

Minnesota Board of Water and Soil Resources. Minutes.

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Minnesota Board of Water & Soil Resources

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St. Paul, Minnesota 55107

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May 15, 1991

TO: Board Member and Advisors

FROM: Ron Harnack, Ex. Dir.

SUBJECT: May Board Meeting

The May Board meeting will be held on May 22, 1991, from 9:00 AM to 3:00 PM in Room 300, State Office Building. The State Office Bldg. is located just west of the Capitol. Parking for the Board members is in the Centennial ramp, orange level, behind the Centennial Office Bldg. Parking stickers are enclosed for your use. Metered parking is available for others in the Centennial ramp or next to the State Office Bldg. on the corner of University Ave and Rice Street.

The agenda and supporting information is attached. If you have any questions please call me at 612-296-0878.

See you on the 22nd.

Regional Offices

Northwest Region
1106 Paul Bunyan Drive, NE
Bemidji, MN 56601
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Northeast Region
394 South Lake Avenue
Room 403
Duluth, MN 55802
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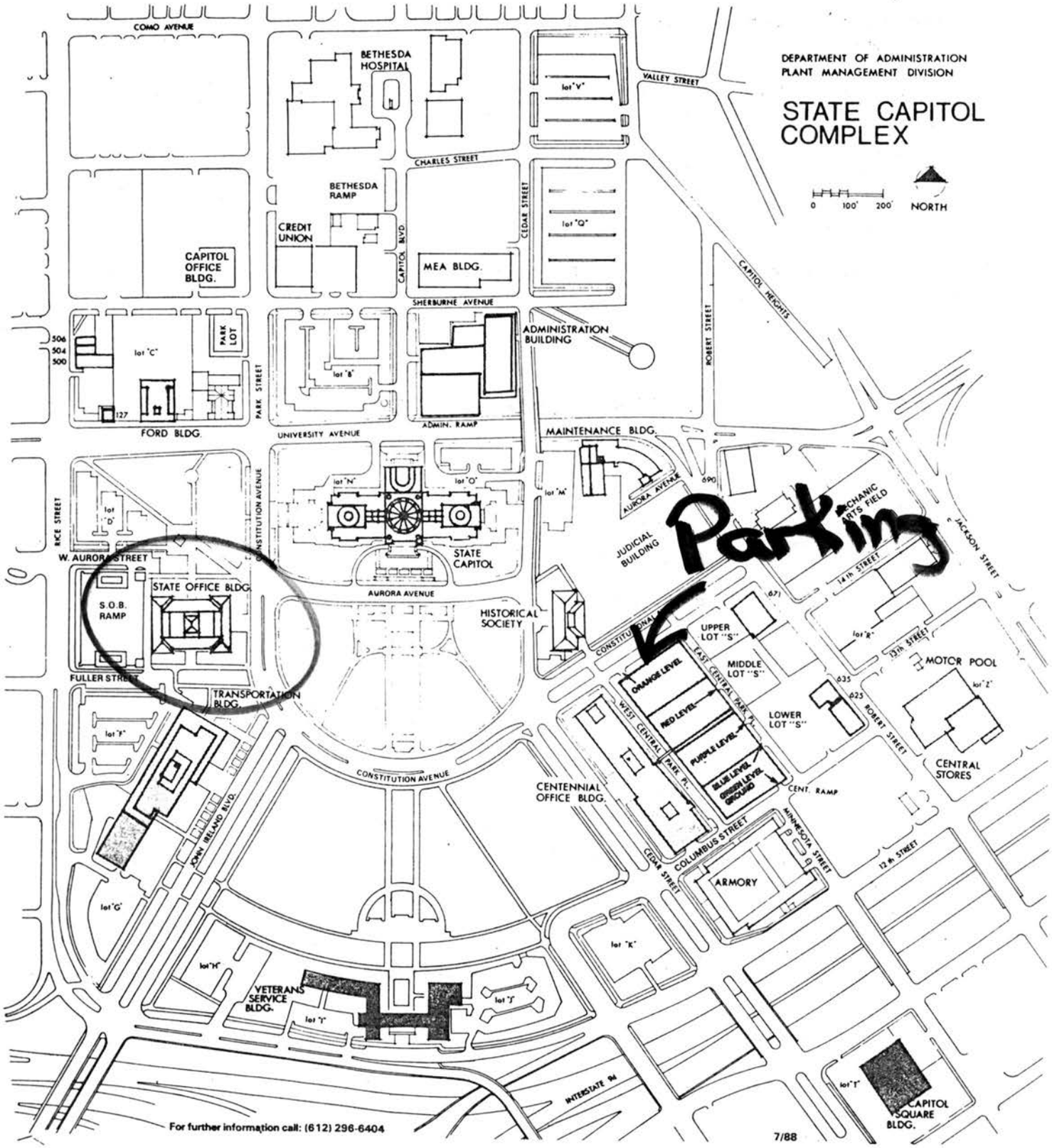
Southeast Region
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BOARD OF WATER AND SOIL RESOURCES
ROOM 300 SOUTH, STATE OFFICE BUILDING
ST. PAUL, MINNESOTA 55155
MAY 22, 1991

