1995	LCMR
BENTON	10/19/88	X							2/08/90
BIG STONE	4/04/90	WC							5/29/90
BLUE EARTH	6/24/86	SC	5/03/90	9/01/90	9/29/90	11/28/90		1995	LCMR
BROWN	8/24/87	SC	9/01/89	12/05/89	1/24/90	2/28/90	4/10/90	1995	LCMR
CARLTON	12/8/87	X	3/01/90	8/03/90	8/22/90	10/24/90			3/09/90
CASS	10/9/87	MH	8/23/89	1/05/90	1/24/90	3/28/90	7/10/90	1995	LCMR
CHIPPEWA	3/05/90	WC							5/14/90
CHISAGO	6/90	X							6/19/90
CLAY	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	4/10/90	1995	LCMR
CLEARWATER	10/28/87	MH	6/05/89	8/09/89	8/23/89	10/25/89	YES	1995	LCMR
COOK									
COTTONWOOD	8/18/87	SC							LCMR
CROW WING	11/3/87	MH	12/27/89	9/13/90	8/22/90	10/24/90			LCMR
DODGE	12/22/87	RZ	8/21/89	1/01/90	1/24/90	3/28/90	4/24/90	1995	LCMR
DOUGLAS	5/24/88	X	8/15/89	11/01/89	11/22/89	2/28/90	3/27/90	1995	2/12/90
FARIBAULT	6/17/86	SC	11/14/89	6/01/90	6/27/90	8/22/90		1995	LCMR
FILLMORE	12/8/87	RZ	8/30/89	12/05/89	1/24/90	3/28/90		1995	LCMR
FREEBORN	6/23/86	SC	10/01/89	5/01/90	5/23/90	10/24/90			LCMR
GOODHUE	12/15/87	RZ	7/31/89	12/05/89	1/24/90	2/28/90	6/19/90	1995	LCMR
GRANT	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	5/02/90	1995	LCMR
HOUSTON	12/8/87	RZ	9/25/89	1/5/90	1/24/90	3/28/90	4/10/90	1995	LCMR
HUBBARD	10/7/87	MH	7/05/89	10/03/89	10/25/89	12/20/89	2/07/90	1994	LCMR
ISANTI	6/90	X							6/18/90
ITASCA	10/27/87	MH	4/01/90	10/02/90	8/22/90	11/28/90		1995	LCMR
JACKSON	6/23/86	SC	2/01/90	9/01/90	9/26/90	11/28/90		1995	LCMR
KANABEC	6/90	X							6/24/90
KANDIYOHI	2/06/90	EC							5/21/90
KITTSON	10/6/87	RRV	8/04/89	12/01/89	12/20/89	2/28/90	4/17/90	1995	LCMR
KOOCHICHING	6/90	X							6/18/90

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LAC OUI PARLE	5/90	WC							6/04/90
LAKE	6/90	X							6/19/90
LAKE OF THE WOODS	4/26/90	X							6/15/90
LESUEUR	6/24/86	SC	8/09/90	11/02/90	--	11/28/90		1995	LCMR
LINCOLN	9/15/87	RC	10/29/89	6/01/90	6/27/90	8/22/90		1995	LCMR
LYON	10/10/87	RC	10/29/89	6/01/90	6/27/90	8/22/90	10/16/90	1995	LCMR
MCLEOD	2/06/90	EC							4/13/90
MAHNOMEN	10/13/87	RRV	8/04/89	12/01/89	12/20/89	2/28/90	5/08/90	1995	LCMR
MARSHALL	10/20/87	RRV	8/04/89	12/01/89	12/20/89	2/28/90	5/01/90	1995	LCMR
MARTIN	6/17/86	SC	6/1/89	1/02/90	1/24/90	3/28/90	4/17/90	1995	LCMR
MEEKER	8/15/89	EC							3/26/90
MILLE LACS	12/89	X							3/05/90
MORRISON	10/27/87	MH	12/01/89	4/01/90	4/25/90	6/27/90	8/07/90	1995	LCMR
MOWER	12/15/87	RZ	8/04/89	12/05/89	1/24/90	2/28/90	4/10/90	1995	LCMR
MURRAY	10/10/87	RC	10/15/89	6/01/90	6/27/90	8/22/90		1995	LCMR
NICOLLET	7/15/86	SC	1/05/90	8/01/90	8/22/90	10/24/90	11/13/90		LCMR
NOBLES	YES	X	9/20/89	2/01/90	2/28/90	4/25/90	5/22/90	1995	2/20/90
NORMAN	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	6/18/90	1995	LCMR
OLMSTED	YES	RZ	8/07/89	1/01/90	1/24/90	3/28/90	5/22/90	2000	LCMR
OTTER TAIL	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90		1995	LCMR
PENNINGTON	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	5/08/90	1995	LCMR
PINE	5/90	X							5/24/90
PIPESTONE	10/10/87	RC	11/22/89	6/01/90	6/27/90	8/22/90		1995	LCMR
POLK	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	4/04/90	1995	LCMR
POPE	5/90	WC							5/23/90
RED LAKE	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	5/14/90	1995	LCMR
REDWOOD	10/10/87	RC	12/28/89	6/11/90	6/27/90	8/22/90		1995	LCMR
RENVILLE	3/01/90	EC							4/23/90
RICE	12/8/87	RZ	8/23/89	12/05/89	1/24/90	2/28/90	4/10/90	1995	LCMR
ROCK	7/01/89	X							1/30/90
ROSEAU	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	5/16/90	1995	LCMR
ST. LOUIS	12/19/89	X							3/01/90

BOARD OF WATER & SOIL RESOURCES DECEMBER 10, 1990
110B COMPREHENSIVE WATER PLANNING
COUNTY STATUS REPORT

COUNTY	RESOLUTION TO PLAN (DATE)	PART OF REGIONAL PLANNING GROUP	SUBMITTED FOR PRELIMINARY REVIEW (DATE)	SUBMITTED FOR FINAL REVIEW (DATE)	BWSR BOARD OVERVIEW (DATE)	BWSR PLAN APPROVAL (DATE)	LOCAL PLAN ADOPTION (DATE)	SCHEDULED PLAN UPDATE (DATE)	BWSR GRANT AGREEMENT (DATE)
SHERBURNE	11/21/89	X							3/07/90
SIBLEY	6/24/86	SC	5/09/90	9/01/90	9/22/90	11/28/90		1995	LCMR
STEARNS	2/3/88	*							LCMR
STEELE	6/24/86	SC	8/24/89	5/01/90	5/23/90	7/25/90	8/14/90	1995	LCMR
STEVENS	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	6/21/90	1995	LCMR
SWIFT	5/90	WC							5/24/90
TODD	9/18/89	X							5/09/90
TRAVERSE	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	5/04/90	1995	LCMR
WABASHA	12/22/87	RZ	8/27/89	1/01/90	1/24/90	3/28/90	7/02/90	1995	LCMR
WADENA									
WASECA	7/1/86	SC	10/01/89	4/01/90	4/25/90	6/27/90		1995	LCMR
WATONWAN	6/24/86	SC	4/89	8/01/89	8/23/89	10/25/89		1995	LCMR
WILKIN	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	4/12/90	1995	LCMR
WINONA	2/23/88	RZ	9/06/89	1/05/90	1/24/90	3/28/90	6/19/90	2000	LCMR
WRIGHT	6/20/89	X							2/12/90
YELLOW MEDICINE	10/10/87	RC	8/10/90	10/29/90	--	11/28/90		1995	LCMR
TOTALS									
80	78	78	53	53	53	53			

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
WC – West Central MN 5 County Group
EC – East Central MN 4 County Group
* – Stearns County is a LCMR funded planning effort
X – Independent Conties, Counties preparing plans alone

509 Rule Advisory Committee Summary / Update
November 27, 1990

Nov. 1, 1990 - First meeting of the 43 member Advisory Committee.

- outline of formal rule process
- reviewed the Rule Process
    * defines goals
    * responsibilities of the consultant, BWSR & members
    * meeting schedule
- reviewed the Rules of Order
    * draft rules mailed 15 days prior to each meeting
    * written comments required
    * limits comment on other comments unless included in the rule
    * rule revisions will contain footnotes relating to specific input
    * hand votes on major issues to assess degree of consensus
    * provides for subcommittee formation

Dec. 13, 1990 - Second Advisory Committee Meeting

- review revisions to process and rules of order agreed to
- accept written comments by section on Rule Draft #1
- 1 1/2 minute oral explanation of issues and suggestions
- time allowed to accept additional comments on select issues into the evening

Draft Rule #1 - Contents and Philosophy

- covers all issue areas outlined by law; plan content, dismissal, content of JPAs, content of local plans, content of annual reports & audits, determinations of failure to implement
- proposes some ideas that will prompt discussion
    * wetland regulation: 0.5 acre urban, 1.0 acre rural, types 2-8
    * wetland banking
    * ties CIPs & monitoring to Regional & State plans / funding
    * attempts to deal with city, WMO as well as agency concerns

Future Meetings

February 7, 1991	- Review of Draft #2
March 21, 1991	- Review of Draft #3
May, 1991	- Two public meetings
June 30, 1991	- Final Draft
July - Dec, 1991	- Formal Rule Process

a:rulesumm.ary

Revised 11/7/90

RULES OF ORDER
ASSOCIATED WITH
MEETING OF 509 ADVISORY COMMITTEE

The process of developing rules, with the assistance of the Advisory Committee which has been assembled for this purpose, may generate considerable disagreement. Disagreement is inherent in this process because the Advisory Committee is made up of members with considerably different perspectives on how these rules should be written. We intend to resolve as many of these disagreements as possible, and manage whatever disagreements remain during this rule making process. To maintain order and make certain the time of the Advisory Committee is productive, the following meeting format will followed:

A. A minimum of 15 days prior to the meeting, the Advisory Committee will be provided with:

1. A meeting agenda outlining the topics to be covered along with an anticipated time-frame during which the topic will be discussed.
2. A copy of any draft rules to be considered along with minutes from the previous meeting, and notes regarding changes to draft rules.
3. A cover letter advising committee members what type of preparation may be necessary for the meeting.

B. During the meeting, "Robert's Rules of Order" will be generally utilized to assure that the rule making process is undertaken in an orderly manner.

C. The Advisory Committee will be requested to comment on the latest version of the "draft" rules. The Rule Facilitator will highlight important issues prior to taking comments.

D. Advisory Committee Members will be requested to submit comments on draft rules in a specific manner. This will include breaking each comment into three parts, the first part identifying the section of the rule for which the comment applies, the second describing in general terms the problem or concern with the draft language, and the third part providing specific language for a revision to the draft rule. A separate comment sheet must be submitted for each section of the rule for which a comment is made. Copies of the written comments must be handed in prior to the opening of the verbal comment period. Members verbal comments on each section of the draft rules should be limited to 1 to 1 1/2 minutes unless a time extension is granted by the Rule Facilitator. Members will be asked to refrain from verbally commenting on the rule if previous comments have highlighted their concern. Members will also be asked to paraphrase comments to meet time constraints.

E. The agenda for each meeting will outline the time period during which verbal comments on each section of the rule will be accepted. Upon expiration of the comment time period, the Rule Facilitator will categorize comments and will survey the membership whether they agree, disagree or are indifferent to the opinions expressed for each of the various categories of comments which are made. If the

time period expires and some members have not had the opportunity to verbally comment on the rule, feel that their concern has not previously been highlighted through previous comments, and that their written submittal requires further verbal support, additional time will be made available for comment on that specific section of the rule following the late afternoon break. The format for taking comments after this break will be similar to that utilized during the previous comment periods. Committee Members are encouraged to simply submit comments in writing without verbally presenting their arguments, particularly if their comments are similar to those previously made. The information gathered on whether or not the membership agrees, disagrees or is indifferent to the comments made will be part of the record of the meeting, and may be used in determining what changes should be made to the draft rule. However, because of the make-up of the 509 Advisory Committee does not necessarily reflect equal representation of perspectives from all parties concerned, the outcome of these surveys will hold limited weight in the decision making process.

F. Comments will be solicited during the first reading of the preliminary draft rules, following a second reading of the draft rules and following the final reading of the draft rules. Following the final reading comment period, no further comments will be solicited by the Rule Facilitator. During these meetings, a tape recording of the discussion will be obtained and appropriate minutes will be transcribed from them.

G. The meeting will be conducted so that all comments will be directed toward the Rule Facilitator.

H. All comments and suggested revisions must be submitted in writing, and specifically respond to draft rules which will be previously submitted to the membership. Limited comments will be accepted that respond directly to previous comments that are made but not yet incorporated into the draft rules. These comments will be accepted for only a limited period of time and only at the end of the designated comment period for each section of the rule.

I. Suggested revisions to draft rules will either be incorporated into the next set of draft rules, or a comment will be added to a section of notes following each draft rule indicating the reason the suggested revision was not incorporated into the draft rule. In this way, a complete record of the rational for the development of these rules will be maintained and easily referenced by the membership during the rule making process.

J. The rule process outlined during the first meeting will be utilized to focus the Committees activity and comments.

K. If groups of individuals tend to be polarized over an issue, we will suggest a subcommittee be formed to draft a suggested revision to this rule. The subcommittee will be made up of members from these polarized groups. It will be the responsibility of this subcommittee to report back at the next appropriate meeting with their findings.

October 5, 1990
Revised 11/7/90

THE RULE PROCESS

"509" RULES ADVISORY COMMITTEE PROCEEDINGS
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

As a result of recommendations provided by the 1989 Metropolitan Local Water Management Task Force, the Minnesota Legislature enacted Chapter 601 of the Laws of 1990. Chapter 601 amended the Metropolitan Water Management Act to set forth certain requirements intended to improve local water management in the Seven County Metro Area. One aspect of the law requires the Minnesota Board of Water and Soil Resources (BWSR) to promulgate a set of rules to help guide the planning and implementation of the plans of the 46 existing Water Management Organizations. Toward this end, it is the intention of the BWSR to develop those rules in the following manner:

1. It is the goal of BWSR to develop rules as directed by the subject legislation. The BWSR desires to develop a draft set of these rules by June 30, 1991. The BWSR will assume full responsibility for developing these rules. It will not delegate this responsibility to others. The BWSR will be seeking structured comments and recommendations via individual members of an advisory committee comprised of representation from interested agencies and groups. After the work of the advisory committee is complete, the BWSR intends to provide additional opportunity for comment to the general public and advisory committee members through public meetings and, if necessary, public hearings conducted pursuant to Minnesota Statutes, Chapter 14.

2. The BWSR will 1) work with a consultant to develop draft language, 2) be present at the meetings to respond to policy issues and 3) provide for legal counsel. Throughout the process the BWSR intends to insure that a fair, orderly process for receiving comments and recommendations is maintained.

3. The BWSR's consultant will be responsible to 1) organize and conduct each advisory meeting, 2) maintain accurate minutes 3) develop three sets of draft rules during the process 4) provide copies of meeting minutes, draft rules to advisory committee members in a timely fashion and 5) provide limited literature research on issues that may arise.

4. The duties of each advisory committee member will be to 1) represent the position of their agency or affiliated group, 2) read draft rules and minutes prior to each meeting, 3) submit written clear, concise comments and suggested alternative rule text and 4) share information about the rules and related issues with their constituency. Where no comment is received, it will be assumed that no major objection exists.

5. It is the intention of the BWSR to prepare an initial set of draft rules and two subsequent re-drafts of the rules. During the Advisory Committee Meetings there will be 3 separate readings of the rules. Each committee member will be allowed a limited time to read or highlight their submittal of written comments for the record. It is requested that all comments be provided in accordance with the "Rules of Order". The written comments will be summarized in the meeting minutes. A complete file of all written comments submitted will be maintained at the BWSR offices for public review. Where comments are lengthy, members will be asked to submit their comments on floppy diskette in ASCI text or Word Perfect format, if at all possible. After the reading of the third draft, opportunity will be afforded to provide additional recommendations or endorsement of the content of the rules.

6. It is the intention of the BWSR to develop rules that:

- specify the content of 2nd generation 509 plans,
- the content of joint powers agreements of WMO's,
- the content of local water management plans,
- the content of WMO annual reports to BWSR,
- standards for financial and performance audits,
- a procedure for determining whether or not WMO plans are being implemented, and
- a procedure for resolving complaints related to non-implementation of plans.

Other items may be included on the basis of consensus, provided existing law allows for such inclusion

/cmw
10/90-rp

CHAPTER 8410
BOARD OF WATER AND SOIL RESOURCES
METROPOLITAN LOCAL WATER MANAGEMENT

8410.0010 - Purpose
8410.0020 - Definitions
8410.0030 - Content of Joint Powers Agreements
8410.0040 - Removal of WMO Representatives
8410.0050 - Content of WMO Plans: General Structure
8410.0060 - Content of WMO Plans: Executive Summary
8410.0070 - Content of WMO Plans: Land and Water Resource Inventory
- A. - Precipitation
- B. - General geology and topographic data
- C. - Surface water resource data
- D. - Ground water resource data
- E. - Soil data
- F. - Land use and public utility services
- G. - Recreation areas and land ownership
- H. - Fish and wildlife habitat
- I. - Unique features and scenic areas

8410.0080 - Content of WMO Plans: Impacts of County, Regional, State and Federal Plans
- Subpart 1 County plans and programs
- Subpart 2 Regional plans, goals and programs
- Subpart 3 Statewide plans, goals and programs
- Subpart 4 Federal plans, goals and programs

8410.0090 - Content of WMO Plans: Assessment of Problems
- Subpart 1 Existing problems
- Subpart 2 Potential problems

8410.0100 - Content of WMO Plans: Corrective Actions
- Subpart 1 Regulatory Controls
  - A. Required local controls
    - (1) Wetland protection & mitigation
    - (2) Erosion control
    - (3) Structure setback and elevation
    - (4) Nuisance: waste & debris
  - B. Optional local controls
- Subpart 2 Storm Water & Drainage Design Standards
  - A. Required standards
  - B. Optional standards
- Subpart 3 Education Programs
  - A. Required education programs
  - B. Optional education programs

Subpart 4 Data Collection Programs
A. Required data collection programs
B. Optional data collection programs
Subpart 5 Management Programs
A. Required management programs
B. Optional management programs
Subpart 6 Potential Structural Solutions to Problems
A. Structural options to existing problems
B. Cost analysis
C. Priorities

8410.0110 - Content of WMO Plans: Establishment of Policies and Goals

8410.0120 - Content of WMO Plans: Impact on Local Government
Subpart 1 Conflict with existing local controls
Subpart 2 Financial impact on local government

8410.0130 - Content of WMO Plans: Implementation Priorities
Subpart 1 High priorities
Subpart 2 Medium priorities
Subpart 3 Low priorities

8410.0140 - Content of WMO Plans: Implementation Program
Subpart 1 Required implementation components
Subpart 2 Optional plan implementation components

8410.0150 - Plan Content: Amendment Procedure
Subpart 1 Amendment section
Subpart 2 General amendment procedure
Subpart 3 Form of amendments
Subpart 4 Distribution of amendments
Subpart 5 Amendments required by law or rule

8410.0160 - Annual Reporting Requirements
Subpart 1 Requirement for annual financial, activity, and audit reports
Subpart 2 Content of annual financial report
Subpart 3 Content of annual activity report
Subpart 4 Content of annual audit report
Subpart 5 Procedure for state audit

8410.0170 - Content of Local Plans: General Structure

8410.0180 - Content of Local Plans: Structure
Subpart 1 Purpose
Subpart 2 Water resource related agreements
Subpart 3 Executive summary
Subpart 4 Land and water resource inventory
Subpart 5 Assessment of problems
Subpart 6 Corrective actions
Subpart 7 Financial considerations
Subpart 8 Establishment of policies and goals
Subpart 9 Implementation priorities

Subpart 10 Implementation program
Subpart 11 Amendment procedures

8410.0190 - Determinations of Failure to Implement

Subpart 1 Establishing cause
Subpart 2 Board staff responsibilities
- A. Staff investigation and report
- B. Meeting to discuss staff report
- C. Official response from WMO
- D. Appeal to dispute resolution committee
- E. Report to board

Subpart 3 Board responsibilities
- A. Findings of fact
- B. Failure to act
- C. Role of the dispute resolution committee

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC

November 27, 1990

An Open Letter to the Board of Water and Soil Resources

The Minnesota Legislature in 1987 established the Board of Water and Soil resources, a Board which replaced the three existing agencies, namely the Water Resources Board, the Soil and Water Conservation Board and the Southern Minnesota Rivers Basin Council.

The Minnesota Association of Watershed Districts supported this legislation because this was a step in consolidating some of the agencies that deal with the resources of soil and water. It was felt that this new Board with representatives of counties, soil and water conservation districts, watershed districts plus three members of the public would bring unity and a single purpose in managing these resources. It would also provide a central point for Minnesota residents to get information and help.

The recent action of the Soil and Water Conservation Districts Association as it relates to the proposed Snake River Watershed District disturbs me deeply. D'Wayne DeZiel of SWCD Association has been making statements which are totally untrue or are half truths. His efforts to discredit Watershed Districts certainly does not lead to unity of purpose. I object to people using taxpayers money for the gratification of their own egos.

He also stated that their Association will seek a one year moratorium on the establishment of additional watershed districts.

I find it difficult to believe this is the thinking of the majority of SWCDs in the State. There have been many successful joint efforts in the State where watershed districts and SWCDs worked together to the benefit of our natural resources.

I hope the BWSR, which has administrative authority over watershed districts and SWCDs, takes action to correct this situation, and get the focus back on preservation of water and soil resources.

Allen Campbell
President MAWD

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Notes for the Nov. 28 BWSR Meeting

Members of the Board, on behalf of the Association of Metro SWCDs and the Ramsey SWCD, I have the following prepared statement.

The current procedure for allocating cost-share funds is highly discriminatory to the forested and urban land-use districts. We **must** achieve cost-share allocation equity!

We can achieve equity if the current allocation formula is altered to include additional, objective and quantifiable criteria that are weighed equally with the formula's current criteria.

For example, many of our urban land-use, non-point source pollution problems can be recognized by simply adding an additional criterion "acres of impervious surface area within each district." In the metro area, these figures are easily obtained through Metro Council, WMOs, and in some instances, SWCDs have developed this data. Outstate data can be collected through current or past land-use remote sensing projects. Once BWSR collects the rough data, each district can be given the opportunity to better qualify the data through site specific interpretation, i.e., field survey. This would parallel the procedure used with the current formula's highly erodible lands and feedlots criteria.

Acres of impervious surface area is a widely recognized source and thus indicator of urban non-point source pollution and its magnitude. It is also the key variable in several nationally recognized urban run-off pollution models, such as NURP.

Since the cost-share allocation formula is an important component of the cost-share program, any discussion of its alteration must be held **concurrently** with all other aspects of the rules revision process. This includes the necessary timetable to have the new rules in effect for FY92 allocations.

We approve of Mr. Larson's suggestion that a committee be formed to assess this issue. However, we reject his suggested timetable for the reason previously stated. We also reject any attempt to equate equity in the cost-share program with the overall equity of district programs state wide.

November 26, 1990

The following formula was developed for FY 1985 allocations to aid implementation of the 1985 edition of the cost-share rules. It builds on legislative mandates from 1982 and policy of the Soil and Water Conservation Board which is reflected in the rules. A relevant page from the current cost-share program rules, adopted 1985, is attached. It must be noted that the formula represents only one of five criteria that the board considers in the allocation of funds. Criteria B., on the attachment, is the basis for the cost-share program formula.

Cost-share allocation formula:

Component A is calculated for each SWCD
(i.cropland acres with sheet, rill and wind erosion rates in excess of 2*"T",or the tolerable rate,) + (ii."Critical Sedimentation" -acres with sheet and rill erosion rates in excess of 3 tons per acre on any land within shoreland areas) = iii."Total High Priority Acres"

Component B is calculated for each SWCD
iii. (from above) x iv. Adjustment Factor (land treatment cost factor) = **v.Adjusted High Priority Acres**

Component C is calculated for each SWCD
Each SWCD's percentage(of the state total) of "Adjusted High Priority Acreage" (vi.) is then calculated

Component D is calculated for each SWCD
Number of "Priority Feedlots", (vii.) or feedlots within shoreland areas, is calculated

Component E is calculated for each SWCD
Each SWCD's percentage (of the state total) of "animal feedlots within shoreland areas" (viii.) is then calculated

Component F is calculated for each SWCD
The component C percentage is weighted 75% and component E is weighted 25% yielding a "Weighted Percent" (ix.)

Formula Allocation
The "Weighted Percent" is multiplied times the amount available for allocation. Fiscal year 1985 funding was used for this calculation.