PRELIMINARY AGENDA

9:00 a.m.	1.	Call to Order
	2.	Adopt Agenda
	3.	Approval of Minutes of April 24, 1991
	4.	Reports - Chairman's Report - Donald Ogaard - Executive Director's Report - Ron Harnack - EQB/Water Resources Report
	5.	Budget and Legislative Update - Ron Harnack
	6.	WMO Plan Approvals - Marine WMO Plan - Mark Nelson - Prior/Spring Lake WMO Plan - Bruce Sandstrom
10:15 a.m.	7.	Gorecki Update - Greg Larson
	8.	Update on Advisory Committee on Soil Loss Ordinance - Dave Behm
	9.	Training Plan for SWCDs - Mark Nelson
11:30 a.m.	10.	Overview of Wellhead Protection Policy Work - Doug Thomas
12:15 p.m.	Lunch	
1:15 p.m.	11.	Anderson Window/DNR Land Transfer - Ron Harnack
1:45 p.m.	12.	Advisor Comments - Danny Potter, MASWCD - Gary Nordstrom, SCS - Pat Wulff, LMF - Howard Peterson, MAWD - John Sumption, MACDE - Franklin Denn, MAT
	13.	Board Issues - discussion, comments, action needed
	Next meeting - June 26, 1991	
3:30 p.m.	Adjourn	

BOARD OF WATER AND SOIL RESOURCES
POLLUTION CONTROL AGENCY BUILDING
CENTRAL BOARD ROOM LOWER LEVEL
520 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55101

Appointed Members in Attendance
Donald Ogaard
John Williamson
John Boulton
Don Warner
William Cofell
Howard Peterson
Jack Graba
James Hoese
Diane Jensen
John Brooks, Jr.

Appointed Members Absent
Loren Harste

Agency Members in Attendance
Paul Burns, Department of Agriculture
Wayne Anderson, Pollution Control Agency
Kim Benson-Johnson, Department of Health
Tom Lutgen, Department of Natural Resources
George Foster, University of Minnesota

Others in Attendance
Gary Nordstrom, Soil Conservation Service
Danny Potter, Minnesota Association of Soil & Water Conservation Districts
Pat Wulff, Minnesota Lake Management Federation
Marlyn Libbesmeir, Minnesota Association of Townships

Staff in Attendance
Ron Harnack
Jim Birkholz
Greg Larson
Susan Tsakakis
Mark Nelson
Chuck Niska
Eric Mohring
Bruce Sandstrom
Mary Jo Anderson

Meeting Called to Order - Chairman Ogaard called the meeting to order at 9:15 a.m.

** 91-34 Adopt Agenda - Moved by Peterson, seconded by Cofell, to adopt the agenda as presented. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Cofell, Hoese, Peterson, and Jensen. Opposed: None. Carried.

** 91-35 Approval of Minutes of March 27, 1991 - Moved by Cofell, seconded by Warner, to approve the minutes of March 27, 1991 as circulated. Chairman Ogaard stated that a correction needs to be made on page 2, regarding the Chairman's Report. It should read, "Chairman Ogaard also attended the regular monthly meeting of the Environmental Quality Board. The major issues at that meeting were the application of storage of spent nuclear fuel at the Prairie Island generating facility (NSP) and the hiring of a consultant to do the GEIS on Minnesota's forest industry. A firm based in Finland utilizing Minnesota personnel received authorization to do the study GEIS on forestry". Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Cofell, Hoese, Peterson, and Jensen. Opposed: None. Carried.

Chairman's Report - Chairman Ogaard reported on the dispute resolution items involving the Board. Don, Jack Graba, and Don Warner met with staff, Benton SWCD employees, SCS staff, and the landowner and reviewed a manure system problem in Foley. Chairman Ogaard and staff met with the Cottonwood County SWCD and reviewed the Pilegaard RIM issue regarding a permanent easement.

Chairman Ogaard attended the Environmental Quality Board meeting. He reported that the issue of spent nuclear fuel storage at Prairie Island turned into an organized media event. The generic Environmental Impact Statement issue was also controversial.

Executive Director's Report - Ron Harnack reported that the metro water planning rules will be completed by late summer or early fall. The existing plans are being reviewed so they are consistent with the current rules. Ron reported that Jim Birkholz is scheduling field staff meetings regularly to enhance communication efforts. The soil loss limits ordinance is being reviewed through involvement with interest groups. The staff annual work plans are being prioritized and will be worked around the strategic plan. The staff work plan will be brought before the Board for review.

Ron reported on the BWSR's budget status. The House has proposed an increase in base water plan implementation grants to counties. The credit for this proposed increase goes to the local units of government for their efforts. The abandoned well inventory is in good shape in the House. The Senate took $1.5 million from DNR and as such, Study Area II will get a reduction as well; however, the position in Study Area II will remain. The Senate proposal increased the LCMR (Environmental Trust Fund) cost-share appropriation by $500,000 to protect the diversion of sinkholes.. Ron reported that BWSR is, so far, coming out reasonably well budget-wise. House/Senate conference committee comparison attached.

Legislative Update - Ron Harnack updated the Board on the administrative law judge legislation. This is moving forward, it has been approved by the full House, with the Senate adding a few amendments (Gopher State One has been added to this bill). This legislation should save the BWSR substantial costs in the future, which protecting public ability to secure administrative review. The legislation regarding the BWSR to receive gifts, acquire lands, and the ability to receive funds from other organizations has passed the House, but has run into problems in the Senate. Legislation regarding the conversion of short-term wetland restoration projects to perpetual projects is moving along. Senator Steve Morse and Representative Virgil Johnson are carrying the legislation regarding local units of government's authority on levy limits. It is not expected that new levy authority will be authorized. Focus on keeping current levy authority.

Water Day Success - Ron Harnack reported that "Water Day at the Capitol" was held April 8. Governor Carlson made a presentation to local water planning program initiatives. Local water planning project managers, county commissioners, and a number of legislators were in attendance. This was a very successful event, with good promotion of water plans, and a good opportunity for legislators to talk with local constituents. Thank you letters were sent to those in attendance recognizing their efforts.

Pilegaard Update - Ron Harnack updated the Board on Pilegaard issue. The individual landowner wanted to terminate the RIM wetland restoration easement. Chairman Ogaard and staff reviewed the parcel with the SWCD. The District was concerned about the time it was taking, asked BWSR to move expeditiously with design and construction.