As indicated by the example on page 5, the actual allocation for a number of SWCD's in 1991 differed from the formula allocation. **Variation is due to the point made earlier: the formula is but one of five factors used to determine an actual allocation. In these examples, variation was primarilly caused by more money being allocated in 1991 than in 1985. Prior to 1988, however, factors such as SWCD performance in effectively administering the program caused yearly variation.** Shifts in funding based on SWCD performance have not been made since FY 1987, the last allocation approved by the Soil and Water Conservation Board. Since 1988, annual allocations have been based on the 1987 figures with annual increases or decreases in funding available to BWSR equally applied all SWCD's by uniformly increasing or decreasing the allocation from the previous year.

The allocation formula was intended to be a"target" used to "aim" allocations in the general direction of high priority areas and problems. From its inception, the formula was never intended to represent an extremely accurate portrayal of local soil and water resource conditions. Soil and water conservation problems vary both temporally and spatially across landscapes. These and other factors such as the localized nature of resource problems make any formula inherently inaccurate. The formula used for the cost-share program is a point in time estimate of a particular array of resource fctors. Obviously, a different array of factors with different weightings would produce a different result. This was recognized in 1985. To compensate for limitations in the allocation formula, special project and roll-over funding was initiated to afford SWCD's an opportunity to seek additional funds.

It is indeed appropriate to periodically review any formula to determine if factors should be added, retained, or deleted.

DATA SOURCES USED FOR THE 1985 FORMULA:
Sheet,rill, and wind erosion data- 1982 USDA National Resources Inventory

Shoreland sedimentation data- 1982 State Planning Agency study

Animal feedlots- 1978 MPCA "208" study

Animal feedlots- 1978 MPCA "208" study

Land treatment cost adjustment factor- 1981 SCS staffing plan

A further note regarding land treatment costs:
In the SCS staffing plan, SWCD's were grouped according to the cost to apply enduring soil and water conservation practices. Factors from 1.0 to 0.2 were established. Northwestern Minnesota SWCD's were grouped in the 0.2 category because of the lesser cost to install, principally, wind erosion control measures. Southeastern SWCD's and the Twin City metro SWCD's were grouped in the 1.0 category because of the greater cost to install, principally water erosion and sediment control measures. Other SWCD were placed somewhere between 0.2 and 1.0.

8400.0600 ALLOCATION OF FUNDS.

Subpart 1. Comprehensive plan. Before the state board can allocate cost-share funds to a district it must first approve the district's comprehensive plan, including its most recent amendment and the annual work plan which includes the application for needed cost-share funds. The plans must be in a format required by the state board.

Subp. 3. Review criteria. The state board shall review all district applications for cost-share funds with respect to the following criteria:

A. the extent of high priority erosion or water quality problems in the district as outlined in the district comprehensive and annual plans;

B. priorities for the control of soil erosion or water quality problems as established in the program plan of the state board;

C. historical success of the district in applying soil and water conservation practices;

D. availability of cost-share funds from other sources; and

E. readiness of the district to effectively use the funds.

The state board shall review all district applications for special project funds with respect to criteria established in the most recent version of the Guidelines for Special Projects published by the state board. That publication is subject to frequent change, is available in the State Law Library, and is incorporated by reference.

Subp. 4. Grants. Following review and approval of the annual and comprehensive plans, the state board shall allocate to districts in the form of grants at least 70 percent of the cost-sharing funds available statewide for conservation practices to address high priority erosion or water quality problems. The remaining cost-share funds may be allocated by the board to districts for technical and administrative assistance or special projects. Technical and administrative assistance grants may be used for controlling secondary priority nonshoreland erosion problems.

8400.0700 MONITORING.

For purpose of monitoring the progress of the program and use of funds, the state board shall receive from each district an annual report of the year's accomplishments by a date deemed reasonable by the state board. The state board may require additional special reports deemed necessary by the

FORMULA ALLOCATION

DISTRICT	A			B		C	D	E	F		
	EROSION RATES >2T (1000 AC)	CRITICAL SEDIMENT. (1000 AC)	TOTAL HIGH PRIORITY AC (1000 AC)	ADJUST. FACTOR	ADJUSTED HI PRIORITY AC. (1000 AC)	PERCENT OF STATE	HI PRIORITY FEEDLOTS	PERCENT OF STATE	WEIGHTED PERCENT	"FORMULA ALLOCATION BY COL.(F)	ACTUAL FY 1991 LLOCATIO
CLAY	195.2	4.3	199.5	0.2	39.9	1.4	1195	2.1	1.73	$23,998	$24,417
DOUGLAS	80.3	6.4	86.5	0.7	60.7	2.1	600	1	1.59	$21,756	$22,968
AITKIN	0	1.8	1.8	0.7	1.3	0	453	0.8	0.42	$5,787	$7,566
WASHINGTON	32.5	4.6	37.1	1.0	37.1	1.3	260	0.5	0.87	$12,006	$15,648
COTTONWOOD	47	13	60	0.7	42	1.4	689	1.2	1.32	$18,372	$19,989
MARTIN	48.7	10.4	109.1	0.7	76.4	2.6	654	1.1	1.89	$26,154	$28,670
GOODHUE	64.3	16.5	80	1.0	80.8	2.8	896	1.6	2.17	$30,142	$33,347

AMOUNT USED TO CALCULATE ALLOCATION
FORMULA ALLOCATION $1,387,260

SOIL AND WATER CONSERVATION DISTRICTS

SUMMARY OF FY89

STATEMENTS OF REVENUES AND EXPENDITURES

	DISTRICT	REVENUE							EXPENDITURES							EXCESS REVENUES (EXPENDITURES)
		LOCAL	INTERGOVERNMENTAL COUNTY	STATE	FEDERAL	CHARGES FOR SERVICES	MISCELLANEOUS INTEREST	OTHER	TOTAL REVENUE	PERSONAL SERVICES	OTHER SERVICES AND CHARGES	SUPPLIES	CAPITAL OUTLAY	PROJECT EXPENSE DISTRICT	STATE	TOTAL EXPENDITURES	
NE	AITKIN		45,476.00	43,926.72		5,206.25	3,621.56	2,836.00	$101,066.53	49,216.37	23,472.96	2,755.61	5,303.47	3,707.24	22,688.50	$107,144.15	($6,077.62)
EC	ANOKA		56,311.00	72,422.00			960.00		$129,693.00	78,735.00	40,556.00	2,694.00	868.00	1,856.00	671.00	$125,380.00	$4,313.00
WC	BECKER		54,801.83	39,509.83	1,075.00	28,687.13	3,555.85	455.87	$128,085.51	68,758.18	2,637.65	9,893.67	528.29	24,757.00	16,735.53	$123,310.32	$4,775.19
NW	BELTRAMI	44,242.50	40,320.00	21,478.25		35,208.80	3,398.13	1,397.74	$146,045.42	81,775.52	13,643.55	1,887.27		43,758.51	4,877.60	$145,942.45	$102.97
EC	BENTON		46,344.00	26,452.07		6,586.93	5,203.93		$84,586.93	54,921.92	7,302.42	1,334.67	1,665.49	10,570.55	4,172.92	$79,967.97	$4,618.96
SW	BIG STONE		33,857.00	31,530.00	2,151.31	27,798.85	3,959.82	5,810.78	$105,107.76	41,140.00	12,283.83	435.39	2,262.50	12,595.32	17,825.00	$86,542.04	$18,565.72
SC	BLUE EARTH		55,433.00	55,448.70	3,551.00	50,000.33	7,446.47	10,181.74	$182,061.24	87,175.39	30,011.43	3,099.40	4,056.64	35,169.23	27,178.65	$186,690.74	($4,629.50)
SC	BROWN		61,271.70	38,586.88	210.00	14,754.67	5,831.95	2,259.15	$122,914.35	62,098.19	8,087.37	415.09	15,056.15	12,343.04	1,913.70	$99,913.54	$23,000.81
NE	CARLTON		55,868.00	12,267.00			1,856.00	1,628.00	$71,619.00	44,919.00	17,388.00	3,883.00	1,464.00		4,043.00	$71,697.00	($78.00)
EC	CARVER		100,945.42	74,497.95	474.64	9,868.02	7,920.61	401.49	$194,108.13	115,813.85	11,665.80	2,421.93	2,922.62	12,290.44	38,751.64	$183,866.28	$10,241.85
WC	CASS		7,554.60	6,033.36			1,195.02		$14,782.98	8,647.38	3,203.06	3,574.37		2,791.87	7,192.00	$25,408.68	($10,625.70)
SW	CHIPPEWA		31,000.00	44,343.11	775.00	21,616.70	2,567.25	151.26	$100,453.32	50,417.99	9,399.82	74.91		14,286.05	4,236.22	$78,414.99	$22,038.33
NE	CHISAGO		23,340.00	21,760.86	599.04	32,119.92	2,317.93	240.00	$80,377.75	40,900.00	8,470.24		5,587.39	19,541.54	14,209.09	$88,708.26	($8,330.51)
WC	CLAY		44,874.00	59,415.42	1,075.00	43,459.08	13,501.87	343.15	$162,668.52	63,025.95	11,366.07	742.90	8,000.00	27,864.84	40,608.42	$151,608.18	$11,060.34
NW	CLEARWATER		33,250.00	37,421.77	2,700.00	19,857.97	1,430.65	289.22	$94,949.61	44,194.32	4,071.64	5,534.62	652.00	14,085.16	23,417.77	$91,955.51	$2,994.10
NE	COOK		2,500.00	12,489.02		432.00	4,759.40	115.68	$20,296.10	8,553.89	5,240.49	572.05	183.03		1,680.00	$16,229.46	$4,066.64
SW	COTTONWOOD		55,551.84	39,938.08		34,341.60	2,397.87	1,402.65	$133,632.04	64,814.12	15,851.39	1,593.86	21,504.21	23,250.68	15,840.00	$142,854.26	($9,222.22)
WC	CROW WING		17,500.00	17,663.00	200.00		762.92	265.33	$36,391.25	15,701.70	10,308.29	100.00		101.50	7,389.00	$33,600.49	$2,790.76
EC	DAKOTA		332,206.00	24,155.00		51,644.00	3,338.00	1,332.00	$412,675.00	198,863.00	26,911.00	1,053.00		39,158.00		$265,985.00	$146,690.00
SE	DODGE		81,050.00	26,862.27	800.00	14,500.06	3,071.15	2,998.50	$129,281.98	91,779.16	12,702.63	218.29	0.00	5,464.48	12,926.65	$123,091.21	$6,190.77
WC	DOUGLAS		42,000.00	49,060.99	3,000.00	55,454.36	5,402.86	2,083.19	$157,001.40	83,454.78	13,319.37	2,528.88	0.00	20,338.89	19,107.99	$138,749.91	$18,251.49
SC	FARIBAULT		44,840.00	28,489.72	670.00	22,416.49	3,680.73	577.41	$100,674.35	60,444.84	15,145.57	0.00	0.00	17,232.66	4,922.67	$97,745.74	$2,928.61
SE	FILLMORE		109,642.94	74,926.84	1,627.10	1,717.86	5,431.46	853.22	$194,199.42	114,291.52	17,631.71	516.46	1,123.46	1,825.97	50,112.96	$185,502.08	$8,697.34
SE	FREEBORN		45,000.00	46,673.00	3,016.00	15,575.84	2,761.66	733.21	$113,759.71	69,969.28	11,568.36	1,527.36	510.00	11,681.93	20,130.00	$115,386.93	($1,627.22)
SE	GOODHUE		91,145.00	67,101.84		16,799.63	9,592.17	2,105.91	$186,744.55	99,828.30	22,399.24	775.33	4,404.90	20,134.18	53,246.84	$200,788.79	($14,044.24)
WC	GRANT		25,000.00	19,587.03	12,900.00	21,359.60	1,232.77	1,006.55	$81,085.95	57,706.75	7,359.02	203.20	373.95	7,324.01	8,415.37	$81,382.30	($296.35)
EC	HENNEPIN		505,206.00	27,036.00		8,291.00	4,907.00	224.00	$545,664.00	289,852.00	86,639.00	4,467.00	141,514.00	0.00	11,752.00	$534,224.00	$11,440.00
NW	HUBBARD		21,650.00	21,110.03		8,376.15	2,018.91	44.67	$53,199.76	32,169.56	7,568.21	418.54	151.76	5,535.69	3,996.00	$49,839.76	$3,360.00
NE	ISANTI		32,240.02	41,377.25		76,256.79	5,533.04	14.88	$155,421.98	58,580.17	8,114.99	766.11	14,539.95	41,924.61	6,273.37	$130,199.20	$25,222.78
NE	ITASCA	9,523.27	47,317.00	19,425.00			4,157.29	29,056.09	$109,478.65	51,720.00	12,650.98	236.03	4,639.00	39,967.19	11,610.54	$120,823.74	($11,345.09)
SW	JACKSON		23,632.07	36,889.95	7,262.70	17,756.47	4,253.22	593.03	$90,387.44	50,197.72	14,509.35	694.36	875.00	12,877.11	12,732.61	$91,886.15	($1,498.71)
NE	KANABEC		18,668.98	26,691.23		26,011.59	837.97	246.00	$72,455.77	33,572.93	6,853.86	202.69	0.00	20,463.48	0.00	$61,092.96	$11,362.81
SC	KANDIYOHI		61,776.00	52,866.20	3,523.60	54,180.13	6,389.25	4,903.83	$183,639.01	89,365.86	23,055.39	838.72	11,090.54	41,782.40	39,120.20	$205,253.11	($21,614.10)
NW	KITTSON		26,000.00	22,445.00	3,000.00	35,444.38	1,075.84	1,873.01	$89,838.23	48,991.40	11,746.84	0.00	8,600.00	14,685.62	12,600.00	$96,623.86	($6,785.63)
NE	KOOCHICHING		15,518.00	8,871.80			1,206.93	1,832.29	$27,429.02	16,673.30	7,640.03	3,433.22	190.42	0.00	2,616.00	$30,552.97	($3,123.95)
SW	LAC QUI PARLE		44,000.00	23,643.89	2,465.16	14,744.02	5,925.65	3,930.52	$94,709.24	56,630.91	17,228.84	989.86	1,430.00	8,653.56	7,006.00	$91,939.17	$2,770.07
NE	LAKE		17,250.00	17,020.19			2,602.06	3,053.22	$39,925.47	26,170.39	4,944.77	2,959.81			3,984.00	$38,058.97	$1,866.50
NW	LAKE OE WOODS		3,000.00	15,295.00		236.73	690.11	62.15	$19,283.99	10,835.66	504.57	163.00		400.37	1,883.82	$13,787.42	$5,496.57
SC	LESUEUR		36,392.00	31,466.91		5,236.17	6,358.79		$79,453.87	56,606.18	14,055.84	277.96		5,699.78	10,154.00	$86,793.76	($7,339.89)
SW	LINCOLN		42,020.00	26,190.30	2,805.40	43,621.95	5,267.63	357.27	$120,262.55	57,804.72	12,816.22	453.68	0.00	23,096.34	3,536.00	$97,706.96	$22,555.59
SW	LYON		62,280.00	21,516.96	12,000.00	34,876.25	4,610.39	20,100.86	$155,384.46	80,348.27	32,709.63	936.99	530.00	19,519.68	4,266.81	$138,311.38	$17,073.08
NW	MAHNOMEN		4,500.00	18,794.22	1,750.00	5,281.77	2,527.60	84.20	$32,937.79	19,993.61	4,403.64			2,088.26	851.00	$27,336.51	$5,601.28
NW	MARSHALL		39,299.50	32,532.02		26,667.62	1,846.76	962.73	$101,308.63	58,554.58	23,992.70	1,236.39	554.36	18,402.60	6,241.60	$108,982.23	($7,673.60)
NW	MARSHALL-BELTRAMI		33,950.00	15,157.00	2,600.00	4,161.75	1,402.86	675.99	$57,947.60	37,628.76	10,296.23	0.00	5,341.31	2,778.25	0.00	$56,044.55	$1,903.05
SC	MARTIN		26,800.00	32,045.79	4,845.00	26,477.25	3,346.56	1,627.13	$95,141.73	56,884.68	9,499.23	527.30	0.00	21,870.09	967.88	$89,749.18	$5,392.55
SC	MCLEOD		35,000.00	64,530.04		23,021.66	6,214.17	1,573.19	$130,339.06	57,387.34	7,840.95	414.64	125.59	17,829.43	9,391.53	$92,989.48	$37,349.58
SC	MEEKER		37,669.64	44,093.14	220.00	5,351.08	5,499.54	945.28	$93,778.68	48,274.91	12,072.54	245.52	13,614.00	4,046.53	17,021.52	$95,275.02	($1,496.34)
NE	MILLE LACS	6,899.90	13,084.00	25,701.70			4,523.95	575.43	$50,784.98	21,611.53	4,740.75	522.77	8,375.00		15,431.40	$50,681.45	$103.53
WC	MORRISON		40,000.00	2,144.00	4,148.00	55,530.00	5,859.00	6,508.00	$114,189.00	74,510.00	48,132.00	4,126.00	1,000.00	24,619.00	24,794.00	$177,181.00	($62,992.00)
SE	MOWER		82,000.00	48,263.15	1,500.00	23,359.04	2,213.51	1,468.94	$158,804.64	86,681.83	12,256.14	1,370.80	550.00	12,884.28	24,025.76	$137,768.81	$21,035.83

SOIL AND WATER CONSERVATION DISTRICTS

SUMMARY OF FY89

STATEMENTS OF REVENUES AND EXPENDITURES

	DISTRICT	REVENUE								EXPENDITURES							EXCESS REVENUES (EXPENDITURES)
		LOCAL	INTERGOVERNMENTAL COUNTY	INTERGOVERNMENTAL STATE	INTERGOVERNMENTAL FEDERAL	CHARGES FOR SERVICES	MISCELLANEOUS INTEREST	MISCELLANEOUS OTHER	TOTAL REVENUE	PERSONAL SERVICES	OTHER SERVICES AND CHARGES	SUPPLIES	CAPITAL OUTLAY	PROJECT EXPENSE DISTRICT	PROJECT EXPENSE STATE	TOTAL EXPENDITURES	
SW	MURRAY		49,553.11	27,669.00	1,699.61	20,738.20	5,730.00	441.79	$105,831.71	66,237.69	8,841.44	943.80	1,490.28	12,088.25	4,675.00	$94,276.46	$11,555.25
SC	NICOLLET		39,200.00	30,420.06		12,075.42	2,828.12	21,260.69	$105,784.29	40,388.25	32,596.43	119.88	12,668.00	9,590.29	19,050.06	$114,412.91	($8,628.62)
SW	NOBLES	21,063.00	35,000.00	41,586.00	15,000.00	48,654.00	5,928.00		$167,231.00	78,019.00	21,772.00	1,049.00	3,212.00	27,175.00	22,407.00	$153,634.00	$13,597.00
NW	NORMAN		36,750.00	34,841.00	3,550.00	44,080.00	9,149.00	35.00	$128,405.00	67,191.00	23,524.00	1,940.00	5,007.00	15,610.00	17,205.00	$130,477.00	($2,072.00)
SE	OLMSTED	6,994.00	109,344.00	63,427.66	1,166.69	23,023.69	8,461.19	2,764.00	$215,181.23	117,712.19	18,440.89	909.85	1,235.00	12,695.22	34,924.80	$185,917.95	$29,263.28
WC	OTTERTAIL E.		31,500.00	20,685.10	975.00	17,769.38	3,593.14	472.41	$74,995.03	51,536.22	20,422.40		53.04	13,449.39	6,498.98	$91,960.03	($16,965.00)
WC	OTTERTAIL W.		34,125.00	47,856.63	20,983.60	61,839.97	8,118.09	995.17	$173,918.46	74,277.10	41,538.81	907.67	2,984.00	27,034.74	23,819.60	$170,561.92	$3,356.54
NW	PENNINGTON	750.00	37,275.00	29,879.93	13,912.31	24,839.87	1,704.12	1,651.25	$110,012.48	52,624.09	14,540.13	773.76	165.00	19,311.93	13,930.93	$101,345.84	$8,666.64
NE	PINE		34,200.00	20,617.98		32,537.75	3,351.07	113.81	$90,820.61	45,881.86	6,165.82	692.02		30,410.25	9,652.98	$92,802.93	($1,982.32)
SW	PIPESTONE		26,100.00	30,280.26		36,535.81	4,860.17	1,007.18	$98,783.42	43,674.77	11,418.80	1,806.94	0.00	17,849.99	9,062.25	$83,812.75	$14,970.67
NW	POLK EAST		20,255.00	32,356.60	1,750.00	27,517.87	4,209.59	18,731.83	$104,820.89	35,571.53	12,350.44	293.71	285.00	8,765.31	0.00	$57,265.99	$47,554.90
NW	POLK WEST		23,425.00	39,002.67		65,848.95	3,106.05	6,951.87	$138,334.54	68,383.78	17,064.95	1,612.94	3,844.00	28,379.84	14,841.87	$134,127.38	$4,207.16
WC	POPE		25,000.00	31,520.51	13,240.00	15,813.19	1,969.04	19,440.78	$106,983.52	72,575.66	14,604.18	167.51	395.00	16,579.89	3,061.34	$107,383.58	($400.06)
EC	RAMSEY		55,645.25	112,902.00				57,754.46	$226,301.71	56,435.39	48,287.73	397.17	3,104.05	118,077.37	0.00	$226,301.71	$0.00
NW	RED LAKE		23,942.00	25,183.38	2,750.00	11,266.39	1,373.77	1,310.12	$65,825.66	46,206.83	7,195.68	456.66	5,372.33	7,452.71	9,280.00	$75,964.21	($10,138.55)
SW	REDWOOD	4,546.64	68,000.00	58,339.15	3,278.50	33,473.33	6,027.26	964.37	$174,629.25	87,370.93	20,913.01	203.04	4,328.94	17,362.36	4,435.15	$134,613.43	$40,015.82
SC	RENVILLE		30,000.00	82,242.06	684.86	28,738.27	2,978.33	534.10	$145,177.62	65,603.47	17,237.73	1,269.34		16,812.21	9,439.84	$110,362.59	$34,815.03
SE	RICE		37,915.00	55,241.10	2,395.00	6,841.11	3,474.71		$105,866.92	50,177.96	8,060.31	451.78	57.85	6,097.35	20,146.75	$84,992.00	$20,874.92
SW	ROCK		9,694.00	17,219.86		19,681.23	2,624.56	1,341.78	$50,561.43	15,850.52	6,711.82	99.60	788.50	15,295.91	10,170.25	$48,916.60	$1,644.83
SE	ROOT RIVER		109,091.00	61,427.60	1,136.00	1,543.97	2,261.87	785.12	$176,245.56	91,790.90	12,219.55	2,023.72	6,902.72	1,945.25	31,414.00	$146,296.14	$29,949.42
NW	ROSEAU		16,000.00	34,870.00	9,900.00	19,067.70	2,322.95	625.35	$82,786.00	55,747.72	11,816.94	60.22		11,001.63	13,446.48	$92,072.99	($9,286.99)
EC	SCOTT		84,561.00	57,055.46		20,112.69	12,986.47	9,611.25	$184,326.87	102,854.37	17,773.57	415.14	557.43	19,779.92	27,175.74	$168,556.17	$15,770.70
EC	SHERBURNE		57,068.00	26,835.52	552.57	11,060.31	3,743.89	712.02	$99,972.31	59,153.53	8,105.48	665.25		5,688.94	0.00	$73,613.20	$26,359.11
SC	SIBLEY	28,517.00	35,143.99	2,036.50		28,984.47	2,814.02	45,968.55	$143,464.53	65,680.92	9,755.39	242.52	5,935.66	50,132.52	10,174.80	$141,921.81	$1,542.72
EC	STEARNS		222,000.00	50,055.00	13,808.40	20,396.94	27,047.93	22,053.73	$355,362.00	302,847.98	30,337.03	8,059.35	19,105.62	7,946.37	19,725.00	$388,021.35	($32,659.35)
SE	STEELE		42,848.29	24,756.97		31,262.81	966.30	730.71	$100,565.08	46,691.87	6,232.61	141.19	2,153.22	25,062.24	11,878.15	$92,159.28	$8,405.80
WC	STEVENS		48,000.00	26,295.03	9,900.00	24,788.88	3,510.52	272.00	$112,766.43	70,452.77	13,750.69	1,232.70	342.96	17,218.90	3,934.70	$106,932.72	$5,833.71
NE	ST. LOUIS N.	10,605.22	35,800.00	13,985.86			2,054.45	560.52	$63,006.05	33,086.32	10,606.30	901.21	621.47	6,257.87	1,949.89	$53,423.06	$9,582.99
NE	ST. LOUIS S.		20,414.31	30,000.00	17,238.00		4,004.48	1,420.22	$73,077.01	37,141.82	10,238.81	1,130.61		14,224.93	15,679.42	$78,415.59	($5,338.58)
SW	SWIFT		29,346.00	45,770.73		27,422.27	4,029.06	1,913.70	$108,481.76	53,718.38	20,030.10	0.00	0.00	15,480.81	18,543.50	$107,772.79	$708.97
WC	TODD		42,000.00	26,576.00	5,450.00	26,633.00	1,317.00	1,939.00	$103,915.00	74,544.00	12,270.00	302.00	0.00	10,273.00	12,204.00	$109,593.00	($5,678.00)
WC	TRAVERSE		45,269.00	34,742.06	200.00	41,449.63	2,737.14	1,729.50	$126,127.33	54,367.38	14,531.10	831.34	2,734.85	23,892.43	9,501.92	$105,859.02	$20,268.31
SE	WABASHA		78,256.00	52,245.00	10,100.00	3,172.00	6,563.00	2,634.00	$152,970.00	91,419.00	12,367.00	905.00	4,297.00	8,095.00	27,248.00	$144,331.00	$8,639.00
WC	WADENA		15,450.00	45,644.32		16,844.76	3,674.22	480.31	$82,093.61	49,137.99	4,874.92	472.90	3,050.00	3,860.36	9,691.00	$71,087.17	$11,006.44
SC	WASECA		44,707.81	58,141.99	2,317.50	20,034.67	1,719.06	602.38	$127,523.41	51,201.04	7,587.79	3,044.34	0.00	12,710.30	46,977.99	$121,521.46	$6,001.95
EC	WASHINGTON		121,505.53	79,494.73		31,935.81	4,989.74	25,344.36	$263,270.17	125,411.55	29,195.61	1,131.52	14,597.29	22,495.30	64,110.53	$256,941.80	$6,328.37
SC	WATONWAN		35,000.00	20,017.05	962.78	15,769.39	1,788.56	1,368.88	$74,906.66	40,136.07	11,105.16	511.06	89.99	20,207.85	2,483.77	$74,533.90	$372.76
WC	WILKIN		22,266.71	27,622.89	610.00	33,560.19	2,403.16	3,454.78	$89,917.73	37,098.58	11,659.03	744.49	13,881.76	21,381.70	10,800.41	$95,565.97	($5,648.24)
SE	WINONA	18,223.17	64,880.61	92,929.86	9,538.00	6,002.19	11,405.28	74.19	$203,053.30	98,409.79	9,589.06	11,314.04	371.50	16,654.29	84,160.98	$220,499.66	($17,446.36)
EC	WRIGHT		99,910.00	52,004.88	170.00	29,178.75	5,609.34	10,281.31	$197,154.28	122,091.91	16,055.09	915.04	2,094.15	29,329.46	4,856.70	$175,342.35	$21,811.93
SW	YELLOW MED.		54,486.00	81,110.40	14,450.00	27,412.22	9,201.12	579.22	$187,238.96	77,339.73	17,255.66	1,120.69	10,802.78	12,752.18	62,130.00	$181,401.04	$5,837.92
	TOTAL	$151,364.70	$4,857,263.15	$3,412,036.28	$258,662.77	$1,992,194.97	$393,101.83	$389,092.47	$11,453,716.17	6,054,234.57	$1,405,313.07	$123,375.65	$422,115.42	$1,497,682.62	$1,373,237.34	$10,875,958.67	$577,757.50

INFORMATION ON BWSR EXPECTATIONS AND PERFORMANCE STANDARDS FOR WELL-SEALING COST-SHARE GRANTS

Most of this information has appeared in one form or another in the grant agreement and in the April 9 information packet. The intention here is to pull it all into one place with additional information, explanations, or suggestions. Hopefully this will answer some of the commonly asked questions we've received to date regarding this program. Listed below are some items from the grant agreement (in italics) followed by additional comments.

GENERAL

The County may contract with another local unit of government to administer the well-sealing program, but the County shall remain responsible for the work performed.

Participating counties have all picked a lead organization or department. BWSR will not develop any forms or contracts for this delegation of responsibility, nor are we requiring that this be done in any particular way. The BWSR grant agreement is with the county; all grant funds will go to the county, and the county has the final responsibility for assuring that the work is done according to expectations.

The County must consult with appropriate organizations and local government units during program implementation, as required by Minnesota Statute Section 103I.331, Subd. 1(c) (1990).

The statute mentions "local health boards, soil and water conservation districts, planning and zoning departments, and other appropriate organizations and local government units." It is only appropriate that in the process of figuring out who is going to do what that these types of organizations be consulted.

The County shall encourage landowner participation in the program as required by Minnesota Statute Section 103I.331, Subd. 1(d) (1990).

The statute says "1) publish information in newspapers of general circulation regarding availability of state funds to share the cost of sealing wells; and 2) invite the public to report to the county on the existence of unsealed wells." There is no set formula for how this should be accomplished, since counties will be focusing their efforts in a variety of different ways. What may be appropriate for one county that is targeting a specific location may not be appropriate for another county that is taking a county-wide approach. There will be substantial flexibility in meeting this requirement.

WELL SEALING

The County, or contracted local unit of government, shall contract with landowners to share the cost of sealing priority wells in accordance with criteria for selecting priority wells established by the Board.

BWSR will not be developing any standard contracts or forms for contracting with landowners, since there are so many different possible approaches. A county

or local unit of government may use locally acceptable contract forms when it is necessary to work with a subcontractor and/or a private business. (Well sealing priorities are addressed below.)

The well sealing contract must provide that:
a) Sealing is done in accordance with Minnesota Statute Section 103I.331 (1990), and applicable statutes, rules, and ordinances related to the sealing of unused wells.

This means sealing work needs to conform to the Minnesota Department of Health (MDH) well code, as well as local ordinances. The MDH will be taking a keen interest in well sealings performed as a part of this program, and will likely want to have regional well inspectors present as the well-sealing work is being done.

b) The contractor sealing the well must file a sealed well report and a copy of the well record with the Minnesota Department of Health. No reimbursement payments shall be made from grant funds until proof of said filing is made to the County or contracted local unit of government.

This provision is to insure that the proper records are kept. It is extremely important that wells sealed as a part of this program be documented by the filing of a sealed well report with the MDH. Copies of the sealed well reports should also be sent to BWSR (see below).

WELL SEALING PRIORITIES

The County shall select priority wells for sealing in accordance with the criteria established by the Board.

What constitutes a priority well will vary from region to region. The guidelines sent out in April (and included here) should provide a workable framework for prioritizing wells. Counties may need to modify the methodology. This is alright as long as the criteria used to select wells are generally in keeping with those established by the BWSR work group.

The County shall provide documentation explaining the selection of wells prioritized for sealing under this agreement to the Board.

We would like to see some documentation of how the wells were selected as part of the reporting. This is in part to see if the wells selected for sealing are high priority according to the BWSR criteria, and also as a test of the BWSR criteria to see if they are workable. This information will also be used to document regional differences in priorities.

REPORTING

The County or contracted local unit of government shall provide in all cost-sharing contracts with landowners the opportunity for onsite inspection by county and state employees or agents.

This is a pilot program and will be under close scrutiny by a variety of organizations, including the Minnesota Department of Health and other state agencies, county health departments and other departments, politicians, news media, etc. It is important that interested individuals and groups be able to see

the well sealing work first hand. Since the funding is limited, it will be important to maximize the public information, education, and training aspects of this program.

If possible we would like to be notified in advance of any scheduled well sealings, in order to notify any interested parties such as regional MDH personnel.

Copies of the sealed well reports filed by the contractor shall be forwarded by the County to the Board.

In addition to the existing state reporting requirements for well sealing, BWSR needs to maintain accurate records of wells sealed using these grant funds. The sealed well reports should be forwarded to us as soon as possible after the work takes place.

The County shall make an annual written report to the Board by February 15 of each year on the status of the well sealing grant program in the county. Information provided must include the number, location, and cost for each well sealed. Locations of wells sealed under this program shall be provided to the Board in public land survey coordinates to the nearest ¼ ¼ ¼ ¼ section and plotted on copies of 7½ minute topographic maps.

The February 15 date comes from the statute. In administering the program there will be some flexibility with this deadline. But at some point we will need a report which tells us what you accomplished with the grant money. The main component of this will be a list of wells sealed, with locations, itemized costs, pertinent well construction data, an explanation of why these wells were chosen, MDH sealed well reports, etc.

We have had questions about the PLS coordinates and 7½ minute topographic maps. The point of this requirement was to have accurate mapped locations of the wells sealed with these grant funds. The 7½ minute topo maps are the standard for locating wells. It was pointed out to us that in urban and suburban areas, PLS coordinates and 7½ minute maps may not be the best location technique. If there is another technique, fine, as long as we get an accurate mapped location at least as accurate as a PLS location down to 2.5 acres, and one which is tied in to a geographic locator and not dependent on changeable things such as street address, etc.

The County agrees to keep records of administrative costs associated with this program.

Since this is a pilot program which provides no administrative funds, an important function of the program will be to determine what administrative costs will be to implement well sealing cost-share grant programs at the county level. Counties should keep track of all expenses and in-kind costs associated with administering the program and include this information in their report.

CONDITIONS OF PAYMENT

The County shall use the state funds granted herein for the well sealing cost-share program to pay up to 75% per well, but not more than $2000 per well, for the cost of sealing priority wells. The funds may be used for:

1) *contractor costs associated with well sealing; and*
2) *other cost items associated with a well sealing beyond that required of the contractor, such as water sampling or geophysical logging, with prior approval of the Board, provided that the well is sealed and the payment is within the cost-share limits provided herein.*

Counties are free to vary the cost-share percentages up to the maximum. Funds from other sources may be used to augment the state funds, as long as the amount of payment from the state grant does not exceed the stated maximums. There have been questions regarding the eligibility of certain other cost items related to well sealing. Our position is that as long as the particular well in question is sealed, other cost items such as those mentioned may be eligible. Records of cost items should be included in the report to BWSR. Costs associated with locating and prioritizing wells for sealing are not eligible.

Funds shall not be used for any administrative costs associated with the program by the County or contracted local unit of government.

Self-explanatory. We will address questions concerning any "gray areas" on a case-by-case basis.

TERM OF GRANT

This Agreement shall be effective upon such date as it is executed as to encumbrance by the Commissioner of Finance, and shall remain in effect until the end of the Grant Period stated above, or until all obligations set forth in this Agreement have been satisfactorily fulfilled, whichever occurs first.

Basically this means that work cannot start until the funds are encumbered, and cannot take place after the end of the grant period. There are some possibilities for special exceptions at the beginning of the grant period, but only if prior arrangement has been made. Well sealing work may take place after the end of the grant period if the funds have been obligated in a contract.

The Grant Period shall be extended to June 30, 1992 for well sealings that are part of, or responsive to, the priority actions identified in an approved water plan as defined in section 103B.3363, Subd 3 (1990).

The statute says "only well sealings that are part of or responsive to, the priority actions identified in an approved water plan" may be funded after July 1, 1991. This can be a comprehensive local water plan, a metropolitan ground water plan, or a watershed management organization or watershed district plan. For those participants this year that are not covered by an approved water plan(s), grant periods end June 30, 1991. If plans are developed and approved before July 1, 1991, the grant period is extended.

Information on well sealing costs, selecting well sealing contractors, etc. - for counties participating in the well-sealing cost-share program.

There will be many possible approaches to administering the well sealing cost-share program. All of them will involve selecting priority wells for sealing, estimating well sealing costs, and selecting contractors to perform the work. Most counties will probably opt to develop "package" contract(s) with one or more water well contractors for increased efficiency and reduced mobilization charges. Many will be going through some kind of bid process to select a contractor(s).

Well sealing is unlike many other more routine construction operations in that it is often very difficult to obtain "exact" cost estimates prior to starting the well sealing work. Reasonably accurate estimates can be made for a particular well if enough is known about the construction, depth, diameter, and location. However there are often unforseen circumstances such as obstructed holes, zones of lost circulation, need to perforate casing, etc. which can add to the cost of well sealing beyond the original estimate. An apparent "low bid" can often be inaccurate because of these unforseen cost items, lack of information about the well, or a contractor inexperienced with certain procedures (such as casing perforation).

The following information may prove useful in estimating costs, selecting contractors, and preparing bids.

COST FACTORS

Many factors determine the cost of sealing an abandoned well. Contractors will consider the following in giving cost estimates for well sealing work:

Access

- How difficult is it to gain access to the well?
- Complications such as buried well, well under house, overhead power, overhang above pump room, pitless tank to excavate, below grade completion, crawl space, clearing debris away from well, owners attempts to seal well, etc.?

Location

- Contractor mobilization and distance travelled to job site(s).
- How many trips need to be made for the different inspections or operations performed?
- Location on site:
  -well within building structure or pump house, or in yard?
  -steep slope, flooded or wet site conditions, or along roadway?
- Limitation of working hours on site.
- Availability of bulk redi-mix plant in the area.
- Availability of clean water to mix on site.
- Security area or toxic and hazardous waste site.
- Advisory area in or near well site which may require downhole video, gamma logging, or water quality sampling prior to sealing well.

Well Depth and Diameter

- If these data are not known, cost estimates will be at best approximate.
- Depth and diameter determine the amount of grout necessary, generally within 20%.
- Knowledge of depth and geology helps determine the presence of geologic formations which may take on more grout than anticipated.
- Depth to water and casing depth determine amount of water displacement.

Well Construction and Geology

- If these are not known, cost estimates can be inaccurate.
- Need to determine construction prior to determining sealing procedures.
- A screened well in drift takes 1.0 X the well displacement of grout. Open hole wells in limestone or sandstone may take as much as 2.5 X the well displacement of grout. Wells in highly fractured rock can take much more.
- The amount of grout lost to the formation can be estimated by the characteristics of the formation and the amount of open hole beneath the casing, if any.

Special Conditions

- Obstructed well requiring drilling, cleaning out or "fishing" for pumping equipment or debris.
- Casing perforation or removal required.
- Downhole video or gamma logging required to determine construction and geology.
- Water quality sampling required if contamination is suspected.

License, permit, and inspection requirements

- State license requires for contractors.
- County permits or local notification may be required if the county has well program delegation agreement from MDH.
- Insurance certificates required
- If inspection is necessary, does contractor have to give advance notice for inspections (which may require another trip to the site or a period of down time)?

Without an onsite inspection by the contractor or detailed information about the well, it will be very difficult for a contractor to provide an accurate cost estimate for the well sealing work. Any price quotations given over the phone or without the benefit of a site inspection by the contractor or previously collected information should be viewed as estimates only.

It is highly recommended that counties not select contractors based solely on "low bid." Equal consideration should be given to qualifications and experience with the particular types of well sealing work which will be required in the county.

COST ITEMS

The following breakdown of well sealing cost items was modified from a site evaluation sheet used by a contractor to estimate well sealing costs. It outlines cost factors to consider beyond merely pumping the well full of cement grout. It could also serve as a basis for cost items on a bid document.

1. **Site visit and inspection,** including initial visit to site, inspection of well, and preparation of estimate of sealing costs. [Some contractors do not charge for this.]

   LUMP SUM $_____

2. **Removal of existing pumping equipment** from the well (by pump truck, electric hoist, or other methods). To include truck/hoist, up to two workers, and all tools necessary to remove pumping equipment. [Time usually calculated from when operator leaves shop until return].

   Estimated hrs._____ $____/person-hr
   $____/truck-hr $_____

3. **Backhoe and operator** to gain access to any covered well. There may be snow, earth, or debris which blocks access to the well itself. Includes backhoe and two workers. [Time usually calculated from when operator leaves shop until return.]

   Estimated hrs._____ $____/hr $_____

4. **Air compressor, jackhammer and operator** to remove frost, cement slabs, or debris to expose well. To include equipment and two operators.

   Estimated hrs._____ $____/hr $_____

5. **Set up (mobilization) charge** to include mobilization of pump truck, workers, tremie line, cement mixing equipment, water, hoses, mixing tanks, and any other tools necessary to seal well and clean up site. [per trip charge]

   LUMP SUM 1st well (____" well) $_____
   2nd well (____" well) $_____
   3rd well (____" well) $_____

6. **Drilling out obstructed well shaft** (if necessary) to include drill rig, water truck, and all necessary drilling equipment, tools, and 2 workers.

   Estimated hrs._____ $____/hr $_____
   Drilling mud:
   estimated _____ sacks $____/sack $_____

7. **Perforation of liner or casing** (if necessary): to include perforator, pipe to pull perforator, and air compressor. **[Caution! There are only a handful of contractors around the state who have this equipment and are experienced with it.** If this type of work is required a special contract may be necessary. A list of materials, equipment, and documentation of demonstrated experience with this type of work should be required of the contractor.]

   Estimated # feet _____ $____/ft $_____

   Rig to pull liner or casing:
   Estimated hrs._____ $____/person-hr
   $____/truck-hr $_____

8. **Cutting liner out** (if necessary): to include inside pipe cutter, pipe to hang it on, welder (if necessary), personnel and power driver to operate cutter.
Estimated # cuts _____ $____/cut $_____

Rig to pull liner:
Estimated hrs._____ $____/person-hr
$____/truck-hr $_____

9. **"Pea gravel," or buckshot fill:** MDH will allow the judicious use of 3/8 to 1/2 inch diameter "pea rock" for use in plugging zones of lost circulation, which are commonly encountered when sealing wells completed through fractured rock.
Estimated yards _____ $____/yard $_____

10. **Other fill:** Any material purchased to help fill a hole, pit, or annulus. Includes clayey sand or clay used to backfill dug wells.
Estimated yards _____ $____/yard $_____

11. **Permit fee:** Charge for state or local permits and any trip charge if required to pick up in person.
Permit(s) $_____ Trip charge $_____ Total $_____

12. **Well abandonment report:** [Some contractors may charge for writing, typing, and filing the report with the appropriate agencies.]
of wells_____ $____/well $_____

13. **Cement charge** per sack (94 lb bag) installed. [Some well sealing contracts have been bid by the foot rather than by the sack of cement. However due to unpredictability, zones of lost circulation, etc., most contractors prefer to charge by the quantity of cement used. In some counties, where the construction of wells to be sealed is fairly predictable and uniform, charging by the foot may work. The MDH well sealing primer has tables for calculating casing capacities and grout quantities.]
Estimated # sacks _____ $____/sack $_____

14. **Water quality sampling**
of samples_____ $____/sample $_____

15. **Down hole video** (if required): to include well video, interpretation, tape, and report. [Under certain circumstances the MDH will conduct video logging. Contact Mr. James Nye, unit supervisor, well management, MN Dept. of Health, (612) 627-5154.]
$_____

16. **Geophysical logging** (if required): to include geophysical log, interpretation, and report. [Under certain circumstances the Minnesota Geological Survey will do geophysical logging. Contact Mr. Bruce Bloomgren, (612) 627-4788]
$_____

17. **"Fishing"** pumping equipment, drop pipe, or other plumbing from well
Estimated hrs._____ $____/person-hr
$____/truck-hr $_____

18. **Site restoration** may include blacktop, concrete, re-sodding, etc. [Often this is done by owner.] $_____

19. **Misc. other** including extra work or parts not covered above.

_____ $_____

_____ $_____

_____ $_____

CONTRACTING SUGGESTIONS

As mentioned in previous correspondence, counties have two basic options in administering the well sealing cost-share program:

1) Individual landowners select their own contractors to do the well sealing work, and are reimbursed from the grant funds by the county. This is similar to the way state cost-share funds for erosion and sediment control and water quality are currently administered by Soil and Water Conservation Districts. While this option involves the least amount of administration at the county level, it is not the most efficient option for allocating limited funds because of multiple contract mobilization and trip charges.

2) In most cases the preferred option will be for counties to develop a contract with one or several contractors to seal wells identified for this program. The county could pay the contractor(s) the chosen percentage of the well sealing costs, with the contractor(s) billing the landowners for the remainder. Alternatively, the county could pay the contractor(s) the entire cost and bill the landowners for the remainder. The advantages of this option are:

- Costs per well sealed would be less because of reduced contractor mobilization charges;
- Better quality control because of fewer contractors;
- Well sealing work could be performed after the end of the grant period if funds are encumbered in a contract.
- Permits "staged" work (see below).

Staged Contracts

One option that may work for many counties is to develop two separate contracts for different aspects of the work. This would work particularly well where construction details are not known for all the wells. The first contract would be for initial well inspection and removal of pumping equipment. As part of this contract, well depths, diameters, construction, access, and geology would be verified, the pumps pulled, and estimates of well sealing costs prepared. The second contract would be for sealing these wells. This type of arrangement would be particularly cost-effective because of efficient mobilization of different types of equipment.

CONTRACTS, BID DOCUMENTS

While the details of preparing any necessary contracts, bid documents, etc. will be left up to the counties, the following are some recommended points to include:

- Contractor should document licensure by MDH.
- Contractor should be required to specify the limits of insurance
- 5% bid bond generally required as part of bid submission.
- 100% performance payment bond generally required after contract is executed.
- 5% retainage
- IC 134 form (tax)
- Well sealing reporting requirements under state rule.

M E M O R A N D U M

TO: Board Members
FROM: David H. Behm
DATE: November 27, 1990

RE: Items for Consideration regarding BWSR's membership on the Advisory Board to the Office of Environmental Education

1) BWSR should solicit the input of its clientele regarding their individual and collective expectations of our role on the Advisory Board.

I propose that we offer information/discussion sessions (by region) for our clientele to:

(1) within a general session:
- (a) discuss the provisions of the Environmental Education Act;
- (b) discuss BWSR's membership on the Advisory Board; and
- (c) discuss the importance of incorporating local governments' opportunities, capabilities, and needs into the State Environmental Education Plan.

(2) within "break-out" sessions (by clientele group; i.e., SWCD, WD, and county local water plan coordinators, etc.):
- (a) discuss environmental education interests of each group;
- (b) discuss the capabilities and needs of each group to deliver environmental education;
- (c) discuss their roles and needs to be described in the State Environmental Education Plan; and
- (d) discuss the expectations of each group regarding BWSR's membership on the Advisory Board to the Office of Environmental Education.

(3) within a reconvened general session of all groups:
- (a) summarize break-out session results;
- (b) discuss similarities of groups and focus on =
  - * what should BWSR facilitate?
  - * what should be in the State Environmental Education Plan?
  - * what are joint needs?
- (c) Identify the differences of groups and focus on:
  - * what should BWSR facilitate?
  - * what should be in the State Environmental Education Plan?
  - * what are individual needs?

2) BWSR needs to promote the need for "adult" and "informal" education becoming a significant component of the State Environmental Education Plan as well as the activities of the Office of Environmental Education.

3) BWSR should advocate the position that the state's environmental

education policy should be embodied in and implemented from the State Environmental Education Plan, that the Advisory Board's role in implementation is to set "supportive" policy and direction as necessary, and that the Office of Environmental Education (and its staff) is responsible for oversight of the Plan's implementation. However, for this to be accomplished, the present statutory language of Minnesota Statutes Section 126.04 needs substantial clarification to provide adequate opportunities to incorporate "adult" and "informal" environmental education programs and needs into the State Environmental Education Plan.

4) BWSR should establish a standing "Education Advisory" Committee, comprised of board members and staff. Purpose of this committee would be seek the input I've described above, to propose education-related policy to the full board regarding BWSR's role in environmental education, and to advise Chairman Ogaard with appropriate background information as per his appointment to the Advisory Board.

The regional sessions I proposed above should enable us to obtain some excellent input into these considerations. In addition, I believe the BWSR needs to realize the significance of having been appointed to the Advisory Board when many other state agencies were not; agencies that have a legitimate environmental education function, albeit of limited focus. Keeping that in perspective, I believe the BWSR needs to attempt to address, where appropriate, the needs of these other state agencies. Our greatest opportunities for "partnerships" will likely come from education-related agencies and activities; therefore, we should make painstaking efforts to listen to and facilitate the discussion of the needs of these other "partners" by using the forum of the Advisory Board.

1990 ENVIRONMENTAL EDUCATION CONFERENCE
Priorities of Environmental Educators

ELEMENTARY EDUCATORS

Facilitator: Mike Naylon

Priorities:

1) Financial support of teacher/ EE curriculum planning.

2) State teacher competency requirement.

3) Regional resource clearinghouse.

4) Regional information sharing fairs.

5) Readily accessible outdoor EE sites.

SECONDARY EDUCATORS

Facilitator: Linda Countryman

Priorities:

- Regional networking/resource centers.

- Developmental and action-based curriculum.

- Broad awareness of EE goals among school administrators, legislators, community.

- EE inservice teacher training.

- Time and funds for curriculum development and implementation.

POST-SECONDARY EDUCATORS

Facilitator: Duane Dahlberg

Priorities:

1) Pre-service teacher preparation.

2) Post-secondary EE for all students.

3) Information on current status of EE in formal system.

4) Environmental literacy of K-12 educators.

5) Post-secondary institutions as environmental models.

NATURE/RESIDENTIAL CENTERS

Facilitator: Ann Sigford, Siah St. Clair

Priorities:

- Public/private partnerships and coordination.

- Public funds for K-12 use of EECs.

- Renovation/construction funds.