Gorecki Update - Chairman Ogaard updated the Board on this issue. After inspecting the situation yesterday, he stated that the pump is operational, although it needs redesigning to maintain its workability in the future. SCS will work on redesigning the system. Early disagreements over construction of the manure system has been the constant conflict between the landowner and the Benton SWCD. Chairman Ogaard stated that there seems to be willingness of all parties (landowner, SCS, SWCD, and BWSR) to cooperate. Greg Larson stated that Benton SWCD was happy to meet with the Board members yesterday, and are willing to cooperate with the landowner to resolve this issue. Don Warner commended Chairman Ogaard for his tactful communication with those involved in this issue, things went very smooth, and people are willing to resolve this issue due to his fine efforts. Discussion followed on posting safety signs (fiberglass or plastic) on the property stating that the gases from the pit are hazardous to health. Staff will work with MPCA on this to determine mandates or requirements.

Advisor Comments

- MASWCD, Danny Potter reported that D'Wayne DeZiel has been following legislative issues. Danny, D'Wayne DeZiel, and Allen Oehlke recently returned from Washington, D.C. They met with legislators, and lobbied for SCS funding and staffing needs. The MASWCD Board of Directors will meet on April 25. The evening of the 25th, the Board of Directors will meet with Ron Harnack, AMC, and SCS, to discuss various items of

concern.

- SCS, Gary Nordstrom reported that another CRP sign-up is scheduled for July. SCS is proceeding with compliance plans and implementation for ACP. SCS is in a joint state/federal effort to fly over and photograph the entire state of Minnesota. Complete, updated topography maps will then be current, as well as geographically correct digitization. A massive effort is being done on the 1992 NRI. A multi-county sampling of 20,000+ sites will be completed.

- MLMF, Pat Wulff reported that H.F. 446A2, relating to exotic species management, eurasian water milfoil, needs funding assistance. She notified the BWSR that this is short notice, but cities and counties, as well as the BWSR are involved in this piece of legislation, and it is very costly. Staff will work with and assist the Association of Counties, and the Lake Management Federation on this legislation.

- MAWD, Howard Peterson reported that he has been working on legislation to broaden watershed districts. Howard participated in the "Cities Citizen Workshop" in Eden Prairie on April 23. Some of the topics discussed at the workshop included: surface water quality, the Minnesota River, shoreland management, and erosion control. Howard stated that people are making a serious effort to become involved in these issues, education is needed.

SLR and Special Project Applications Overview - Chuck Niska distributed a brief synopsis of Streambank, Lakeshore, and Roadside (SLR) Projects and special project applications for the Board's information and review. Eighteen SLR project applications have been received, with a total of $331,573 requested, and a total of $159,000 available. Thirteen special project applications have been received, with a total of $536,410 requested, and a total of approximately $250,000 - $300,000 available. Staff will rank and prioritize the requests. This is for the Board's information at this time, staff will bring recommendations before the Board for approval at the May meeting. Chuck explained that the Winona request is different from the others as it relates to a technical staffing request, which is permissible. Chuck will be talking with DNR on applications that involve water permits.

MFIP Reallocation and Encumbrance - Chuck Niska explained that he has been working with Tom Kroll, DNR/Forestry, on MFIP. There is a request for $400 of MFIP funds for a special project regarding establishment of a tree plantation in west central Minnesota, Todd County. Koochiching SWCD is returning $2,000. No other requests for funds have been received. Staff recommends that $400 be reallocated to Todd County from returned funds received by Koochiching SWCD. Moved by Cofell, seconded by Warner, to approve the MFIP reallocation of funds from Koochiching SWCD to the Todd County project. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Cofell, Hoese, Peterson, and Jensen. Opposed: None. Carried.

** 91-36

Chairman Ogaard called for a break in the meeting at 10:45 a.m. The meeting reconvened at 11:05 a.m.

Board Issues, Comments, and Concerns - Jack Graba stated that the St. Paul Pioneer Press had a very good article on Big Stone Lake.

Chairman Ogaard reported that there is no word yet on BWSR appointments.

John Boulton reported on the local reaction to the Remerowski/Yellow Medicine Watershed District appeal.

Chairman Ogaard stated that no response has been received yet on the proposed Snake River Watershed District hearing. The Board may have a report from the administrative law judge in early June.

Update on BWSR Education Committee - Susan Tsakakis reported that the education committee met for the first time yesterday. Those in attendance were: Susan, Diane Jensen (BWSR), Chris Hughes (BWSR), LeAnn Buck (MASWCD), and Bob Molstad (MAWD). The committee's primary mission is to assist local units of government (watershed districts, SWCDs, and counties) in educating what they see as their primary audience (adults, children, students, landowners, farmers, the public at large). To complete this mission a survey will be developed for local units to find out what they are doing and where they believe we can provide non-financial help. A checklist will be composed for WDs and SWCDs to encourage them to compile their resources and contact their local educators and let them know of the resources they have available. Another purpose of the committee is to function as a clearinghouse. The BWSR will not be in the business of writing curriculum, although there is a need for coordination of existing curriculum. Susan will sift through resource catalogues available and summarize the major programs. The committee will also serve as a resource and in an advisory capacity to the chair for his role on the advisory committee to the Office of Environmental Education. As a resource, the committee can provide the chair with information about what the SWCDs, counties and WDs have available and what they are currently doing in the way of education. In an advisory capacity, the committee can convey the local units' needs and work with the chair to assess how these needs can be met. The committee will meet again in June after the surveys are received. Chairman Ogaard suggested that the survey be a simplified questionnaire, concise and brief, tailored and not generic.

Environmental Quality Board (EQB) - Chairman Ogaard introduced Bob Dunn, Chair of the EQB. Mr. Dunn gave an in-depth overview of the EQB, which was established in 1973 when the Environmental Policy Act was passed. Mr. Dunn explained the programs, policies and legislative mandates of the EQB; the state water plan priorities and recommendations; reorganization of environmental agencies; and EQB objectives for the next two years. Mr. Dunn wished good luck to the BWSR in their many responsibilities and praised the BWSR for their good work thus far.

Chairman Ogaard adjourned the meeting for lunch at 12:15 p.m. The meeting reconvened at 1:15 p.m.

Update on BWSR Training Committee - Mark Nelson reported that the Training Committee has representation from the MASWCD, WDs, SCS, MACDE, and BWSR staff. Mark distributed the BWSR's five-year training plan for SWCDs and WDs personnel for the Board's information.

U.S. Fish & Wildlife Service (USF&WS) Acquisition Authority Support - Joe Artmann and Bob Hietikko, U.S. Fish & Wildlife Service, gave a brief overview on the wetland acquisition authority. They explained that the U.S. Fish & Wildlife Service was granted the authority to acquire small wetlands in 28 counties, and hopes to receive blanket approval in 59 counties. The USF&WS is requesting expanding authority from the Land Exchange Board so it can acquire wetlands throughout the state as opportunity or need arises. Most of their efforts will be to obtain short-term easements from willing landowners rather than fee title acquisitions. Discussion followed. The Board was not totally clear on the need or implications of the request to landowners and the relationship to RIM reserve. The funding source is the problem, not the state system. John Brooks, Jr., stated that this is an issue the BWSR should not address as the USF&WS has avenues to follow, and the BWSR should not get involved. Moved by Brooks, Jr., seconded by Hoese, that the BWSR not take action to address the USF&WS acquisition authority at this time. Discussion followed. Howard Peterson stated that he will abstain from voting on this issue. Diane Jensen stated that the BWSR should take a position on this issue, but not today. The BWSR should reflect on this issue and take action at a later date. Brooks, Jr., and Hoese withdrew their motion, the Board will review this and take action at the May meeting.

Wellhead Protection Technical Workgroup and Well Sealing Update - Eric Mohring briefed the Board on the activities of the technical workgroup during the past year. He distributed a draft executive summary of the workgroups' recommendations on selected technical aspects of wellhead protection for public wells for the Board's information. Eric gave a brief update on well-sealing. He stated that a draft copy of the annual report is available. Nineteen counties have been given grants. Well sealing can only be issued after June, 1991, after completion of comprehensive local water plans.

WMO Plans - Bruce Sandstrom introduced Jack Whit, Darrell John, and Pete Beckius, representatives of Sand Creek, Shakopee, and Southwest Scott WMO's. Bruce stated that the three WMO plans are individual, yet they will be grouped together as one for action today. Bruce gave a brief overview of each plan. Staff recommends approval of the Sand
** Creek, Shakopee, and Southwest Scott WMO Plans. Moved by Cofell, seconded by Boulton,
91-37 to approve the Sand Creek, Shakopee, and Southwest Scott WMO Plans. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Cofell, Peterson, and Jensen. Opposed: None. Carried.

Bruce introduced Barbara Cox, representing the Middle St. Croix WMO. Bruce gave a brief overview of the Middle St. Croix WMO Plan, and recommends approval of the plan.
** Moved by Graba, seconded by Brooks, Jr., to approve the Middle St. Croix WMO Plan.
91-38 Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Cofell, Peterson,

and Jensen. Opposed: None. Carried.

Don Warner suggested that staff send out the plan overview with the BWSR meeting notice so members would have adequate time to review the plans before approval at the meeting. Bruce explained that the final paperwork on the plan may not always be ready until the meeting. Warner stated that it's not a crisis if the plan is delayed a month due to that happening.

Bruce reported that the next subcommittee meeting on the metro water planning rules is scheduled for May 2. Bruce distributed an updated status report of the metro water plans for the Board's information.

** 91-39 Moved by Graba, seconded by Warner, to adjourn the meeting at 3:40 p.m. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Cofell, Peterson, and Jensen. Opposed: None. Carried.

Respectfully submitted,

Donald Ogaard
Chairman

May 15, 1991

Update on the Gorecki appeal of a decision by Benton SWCD

BWSR staff have met with representatives of the USDA-SCS and Benton SWCD and discussed a settlement. A three party funding package has been proposed as follows:

On the basis of a $965 cost to make the system function to "as built" specifications and a 70% cost-share rate [$676]-

Benton SWCD: would pay 70% of a replacement hose or **$70.00**

BWSR: would pay **$500.00**

SCS: would pay the balance of **$106.00**

In addition, the SCS is considering additional funding for modifications to the pump and sump cover. This is outside the "basic" settlement package.

Additional details will be provided at the BWSR meeting.

STAFF SEEKS BOARD APPROVAL OF THE $500.00 PAYMENT TO DENNIS AND SUSAN GORECKI. PAYMENT WOULD BE MADE FROM THE POOL OF RETURNED COST-SHARE FUNDS.

Overview of the Marine on St. Croix Watershed Management Plan
By M Nelson, 5/14/91

The Marine on St. Croix Watershed Management Organization (MSCWMO) was organized on June 11, 1985. The MSCWMO is 28.5 square miles in size and is located entirely within Washington County. Governments included in this organization are: City of Marine, May Township, New Scandia Township, and Stillwater Township.

Much of the surface water in the MSCWMO outlets to the St. Croix River at numerous points along it's boundary. Land use is primarily agricultural and low density residential development. Around 17% of the MSCWMO acreage is preserved and dedicated open space and much of this is in William O'Brien State Park.