- EEC representation on Advisory Board.

- Communication/regional resources system.

C

STATE & FEDERAL GOVERNMENT EDUCATORS

Facilitator: Gunilla Montgomery

Priorities:

- Inter/intra agency coordination.
- Advisory board/agency relationship process.
- Agency support of EE.
- EE coalition development.
- EE clearinghouse/library.

NON-GOVERNMENT INFORMAL Community Educators

Facilitator: Diane Wanner

Priorities:

- Networks.
- Bottom-up program creation.
- Clearinghouse.
- Integrated informal EE.
- Reenforce think globally, act locally.

LOCAL GOVERNMENT EDUCATORS

Facilitator: Mark Zabel

Priorities:

1) Regional Resource Centers
2) Adult Community EE
3) Local coordination
4) Advertising/marketing rural outreach
6) Informal/formal link

COUNTY	1000$	grant period	sent to county	back from county	ready to encumber	call to county	sent to county
Benton	15	91	17-Aug-90	29-Aug-90	28-Sep-90	28-Sep-90	28-Sep-90
Blue Earth	23	91	17-Aug-90	07-Sep-90	08-Oct-90		09-Oct-90
Cottonwood	5	91	18-Sep-90	29-Aug-90	22-Oct-90		25-Oct-90
Dakota	35	91	17-Aug-90	29-Aug-90			
Goodhue	28	92	17-Aug-90	27-Aug-90	16-Oct-90		18-Oct-90
Houston	7.5	92	25-Sep-90	04-Oct-90	22-Oct-90		25-Oct-90
Jackson	2	91	04-Oct-90	15-Oct-90		31-Oct-90	07-Nov-90
LeSueur/Waseca	55	91	17-Aug-90	13-Sep-90	08-Oct-90		09-Oct-90
Marshall	~5						
Martin	23	92	17-Aug-90	24-Aug-90	20-Sep-90	26-Sep-90	26-Sep-90
Mower	23	92	17-Aug-90	12-Sep-90	08-Oct-90		09-Oct-90
Olmstead	30	92	17-Aug-90	05-Sep-90	28-Sep-90	28-Sep-90	28-Sep-90
Rice	28	92	17-Aug-90	21-Sep-90	16-Oct-90		18-Oct-90
Stearns	~7.5						
Washington	25	91	17-Aug-90	17-Sep-90	08-Oct-90		09-Oct-90
Wilkin	20	92	17-Aug-90	17-Sep-90	08-Oct-90		09-Oct-90
Winona	28	92	17-Aug-90				
TOTAL	360						

~ *Grant amounts are currently being negotiated.*

Polk	5	92	17-Aug-90	13-Sep-90	08-Oct-90		09-Oct-90
Wabasha	3.3	92	16-Nov-90	25-Nov-90			
Red Lake	1.2	92	16-Nov-90				
TOTAL	9.5						

REMAINING	20.5

TIMELINE FOR BASE GRANTS (AND PLAN DEVELOPMENT GRANTS) FOR FY91

October 29th to January 15th:
Application Period for all LWRPMP Grants: Plan Development, and Base and Challenge Implementation Grants; Notification of the Application Period will appear in the State Register, and will be mailed to local contacts.

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November BWSR Board Meeting:
The BWSR Board will review the Implementation Base Grant allocation procedure with Staff and approve of its use to distribute LWRPMP funding.

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By January 15th:
Base Grant Applications are reviewed and State processing of Base Grant Applications begins, including sending of Grant Agreements to Counties.

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Counties sign and return the Base Grant Agreement form; any denial letters to Counties with improper Work Plans are also sent out at this time.

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Following the complete routing, signing and return of the signed Grant Agreement, State funds are dispensed by the BWSR. This should take place in **February and March of 1991.**

110 B PLAN SUMMARY
FOR
BLUE EARTH COUNTY

PLAN CONSULTANTS:

Henry Quade, Mankato State University

PRIORITY NATURAL RESOURCE ISSUES:

Geology and Groundwater Resources
Determine Water Quality of Various Lakes
Individual Sewage Treatment Systems
Feedlots

IMPLEMENTATION ACTIVITIES:

GEOLOGY AND GROUNDWATER RESOURCES

* Complete geologic - aquifer atlas.
* Seek technical assistance from the MSU Water Resources Center and MGS to identify specific groundwater recharge areas.
* Map the ground water recharge areas and amend the zoning ordinance to protect them.

DETERMINE WATER QUALITY OF LAKES

* Actively support and encourage grass roots activities of citizens groups that want to improve the water quality of county lakes.
* Provide assistance to lake associations applying for Lake Assessment Project funding.
* Actively support the activities of the Duck Lake Preservation Association including the on-going Clean Water Partnership project.

INDIVIDUAL SEWAGE TREATMENT SYSTEMS

* Educate citizens on the health risks of sewage in both surface and ground water.
* Adopt MPCA rule 7080.
* Require certification or licensing of all sewage system designers and installers.

FEEDLOTS

* Identify and map all feedlots within the county.
* Evaluate and prioritize all feedlots using soils, topographical and sensitive area information.
* Acquire staff and establish a county feedlot program.

110 B PLAN SUMMARY
FOR
JACKSON COUNTY

PLAN CONSULTANTS:

Henry Quade, Mankato State University

PRIORITY NATURAL RESOURCE ISSUES:

Heron Lake
Lakes and Recreational Facilities
Surface Water Quality

IMPLEMENTATION ACTIVITIES:

HERON LAKE

* Work with the Middle Des Moines Watershed District and the Jackson, Murray and Nobles Counties SWCD's to identify holding areas and install proper structures to hold water in the Heron Lake System (Urgent).
* Restrict new dikes and/or remove existing dikes around Heron Lake to reduce water level fluctuations.
* Work with Nobles and Murray Counties to deliver High Quality water to the Heron Lake System via Okabena and Jack Creeks.
* Establish a wetland Wildlife Interpretive Center within its system.
* Coordinate with DNR to establish public access to Lakes Flaherty, North Heron and Timber.
* Continue the Federal, State and local Partnership now in place in the Heron Lake Watershed to stop and reverse the deterioration of a once nationally known waterfowl lake and the water system that feeds it.

LAKES AND RECREATIONAL FACILITIES

* Rip Rap eroding shoreland on prioritized lakes and apply for SLR and special project funding through the SWCD.
* Conduct a county wide education program for school age children to encourage appreciation of land and proper use of water resources.
* Improve roads to public access sites on County lakes.

SURFACE WATER QUALITY

* Disconnect any sewage systems from entering tile lines.
* Inventory feedlots and assure their compliance with runoff restrictions and six month manure storage. Seek funding to assist those who need help to upgrade.
* Locate failing and improperly installed ISTS's and prioritize systems for upgrading. Accomplish upgrading with use of the On Site Sewage Treatment System Grant Program.

110 B PLAN SUMMARY
FOR
LE SUEUR COUNTY

PLAN CONSULTANTS:

Brian Christiansen, James M. Montgomery Consulting Engineers, Inc.

PRIORITY NATURAL RESOURCE ISSUES:

Runoff and Drainage Management
Surface Water Quality
Groundwater
Recreation, Fish and Wildlife

IMPLEMENTATION ACTIVITIES:

RUNOFF AND DRAINAGE MANAGEMENT

* Through the County land use and zoning ordinances, require pre-development runoff rates after the site is developed.
* Apply for a DNR flood damage reduction grant (FDR) to offset costs of a water level control program for the Cannon River above the Morristown Dam.
* County will cooperate with SWCD, DNR and USFW to acquire wetland easements in a coordinated fashion.
* Identify drained wetlands 10 acres or larger in size and consider alternatives to achieve restoration.
* Maintain County drainage system repair fund and strictly enforce the grass strip requirements of Chapter 106A.

SURFACE WATER QUALITY

* Provide assistance to lake associations to obtain financial assistance to improve water quality.
* Negotiate with the Sand Creek WMO to expand the JPB to include the Sand Creek drainage area in Le Sueur County.
* Develop specific lake management plans for priority lakes based upon local and state technical and financial support.

GROUNDWATER

* Modify existing County and municipal land use ordinances to address impervious surface development in groundwater recharge areas.
* Implement educational program on solid waste, household hazardous waste, water conservation and wellhead protection.
* Participate in the State's well sealing cost share program.

RECREATION, FISH AND WILDLIFE

* Evaluate the need for increasing the number of public water accesses and shore fishing areas on County lakes and the Minnesota River.
* Assess the erosion, noise, and pollution impacts of recreational use on County lakes.

110 B PLAN SUMMARY
FOR
YELLOW MEDICINE COUNTY

PLAN CONSULTANTS:

Bob Finley, Redwood/Cottonwood Rivers Control Area

PRIORITY NATURAL RESOURCE ISSUES:

Protection of Groundwater Quality
Protect and Enhance Surface Water Quality
Protect Surface and Groundwater Quantity
Decrease Flooding Through Improved Surface Water Management

IMPLEMENTATION ACTIVITIES:

PROTECTION OF GROUNDWATER QUALITY

* Make more extensive use of Countryside Public Health Service (CPHS).
* Publicize results of municipal water quality data on a public basis.
* Expand Community Health water testing program to include pesticide analysis.
* Work towards legislative changes in the Data Privacy Act to make water testing information available to the public.

PROTECT AND ENHANCE SURFACE WATER QUALITY

* County and SWCD meet annually to review priority areas to enroll in RIM.
* Improve the water quality of Canby Creek to meet its stream classification standards.
* LWP Committee will work with SWCD to promote class studies in agriculture and soil conservation.
* Work with MPCA to expand surface water monitoring on Canby Creek, Lac Qui Parle River, Minnesota River and Yellow Medicine River.

PROTECT SURFACE AND GROUNDWATER QUANTITY

* Increase the number of monitoring wells in the County.
* Participate in the Minnesota River Assessment Project.
* Develop a County wetland policy.
* Educate citizens on the value of wetlands.
* Develop a list of drained wetlands through a cooperative effort of the Lac Qui Parle - Yellow Bank Watershed District, Yellow Medicine River Watershed District, SWCD, SCS and County Engineer.
* Work with the Lac Qui Parle - Yellow Bank and Yellow Medicine River Watershed Districts to develop communication with the County and to update the Watersheds' overall plans.

DECREASE FLOODING THROUGH IMPROVED SURFACE WATER MANAGEMENT

* Develop and prioritize a list of potential culvert downsizing projects.
* Assist in the construction of flood damage reduction reservoirs identified in the Corp of Engineers 639 study.

110 B PLAN SUMMARY
FOR
SIBLEY COUNTY

PLAN CONSULTANTS:

Henry Quade, Mankato State University

PRIORITY NATURAL RESOURCE ISSUES:

Surface Water Quantity
Surface Water Quality
Abandoned Wells
Public Ditches
Wetlands

IMPLEMENTATION ACTIVITIES:

SURFACE WATER QUANTITY

* Work with High Island Watershed District and the DNR to get effective water control by establishing control structures on wetlands in Mc Leod County.
* Work with Bevens Creek WMO and Carver County to develop a watershed plan for Bevens Creek within one year of plan approval.

SURFACE WATER QUALITY

* Cooperate with Minnesota River Assessment Project (MRAP), MPCA and BCWMO to get water quality information for the Bevens Creek Watershed.
* Work with MRAP, MPCA, and BCWMO to locate both point and non-point pollution sources and eliminate these sources.

ABANDONED WELLS

* Locate unsealed wells using citizen surveys, realtors, well drillers, plat books and local government officials.
* Develop and implement citizen education program on the importance of locating and sealing abandoned wells.

PUBLIC DITCHES — inventory

* Assess land adjacent to public ditches as a first step in implementing a "one rod system" in the County.
* Continue to enforce the grass buffer provisions of Chapter 106A.

WETLANDS

* Identify and map lost wetland areas for potential restoration.
* Whenever possible restore wetlands adjacent to lakes.
* Identify remaining wetland areas and work with the DNR to purchase and improve areas in order to preserve them.

BOARD OF WATER AND SOIL RESOURCES
MINNESOTA DEPARTMENT OF AGRICULTURE BUILDING
CONFERENCE ROOM A
90 WEST PLATO BOULEVARD
ST. PAUL, MINNESOTA 55107
JANUARY 23, 1991

Appointed Members in Attendance
Donald Ogaard
John Boulton
Don Warner
William Cofell
Howard Peterson
Jack Graba
Loren Harste
James Hoese

Appointed Members Absent
Natalie Haas Steffen
John Williamson
John Brooks, Jr.
Diane Jensen

Agency Members in Attendance
Tom Lutgen, Department of Natural Resources
Paul Burns, Department of Agriculture
Valentine O'Malley, Department of Health
George Foster, University of Minnesota

Others in Attendance
Pat Wulff, Minnesota Lake Management Federation
Gary Nordstrom, Soil Conservation Service
D'Wayne DeZiel and Danny Potter, Minnesota Association of Soil & Water Conservation Districts
John Sumption, Minnesota Association of Conservation District Employees
Franklin Denn, Minnesota Association of Townships
Bill Downing and Tom Peterson, Metro Association of Soil and Water Conservation Districts

Staff in Attendance
Ron Harnack
Jim Birkholz
Wayne Edgerton
Mel Sinn
Doug Thomas
Dave Behm
Tom Schwanke
Mary Jo Anderson
Bruce Sandstrom
Mark Nelson
Chuck Niska
Steve Miller

Meeting Called to Order - Chairman Ogaard called the meeting to order at 9:05 a.m.

** 91-01 Adopt Agenda - Moved by Peterson, seconded by Graba, to adopt the agenda as presented. Affirmative: Ogaard, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

** 91-02 Moved by Cofell, seconded by Boulton, that the Personnel Committee minutes from December 28, 1990 be included in the BWSR minutes of November 28, 1990. The purpose of the Personnel Committee meeting was to interview candidates for the executive director position. Affirmative: Ogaard, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

Approval of Minutes of November 28, 1990 - There is a correction that needs to be made on the bottom of page four and the top of page five, it should read, "Jim Birkholz recommended that an ad hoc committee be assembled to review and address the issues of

** 91-03 allocations to SWCDs. Moved by Cofell, seconded by Steffen, that an ad hoc committee be formed to address the issue of the cost-share program allocations. The committee should report to the Board by February 1st". Moved by Cofell, seconded by Graba to approve the minutes of November 28, 1990 as corrected. Affirmative: Ogaard, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

Introduction of new Executive Director - Chairman Ogaard introduced Ron Harnack. Ron stated that it's a different perspective coming from a regulatory agency. He looks forward to many good working relationships in the years ahead.

Chairman's Report - Chairman Ogaard commented on the BWSR travel moratorium for staff which ran December 10 through January 10. This was a good opportunity for staff to complete special projects and to be accessible by phone. A travel moratorium could possibly be done twice a year as a management tool.

Chairman Ogaard attended the Minnesota Association of Soil and Water Conservation Districts (MASWCD) Annual Convention in Minneapolis, December 2-4. He also attended the Minnesota Association of Watershed Districts Annual Convention in Alexandria, December 7-8. He reported that both were superior conventions, both had record attendance, and excellent seminars.

Chairman Ogaard announced that Governor Carlson has appointed Natalie Haas Steffen as Commissioner of the Department of Human Services. This appointment creates a vacancy on our Board.

Chairman Ogaard also reported on the sustainable agriculture project on his farm and announced that his son Bruce received the Minnesota Jaycees "1990 Young Farmer Award".

Chairman Ogaard reported that the Board is awaiting the administrative law judge's findings on the proposed Snake River Watershed District.

Staff Report - Jim Birkholz reviewed material in the Board members packets for their information. Jim reported on the staff travel moratorium. The Board incurred considerable cost savings while the moratorium was in effect.

Jim reported on the statewide training sessions that are being held in the next few months. Eric Mohring and Bill Best are conducting statewide sessions on groundwater. An SWCD Chairman, Manager, District Conservationist Training Session will be held in Bemidji on January 28-29, and in Hutchinson on February 25-26. The theme of this session will be "Team Building and Communication". Orientation for new SWCD Supervisors will be conducted by regional staff to help newly elected supervisors. A general local governments session utilizing existing programs to implement local water plans will be held in a tentative pilot area of the state and subsequent sessions will be planned thereafter.

Jim thanked the Board for their support in his position as Executive Director. He stated that the Board has made a good choice in selecting Ron Harnack as Executive Director. Chairman Ogaard thanked Jim for his excellent support.

Budget Review - Tom Schwanke reviewed the Board's budget status with Board members. Howard Peterson requested more information be supplied to members summarizing the budget status. Staff will supply this information to members.

Erosion and Sediment Control Cost-Share Program - Chuck Niska updated the Board on the cost-share program rollover allocations. The total amount available is $152,000 (based on a 12/90 account balance). Staff recommends that this amount be allocated per region (based on a five year average for FY87-91) as follows: Region 1 - $11,552; Region 2 - $34,504; Region 3 - $10,184; Region 4 - $24,016; Region 5 - $27,512; Region 6 - $20,520; Region 7 - $23,712 and that staff contact SWCDs to prioritize requests by contacting districts and work backward from the over $800,000 in applications to the available funds. Moved by Cofell, seconded by Boulton, to approve and authorize staff to pursue the cost-share program allocations as presented. The Board will act on those SWCD allocations at the February meeting. Affirmative: Ogaard, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

** 91-04

Chuck Niska reported on the Ad Hoc Committee on cost-share allocations meeting held January 15 in St. Cloud. Chuck distributed minutes of the meeting and reviewed the discussion that was held regarding the cost-share allocation inequities. Bill Downing, Chair of the Association of Metropolitan Soil and Water Conservation Districts commended staff on their excellent assistance in giving a clear understanding of the allocation process. He stated that there's a misunderstanding on the bottom of page 3 of the minutes regarding an urban opinion. The minutes will be amended. Moved by Warner, seconded by Harste, that staff mail information to every SWCD so that each local board can have a discussion of

** 91-05

allocation issues and make recommendations through Area Directors of the Minnesota Association of Soil and Water Conservation Districts back to the BWSR within 90 days. The intent is for the MASWCD and BWSR to come to agreement on this issue. Affirmative: Ogaard, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried. Cofell suggested that staff should include in the memo to SWCDs, that SWCDs be encouraged to discuss this issue at their February and March meeting.

Chairman Ogaard called for a break in the meeting at 10:40 a.m. The meeting reconvened at 10:55 a.m.

Advisor Comments

Danny Potter, recently elected President, Minnesota Association of Soil and Water Conservation Districts (MASWCD), reported that a Legislative Breakfast will be held on January 30 at the Kelly Inn, St. Paul. The MASWCD Board of Directors will be meeting on January 30 after the legislative breakfast. Danny will be attending the National Association of Conservation Districts Annual Convention in Atlanta in February. Danny stated that he looks forward to working with the Board.

John Sumption, Minnesota Association of Conservation District Employees (MACDE), thanked the Board for the opportunity of being involved in the cost-share program allocation discussion. The MACDE is willing to assist in this process whenever needed.

Howard Peterson, President, Minnesota Association of Watershed Districts (MAWD), reported on the MAWD annual meeting. Howard reported that MAWD formed a Metro Chapter of watershed districts, established January 15. The Chair of the Metro Chapter is Al Dornfeld. The Metro Chapter will complement the statewide association with the intent to deal with metro issues.

Franklin Denn, Minnesota Association of Townships, reported that a legal seminar will be held with township attorneys on January 31 - February 1 at the Ramada Inn, St. Paul. One agenda item is spreading of contaminated soils. Franklin stated that there is a need for a guidelines concerning residential development. He also commented on land use issues of concern to townships.

Pat Wulff, Minnesota Lake Management Federation, stated that she will be attending her first meeting of the Minnesota Lake Management Federation on February 11 in Alexandria, at this time she has nothing to report. Dave Behm stated that staff will also be meeting with the Minnesota Lake Management Federation on February 4.

Gary Nordstrom, Soil Conservation Service (SCS), welcomed Ron Harnack on behalf of SCS. Gary reported that the ACP allocation for Minnesota this year is $5.9 million approximately a $2.5 million increase over last year. The Sauk Lake ACP special project

was approved at $74,000. The federal Water Bank Program allocation is $2.5 million. Gary will be attending the NACD Annual Convention in Atlanta, and is sorry that a representative of the BWSR is unable to attend due to the budget situation. The National Governors Association will hold a wetlands meeting in South Carolina on February 20-21. Gary reported that the Farm Bill rules are still not out yet. SCS will hold a three-day in-depth training session in Texas beginning February 7, where they will be briefed on the Farm Bill. He reported that a CRP sign-up is tentatively scheduled for early March. The Natural Resources Inventory (NRI) update effort will begin this summer or early fall. This 1992 effort will not duplicate the magnitude of the 1982 database.

Chairman Ogaard adjourned the meeting for lunch at 11:45 a.m. The meeting reconvened at 12:20 p.m.

Chairman Ogaard introduced Elton Redalen, newly appointed Commissioner of the Department of Agriculture. Commissioner Redalen updated the Board on his background and interest in soil and water issues and stated that he's looking forward to a good working relationship with the BWSR. Commissioner Redalen introduced his Deputy Commissioner Newell Searle.

Review of Easement Procedures for State Land Sales Involving Marginal Land or Wetlands - Wayne Edgerton reviewed the laws relating to state and tax forfeit land disposals for the Board's information. He then reviewed the draft administrative guidelines for implementation of M.S. 103F.535. Discussion followed. Staff suggested issuing the guidelines, after the Attorney General's review. Wayne informed the Board that the draft guidelines will be brought before the advisory work group on January 29. Moved by Cofell, seconded by Warner, to establish the guidelines as set forth by staff any reasonable changes agreed to on January 29 could be incorporated. Affirmative: Ogaard, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

** 91-06

Comprehensive Local Water Planning

Amount Available for Challenge Grants - Chuck Niska explained the challenge grant scoring criteria, and reviewed the evaluation profile for the Board's information. Chuck reported that a total of $1,351,513 was requested by 31 applicants. The total amount of funding available, as of January 22, 1991, for water planning grants is $731,684. Chairman Ogaard commended the staff's ranking process. Moved by Boulton, seconded by Cofell, to approve staff's proposal on the Local Water Resources Protection and Management Program Challenge Grants with staff directed to proceed with the final recommendations. Affirmative: Ogaard, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson.

** 91-07

Mower County Request for Retroactive Costs - Doug Thomas explained that a request was received from Mower County to cover costs of implementing their local water plan out of their water planning grant when it is received. The program rules allow for this to occur if the Board approves it. Staff recommends Board approval. Moved by Boulton, seconded by Harste, to approve the Mower County request for retroactive costs. Affirmative:

** 91-08

Ogaard, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

Strategic Plan Review/Retreat Planning - Jim Birkholz reported that Jim Connolly, University of Minnesota, is willing and anxious to facilitate the retreat. It was decided that two to four people (1 staff, and 3 board members) from each organization (BWSR, AMC, MASWCD, and MAWD) attend. The purpose of this retreat is to look at the mission, cooperation, and coordination efforts of the organizations and communicate how to do that most effectively. Staff was directed to locate a facility for February 15-16, and notify those attending. Jack Graba, Don Warner, John Brooks, Jr., Don Ogaard, and Ron Harnack will represent the Board at the retreat.

Metropolitan Water Management Plans

Bloomington-Richfield WMO Plan - Mel Sinn introduced representatives of the Bloomington-Richfield WMO. Mel explained that this plan has had amendments made as a result of a public hearing nearly two years ago. Staff recommends approval of the plan, to be amended in 1995. Cofell commends the Bloomington/Richfield WMO for their work on the Plan. Moved by Cofell, seconded by Boulton, to approve the Bloomington-Richfield WMO Plan. Affirmative: Ogaard, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

** 91-09

Lower Rum River WMO Plan - Bruce Sandstrom introduced representatives of the Lower Rum River WMO. Bruce reviewed the Plan and recommends approval. Moved by Graba, seconded by Hoese, to approve the Lower Rum River WMO Plan. Affirmative: Ogaard, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

** 91-10

Bruce gave an overview and update on the 509 rules process for the Board's information. The second meeting of the advisory group to review the first draft was December 13. The third meeting to review the subsequent draft is scheduled for February 7. The fourth meeting to review the third draft is scheduled for March 21. Public meetings will be held in May. Sometime in July through December, a fifth meeting on the draft review and rule process will be held. Bruce reported that subcommittees meetings on wetlands and water quality will be held on January 31. Bruce stated that he would appreciate any feedback from Board members.

Chairman Ogaard directed staff to locate a meeting room for the upcoming Board meetings since the room at MDA is not available. Tom Lutgen, DNR, stated that the Board is welcome to use the conference room at DNR for their upcoming meetings when it is available.

Don Warner asked if the Board is involved in the Great Lakes Association. He reported that rock is available for lakeshore erosion control due to the Highway 61 tunnel projects and would like staff to follow-up on this, as well as have the Board work with the Great Lakes Association.