The MSCWMO plan contains sections on surficial geology, surficial groundwater, soils and erosion-prone areas, land use and development staging, Metropolitan systems, and watershed hydrology. The plan also contains a section with goals, objectives, and policies to protect the MSCWMO resources.

For example, one goal of the MSCWMO is to "protect or improve water quality." Policies to attain this goal include requiring communities to preserve wetlands and the requirement for the construction of sediment basins on developing sites. Another example goal is to "prevent flooding and erosion from surface runoff." Policies to address this goal include requiring adoption of floodplain management regulations and requiring the adoption of a soil loss ordinance.

Cities and townships will be in charge of implementing the MCWMO goals. This will be accomplished through the local plans which will be developed.

Of special note is the wetland data inventory of the MSCWMO plan. This section evaluates 296 wetlands in the watershed. Each wetland is categorized by classification, size, drainage area, soils underneath, and function.

The MSCWMO received comments from the Metropolitan Council, Department of Natural Resources, and the Pollution Control Agency. The BWSR also suggested additions to the plan such as an executive summary, cross referencing DNR protected waters to the wetland data inventory, and clarifying the MWMO policy on increased runoff by development. The MSCWMO is presently responding in writing to the comments received. Prior to the May 22, 1991 board meeting, staff anticipates the MSCWMO will be submitting acceptable revisions to the plan.

Provided staff receives acceptable plan revisions in sufficient time for review, staff will recommend approval of this plan at the May 22, 1991 board meeting.

Overview
Prior Lake - Spring Lake Watershed District
Watershed Management Plan
By BS, 5/13/91

The Prior Lake - Spring Lake Watershed District was established on March 4, 1970 by order of the Water Resources Board for the primary purpose of controlling and maintaining lake water levels. The District is about 42 mi.2 in size and is entirely in Scott County. The district extends into the Cities of Prior Lake, Shakopee, and Savage and the Townships of Spring Lake and of Sand Creek. BWSR staff gave a preliminary overview of this Plan to the Board at its January, 1990 regular meeting.

A major project for the district was the construction of the outlet of Prior Lake in 1982 after record high water levels and associated flood damage were experienced. Until construction of the outlet, Prior Lake was considered to be a land-locked lake. Another major project constructed by the District was the construction of a major desiltation basin for 20,000 acres of watershed tributary to Spring Lake. This project was completed in 1976 and has improved the water quality of both Spring and Prior Lakes. Staff toured the watershed with representatives of the District and the City of Prior Lake on Feb. 6, 1990.

The City of Prior Lake requested a hearing on the Plan pursuant to the Board's publication of its Notice of Filing to insure they have opportunity to voice their objections to the plan. The City and the District since have come to agreement on the issues of concern and, consequently, the City withdrew its request for hearing.

The MDNR, the BWSR and the Met Council submitted several written comments on the draft of the Plan. The District responded in writing to these concerns in a letter to the BWSR dated, June 19, 1990. The District made a number of revisions to the Plan in response to the agency comments in addition to the adjustments to the Plan made pursuant to the concerns expressed by the City of Prior Lake.

The Plan and it's CIP propose a number of other projects which will be funded by ad valorem levy and or special assessments. These projects include:

- a water quality management project at the outlet of Spring Lake
- a data collection and hydrologic monitoring program
- a feasibility study for dredging to improve navigation
- flood protection feasibility studies

The Plan establishes detailed policies and goals to address runoff management, water quality management, planning, wetlands, lake management, flooding, groundwater, recreation, open space and wildlife management, regulation, maintenance of watercourses, erosion control, administration and financing. For example the District's policies for wetland management include:

- preservation of all type 3,4 & 5 wetlands greater than 1.0 acre in size
- allowing the alteration of type 1, 2 & 6 wetlands only if there is no impairment of their functions relating to water quality, quantity, & wildlife habitat.
- provision for a wetland mitigation policy when impacts can't be avoided

The District has also developed detailed performance and design standards for erosion control as well as for the construction of stormwater ponds and conveyance facilities. The stormwater management program is based on the classification each of the District's waters into one of three management groups. The standards vary according to which management group the affected water resource belongs to.

The District will retain most of its regulatory authority until local plans are developed and approved by the District. The District intends to phase out most of its direct regulatory authority as each local plan is brought into compliance with the District's Plan. This transition of authority will be accomplished through the execution of joint powers agreements with the individual cities and townships.

In summation, BWSR staff conclude that the watershed plan prepared by the Prior Lake - Spring Lake Watershed District meets the provisions of the Metropolitan Water Management Act and recommends that the Board approves same.

a:plslwd.ovr

DRAFT

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

In the Matter of the review of the Watershed Management Plan for the **Prior Lake - Spring Lake Watershed District** pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Prior Lake - Spring Lake Watershed District (PLSLWD) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

Whereas, the Board has completed its review of the Plan;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **District Establishment.** The PLSLWD was established by order of the Water Resources Board on March 4, 1970 for the primary purposes of controlling and maintaining lake levels and improving water quality. The District extends into all or parts of the Cities of Prior Lake, Shakopee and Savage and the Townships of Sand Creek and Spring Lake.

2. **Requirement to Plan.** The Metropolitan Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

3. **Nature of the Watershed.** The legal boundary of the PLSLWD is approximately 42 square miles in size and is entirely within Scott County. The major land use is agriculture and constitutes about 75 percent of the watershed. The remainder of the watershed is primarily residential development, mostly in the City of Prior Lake. Of the approximate 43 MDNR protected waters present in the watershed, 8 are considered to be significant lake resources. Prior Lake, the major lake resource in the District, is about 1200 acres in size and was land-locked until the District constructed an outlet in 1982. With the outlet in place, the natural drainage all flows to the north into the Minnesota River when the lake is above the run-out control level. The PLSLWD has defined the control of flooding, the enhancement

of water quality, wetland protection and erosion control as some of its major policy goals and concerns.