** 91-11 Moved by Warner, seconded by Graba, to adjourn the meeting at 2:45 p.m. Affirmative: Ogaard, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

Respectfully submitted,

Donald Ogaard

Donald Ogaard
Chairman

The Pesticide Applicator Education and Examination Review Board met December 14, 1990 at the Minnesota Department of Agriculture (MDA). The meeting was called to order by Mike Fresvik, MDA. Those in attendance: Dean Herzfeld, MES, Dick Meronuck, MES, Phil Harein, MES, Leo Holm, MN DOT, Don Warner, MBWSR, Bill Anderll, Dept. of Health, Lisa Holmquit, MPFCA, Terry Lattie, DNR, Theresa Ambroz, MN PIE, Wayne Anderson, MPCA, Wayne Dally, Steve Poncin and Mike Fresvik from the MDA. The group was joined for lunch by Greg Buzicky and Paul Liemandt from MDA.

The meeting agenda was reviewed and adjusted to accomodate several schedules. The worker protection legislative action was brought up to date nothing has been finalized. The board felt that when the legislation is enacted that the information be explored as to possible implementation into the application training programs. Discussion followed regarding greenhouse operation and chemigation useage. No further action taken.

The minutes of the last meeting were read. Mike Fresvik announced the expansion of the review board to include Judy Bellairis representing the Sierra Club, and a person to be named later as representative of the Land Stewardship organization. Mike indicated he will consule with Phil Harein to soliciate a representative of the Structural Pest Control industry and will contact a farm organization for a nomination to the review board of a private applicator.

Phil Harein raised the question of his status with the review board following his retirement from MES in June. He plans to remain active in the recertification program serving in the capacity of a consultant. The board felt Dr. Harein should stay on the board and extended an invitation to him to continue.

The Minnesota Pesticide Applicator Training, Certification and Licensing Program fact sheet developed by Steve Poncin was distributed and reviewed. A question was posed regarding the selling of herbicides, insecticides and fertilizer from discount retailer chains. It was explained that any general use pesticide can be sold by a retailer. Restricted use chemicals can be sold only by restricted use dealers. All pesticides are classified according to there toxicity. A restricted use product will state on the label that it is a restricted use product. A product with a skull and crossbones is a restricted use product.

A question was raised regarding reciprocity of licensed applicators with other states. Out-of-state applicators may attend Minnesota's workshops, but it is up to the applicators state to determine acceptible or not for certification.

A copy of the Federal Register was distributed. Wayne Dally reported that on the federal level EPA is tightening restrictions on the certification process. Wayne felt that further restrictions would have little affect in Minnesota as "we are further ahead." The exceptions would be: number of required hours for training applicators and the addition of the categories of chemigation and fumigation for private applicators. Those individuals that do the mixing and loading will also need to be certified. Dean Herzfeld will be sending out to the board, the USDA responses to the proposed changes. Mike Fresvik indicated the MDA will also be responding to the proposed changes.

Theresa Ambroz, Executive Director of the MN Pesticide and Education Ass'n and the MN Aerial Applicators Ass'n spoke briefly. MN PIE conducts several training workshops for recertification. These workshops arose out of a need that some categories were not receiving any training. To recieve approval for recertification, the program must meet the EPA criteria and have MES and MDA oversee the project.

In 1991 MN PIE will conduct four training programs. There will be forestry programs in Northern, Southern and the Metro area of Minnesota and the Aerial Applicator workshop. Some concerns Theresa expressed about the development and conducting of these programs;

- it is difficult to cover all 14 points from EPA in a one day program. Also, tends to make the program repetitious from year to year by covering the same information.

- there are different levels of expertise among applicators. Spliting applicators into groups based on work experience is not economical feasible, as total numbers aren't that large.

- a number of applicators carry five-six categories on their license. Trainings need to be structured to incorporate several categories into one workshop.

The 1991 Applicator Training Opportunities pamphlet was distributed and reviewed by Wayne Dally. The pamphlet outlines the workshops for the various categories. The pamphlet includes a registration form to sign up for a workshop. The purpose of the workshops is to teach safety with pesticides. Videos may be included in the program to meet many of the EPA requirements.

The board was invited to attend, as observers, any workshop that they desire. There will be no registration cost to board members to attend. Mike Fresvik indicated some monies may be available to cover costs. To attend a training workshop, a board member is to contact Wayne

Dally (612-297-2746). Allow adequate lead time for registration. Board members will be responsible for their own meal costs at the training but may be reimbursed for that cost at a later date.

Dean Herzfeld gave a report on the private applicator program. A question was raised regarding the extension bulletin "Pesticides: Surface Runoff, Leaching and Exposure Concern" and its inclusion in the Private Applicator Training. Dean indicated that they have considered distributing the booklet at the trainings, however, a reprint of the publication would be required. Presently, there is not sufficient monies available to reprint. A corresponding slide set has been done and will be distributed to each extension cluster. The slide set will be available for use with the Pesticide Applicator Training. The private applicator training has changed as follows:

* a new sile set from Cornell University on protective clothing is inclded.

* more samples of protective clothing were sent to each extension cluster.

* reprinting of the protective clothing bulletin.

* including background information on endangered specy.

* closed handling systems information included.

* will be having the MES safety specialists develop a educational module on closed systems for future trainings.

* new additions to the manual.

  - toxicity table

  - herbicide and insecticide families

  - farmstead assessment program

Dean indicated to the review board that the Attorny Generals office is conducting an investigation into the unauthorized distribution of the test key for the private applicator test.

The following steps have been taken to prevent a similar problem.

1. two versions of the private applicator test have been written and distributed. A person can't copy another answers and assume they are correct.

2. the answer key is not being distributed to the counties. County agents cannot correct the tests nor issue a temporary permit card.

A summary of education materials available to county agents has been sent out. The summary is eight pages in length indicating the county agents have a lot of resources to pull from. The Lung Ass'n is putting together a program on respirators. Dean will review their materials when complete and may incorporate into next years programs.

Dean reported on the farm safety task force. They are concerned with health and safety issues and developing resources for educational purposes. The task force will be submitting proposal to the review board. There are currently 36,000 private applicators in Minnesota with 15-18,000 to be recertified each year.

A question was posed to Greg Buzicky regarding the incorporation of the nitrogen task force recommendations into the private applicator training. Greg felt that the private applicator training may be an appropriate vehicle to use. It was suggested that the State Department of Agriculture in Iowa be contacted to see how they are addressing the topic of nitrogen useage. It was also suggested that Dean meet with Bruce Montgomery, MDA, to develop a plan of implementation.

Dick Meronuck raised some concerns that were expressed to him from MES specialist. These included;

* the program and topics get very repetitive. Is it possible to rotate topics? The specialist would like to cover new items as they surface.

* specialist don't like to hear critism of their program. They feel locked in and limited as to what they can do.

* do not feel comfortable presenting information out of there area of expertise. Don't have adequate background to cover some topic areas.

* groundwater and use of pesticides is still a high priority with MES. The specialist will continue to work with the trainings and manual develop for applicator certification.

* extension specialists are receptive to working with non-extension and industry presentors.

A few comments were tendered regarding changes in program delivery.

- if an annual certification was offerd for categories C & D (which are the largest categories) would require three weeks of the specialists time.

- registration fees for the workshop have been increased to cover costs of non-extension speakers.

- increase size of audience and have fewer trainings i.e. utilize both floors of the Earle Brown Center instead of holding two seperate meetings.

The next meeting was set for May 23, 1991, the meeting was adjourned at 12:30.

Respectfully submitted,
Steven Poncin
Acting Secretary

AD HOC COMMITTEE ON COST-SHARE ALLOCATIONS
REPORT TO THE BWSR BOARD OF THE JANUARY 15,1991 MEETING
HELD IN ST. CLOUD TO DISCUSS ALLOCATION INEQUITIES

During the November Board Meeting the staff was given the directive to appoint an ad hoc committee to review and discuss the issue of allocations to SWCDs by February 1. BWSR staff addressing this issue decided that the most fair and expedient way to draw input and response from SWCDs on this issue would be to:

a) formulate the ad hoc committee so as to consist of SWCD employee and supervisor representatives from each of their respective associations' areas around the state (i.e., the AMSWCD, MACDE and MASWCD), and

b) draw the representatives together to discuss a variety of items surrounding the allocation of Cost-Share funding to the 91 SWCDs in Minnesota.

Due to the imposition of the BWSR travel moratorium, it has been possible to assemble this group for a single meeting, which was held last week in St. Cloud.

Prior to the ad hoc meeting an information packet containing relevant information presented at the October and November Board Meetings was mailed to each MACDE and MASWCD Area Director throughout the state, who passed that information along to each locally appointed ad hoc committee member representing each association.

In order to inform and also generate ideas from all 91 SWCDs (not just those that would have supervisor and/or employee representation on the ad hoc committee), each SWCD was sent a separate letter informing them of the St. Cloud meeting, the need for input and the BWSR staff intent to provide a forum for discussion. In this way, we attempted to elicit specific responses from any and all of the SWCDs regarding their viewpoints of the allocation formula and process, and the perceived need to review and possibly revise them (no specific responses were received prior to the 15th; three have been received since the meeting, all from participants).

Our expectations going into this meeting were three-fold:

1) review the existing rules of the Cost-Share Program as they pertained to the allocation of Cost-Share funds to SWCDs, the overall on-going processes of Cost-Share Program rule changes and proposed changes to the language of the existing rules,

2) to review the comments of the ad hoc committee members regarding any posed or potential changes, and

3) to discuss potential changes, including those dealing with the allocation formula and allocation process changes which should be considered in the context of the revising of the rules.

With common ground being a goal to reach that day, recommendations from this group were to be brought before the Board. As no specific recommendations were reached by the ad hoc committee due to time limitations experienced that day, I come before you today as a staff person acting as the ad hoc committee messenger carrying a synopsis of the main points raised during the hours of vigorous discussion that took place last Tuesday, thereby fulfilling your directive and providing you with a list of potential alternative actions to take regarding the Cost-Share Program allocations issue.

Your decision, whether made today or at a future Board Meeting, will provide direction to the staff regarding the resolution of the Cost-Share allocation issue(s). The accompanying notes provided for your further scrutiny provide a wider width and breadth of the range of topics that were brought up by the attendees. We provide these to you in the event that you would like to spend the next weeks reviewing them, so as to be more fully prepared to make a decision during the February Board Meeting.

Because there were no written responses received prior to the meeting regarding specific allocation formula or allocation process issues as topics to be addressed, staff felt it necessary to poll the attendees regarding the things they felt were important for consideration. Each committee member, as well as those individuals sitting in the audience were invited to voice at least one relevant topic for further discussion. Said discussion was held in order to either clarify the meaning of the participant's statement, reinforce it, or drop it from further consideration.

Each topic raised was subsequently grouped as either an allocation formula issue, or as an allocation process issue. These groupings seemed a logical way to direct the discussion, and made it possible to straw poll the group of 14 about the order or degree of importance participants placed on a particular issue. Keeping in mind that there were only 14 voting representatives for the combined SWCD supervisors and staff from throughout Minnesota, I present to you some of the highlighted results of the straw polling that took place as a part of that meeting.

The group was asked : "What should the BWSR do regarding the existing allocation process?

-Maintain the status quo for the allocation formula?
(6 committee members voted for this choice)

-Revise the existing process (including revising any or all of the five criteria currently used, including the allocation formula)?
(8 committee members voted for this choice)

-Completely delete the existing process and start over
no votes

Regarding the allocation process, the group had three main factors they felt were important based on straw poll results, including the following (encapsulated to two, since two are similar in nature):

1. Clarification of the subjective review criteria used to quantify allocations for SWCDs. These should be strengthened and quantified, if possible, in order to create a more objective yardstick of such things as the historical success of the SWCD to use cost-share funding and the other factors that are found in the existing Cost-Share Program Rules. As reported by Greg Larson in November, these factors have not been adjusted since the fall of 1987. **10 votes**

2. Keeping in mind the fact that the legislative intent in the creation of the Cost-Share Program was to use the program in both urban and rural settings, and making the program applicable over a wider set of land uses. **10 votes**

Regarding factors to be included for consideration as a part of any revision of the Cost-Share allocation formula, a wide variety of factors were thought to be important, including:

1. That a collective sum of factors should include and reflect land treatment needs and causes for water quality problems for all SWCDs. These factors covered urban, forested, agricultural and recreational land factors as one example. **8 votes**

2. Acres in need of forest management treatment in a county should be added as a factor. **9 votes**

3. Addition of numbers of acres within 150 feet of DNR designated Protected Waters should be a factor. **9 votes**

In addition, others in the group were in favor of adding an increased importance to the number of feedlots in a district as an allocation factor **(10 votes)**. What this points out is that there are a multitude of view points existing throughout the state regarding the factors that should be used when calculating a cost-share allocation formula. While many in the group seemed willing to endorse the inclusion of additional factors in the allocation formula, when faced with the possibility of losing funding as a result of a change in such a formula, these committee members were hesitant to endorse a full fledged attempt to recalculate the amount given to any individual SWCD. Other members were convinced that there would not be much change to the existing formula, while yet another point of view was that we were bound and determined to give favor to those SWCDs in the urban area, thereby cutting allocations to the agriculturally oriented districts.

As a means to positively move forward from the points that were brought up last week, the BWSR staff would ask the Board to consider three distinct alternatives regarding the allocation formula. These include:

COST-SHARE ALLOCATION FORMULA ALTERNATIVES

GIVEN: THAT THE SUBJECTIVE PORTION OF THE ALLOCATION PROCESS BE EITHER QUANTIFIED OR MADE MORE OBJECTIVE IN NATURE (i.e., clarification for these will be given, so as to eliminate any perceived grey areas or loopholes that now exist)

ALTERNATIVE 1) THAT NO CHANGE BE MADE TO THE EXISTING FORMULA

ALTERNATIVE 2) THAT NEW DATA BE USED TO UPDATE THE EXISTING FORMULA, WHICH IS CURRENTLY WEIGHTED TO CONSIDER SOILS ERODIBILITY (75%) AND PRIORITY FEEDLOTS (25%). CURRENTLY USED DATA IS FROM 1982 AND 1978 PUBLISHED REPORTS FOR THE RESPECTIVE FACTORS.

ALTERNATIVE 3) THAT A NEW FORMULA BE CREATED WHICH WILL CONSIDER FACTORS SUCH AS: A SUM OF LAND TREATMENT FACTORS, ACRES WITHIN A GIVEN DISTANCE OF A DNR PROTECTED WATER, OR FOREST LAND TREATMENT NEEDS WITHIN A COUNTY.

IF EITHER OF THE LATTER TWO ALTERNATIVES IS CHOSEN, THERE WILL BE A NEED TO RESEARCH CANDIDATE FACTORS FOR THE FORMULA, IN ORDER TO PROPERLY QUANTIFY AND ASSIGN VALUES TO THE NEW FACTORS.

AD HOC COMMITTEE ON COST-SHARE ALLOCATION PROCESS
January 15, 1991

Attending Members:
Chair: Chuck Niska, Grants Coordinator; BWSR

Others: MASWCD supervisors
Area 1 = Dick Florhaug, Beltrami
Area 2 = **Absent: Doug Rasmusson, Stevens**
Area 3 = Bob Hoefert, Mille Lacs
Area 4 = Don Hoese, Carver
Area 5 = Roger Steinman, Murray
Area 6 = Steve Holm, Brown
Area 7 = **Absent: Undesignated**

MACDE staff
Area 1 = Greg Anderson, West Polk
Area 2 = Helen McLennan, Morrison
Area 3 = Steve Hughes, Aitkin
Area 4 = Joe Fitzgerald, Stearns
Area 5 = Lou Ann Nagel, Yellow Medicine
Area 6 = Tom Maher, Brown
Area 7 = Ron Meiners, Root River

AMSWCD
Supervisor = Dale Sauer, Anoka
Staff = Tom Peterson, Ramsey

BWSR staff = Dave Behm, Jeff Nielsen, Chris Hofstede

Attending Observers:
Bill Downing, supervisor, Ramsey SWCD
Patricia Rudolph, staff, Anoka SWCD
John Sumption, staff, Cass SWCD
Suzanne Weedmen, staff, Anoka SWCD

Ad Hoc Committee meeting purposes:

1) review statutory language and current and proposed cost-share rule provisions;
(as related to the allocation of cost-share funds to SWCDs)

2) review the comments from the ad hoc advisory committee members; and
(NONE were received prior to the meeting)

3) discuss those changes, including factors in an allocation formula, which should be made to the proposed cost-share rules, seek common ground, and make recommendations to the BWSR.
(agenda allowed for member presentation of individual issues/concerns, for group identification of ideas to consider, and for group assignment of importance to the identified ideas through "straw-polling")

Committee Member Observations regarding the meeting:
Joe Fitzgerald (Stearns), MACDE Area 4 representative, stated that there was insufficient time for committee members to be informed about their role at this meeting and to adequately prepare to present ideas, which he felt was a lack of adequate communication from BWSR.

Lou Ann Nagel (Yellow Medicine), MACDE Area 5 representative, stated that it was her understanding that one of the purposes of this meeting was to discuss the proposed revisions to the cost-share program rule. She did not know discussion would be limited to only the allocation process.

Presentation of Committee Member Issues:

1) MASWCD Area 1 = Dick Florhaug, Beltrami
   * Add forested acres in "need of forest management treatment"

2) MASWCD Area 2 = **Absent: Doug Rasmusson, Stevens**

3) MASWCD Area 3 = Bob Hoefert, Mille Lacs
   * Add forested acres of harvested areas (of varying intensities)
   * Add miles of lakeshore

4) MASWCD Area 4 = Don Hoese, Carver
   * Significance of urban sources of nonpoint pollution must be reflected in allocation

5) MASWCD Area 5 = Roger Steinman, Murray
   * Clarify influence and intent of item c of "review criteria" of "allocation of funds" part of rule

6) MASWCD Area 6 = Steve Holm, Brown
   * Added emphasis on feedlots in formula

7) MASWCD Area 7 = **Absent: Undesignated**

8) MACDE Area 1 = Greg Anderson, West Polk
   * Clarify influence and intent of item c of "review criteria" of "allocation of funds" part of rule

9) MACDE Area 2 = Helen McLennan, Morrison
   * Emphasis on adherence to locally-established priorities described in SWCD comprehensive and annual plans and flexibility for SWCDs to adjust/restate those local priorities
   * No problem with existing "formula"

10) MACDE Area 3 = Steve Hughes, Aitkin
    * Add acres within 150' of any DNR Protected Water
    * Clarify influence and intent of item c of "review criteria" of "allocation of funds" part of rule

11) MACDE Area 4 = Joe Fitzgerald, Stearns
    * Add "extent of treatment" per dollar cost of practice
    * Add "benefits of treatment" per dollar cost of practice

12) MACDE Area 5 = Lou Ann Nagel, Yellow Medicine
    * Clarify influence and intent of item c of "review criteria" of "allocation of funds" part of rule
    * Concern over change from "75%" emphasis to "25%" emphasis for "high priority erosion" areas as proposed by AMSWCD

13) MACDE Area 6 = Tom Maher, Brown
    * No change to allocation process unless new dollars are added

14) MACDE Area 7 = Ron Meiners, Root River
    * Review SWCD eligibility to use (up to the maximum of) 20% for technical/administrative based on "effective use" of balance of annual allocation
    * Consider "other" financial resources available to applicant for land treatment

15) AMSWCD Supervisor = Dale Sauer, Anoka
    * Does BWSR **first** use the formula **OR** does it **first** use "other criteria" to determine each SWCD's allocation?

16) AMSWCD Staff = Tom Peterson, Ramsey
    * Add objective, quantifiable criteria on "equivalent-weight" basis
    * Must focus on water quality
    * Attempt to "quantify" subjective criteria

Presentation of Observers' Issues:

1) Bill Downing, supervisor, Ramsey SWCD
    * Legislative intent was not necessarily "agricultural" OR "rural"; RATHER, it was to address "high priority problems"

2) John Sumption, staff, Cass SWCD
    * Existing subjective criteria in rule should either be deleted OR fully used by BWSR in determining allocations
    * Historical success criteria in existing rule may need more review by BWSR
    * Present timetable for BWSR review of SWCD comprehensive and annual plans' priorities and proposed use of cost-share funds may be too short; submission of plans by SWCD may need to be earlier
    * Set a maximum amount (% of allocation received by individual SWCD) for roll-over at the SWCD level

3) Patricia Rudolph, staff, Anoka SWCD
    * Emphasis on assigning/defining "high priority problems" should be determined by SWCD, not BWSR
    * Emphasis on adherence to locally-established priorities described in SWCD comprehensive and annual plans and flexibility for SWCDs to adjust/restate those local priorities
    * BWSR should direct its staff to seek additional funding sources (e.g., Environmental Trust Fund) to supplement the cost-share program's allocations

4) Suzanne Weedmen, staff, Anoka SWCD
    * BOTH urban and rural needs should be met with program

What should the BWSR do regarding the existing allocation process?
{NOTE: Only 14 of 16 eligible "voters" were present; "observers" and BWSR staff did NOT vote.}

* Maintain the "status quo" (NO change)
  = **6 committee members**

* Revisions to overall process
  (e.g., any number of the existing 5 criteria in rule, including the formula)
  = **8 committee members**

* Delete existing process and create a new one
  = **0 committee members**

Identification of Cost-Share Allocation Formula Factors:
[Committee members' "straw-polling" of importance is in bold]

(4) * Factors should be "equivalent-weight" basis

(7) * Factors' emphasis should be "status quo"

(4) * Add miles of lakeshore as factor

(6) * Add benefits of treatment per dollar spent on practice as factor

(7) * Add acres within 150' of DNR Protected Waters as factor

* Forested areas:
(6) (a) Add acres of timber harvested (with emphasis on level of intensity) as factor
(9) (b) Add acres in "need of forest management treatment" as factor

(5) * No change in allocation formula without funding increase

(10) * Increased emphasis on feedlots as factor

(6) * Add significance of urban NPS pollution as factor

(4) * Each factor should be relevant to water quality on an "equivalent-weight" basis

(8) * Sum of factors should reflect land treatment needs and causes of water quality problems for all SWCDs (reflecting land uses such as urban, forested, agricultural, recreational, and perhaps others)

(6) * Redefine water quality related factors

Identification of Overall Allocation Factors:
[Committee members' assigned importance is in bold]

(9) * Subjective criteria should be quantified

(No vote on the following item because the committee member who offered it felt it would be addressed through other items.)
* Rule criteria first OR formula criteria as determinant

(11) * Clarify significance of item c of "review criteria" of "allocation of funds" in existing rule

(2) * Other financial resources available to applicant

(6) * Eligibility (depending upon SWCD encumbrance of allocated cost-share funds) of SWCD to use 20% of cost-share for technical/administrative uses

(0) * No change in allocation process without funding increase

(8) * Re-emphasis of local priorities in SWCD comprehensive and annual plans

(5) * Delete OR fully apply existing subjective criteria (versus the BWSR being authorized to use the criteria but not doing so in actual practice)

(4) * Additional emphasis on historical use of cost-share funds

(10) * Generic legislative intent for rural and urban concerns should be reflected

Suggested Items NOT "straw-polled" by committee members:
[NOTE: Dave Behm apologizes for inadvertently overlooking one sheet on the flip chart which contained the following items. Consequently, committee members did not have the opportunity to assign their "importance" to any of these.]

* Individual SWCD allocation = "base plus"
  (formula idea)

* Item a of "review criteria" of "allocation of funds" in existing rule should be on an "equivalent-weight" basis with items b through e
  (allocation process idea)

* Remove cropland reference within all formula factors
  (formula idea)

* Refine water quality relationship within all formula factors
  (formula idea)

* Administer the allocation on a regional basis (define "region"; e.g., major watershed, BWSR administrative region, etc.) **(allocation process idea)**

* Sum of items a and b (allocation formula) of "review criteria" of "allocation of funds" in existing rule should be given a weight of 95% and sum of items c through e should be given a weight of 5% in determining an individual SWCD's allocation
  (allocation process idea)

Fiscal Year 1991
General Fund Budget Status
As of 12/31/90

	BUDGET	SPENT	BALANCE	% SPENT
Salaries	$1,356,860	$624,798	$732,062	46%
Supplies & Expenses	$ 857,012	$304,466	$552,546	36%
Grants	$6,683,259	$3,763,400	$2,919,859	56%
Total	$8,897,131	$4,692,664	$4,204,467	53%

* 75% of our general fund budget is in the Grants area.

* 25% of our general fund budget is in the Salary/Administrative area.

* We are currently "expended" in salary accounts right where we should be at midpoint of the fiscal year.

* The large balance remaining in the grant area is largely composed of funds to be granted to counties for implementation of comprehensive water plans - $1,700,000 currently being processed.

* This "Supplies & Expenses" area appears somewhat underspent; however, $250,000 of the balance is in Agricultural Environmentalist Contracts which have varying payment schedules.

Prepared by: Tom Schwanke
Date: January 22, 1991

Fiscal Year 1992-1993
General Fund Budget Requests
As Submitted to Department of Finance - 11/6/90

	Fiscal Year 1992	Fiscal Year 1993	Total
Salaries	$1,244,000	$1,237,000	$2,481,000
Supplies & Expenses	$ 677,000	$ 677,000	$1,354,000
Grants	$6,481,000	$6,481,000	$12,962,000
Total	$8,402,000	$8,395,000	$16,797,000

* 77% of requested general fund budget is in the Grants Area.

* 23% of requested general fund budget is in the Salary/Administrative area.

* Decreased "Grant" amounts for FY92/93 compared to FY91 is due to adjustment for "carry over" grant funds in two of our programs.

* Decreased "Salary" amounts for FY92/93 compared to FY91 is due in part to lack of Salary Supplemental Funding and final allotment of budget funds.

* Decreased "Supplies & Expenses" amounts for FY92/93 compared to FY91 is due mainly to funding in the Agricultural Environmentalist area being split between years.

Prepared by: Tom Schwanke
Date: January 22, 1991

Minnesota Board of Water & Soil Resources

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155 South Wabasha St., Suite 104
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DATE: January 15, 1991

TO: John Heintz, Executive Budget Office
Department of Finance

FROM: Jim Birkholz, Executive Director

SUBJECT: Requested FY92-93 Budget Cut Proposals

As requested, we have provided specific reductions for the 1992-1993 biennium. The following information offers 6, 11 and 16 percent reductions to our general fund base. The accompanying narrative explains the implications of the reductions to the operations of the BWSR and our local government clientele.

General comment: our reductions are focused on the newest programs. We declined to cut those historic programs which serve as the "core" of local soil and water conservation efforts aimed at private landowners. Many of these core efforts have been recently revised to reflect changing local needs.

6% cut	FY92 $497,000	FY93 $497,000
11% cut	FY92 $912,000	FY93 $911,000
16% cut	FY92 $1,326,000	FY93 $1,325,000

Agricultural Environmentalist Program FY92 ($72,000) FY93 ($21,000)

* Eliminates balance of Environmental Ag program, the only educational component of the 1989 groundwater protection act. For the current biennium fifteen contracts were awarded to individuals, organizations and local units of government.

Well Sealing Activity FY92 ($390,000) FY93 ($390,000)

* Eliminates grants to counties for sealing improperly abandoned wells. For the current biennium, nineteen counties were selected to participate. A loss in funding would eliminate the ability of county government to seal several hundred high priority wells. Also, landowner willingness to locate abandoned wells may be adversely affected. Although the BWSR could seal wells using government services liens or property tax assessments, legislative refinement of the enabling legislation and "seed" money is needed.

An Equal Opportunity Employer

Comprehensive Local Water Plan Implementation
FY92 ($35,000/$450,000/$864,000)
FY93 ($86,000/$500,000/$914,000)

* A shortfall in funding for "base" grants to counties would increase to $85,000 in FY92 and $229,000 in FY93. Further, competitive "challenge" grants could not be awarded. Failure of BWSR to make -at minimum- base grants would stall the five year state effort to promote local water planning. The state component of the state/local "partnership" would not be upheld risking loss of trust. Also, county government has used the local water planning process and expectations of BWSR water plan implementation grants to gain over $500,000 of commitments from federal agencies.

JB:mja

Cost-Share Program Roll-over Funding for FY91
(based on a 12-90 Account Balance)

Amount Available : $ 152,000

Proportion of Cost-Share Allocation per Region
(based on a five year average for FY87-91)

Region	Per Cent of Total	Amount of Allocation
1	7.6	$ 11,552
2	22.7	$ 34,504
3	6.7	$ 10,184
4	15.8	$ 24,016
5	18.1	$ 27,512
6	13.5	$ 20,520
7	15.6	$ 23,712
Totals	100.0	$ 152,000

LAWS RELATING TO STATE AND TAX FORFEIT LAND DISPOSALS

103F.535 RESERVATION OF MARGINAL LAND AND WETLANDS.

Subdivision 1. **Reservation of marginal land and wetlands.** (a) 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.

(b) 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 103F.515, 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).

(c) This section does not apply to transfers of land by the commissioner of administration or transportation or to transfers of tax-forfeited land under chapter 282 if:

(1) the land is in platted subdivisions; or

(2) the conveyance is a transfer to correct errors in legal descriptions.

(d) This section does not apply to transfers of land by the commissioner of administration for:

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

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

Subd. 2. **Delineation of wetland or marginal land.** (a) Before state land is sold, the authority selling the land must determine and delineate the marginal land and wetlands to be reserved or restricted by a conservation easement. The delineation must be reported to the board of water and soil resources or the commissioner of natural resources as provided in paragraph (b) before the land is sold. The board or the commissioner may only disapprove the delineation within 60 days after the delineation is reported. 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) For tax-forfeited land in counties that have appointed land commissioners under section 282.13 and have the authority to sell land under section 282.01, subdivision 3, the county board shall determine whether the land commissioners or the soil and water conservation district board shall review marginal land and wetlands and delineate the reservation or conservation easement. The delineation must be reported to the commissioner of natural resources and reviewed by the commissioner in conjunction with section 282.01, subdivision 2. For other tax-forfeited land, the soil and water conservation board of the district where the land is located must review marginal land and wetlands and delineate the reservation or conservation easement.

(c) Marginal land and wetlands may not be sold unless restricted by a conservation easement with the restrictions provided in section 103F.515, 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.

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.

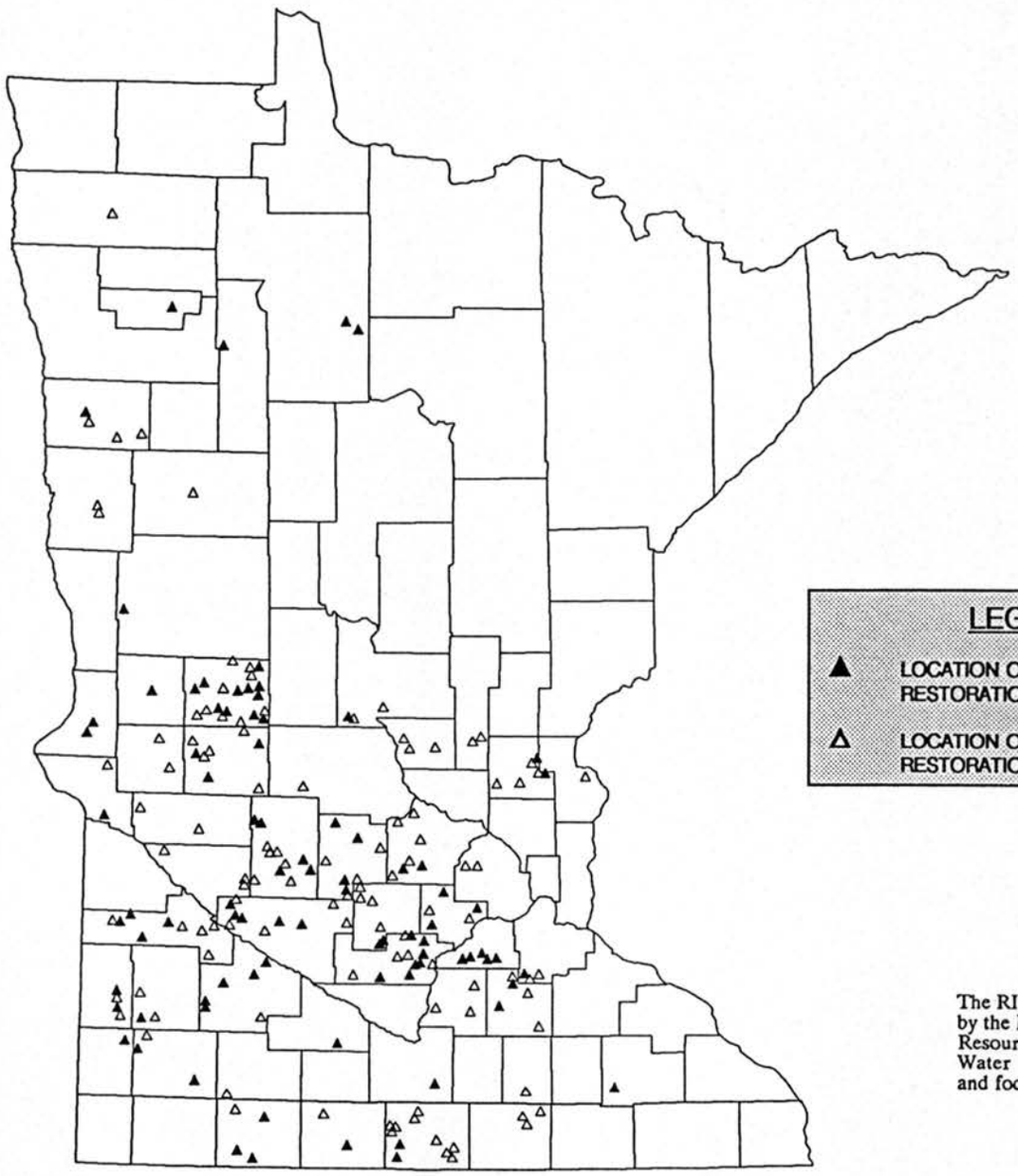
History: *1989 c 353 s 9*

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.

REINVEST IN MINNESOTA (RIM) RESERVE WETLANDS RESTORATION PROGRAM

STATUS OF 1986 THROUGH 1990 SIGN-UPS

TOTALS	
EASEMENTS	220
TOTAL EASEMENT ACRES	7228
WETLAND ACRES	3337
UPLAND ACRES	3891
NUMBER OF RESTORED WETLANDS	271



LEGEND

▲ LOCATION OF EASEMENTS WITH RESTORATION WORK COMPLETED

△ LOCATION OF EASEMENTS WITH RESTORATION WORK INCOMPLETE

The RIM Reserve Program is administered by the Minnesota Board of Water and Soil Resources (BWSR) through local Soil and Water Conservation Districts (SWCDs), and focuses on private lands.

MNBWSR 1/91

IMPLEMENTATION OF

MINN. STAT. SEC. 103F.535(1990)

DRAFT

DEVELOPED BY:
MN. BOARD OF WATER AND SOIL RESOURCES
155 SOUTH WABASHA, SUITE 104
ST. PAUL, MN 55107
(612) 296-3767

1-10-91

ADMINISTRATIVE GUIDELINES FOR IMPLEMENTATION OF MINNESOTA STATUTES 103F.535

DRAFT

It is the intention of the BWSR to implement the provisions of this law consistent with the ongoing implementation of the Reinvest in Minnesota (RIM) Reserve law. Therefore the following guidelines are provided:

1. minimum area of 5 acres of contiguous marginal land, or the entire parcel may be enrolled if over 50% of the area is marginal land;

2. minimum size of one contiguous acre of wetland with a minimum vegetated buffer area of 100 feet, or the entire parcel if less than 5 acres (5 acre minimum size);

3. wetlands included are types 2 through 8, as described in U.S. Fish and Wildlife Circular 39 (1971 edition);

4. for tax forfeit land sales, under Minn. Stat. Sec. 282.018, marginal lands are limited to non-forest areas;

5. all requests to alter, release, or terminate a conservation easement secured under this statute must first be reviewed and a recommendation provided by the agency issuing the deed, and must also meet the criteria outlined in RIM Reserve Rules Chapter 8400.3610. On former tax forfeit lands the request must receive review and recommendation by the Department of Revenue;

6. for <u>all</u> state land sales, transfers, and exchanges, except for tax forfeit sales, the state agency/department disposing of the land must provide a determination of the existence of marginal land and wetlands to the BWSR for review;

7. the state entity disposing of the land is primarily responsible for enforcing the provisions of the conservation easement;

8. if the value of school trust land sales has been reduced due to conservation easement restrictions, the amount of the reduction to be credited to the trust account will be paid from Department of Natural Resources appropriations to acquire conservation easements;

9. for tax forfeit lands, the easement will be reserved to the "State of Minnesota, in trust for the taxing districts";

10. any sale, transfer, or exchange between state agencies/departments shall not be deemed a sale and shall not require the reservation of a conservation easement;

11. if the obligation to sell is incurred prior to March 15, 1991 (e.g. earnest money contract, written option, certificate of sale), or if the land is being redeemed after a mortgage foreclosure and during the redemption period provided for by statute, this conservation easement requirement does not apply; and

12. if there are any questions in determining whether the land should be protected by conservation easement under this law, it should be interpreted in a manner most favorable to protecting soil, improving water quality, and enhancing fish and wildlife habitat.

DRAFT 12/17/90

THE FOLLOWING DEFINITIONS SHALL APPLY FOR THE PURPOSE OF IMPLEMENTING MN. STATUTES 103F.535(1990)

AGRICULTURAL LAND. "Agricultural land" means land that is used for agricultural crop production.

AGRICULTURAL CROP PRODUCTION. "Agricultural crop production" means an agricultural activity:

A. including but not limited to tillage, planting or harvesting operations; and

B. devoted to the production of horticultural, row, close grown, introduced pasture, or introduced hayland crops. [RIM Reserve Rules Chapter 8400.3030]

CONSERVATION EASEMENT. "Conservation easement" means the same as in Minn. Stat. Sec. 84C.01(1).

LAND CAPABILITY CLASSES. "Land capability classes" means a system developed by the USDA-Soil Conservation Service to identify the suitability of soils for most kinds of field crops. The soils are classed according to their limitations when they are used for field crops, the risk of damage when they are used, and the way they respond to treatment. [See Marginal Land definition]

MARGINAL LAND. "Marginal land" means either agricultural land or non-agricultural land, in land capability classes IV, VI, VII and VIII, except marginal land is limited to non-forested areas for tax forfeit sales. [Agricultural Handbook #210, Land Capability Classifications, September 1961, USDA-Soil Conservation Service.]

NON-AGRICULTURAL LAND. "Non-agricultural land" means lands that do not meet the definition of agricultural land.

NON-AGRICULTURAL COMMERCIAL USE. "Non-agricultural commercial use" means land that is not currently being used for agricultural crop production, and is being used for some other commercial enterprise in the production of goods and/or services, such as forest production.

NON-FOREST LAND. "Non-forest land" means land where forest use is precluded by management for non-forest uses, such as cropland, or introduced pasture.

PLATTED SUBDIVISION. "Platted subdivision" means a plat which subdivides land and is legally recorded with the County Recorder or Registrar of Titles prior to fee title being vested in the state, or is a plat recorded by a state department or agency pursuant to a directive from a legislative act. County auditor's plats shall not be deemed to be a platted subdivision for the purposes of Minnesota Statutes 103F.535(1990).

-more-

SALE OF LAND. "Sale of land" means any conveyance, exchange, or transfer of a fee interest in state land by a state department or agency, to a person, other government body, or any other entity.

TRANSFER. (See definition of Sale of Land.)

WETLAND. "Wetland" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that periodically does support, a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil conditions, including wetlands as defined in Minnesota Statutes section 105.37. For purposes of implementing the provisions of this law, wetlands shall include an area of one contiguous acre, or larger, of wetland types 2 through 8 as defined in the U.S. Fish and Wildlife Circular 39 (1971 edition).

DRAFT

LAND SALES, EXCHANGES, OR TRANSFERS EXEMPT FROM MINN. STAT. SEC. 103F.535 CONSERVATION EASEMENT

DRAFT

I. BOARD OF WATER AND SOIL RESOURCES (BWSR)

A. TO CORRECT ERRORS IN LEGAL DESCRIPTIONS UNDER SEC. 103F.515

B. TO ALTER, RELEASE, OR TERMINATE AN EASEMENT IN CONSULTATION WITH THE DEPARTMENTS OF AGRICULTURE, AND NATURAL RESOURCES

II. DEPARTMENT OF NATURAL RESOURCES (DNR)

A. LAND THAT IS CURRENTLY IN NONAGRICULTURAL COMMERCIAL USE

B. LAND THAT IS IN A PLATTED SUBDIVISION

C. TO CORRECT ERRORS IN LEGAL DESCRIPTIONS UNDER SEC. 84.0273

D. LAND EXCHANGES OF NONAGRICULTURAL LAND WITH FEDERAL AND LOCAL GOVERNMENTS

E. LAND TRANSFERRED TO POLITICAL SUBDIVISIONS FOR PUBLIC PURPOSES UNDER SEC. 84.027, SUBD. 10, AND 94.10

F. LAND NOT NEEDED FOR TRAILS THAT IS SOLD TO ADJACENT PROPERTY OWNERS

III. DEPARTMENT OF ADMINISTRATION

A. LAND THAT IS IN A PLATTED SUBDIVISION

B. CORRECTING ERRORS IN LEGAL DESCRIPTIONS

C. LAND THAT IS CURRENTLY IN NONAGRICULTURAL COMMERCIAL USE

D. LAND TRANSFERRED TO POLITICAL SUBDIVISIONS FOR PUBLIC PURPOSES UNDER SEC. 84.027, SUBD. 10, AND 94.10

IV. DEPARTMENT OF TRANSPORTATION

A. LAND THAT IS IN A PLATTED SUBDIVISION

B. CORRECTING ERRORS IN LEGAL DESCRIPTIONS

V. TAX FORFEIT LAND

A. LAND THAT IS IN A PLATTED SUBDIVISION

B. CORRECTING ERRORS IN LEGAL DESCRIPTIONS

DRAFT

DEED INSERT LANGUAGE

1. **STATE LAND SALE, EXCHANGE, OR TRANSFER** (not tax forfeit land)

   The State of Minnesota reserves a perpetual conservation easement, pursuant to Minnesota Statute Section 103F.535 (1990), as set forth in Attachment 1, which is attached and incorporated herein.

2. **TAX FORFEIT LAND SALE, EXCHANGE, OR TRANSFER**

   The State of Minnesota, in trust for the taxing districts, reserves a perpetual conservation easement, pursuant to Minnesota Statute Section 282.018, subd. 2 (1990), as set forth in Attachment 1, which is attached and incorporated herein.

ATTACHMENT 1

PERPETUAL CONSERVATION EASEMENT

The State of Minnesota reserves a perpetual conservation easement on that part of the property conveyed in this deed described as follows:

COUNTY:

SIZE (ACRES):

LEGAL DESCRIPTION:

DRAFT

This easement shall run with the land and shall be binding upon the Grantees, their heirs, successors and assigns.

The following practices and uses of the easement area described above are prohibited:

1) altering wildlife habitat and other natural features, unless specifically approved by the Board of Water and Soil Resources, its successors or assigns, hereinafter referred as "Board";

2) agricultural crop production, including cutting of hay, unless specifically approved by the Board for wildlife management purposes;

3) grazing of livestock;

4) placing, erecting, or constructing any structures or objects of any type, temporary or permanent, on the easement area;

5) spraying of chemicals or mowing, except as necessary to comply with noxious weed control laws or emergency control of pests necessary to protect public health; and

6) draining, filling, or altering wetlands.

FURTHER, the State of Minnesota reserves the right to enter upon the easement area for the purposes of inspection and enforcement of the easement, together with the right to ingress and egress to the easement area from a public road. Established access routes shall be used whenever feasible.

FURTHER, this conservation easement shall not be deemed to prohibit the repair, improvement, and inspection necessary to maintain public drainage systems, provided the easement area is restored to its prior condition to the extent possible.

FINALLY, any ambiguities in this easement shall be construed in a manner which best effectuates the purpose of protecting soil, improving water quality, and enhancing fish and wildlife habitat.

NO RIGHTS HEREIN ARE RESERVED TO THE GENERAL PUBLIC FOR ACCESS TO OR ENTRY UPON THE LANDS DESCRIBED HEREIN.

DRAFT

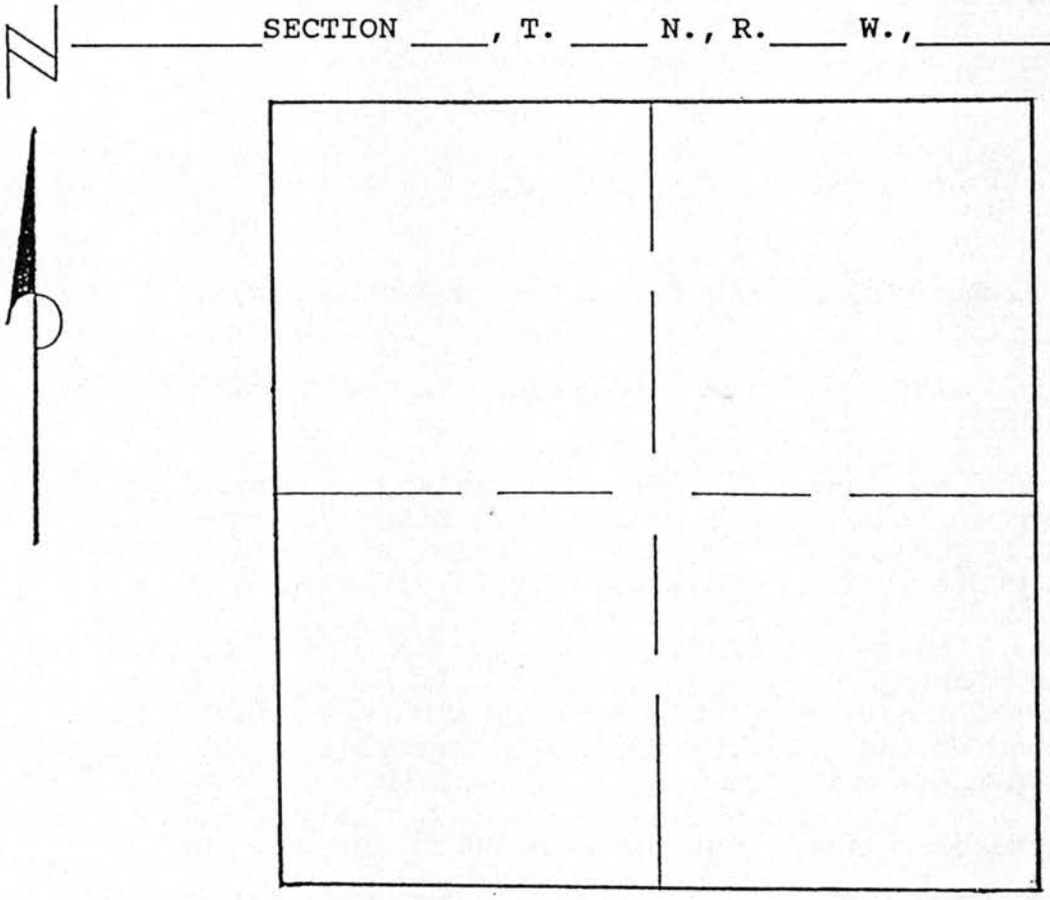
GRANTOR _____ MAP____ OF ____

GRANTEE _____

STATE OF MINNESOTA
CONSERVATION EASEMENT
EXHIBIT "A"

THIS MAP DELINEATES THE CONSERVATION EASEMENT AREA(S) REFERRED TO IN THE ATTACHED CONVEYANCE.

_____SECTION ____, T. ____ N., R.____ W.,_____ COUNTY



Scale: 8 inches = 1 mile

LEGEND:

_____ Boundary of Described Lands

Easement Area Lands Covered by Easement

Lands Not Included in Easement

Center of Section

DRAFT

(DRAFT DETERMINATION LETTER)

Date:

To: Minnesota Board of Water and Soil Resources
155 South Wabasha, Suite 104
St. Paul, MN 55107
Attention: RIM Reserve Coordinator

From:

Subject: Sale, Exchange, or Transfer of ___ Acres Described as _____

I have reviewed the available data concerning the lands described above and determined:

____ there are no marginal lands or wetlands requiring a conservation easement as outlined in Minnesota Statutes Sec. 103F.535(1990). I have enclosed a good quality aerial photo outlining the area to be disposed.

____ marginal lands and/or wetlands are included in this land sale, exchange, or transfer, which will be protected by conservation easement. I have depicted the area(s) to be protected on the attached aerial photograph(s), and have enclosed a draft of the proposed conservation easement.

If you have any questions or comments concerning this determination please contact _____, telephone number_____.

Sincerely,

(name and title)

DRAFT

LEGAL DESCRIPTION
EXAMPLES

1. When all of the land described in the written legal description is covered by the conservation easement.

a) The Northwest Quarter of the Northwest Quarter (NW 1/4 of NW 1/4), Section 6, Township 110 North, Range 3 West

OR

b) The South 100 feet of the Northwest Quarter of the Northwest Quarter (NW 1/4 of NW 1/4), Section 6, Township 110 North, Range 3 West

[Note: Not necessary to attach an Exhibit A]

2. When only part of the land described in the written legal description is covered by the conservation easement.

a) That part of the Northwest Quarter of the Northwest Quarter (NW 1/4 of NW 1/4), Section 6, Township 110 North, Range 3 West, as delineated on Exhibit A, which is attached and incorporated herein.