4. **Local Review.** The PLSLWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. prior to submittal to the Metropolitan Council. The City of Prior Lake and the Scott Soil and Water Conservation District provided formal written comment on the Plan to which the PLSLWD responded to in writing on June 19, 1990.

5. **Metropolitan Council Review:** On April 19, 1989 the Metropolitan Council's Environmental Resources Committee reviewed the Plan. On May 4, 1989 the Metropolitan Council recommended that the Plan be amended to include:

   a. a composite map of the drainage system including streams, wetlands, 100 year floodplain and profile,
   b. a future land use plan, and
   c. an assessment of the adequacy of wetland preservation as a water quality management tool to improve the quality of the lakes.

   On June 19, 1990 the PLSLWD responded in writing to the Council's concerns.

6. **Department of Health Review.** On August 25, 1988 the Dept. of Health (DOH) provided written comment on the PLSLWD Plan and recommended that the Plan be revised to include a groundwater recharge map and require that local controls be adopted to protect groundwater quality and groundwater recharge areas.

   On June 19, 1990 the PLSLWD forwarded a copy of their written response to DOH concerns to the BWSR.

7. **Minnesota Department of Natural Resources Concerns.** On September 16, 1988 the Minnesota Department of Natural Resources provided written comment on the Plan. Among MDNR's concerns were the need to :

   a. include the MDNR protected waters inventory;
   b. provide an expanded explanation the responsibilities of local government for shoreland management;
   c. advocate mechanical control of aquatic vegetation over the use of herbicides;
   d. discourage the use of wetlands as sedimentation basins, and;
   e. correct a number of specific data errors or omissions.

   On June 19, 1990 the PLSLWD provided written responses to the MDNR comments and concerns.

8. **Board Review:** Board staff toured the PLSLWD watershed on February 6, 1990 with representatives of the PLSLWD. On March 30, 1990 Board staff provided written comment on the Plan. The comments included but were not limited to the following concerns:

   a. the need to respond to agency comments,
   b. the need to clarify what the local plans must contain with respect to the local controls and programs needed in order to carry out the Plan,
   c. the need to provide a schedule for implementation of local plans,
   d. the need to adopt the MDNR protected waters inventory and the National Wetlands Inventory,
   e. the need to revise the plan amendment procedure,
   f. the suggestion to develop a composite water resource inventory map,
   g. the suggestion to adopt an existing set of erosion control guidelines such as BWSR's construction site handbook, and
   h. the need to resolve the concerns expressed by the City of Prior Lake.

   On June 19, 1990 the PLSLWD provided written response to the BWSR staff concerns and made certain commitments to address most of them in the form of revisions to the Plan to be submitted at a later date. On April 30, 1991 the PLSLWD submitted a revised draft of the Plan dated March, 1991 for consideration of approval by the Board. The revised draft was completely reformatted, contained higher resolution graphics and included most of the revisions to the Plan which were agreed to on June 19, 1990.

9. **Highlights of the Plan:** The following are some of the highlights of the Plan as amended:

   a. the establishment of a three-tier basin management classification system,
   b. the establishment of detailed design and performance standards for management of the various water basin management classes,
   c. the inclusion of the results of TR-20 modeling on a subwatershed basis for 27 distinct subwatersheds which includes such data as the outlet peak discharges for the 2, 10 and 100 year runoff events,
   d. the adoption of the wetland inventories of the MDNR and the U.S. Fish and Wildlife Service,
   e. a capital improvements program and a program for continued research on such issues as water quality management and flood control, and
   f. the provision for the transition of much of the regulatory permitting authority of the watershed district to the cities and townships through the exercise of individual joint powers agreements with each community.

CONCLUSIONS

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 Prior Lake - Spring Lake Watershed District pursuant to Minnesota Statutes Sections 103B.231, Subd. 9 and 103D.405.

2. The Prior Lake - Spring Lake Watershed District Plan attached to this Order defines water and water-related problems within the PLSLWD's boundaries, possible solutions thereto, general objectives and policies of the PLSLWD, and an implementation program. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251 and 103D.405.

ORDER

That the Board hereby approves the attached draft Plan dated March, 1991 as the Watershed Management Plan for the Prior Lake - Spring Lake Watershed District.

Dated at Saint Paul, Minnesota, this 22nd day of May, 1991.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Donald H. Ogaard
Chairman

a:plslwd.ord

Title evidence is obtained from the abstracter at no cost to the landowner. This is checked to determine that all owners of record have signed the easement. Service attorneys then review the case and furnish an opinion of title. If the opinion points out any title defects, steps will be taken to correct them usually at no cost to the landowner. The easement will then be accepted.

After the easement is accepted the landowner will receive a letter by certified mail informing him the easement has been accepted and is being recorded at the county courthouse. A copy of the fully executed easement will be sent to the landowner at that time.

How Are Payments Made?

Payment is usually made within seven to 10 months after the easement has been signed. During this time the easement agreement is recorded and the abstracter brings the title evidence up to date. A single lump-sum payment will be made by a U.S. Treasury check for the amount specified in the easement.

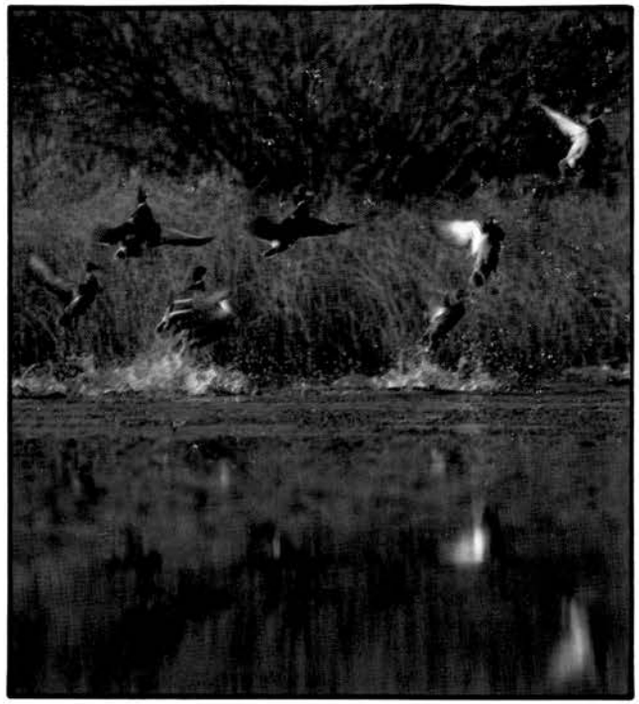
If there is a mortgage on the property, it is necessary to have the mortgagee give his consent to the easement. The mortgage holder will be asked to sign a statement known as a consent agreement.

If a charge is made by the mortgagee for the consent agreement, the landowner must pay this charge, but may then file a claim and be reimbursed by the United States.

If land is being bought under a contract for deed, in order for an easement to be placed on this property, both buyer and the contract seller, who holds the legal title, must sign the easement agreement.

When there is a mortgage or contract for deed, who is to receive the payment is dependent on the mortgage holder or the contract seller and the terms of their agreement. They may require that all or a part of the money be applied to the mortgage or contract balance, or they may allow the entire payment to go to the landowner.

The program to save the wetlands was authorized by Congress on August 1, 1958. It is financed by receipts from the sale of Migratory Bird Hunting and Conservation Stamps, commonly known as Duck Stamps. Sportsmen throughout the nation are sponsoring this project when they purchase these stamps.



Even small potholes qualify for the easement program. Breeding ducks often use them in the springtime.

DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service

This brochure was produced by NDSU Extension Service under the North American Waterfowl Plan for the Prairie Pothole Joint Venture.



A grouping of temporary and permanent wetlands in the same area are best for duck production.

The Wetland Easement

A U.S. Fish and Wildlife Service Wetland Easement:

- ☑ can generate increased farm income from wetlands
- ☑ does not affect normal farming operations
- ☑ covers only the wetlands specified in the agreement
- ☑ does not affect landowner mineral rights
- ☑ does not remove land from the tax rolls
- ☑ are permanent or perpetual agreements that stay with the deed title to the land
- ☑ compensate the landowner for conserving wetland benefits



Why Are Wetlands Important?

Wetlands are like giant sponges on the landscape that soak up excess rainfall and snowmelt. They may be shallow water areas that retain water for only a few days to weeks. Some wetlands hold water throughout the year.

Wetlands are magnets for wildlife. In addition to providing the essential habitat for waterfowl, they provide cover for pheasants and deer and are home to furbearers such as mink and muskrat, as well as a wide variety of other plants and animals.

Wetlands are also critical in improving water quality, recharging groundwater supplies, and collecting water runoff which reduces soil erosion and downstream flooding. Because of these benefits, wetlands conservation is a national priority in this country.

How Does A Wetland Easement Protect Wetland Benefits?

The Department of Interior, the nation's principal conservation agency, in order to conserve our wetland resources, created the Wetlands Easement Program. This program, first authorized by Congress in 1958 is financed by revenue generated from the sale of Duck Stamps and administered by the U.S. Fish and Wildlife Service.

A wetland easement is a permanent or perpetual agreement entered into by a landowner and the U.S. Fish and Wildlife Service. The easement covers only the wetlands specified in the agreement. In return for a single lump sum payment the landowner agrees not to drain, burn, level or fill wetlands covered by the easement. In addition, the agreement also gives service representatives the right to enter the land to check for compliance with the terms of the easement agreement. These inspections are usually made from airplanes.

In order for a property to be eligible for a wetland easement, it must have wetlands of value to waterfowl and be located in a county which has been approved for the easement program.

What Does An Easement Cover?

The easement covers certain existing wetlands or those which recur through natural or man-made causes. As such, impoundments by dams or dikes do not qualify. These wetlands will be shown on a map which is part of the easement. Enforcement of the terms of the easement contracts are limited to these wetlands. Previously drained wetlands will not be covered by the provisions of the easement unless the landowner agrees to restore the wetland. Cost sharing for restoration work may be available and restored wetlands will qualify and can be added to the easement offer.

How Are Landowners Rights Preserved?

The easement does not restrict normal farming practices such as cropping, haying, grazing, plowing or working wetlands when they are dry of natural causes.

Landowners still have the right to open or close their lands to hunting and trapping.

In addition, they retain the right to develop the minerals. The rights the United States acquires are limited to burning, draining, filling and leveling of wetland areas.

How Is An Easement Executed?

The agreement document used by the service is both an option and an easement. The option provides that the service may at any time during the option period accept the easement whereupon it will be recorded in the county records. Landowners must adhere to the terms of the agreement from the day it is signed.

The option period is needed so that the government will have time to obtain and examine evidence of legal title to the land.

Normally the easement agreement will be accepted in less than nine months. The option is usually taken for a longer period of time to allow for unforeseen problems.