OR

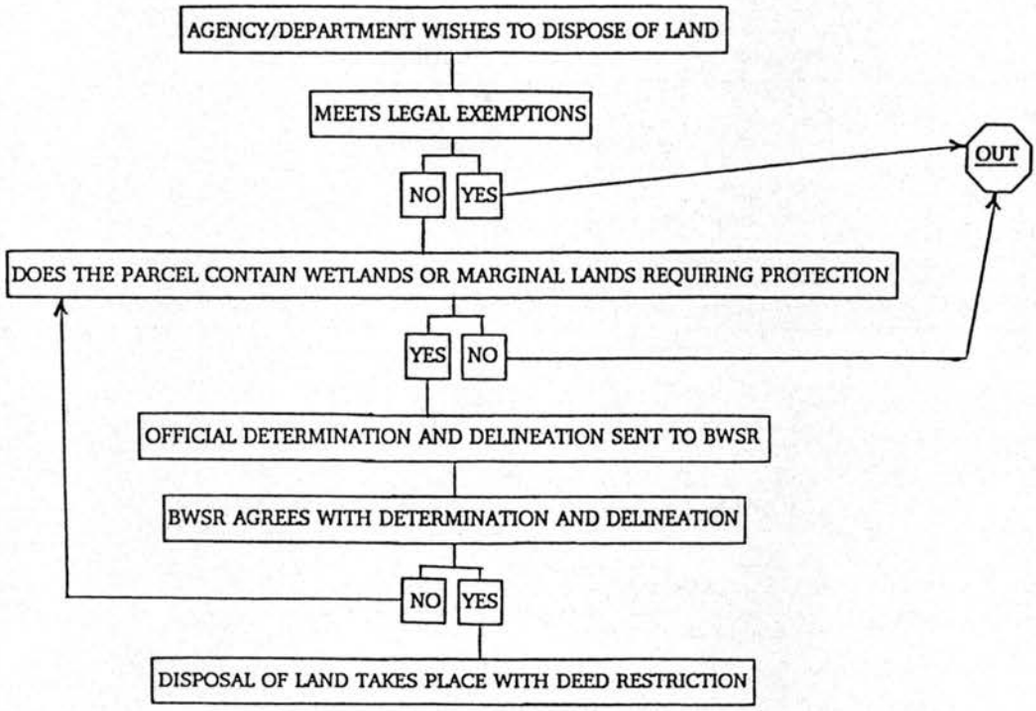
b) That part of the South 500 feet of the west 900 feet of the Northwest Quarter of the Northwest Quarter (NW 1/4 of NW 1/4), Section 15, Township 111 North, Range 3 West, as delineated on Exhibit A, which is attached and incorporated herein.

[Note: 1) Exhibit A is required for both 2(a) and 2(b).
2) Be sure to describe the smallest area in the written legal description as practical.]

MINN. STAT. SEC. 103F.535(1990)
FLOW CHART

STATE LAND SALE, EXCHANGE, OR TRANSFER
(NON TAX FORFEITED)

KEY QUESTIONS: 1) IS THE LAND SALEABLE ACCORDING TO ALL APPLICABLE LAWS? 2) IS THE LAND SALE EXEMPT FROM THE CONSERVATION EASEMENT REQUIREMENT UNDER MINN. STAT. SEC. 103F.535?



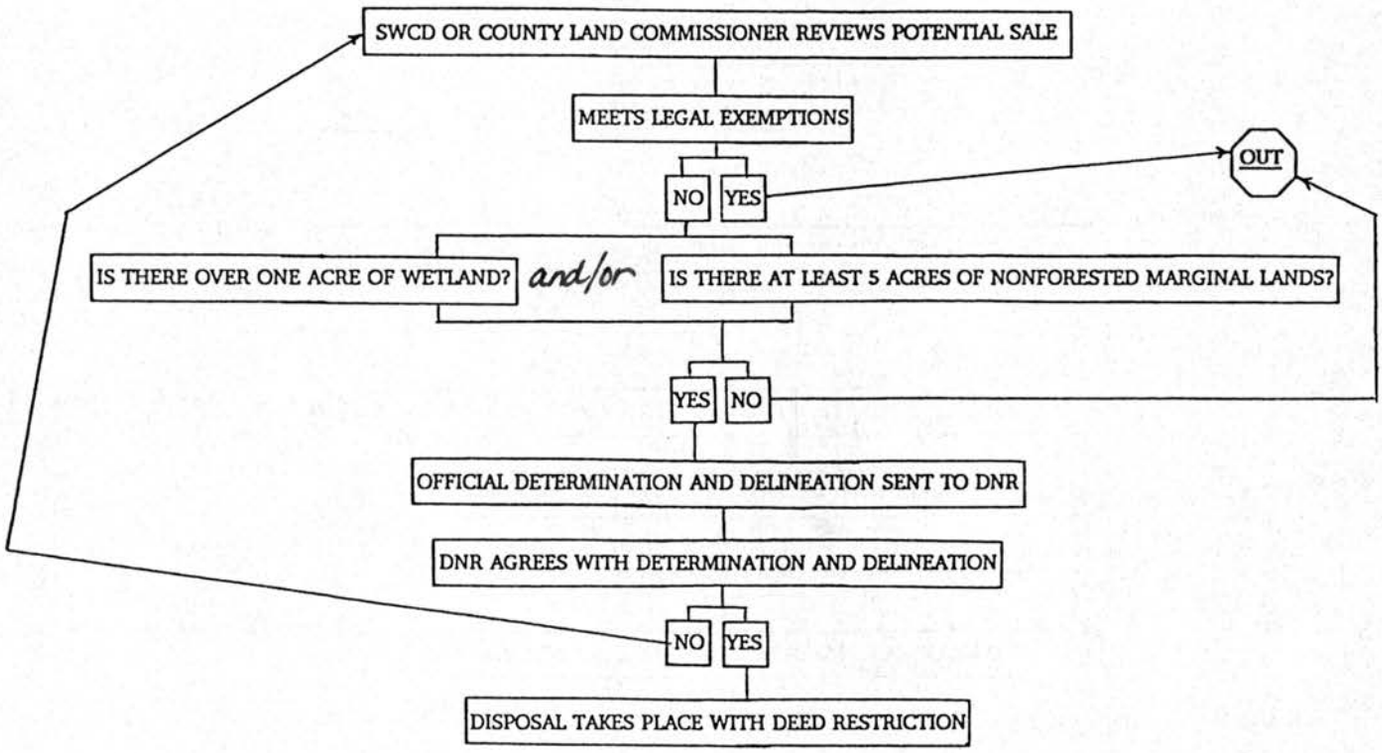
MINN. STAT. SEC. 103F.535(1990)
FLOW CHART

TAX FORFEIT LAND SALES

I. LEGAL AUTHORITIES: MINN. STAT. SEC. 103F.535, AND 282.018 SUBD. 2(1990).

II. REVIEW AUTHORITIES: 1) SWCD IF NO COUNTY LAND COMMISSIONER EXISTS, OR IF COUNTY APPOINTS SWCD; OR 2) COUNTY LAND COMMISSIONER, IF ONE EXISTS IN THE COUNTY AND THE COUNTY APPOINTS LAND COMMISSIONER TO FUNCTION IN THIS CAPACITY.

III. KEY QUESTIONS: 1) IS THE LAND SALEABLE UNDER MINN. STAT. SEC. 282? 2) IS LAND SALE EXEMPT (SEE MINN. STAT. SEC. 103F.535 SUBD. 1)? 3) IS ANY PART OF THE PARCEL NONFORESTED? 4) ARE THERE ANY WETLANDS ON THE PARCEL TO BE SOLD?



LWRPMP CHALLENGE GRANT
SCORING CRITERIA

1) **Overall strength of the proposal.** Based on the clarity of the proposal, the start up or acceleration of the implementation of the county's comprehensive local water plan (CLWP) activities, and the tie-in to local priorities.

4. **Very Good.** Extremely clear proposal, which clearly accelerates implementation of the priority actions of the CLWP(s), or provides start-up funding for new projects or programs.

3. **Good.** A clear proposal which implements priority actions of the county CLWP(s).

2. **Satisfactory.** A somewhat clear proposal which implements priority actions of county CLWP(s).

1. **Unsatisfactory.** An unclear proposal which has no direct tie-in to priority actions of a CLWP(s).

2) **Ability of the applicant(s) to successfully administer and implement the LWRPMP funded Challenge Grant.**

4. **Very Good.** County will have no problems administering and implementing the program.

3. **Good.** County will have few if any problems administering and implementing the program satisfactorily.

2. **Satisfactory.** County should be able to administer and implement the program satisfactorily.

1. **Unsatisfactory.** Program could not be successfully implemented and administered.

3) **Overall strength of the Proposal's Work Plan.** Based on the review of whether or not the actions/activities, timeframes and lead agency(s) are realistic.

4. **Very good.** The proposal is extremely realistic, focused and shows well defined activities, timeframes and lead agency(s).

3. **Good.** The proposal is strong, realistic, and gives good definition of activities, timeframes and lead agency(s).

2. **Satisfactory.** Identifies activities, timeframes and lead agency(s).

1. **Unsatisfactory.** An inadequate proposal; not realistic, does not include adequate information concerning activities, timeframes or the lead agency(s).

4) **Overall strength of the Proposal's Budget.** Based on the feasibility of the proposed project cost detail.

4. **Very good.** Excellent fit between the work to be accomplished and dollars budgeted. The budget is well detailed and demonstrates extensive planning. All costs are directly related to the project.

3. **Good.** All significant expenditures are itemized and well matched to the work to be done.

2. **Satisfactory.** The budget is reasonable. Some significant entries should have been itemized. Unforeseen contingencies might arise that are not covered by the budget.

1. **Unsatisfactory.** The fit between tasks and expenditures is unreasonable. Some costs are not directly related to the proposal.

5a) **Participation of local units of government.** Does the proposal clearly describe strong local support and inter-agency cooperation.

4. **Very good.** The proposal clearly identifies a high degree of both local support and inter-agency cooperation.

3. **Good.** The proposal identifies local support and inter-agency cooperation.

2. **Satisfactory.** The proposal identifies local support, inter-agency cooperation is not applicable to the success of the proposal and its activities.

1. **Unsatisfactory.** The proposal does not identify local support or inter-agency cooperation that is necessary to successfully complete the projects or activities identified in the proposal.

5b) **Multi-county cooperation and regional priorities.** Based on whether the proposal demonstrates multi-county efforts, and/or addresses regional water resource priorities.

4. **Very good.** The proposal includes both multi-county efforts and addresses a regional water resource priority.

3. **Good.** The proposal includes a multi-county effort, but does not address a regional priority.

2. **Satisfactory.** The proposal is not for a multi-county project or activity, but addresses a regional priority.

1. **Unsatisfactory.** The proposal is not for a multi-county endeavor, and does not address a regional priority.

6) **Long term commitment.** Does the proposal indicate a commitment to programs or activities that are long term in scope and nature or will result in future programs or activities.

4. **Very good.** The proposal clearly indicates how the program or activities will result in a high degree of long term commitment to effective water protection and management.

3. **Good.** The proposal indicates how the program or activities will result in some degree of long term commitment to water protection and management.

2. **Satisfactory.** The proposal indicates some degree of long term commitment, but does not indicate how it will be achieved.

1. **Unsatisfactory.** No long term commitment to water protection and management.

7) **Use of local programs and methods.** Does the proposal make effective use of local programs and methods to protect and manage water and related land resources?

4. **Very good.** The proposal makes use of and builds on the capabilities of existing local programs.

3. **Good.** The proposal makes full use of existing local programs.

2. **Satisfactory.** The proposal makes limited use of existing local programs.

1. **Unsatisfactory.** The proposal indicates no use or recognition of existing local programs or methods.

8) **Federal, state, local efforts.** Does the proposal identify and complement the efforts of existing federal, state or local resource management programs in the county (or region)?

4. **Very good.** The proposal identifies and complements all appropriate federal state and local programs related to the proposed programs and activities.

3. **Good.** The proposal identifies and complements some federal, state and local programs related to the proposed programs and activities.

2. **Satisfactory.** The program or activity contained in the proposal has no federal state or local counterpart program in existence.

1. **Unsatisfactory.** Complementary federal, state or local program exists, but the proposal does not identify it.

9) **Official controls.** Does the proposal result in acceleration of local efforts to adopt, administer and enforce official controls to protect and manage water and related land resources?

4. **Very good.** The proposal will result in accelerated efforts to adopt, administer and enforce official local controls.

3. **Good.** The proposal will result in some acceleration of local efforts to adopt, administer and enforce local official controls.

2. **Unknown.** Proposal may accelerate the adoption, administration, or enforcement of local official controls.

1. **Unsatisfactory.** The proposal does not indicate an initiative to accelerate efforts to adopt, administer and enforce official controls.

a:criteri2/djt

MINNESOTA BOARD OF WATER AND SOIL RESOURCES
LWRPMP Challenge Grant Program

County:

Person reviewing:

==========

Using these criteria, please evaluate the application on a scale of 1 to 4, with 4 being the highest score and 1 being the lowest. Please refer to the evaluation profile for more definition of the numbers.

1) **Overall strength of the proposal.** Based on the clarity of the proposal, the start up or acceleration of the implementation of the county's comprehensive local water plan (CLWP) activities, and the tie-in to local priorities.
4 3 2 1
Comments:

2) **Ability of the applicant(s) to successfully administer and implement the LWRPMP funded Challenge Grant.**
4 3 2 1
Comments:

3) **Overall strength of the Proposal's Work Plan.** Based on the review of whether or not the actions/activities, timeframes and lead agency(s) are realistic.
4 3 2 1
Comments:

4) **Overall strength of the Proposal's Budget.** Based on the feasibility of the proposed project cost detail.
4 3 2 1
Comments:

5a) **Participation of local units of government.** Does the proposal clearly describe strong local support and inter-agency cooperation.
4 3 2 1
Comments:

5b) **Multi-county cooperation and regional priorities.** Based on whether the proposal demonstrates multi-county efforts, and/or addresses regional water resource priorities.
4 3 2 1
Comments:

6) **Long term commitment.** Does the proposal indicate a commitment to programs or activities that are long term in scope and nature or will result in future programs or activities.
4 3 2 1
Comments:

7) **Use of local programs and methods.** Does the proposal make effective use of local programs and methods to protect and manage water and related land resources?
4 3 2 1
Comments:

8) **Federal, state, local efforts.** Does the proposal identify and complement the efforts of existing federal, state or local resource management programs in the county (or region)?
4 3 2 1
Comments:

9) **Official controls.** Does the proposal result in acceleration of local efforts to adopt, administer and enforce official controls to protect and manage water and related land resources?
4 3 2 1
Comments:

a:criteri3/djt

EVALUATION PROFILE
LWRPMP CHALLENGE GRANT PROGRAM
JANUARY 1991

CRITERIA	4. Very Good	3. Good	2. Sastisfactory	1. Unsastisfactory
1. Overall strength of the proposal. Based on the clarity of the prposal, the start up or acceleration of the implementation of the CLWP(s) activities, and the tie-in to local priorities.	Extremely clear proposal, which clearly accelerates implementation of the priority actions of the CLWP(s) or provides start-up funding for new projects or programs	A clear proposal which implements priority actions of the county CLWP(s).	A somewhat clear proposal which implements priority actions of county CLWP(s).	An unclear proposal which has no direct tie-in to priority actions of a CLWP(s).
2. Ability of the applicant(s) to successfully administer and implement the LWRPMP funded Challenge Grant.	County will have no problems administering and implementing the program.	County will have few if any problems administering and implementing the program sastisfactorily.	County should be able to administer and implement the program sastisfactorily.	Program could not be successfullly implemented and administered.
3. Overall strength of the Proposal's Work Plan. Based on the review of whether or not the actions/activities, timeframes and lead agency(s) are realistic.	The proposal is extremely realistic, focused and shows well defined activities, timeframes and lead agency(s).	The proposal is strong, realistic, and gives good definition of activities, timeframes and lead agency(s).	Identifies activities, timeframes and lead agency(s).	An inadequate proposal, not realistic, does not include adequate information concerning activities, timeframes or the lead agency(s).
4. Overall strength of the Proposal's Budget. Based on the feasibility of the proposed budget cost detail.	Excellent fit between the work to be accomplished and dollars budgeted. The budget is well detailed and demonstrates extensive planning. All costs are directly related to project.	All significant expenditures are itemized and well matched to the work to be done.	The budget is reasonable. Some significant entries should have been itemized. Unforseen contingencies might arise that are not covered by the budget.	The fit between tasks and expenditures is unreasonable. Some costs are not directly related to the proposal.
5a. Paticipation of local units of government. Does the proposal clearly describe strong local support and inter-agency cooperation.	The proposal clearly identifies a high degree of both local support and inter-agency cooperation.	The proposal identifies local support and inter-agency cooperation.	The proposal identifies local support. Inter-agency cooperation is not applicable to the success of the proposal and its activities.	The proposal does not identify local support or inter-agency cooperation that is necessary to successfully ccomplete the projects or activities identified in the proposal.
5b. Multi-county cooperation and regional priorities. Based on whether the proposal demonstrates multi-county efforts, and/or addresses regional water resource priorities.	The proposal includes both multi-county efforts and addresses a regional water resources priority.	The proposal includes a multi-county effort, but does not address a regional priority.	The proposal is not for a multi-county project or activity, but addresses a regional priority.	The proposal is not multi-county and does not address a regional priority.

EVALUATION PROFILE
LWRPMP CHALLENGE GRANT PROGRAM
JANUARY 1991

CRITERIA	4. Very Good	3. Good	2. Sastisfactory	1. Unsastisfactory
6. Long term commitment. Does the proposal indicate a commitment to programs or activities that are long term in scope and nature or will result in future programs or activities.	The proposal clearly indicates how the program or activities will result in a high degree of long term commitment to effective water protection and management.	The proposal indicates how the program or activities will result in some degree of long term commitment to water protection and management.	The proposal indicates dome degree of long term commitment, but does not indicate how it will be achieved.	No long term commitment to water protection and management.
7. Use of local programs and methods. Does the proposal make effective use of local programs and methods to protect and manage water and related land resources.	The proposal makes full use of and builds on the capabilities of existing local programs.	The proposal makes full use of existing local programs.	The proposal makes limited use of existing local programs.	The proposal indicates no use or recognition of existing local programs or methods.
8. Federal, state, local efforts. Does the proposal identify and complement the efforts of existing federal, state or local resource management programs in the county (or region).	The proposal identifies and complements all appropriate federal state and local programs related to the proposed programs and activities.	The proposal identifies and complements some federal, state and local programs related to the proposed programs and activities.	The program or activity contained in the proposal has no federal, state or local counterpart program in existence.	Complementary federal, state or local program exists, but the proposal does not identify it.
9. Official Controls. Does the proposal result in acceleration of local efforts to adopt, administer and enforce official controls to protect and manage water and related land resources.	The proposal will result in accelerated efforts to adopt, administer and enforce official local controls.	The proposal will result in some acceleration of local efforts to adopt, administer and enforce local official controls.	Proposal may accelerate the adoption, administration or enforcement of local official controls.	The proposal does not indicate an initiative to accelerate efforts to adopt, administer and enforce official controls.

LWRPMP CHALLENGE GRANT APPLICATION TOTALS (1-22-91)

COUNTY	REQUEST TOTAL
AITKIN	$ 22,000
BELTRAMI	$ 79,500*
BLUE EARTH	$ 10,900*
BROWN	$ 30,000
CARLTON	$ 50,000
CASS	$ 32,000
DOUGLAS	$ 19,700
FARIBAULT 1	$ 12,499
FARIBAULT 2	$ 3,500
FILLMORE	$ 19,795
GOODHUE	$ 30,000
ITASCA 1	$ 38,850
ITASCA 2	$ 38,000
KITTSON	$ 22,566*
LINCOLN 1	$ 55,000
LINCOLN 2	$124,240*
MARSHALL	$ 27,500
NICOLLET	$162,800*
NOBLES	$ 11,167
NORMAN	$ 28,000
OLMSTED 1	$ 64,073
OLMSTED 2	$ 12,480
POLK 1	$ 66,000
POLK 2	$ 11,232
RED LAKE	$ 5,900
RICE 1	$ 25,000
RICE 2	$ 40,600*
SIBLEY	$ 34,628
STEELE	$251,358
WABASHA	$ 11,025
WATONWAN	$ 11,200

* Denotes multi-county application

TOTALS	$ 1,351,513
AMOUNT AVAILABLE FOR COMP WATER PLANNING IMPLEMENTATION GRANTS IN FY91	$ 2,370,000
TOTAL AMOUNT OF WATER PLANNING BASE GRANT REQUESTS IN FY91	$ 1,638,316
TOTAL AMOUNT OF FUNDING AVAILABLE (1-22-91) FOR WATER PLANNING CHALLENGE GRANTS	$ 731,684

AUSTIN
MOWER COUNTY
PLANNING DEPARTMENT

RECEIVED
DEC 14 1990
BOARD OF WATER
& SOIL RESOURCES

December 13, 1990

Jim Birkholz
Assistant Executive Director
Minnesota Board of Water & Soil Resources
Southbridge Office Building
155 South Wabasha Street
Suite 104
St. Paul, MN 55107

RE: Eligible Costs

The Mower County Board of Commissioners, with their 1991 base grant, will be contracting with the Mower County Soil & Water Conservation District for a portion of the implementation of our Comprehensive Water Plan. We will contracting with them in the amount of $37,500.00. The Mower County Soil & Water Conservation District will be starting January 1, 1991 with the feedlot and soil erosion sections of our plan and with a well inventory (see attached). The SWCD doesn't have funds to carry out these programs if there is no reimbursement from the BWSR funds and tax levy to January 1, 1991.

Based upon Subparagraph 9, eligible costs, we would like to request approval by the Board of BWSR, per criteria in 8405.0130, subparagraph 3, to allow us to reimburse the SWCD for costs incurred from Janaury 1 through March 1, 1991 or when the BWSR funds are received.

Thank you for your attention to this request.

Sincerely,

Daryl W. Franklin
Planning Director

DWF:km:HD\Planning

cc: Mower County Board of Commissioners
William C. Buckley
Bev Nordby

LWRPMP CHALLENGE GRANT APPLICATION TOTALS

COUNTY	REQUEST TOTAL
AITKIN	$ 22,000
BELTRAMI	$ 79,500
BLUE EARTH	$ 10,900
BROWN	$ 30,000
CARLTON	$ 50,000
CASS	$ 32,000
DOUGLAS	$ 19,700
FARIBAULT 1	$ 3,749
FARIBAULT 2	$ 3,500
FILLMORE	$ 19,795
GOODHUE	$ 30,000
ITASCA 1	$ 38,850
ITASCA 2	$ 38,000
KITTSON	$ 22,566
LINCOLN	$ 55,000
LYON	$102,240
MARSHALL	$ 27,500
NICOLLET	$162,800
NOBLES	$ 11,167
NORMAN	$ 28,000
OLMSTED 1	$ 64,073
OLMSTED 2	$ 12,480
POLK 1	$ 66,000
POLK 2	$ 11,232
RED LAKE	$ 5,900
RICE 1	$ 25,000
RICE 2	$ 40,600
SIBLEY	$ 34,628
STEELE	$251,358
WABASHA	$ 11,025
WATONWAN	$ 11,200
TOTALS	$ 1,320,763

Minnesota Board of Water & Soil Resources

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

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

January 15, 1991

The Honorable Steven Morse, Chairman
Legislative Water Commission
G-24 State Capitol
St. Paul, MN 55155

Dear Senator Morse:

Please accept the enclosed First Annual Status Report on Local Water Management. As required by Minnesota Statutes, the Board of Water and Soil Resources is submitting this for the review of the Legislative Water Commission. Comprehensive local water planning and management has been a challenging and rewarding issue for the Board over the past several years. Minnesota is beginning to reap great dividends from the strengthening of the state and local partnership through this process. We look forward to nurturing this success story throughout the 1990's.

We welcome your scrutiny of this document and look forward to an opportunity to discuss it more fully with yourself and members of the Commission. Thank you for your interest and attention. I look forward to our continued cooperative work on these challenging issues in the decade ahead.

Sincerely,

Jim Birkholz
Executive Director

JB:mja

Regional Offices

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South Central Region
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New Ulm, MN 56073
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Southeast Region
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1200 S. Broadway
Rochester, MN 55904
507-285-7458

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East Central Region
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St. Paul, MN 55107
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Opportunity Employer

FIRST ANNUAL STATUS REPORT
ON
LOCAL WATER MANAGEMENT (SECTIONS 103B.201 TO 103B.355)
FOR THE
LEGISLATIVE WATER COMMISSION

JANUARY 1991

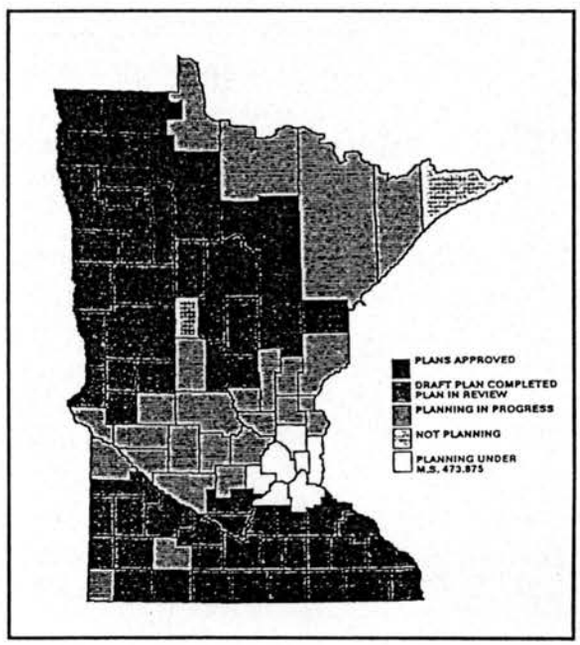
Minnesota Statutes 1990, Section 103B.351 states that the Minnesota Board of Water and Soil Resources (BWSR) shall, on or before January 15 of each year, submit to the legislative water commission a written report on the BWSR's functions and the implementation of the Metropolitan Surface Water Management Program, Metropolitan Ground Water Planning, Comprehensive Local Water Management Act, and the Local Water Resources Protection and Management Program.

COMPREHENSIVE LOCAL WATER MANAGEMENT ACT 103B.301 (formerly 110B)

103B.301 or the Comprehensive Local Water management Act was passed in 1985 with Rules (M.R. Chapter 9300) developed in 1986. The purpose of the Act is to encourage counties to plan for current and future uses, protection and management of its water and water-related resources. Comprehensive Local Water Planning is a voluntary program for counties outside the seven county metropolitan area.

COUNTY PARTICIPATION

Currently 78 of the 80 greater Minnesota counties are involved in preparing and/or implementing local water plans under the authority of the Comprehensive Local Water Management Act (103B.301). At the November 28, 1990 regular meeting of the BWSR, the Board approved its 53rd local water plan marking the end of the 1987 LCMR funded pilot project for water planning.



Shortly after the pilot LCMR water planning project was started other counties became interested and began local water planning. During the period of 1987 to 1989, 10 counties started the local water planning process. It is interesting to note that these counties began planning without assurance of any state funding. Of these 10 counties 3 have approved

plans. These counties did ultimately receive planning assistance grants through the Local Water Resources Protection and Management Program.

With financial assistance available to counties in 1990, 16 of the remaining 18 counties in greater Minnesota began water planning. Financial assistance to the water planning counties was a grant package that included a $15,300 matching grant, data packet, and standard 10 map set.

ASSISTANCE TO LOCAL UNITS OF GOVERNMENT

The following list identifies major activities during 1990 that the BWSR directed at the comprehensive water planning efforts of local units of government.

** 1990, was the first year for the Board that all four local water planning positions were filled. During 1990 BWSR water planning staff made over 200 local contacts with counties and SWCD's providing them technical assistance on plan development and implementation.

** BWSR staff made over 60 presentations to counties and other groups in 1990. Presentation groups included the Association of Minnesota Counties, Minnesota Association of Planning and Zoning Administrators, Community Health Services, American Water Works Association, Minnesota Turkey Growers Association, and the Minnesota Association of Soil and Water Conservation Districts.

** BWSR staff coordinated the reviews and final approval of 50 county comprehensive local water management plans.

** BWSR staff have continued quarterly meetings of the 110B Project Managers and 110B Agency Technical Committee.

** The BWSR completed a cooperative project with the Department of Natural Resources to develop a summary handbook for local water planning.

** BWSR staff developed a distribution agreement with the Land Management Information Center of the State Planning Agency for the sale and distribution of EPPL7, a State of Minnesota licensed geographic information system software package, to local units of government involved in water planning activities.

COUNTY ACTIVITIES

Many exciting activities and projects are occurring as a result of comprehensive local water planning . Activities in 1990 include.

** The Red River Valley Joint Powers Board and the Southcentral Minnesota 13 County Joint Powers Board hired Cluster Water Quality Extension Agents to assist counties implement education and information components of their plans.

** Beltrami, Clearwater, and Hubbard Counties joined together and created the Tri-County Enhancement Project. The goal of this project is to increase baseline water quality data in area lakes.

** The North West Regional Development Commission in cooperation with its water planning counties published a report of abandoned wells.

** Becker County will begin construction in the spring of 1991 of a regional household hazardous waste storage facility.

** Many counties have begun water and water related inventories including, drained wetlands, abandoned wells, underground storage tanks, and feedlots.

** Martin county held its region's first water quality workshop.

** Counties held numerous abandoned well sealing demonstrations in south western Minnesota.

** The Cannon River Partnership formed in 1990 as a non-profit corporation in south eastern Minnesota to accelerate implementation of local water plans on a watershed basis.

ISSUES

In 1991, the BWSR's focus, related to local water planning, will be changing from planning to implementation. This implementation will require an even greater commitment to coordination of existing state and local programs and providing direct technical assistance to counties through the BWSR field hydrologists. Presently the BWSR believes that the current complement of 3 field hydrologists is not adequate to effectively service the needs of 78 counties.

Another issue facing the BWSR concerns how to effectively incorporate well head protection and sensitive ground water area protection into the local water planning process. As of July 1, 1989 21 counties are required to include goals, objectives, and actions to address these issues. Successful incorporation of well head protection and sensitive ground water area protection will require an integrated program that combines the responsibilities of the BWSR through its local water planning authority, the Minnesota Department of Health through its well head protection program authorities, and DNR authorities concerning sensitive ground water area designation.

LOCAL WATER RESOURCES PROTECTION AND MANAGEMENT PROGRAM (103B.3361)

In 1989, the legislature established the Local Water Resources Protection and Management Program to provide financial assistance to counties for local government activities that protect or manage water and related land resources. To be eligible for grants a county must have an approved section 103B.301 (Comprehensive Local Water Management Plan) or a 103B.201 (Metropolitan Water Management Plan), or 103D (Watershed Overall Plan) covering more than 50 percent of the land area in the county, and institute a special water plan implementation levy.

COUNTY PARTICIPATION

On January 15, 1991 the BWSR will complete the first application period for water plan implementation grants. Indications are that 52 counties will apply for base grants totaling approximately $1.7 million. The BWSR also expects to receive approximately 26 challenge grant requests.

ASSISTANCE TO LOCAL UNITS OF GOVERNMENT

** The BWSR awarded planning grants to 26 counties.

** The BWSR appointed an advisory committee and held meetings in 1989 and 1990 for the purpose of receiving public input into the development of program rules.

** BWSR staff held six regional training sessions for local government in the fall of 1990. The purpose of the training was to provide guidance to local water plan coordinators on developing base and challenge grant applications.

** Rules for the Local Water Resources Protection and Management program were adopted by the Board on December 6, 1990.

ISSUES

With the current $2.3 million appropriation the BWSR will be unable to fully meet the expected base grant commitment to 70 counties in FY 1992. This also precludes the BWSR from considering challenge grant applications. **The BWSR recommends that grant funding for counties be increased so that all eligible counties can participate.**

The BWSR also recommends that additional levy authority for plan implementation be authorized for use at the discretion of county boards.

METROPOLITAN GROUND WATER MANAGEMENT 103B.255 (formerly 509)

In 1987, the Metropolitan Water Management Act (103B.201) was amended to give counties the authority to develop and implement ground water protection plans in the seven county metropolitan area. The amendment was primarily the result of local government wishing to see the scope of metropolitan water management broadened to include both ground water and surface water. Planning is voluntary under this act.

COUNTY PARTICIPATION

By the end of 1990 all seven counties in the metropolitan area had begun ground water planning activities. Of the 7 counties, 6 have been awarded matching grants through the Local Water Resources protection and Management Program to aid them in plan development.

ASSISTANCE TO LOCAL UNITS OF GOVERNMENT

The following list identifies major activities during 1990 that the BWSR directed at ground water planning in the seven county metropolitan area.

** BWSR staff developed guidelines for metropolitan ground water plans. The guidelines are to designed to provide suggestions and guidance for fulfilling requirements set forth in statute, and to provide minimum requirements for administering the grants.

** BWSR staff participated in various county water advisory committees.

** BWSR staff convened the first regular meeting of the metropolitan ground water plan coordinators.

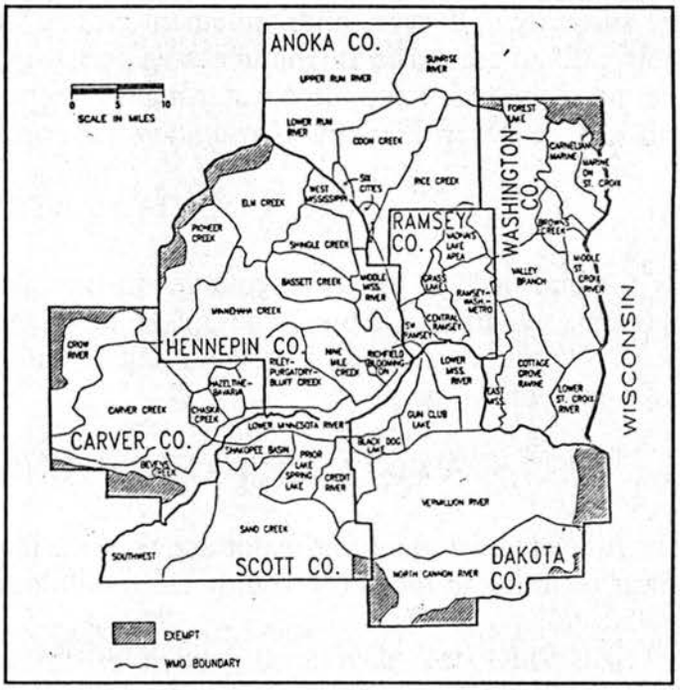
** BWSR staff began developing the inter-agency framework and guidelines for agency plan review.

METROPOLITAN SURFACE WATER MANAGEMENT 103B.201 (formerly 509)

The Metropolitan Surface Water Management Act, created in 1982, provides water management organizations (WMOs) and local governments in the seven county metropolitan area with assistance in developing and implementing surface water plans. This program is mandatory. Principle clientele are 10 watershed districts, 7 soil and water conservation districts, 7 counties, 36 joint powers WMOs, and about 140 cities and townships.

LOCAL GOVERNMENT PARTICIPATION

Since program inception in 1982, watershed management plans have been approved for 18 of the 46 metropolitan area WMOs. This fact is disturbing since the planning, commonly known as "509" planning, was a mandate with a deadline for completion of July 1, 1985. Of the 18 plans approved, 5 were approved in 1990. As of January 1, 1991, the BWSR is awaiting submittal of revisions for 14 previously reviewed plans.



ASSISTANCE TO LOCAL UNITS OF GOVERNMENT

Chapter 601 of the Laws of Minnesota required the BWSR to promulgate rules for the content of revised metropolitan area water plans and other aspects of plan implementation. The BWSR has commenced the rules process in cooperation with a 45 member advisory group representing various agencies, local governments and concerned citizens. The rules will apply to second generation "509" plans. The BWSR expects these rules to be promulgated in FY 1992.

BWSR staff reviewed and commented on an additional 10 watershed plans in 1990.

ACTIVITIES OF LOCAL GOVERNMENTS

Despite many of the problems that have faced the metropolitan water planning program local government has, in places, made surface water management successful. Major activities in 1990 include.

** The City of Eagan hired a full time water quality specialist to implement the storm water management program required by the Gun Club Lake WMO "509" plan. Eagan has inventoried and assigned a management classification to 340 wetlands in their city. There are only about 80 DNR protected waters in Eagan.

** Through their "509" planning effort, Rice Creek Watershed District has developed and funded their own cost-share program to help individual landowners fund shoreline erosion protection projects.

** Shingle Creek and West Mississippi WMOs have developed a process to review and comment on development projects submitted by their member cities. They have already reviewed and commented on over 200 projects affecting storm water management.

** Through "509" planning, Forest Lake WMO requires their joint power agreement members to adopt and enforce local "no-net-loss" wetland protection ordinances for all types of wetlands greater than 0.5 acres in size. They also require enforcement of local ordinances to restrict the phosphorous content of lawn fertilizers.

ISSUES

In the future, the BWSR sees the clear need for greater financial support for Metropolitan Surface Water Planning, both through increased staff for the program and through increased state and local funding for implementation of the plans. Although water planning in the metropolitan area has an important role in Minnesota's future, a lack of staff for BWSR and other agencies has impeded the process.

In addition, many WMOs are not eager to embrace the mandatory water planning and subsequent implementation because of funding constraints such as levy limits. Also the higher tax base of metropolitan counties will make all but two ineligible for base grants through the Local Water Resources Protection and Management Program. The funding problem is especially severe in the rural parts of the metropolitan area, where townships are required to implement plan components.

The BWSR recommends that it be given increased funding to meet the current demands and the follow-up assistance required of the metropolitan water planning program.

The BWSR also recommends that local units of government should have access to increased local levies and state grants for implementation efforts.

LAW

Justices to Decide Local Role in Pesticides

By Stephen Wermiel
Staff Reporter of The Wall Street Journal

WASHINGTON — The Supreme Court agreed to decide whether cities and towns may restrict the use of pesticides or whether federal law precludes local regulation.

The issue is one of growing importance as local communities wrestle with health and environmental concerns raised by the use of pesticides.

Local governments often adopt regulations that are more stringent than those established by the Federal Insecticide, Fungicide and Rodenticide Act. And state supreme courts and federal appeals courts throughout the country have reached conflicting decisions about whether the federal law leaves room for local regulation.

The justices agreed to hear an appeal by the town of Casey, Wis., and by Wisconsin's so-called public intervenor from a decision last March by the Wisconsin Supreme Court. The state court ruled, 4-3, that local regulation of pesticides is preempted by federal law.

The lawsuit was filed by a landowner who challenged a 1985 ordinance adopted by Casey officials. Under the ordinance, the landowner was denied a permit for aerial spraying and was allowed to use ground-spraying for only a limited portion of his property.

In a friend-of-the-court brief, the Justice Department said that although it is a "close" question, federal officials believe Congress didn't intend to preclude regulation by local governments. *(Wisconsin Public Intervenor vs. Mortier)*

Pollution Liability

The justices let stand an appeals court ruling that a lender that is in a position to affect decisions about hazardous waste disposal made by a company to which it loaned money may be liable for that company's federal pollution cleanup costs. The appeals court in Atlanta ruled in May that a financial institution in such a position isn't entitled to the legal exemption from Superfund liability that Congress created for secured creditors that have no control over the alleged polluter.

The appeals court's decision caused alarm in the banking industry. In a brief to the Supreme Court, the American Bankers Association said the appeals court ruling "increases banks' exposure to liability" and sets a legal standard that is "so vague that current lending practices are called into question."

But the Supreme Court's action may have limited significance because the appeals court ruled prior to trial in the federal government's lawsuit against Fleet Factors Corp., a **Fleet/Norstar Financial Group** Inc. unit. The case should now proceed to trial as a result of the high court's denial of Fleet's appeal.

The legal issue is likely to recur, however, and it may be resolved by the high court in this or some future case when there is a full trial record available.

Fleet loaned money to Swainsboro Print Works, which owned a cloth printing facility in Georgia but later became defunct. In 1987, the government sued Fleet to recover costs of cleaning up hazardous waste at the print facility. After Swainsboro ceased operations in 1982, Fleet sold some of the firm's equipment to recover its security interest. The government charged that hazardous waste was spilled during that sell-off and that Fleet was liable.

A district court rejected Fleet's argument that the case should be dismissed before trial because the lender was entitled to the secured creditor exemption. Without waiting for the trial, Fleet appealed. The appeals court said the government's allegations, if proven at a trial, show that Fleet wasn't entitled to the secured creditor exemption. Moreover, the appeals court said that the lender was so involved in the plant's management that it could be viewed as directly liable as a plant "operator." *(Fleet Factors Corp. vs. U.S.)*

Nonpartisan Elections

The high court agreed to decide whether an amendment to the California state constitution that bans political party endorsements in judicial and other nonpartisan elections violates the First Amendment guarantee of free speech.

An appeals court in San Francisco ruled, 8-3, in August that the ban on endorsements, adopted as a referendum by voters in 1986, violates the First Amendment rights of political parties and their members. The endorsement ban applies to all nonpartisan elections, which in California includes judicial, city, county and school contests. The ban was challenged by a group of San Francisco voters. *(Geary vs. Renne)*

Airport Oversight

The justices agreed to review a dispute over the constitutional separation of powers involving a 1986 federal law that gave management of Washington's airports to local authorities but created a congressional board to oversee the operations.

By a 2-1 vote, an appeals court here ruled in October that the congressional panel exercises executive authority in violation of the principle of separation of powers. Congress delegated management of National and Dulles aiports to Virginia and District of Columbia officials, but it gave the congressional panel authority to veto budget, bond and planning decisions.

Although the arrangement is unique to the Washington airports, the case may produce a significant ruling on Congress's power to try novel forms of management. In recent years, the high court has invalidated congressional attempts to retain administrative control after legislation has passed.

The lawsuit was filed by a group fighting to reduce aircraft noise. *(Metropolitan Washington Airports Authority vs. Citizens for the Abatement of Aircraft Noise)*

Court in Brief

In other action yesterday, the high court:

—Refused to hear an appeal by a Georgia gun collector who challenged the constitutionality of a federal law that bans the private possession of machine guns. An appeals court in Atlanta ruled against the gun collector. *(Farmer vs. Higgins)*

—Let stand a Kentucky Supreme Court ruling ordering a new trial in a libel suit against the Lexington Herald-Leader, a **Knight-Ridder** Inc. newspaper. The suit was filed by a former University of Pittsburgh basketball recruiter who was alleged to have committed high school recruiting violations in Kentucky. The trial court dismissed the case, finding that the recruiter was a public figure and failed to show that the report was reckless. The state supreme court ruled that he isn't a public figure and ordered a new trial. *(Lexington Herald-Leader vs. Warford)*

—Left intact an appeals court ruling that employers must seek the permission of their unions before offering early retirement packages to individual workers. The ruling last July by the appeals court in Washington was in a dispute between the **Toledo Blade** Co. and Local 63 of the typographical union. The appeals court said it is an unfair labor practice for an employer to insist all the way to an impasse in collective bargaining negotiations that the contract include the right to make direct retirement offers to employees. *(Toledo Blade Co. vs. Toledo Typographical Union No. 63)*

—Agreed to decide whether it is constitutional for Congress to delegate to the attorney general the authority to temporarily classify so-called designer drugs that can be produced in home laboratories as illegal substances. *(Touby vs. U.S.)*

Theme Parks Hope Discounts Even Out Their Ups and Downs

Continued From Page B1

1995. Planned Muppet attractions are on hold after the deal for Disney to acquire Henson Associates fell apart. A "Young Indiana Jones" stunt show was shelved. To keep Southern Californians interested, Dis-

Peat Ma About 3

By L
Staff Reporter of T

NEW YORK—A chairman of **KPM** Madonna is on th

The 47-year-old second-largest a **Ernst & Young**) sa of the firm's 1,876 papers by March haps by the end

Yesterday, w pected the ax to f forming partne spread throug the U.S. operatio

"Some of o partners don't ha the skill set need in today's world Mr. Madonna sa "Friendship a handshakes with c ents aren't enoug We need to he them improve the business syste and profit ma gins."

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By Brad
Staff Reporter of T
HIGHLAND P

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Senate
State of Minnesota

JOINT AGRICULTURE/ENVIRONMENT & NATURAL RESOURCES AD HOC COMMITTEE ON WATER

SCHEDULE OF OUTSTATE HEARINGS ON WETLAND LEGISLATION

Wednesday, January 23, 1991

3:00 P.M. Worthington Community College Theatre

8:00 P.M. Montevideo High School Cafeteria

Tuesday, January 29, 1991

1:00 P.M. St. Louis' Catholic Church Community Center
Paynesville

7:00 P.M. Sawmill Inn
Grand Rapids

Wednesday, January 30, 1991

8:00 P.M. Moorhead Senior High
Moorhead

Tuesday, February 5, 1991

8:00 P.M. Elk River High School
Elk River

Wednesday, February 6, 1991

8:00 P.M. Elk's Lodge #2386
Highway 71 North
Wadena

C.R. "CHUCK" DAVIS
Senator 18th District
Room G-24 State Capitol
St. Paul, MN 55155
Phone: (612) 296-2302
and
R.R. #2, Box 132
Princeton, MN 55371

Senate
State of Minnesota

January 10, 1991

MEMO

TO: Members of Agriculture and Rural Development Committee

FROM: Chuck Davis, Chair CRD

RE: Subcommittee Membership

The following subcommittees have been established under the Agriculture and Rural Development Committee:

Rural Development Subcommittee	Ag Resources Subcommittee
Beckman, Chair	Frederickson, D.J., Chair
Davis	Berg
Larson	Bertram
Renneke	Davis
Sams	Day
Vickerman	Frederickson, D.R.
	Morse

The following are members of the Joint Agriculture/Environment and Natural Resources Ad Hoc Committee:

From Ag & Rural Development	From Env & Natural Resources
Davis, Chair	Lessard
Beckman	Berg
Frederickson, D.J.	Frederickson, D.R.
Renneke	Merriam
Sams	Morse
Vickerman	Price

Executive Orders

Executive Order 91-3: Directing State Departments and Agencies to Follow a "No-Net Loss" Policy in Regard to Wetlands

I, Arne H. Carlson, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, wetlands provide economic as well as ecological benefits to the state by protecting and preserving water supplies; by providing for natural storage and retention of flood waters; by serving as transition zones between dry land and lakes and rivers, thereby retarding soil erosion; by functioning as nature's biological filters, assimilating nutrients; by providing essential habitats for fish and wildlife; by providing for groundwater recharge; by providing low flow augmentation for rivers and streams; by providing aesthetic and recreational opportunities; by providing outdoor educational resources; and by adding to Minnesota's ecological diversity; and

WHEREAS, over eighty percent of the state's original prairie pothole wetlands have been drained and over sixty percent of the state's total original wetland base have been drained, filled or otherwise diminished; and

WHEREAS, the loss of wetlands in the state, both urban and rural, are continuing in excess of 5,000 acres per year; and

WHEREAS, the continued loss of wetlands harms the economic and environmental welfare of the state; and

WHEREAS, it is in the public interest to protect the functions and values of wetlands; and

WHEREAS, the state, through public agencies and units of government, must provide leadership in the stewardship of wetlands for all projects on the lands and waters entrusted to the state by the public;

NOW, THEREFORE, I hereby order that:

A. All responsible departments and agencies of the State of Minnesota shall protect, enhance, and restore Minnesota's wetlands to the fullest extent of their authority;

B. All responsible departments and agencies of the State of Minnesota shall operate to the fullest extent of their authority under the strict concept of "NO-NET LOSS" of wetlands of the state in regard to projects under their jurisdiction;

C. All responsible departments and agencies of the State of Minnesota shall survey and categorize all wetlands on land being acquired by or donated to the state and on public lands threatened by development activities. Acquisition decisions and subsequent management plans shall mitigate ecological impacts as a result of development activities;

D. All responsible departments and agencies of the State of Minnesota shall be guided by the following prioritized criteria in the implementation of this "NO-NET LOSS" executive order;

1) AVOID the impact altogether by not taking a certain action or actions;

2) MINIMIZE the impact by limiting the degree or magnitude of the action by using appropriate technologies or by taking affirmative steps to avoid or reduce the impact;

3) MITIGATE all functional values of the wetlands that have been diminished.

Mitigation must, in order of importance, be accomplished by: first, restoration of drained or diminished wetlands; second, enhancement of existing wetlands; and last, by creation of new wetlands;

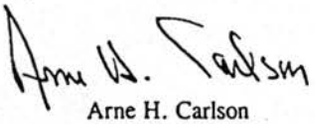
E. The head of each department or agency shall, by appropriate means, ensure that all staff are advised of this order and shall by January 1 of each year report to the Commissioner of Natural Resources on efforts to comply with this order; and

F. The Commissioner of Natural Resources shall, by March 1 of each year, report to the Governor and the chairs of the Senate and House environment committees a composite report on implementation of the order and the status of Minnesota's wetlands.

In addition, I hereby encourage all local units of government to adopt "NO-NET LOSS" wetlands resolutions guiding public actions within their jurisdiction.

Pursuant to *Minnesota Statutes* 1990, Section 4.035, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1990, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF I have set my hand this 17th day of January, 1991.



Arne H. Carlson
Governor