BOARD OF WATER AND SOIL RESOURCES
ROOM 300 SOUTH, STATE OFFICE BUILDING
ST. PAUL, MINNESOTA 55155
MAY 22, 1991

AGENDA

9:00 a.m.	1.	Call to Order
	2.	Adopt Agenda
	3.	Approval of Minutes of April 24, 1991
	4.	Reports - Chairman's Report - Donald Ogaard - Executive Director's Report - Ron Harnack - EQB/Water Resources Report
	5.	Budget and Legislative Update - Ron Harnack
	6.	WMO Plan Approvals - Marine WMO Plan - Mark Nelson - Prior/Spring Lake WMO Plan - Bruce Sandstrom
10:15 a.m.	7.	Gorecki Update - Greg Larson
	8.	Update on Advisory Committee on Soil Loss Ordinance - Dave Behm
	9.	Training Plan for SWCDs - Mark Nelson
	10.	U.S. Fish & Wildlife Service Acquisition Authority Support - Ron Harnack
11:30 a.m.	11.	Overview of Wellhead Protection Policy Work - Doug Thomas
12:15 p.m.	Lunch	
1:15 p.m.	12.	Anderson Window/DNR Land Transfer - Ron Harnack
1:30 p.m.	13.	PL566 Watershed Planning - Olmsted SWCD and SCS

1:45 p.m. 14. Advisor Comments
- Danny Potter, MASWCD
- Gary Nordstrom, SCS
- Pat Wulff, LMF
- Howard Peterson, MAWD
- John Sumption, MACDE
- Franklin Denn, MAT

15. Board Issues - discussion, comments, action needed

Next meeting - June 26, 1991

3:30 p.m. Adjourn

BOARD OF WATER AND SOIL RESOURCES
ROOM 300 SOUTH, STATE OFFICE BUILDING
ST. PAUL, MINNESOTA 55155
MAY 22, 1991

Appointed Members in Attendance
Donald Ogaard
John Williamson
John Boulton
Don Warner
William Cofell
Howard Peterson
Jack Graba
Loren Harste
Diane Jensen
John Brooks, Jr.

Appointed Members Absent
James Hoese

Agency Members in Attendance
Wayne Anderson, Pollution Control Agency
Kim Benson-Johnson, Department of Health
Tom Lutgen, Department of Natural Resources
Fred Bergsrud, University of Minnesota
Doug Wise, Department of Agriculture

Others in Attendance
D'Wayne DeZiel, Minnesota Association of Soil & Water Conservation Districts
Pat Wulff, Minnesota Lake Management Federation
Roger Mussetter, Soil Conservation Service
John Sumption, Minnesota Association of Conservation District Employees
Dave Weirens, Association of Minnesota Counties

Staff in Attendance
Ron Harnack
Greg Larson
Mark Nelson
Doug Thomas
Bruce Sandstrom
Dave Behm
Tom Wenzel
Steve Miller
Mary Jo Anderson

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

** 91-40 Adopt Agenda - Moved by Warner, seconded by Brooks, Jr., to adopt the agenda as presented. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Harste, Cofell, and Peterson. Opposed: None. Carried.

** 91-41 Approval of Minutes of April 24, 1991 - Moved by Cofell, seconded by Williamson, to approve the minutes as circulated. Howard Peterson stated that a correction was needed on page four and that the first sentence of the paragraph regarding his MAWD comments should be stricken. Jack Graba stated that a correction was needed in the first paragraph on page three and that the word "which" should read "while." Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Harste, Cofell, and Peterson. Opposed: None. Carried.

Chairman's Report - Chairman Ogaard announced that his position as chairman of the BWSR has been confirmed in the Senate. He thanked those who gave him support as chair.

Chairman Ogaard attended the Environmental Quality Board meeting and toured the Prairie Island plant in Red Wing. The EQB members toured this site in response to NSP's proposed storage of spent nuclear fuel. Chairman Ogaard stated that Governor Carlson has recognized the Environmental Quality Board as being a focal point regarding this issue and that the number of people testifying at the EQB meetings has led to increased awareness.

Executive Director's Report - Ron Harnack reported on the successful legislative session in terms of the BWSR's budget and in terms of streamlining certain administrative hearing activities. Overall, Ron said the board came out on the plus side; the challenge will now be to effectively and efficiently get the job done.

Ron briefed the board on the proposed Snake River Watershed District. The administrative law judge, Richard Luis, has decided to continue indefinitely the period for filing of reply briefs to allow the parties to continue to explore settlement options. Ron will be meeting with Mr. Luis and interested parties to try to come to an understanding on the continuance.

Diane Jensen entered the meeting at 9:40 a.m.

Chairman Ogaard reported that Jim Birkholz was involved in a motorcycle accident last week and is now recovering very well after surgery on his jaw. Ogaard said that Jim's wife Judy was in the hospital awaiting the premature birth of their first baby. Everyone wished them well.

** 91-42 WMO Plan Approval - Prior/Spring Lake WMO Plan - Bruce Sandstrom introduced Kevin Larson, the engineer working on the plan. Bruce gave a brief overview of the Prior/Spring Lake WMO Plan. Staff recommends approval of the Prior/Spring Lake WMO Plan. Moved

by Boulton, seconded by Cofell, to approve the Prior/Spring Lake WMO Plan. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Harste, Cofell, Peterson, and Jensen. Opposed: None. Carried.

Gorecki Update - Greg Larson reported that an agreement has been proposed by BWSR staff, Benton SWCD, and SCS, to settle this issue. The total cost incurred is $965. Under the agreement, SCS would pay $106, Benton SWCD would pay $100, and the BWSR would pay $500. Since the cost-share guidelines state that 70% of the total amount can be cost-shared, the landowner would have to cover $289. Greg stated that SCS will pay for additional costs incurred for some redesign of the system after this settlement is formalized and accepted. Those involved believed that this is basically a reasonable agreement. Discussion followed. Some members felt that the landowner incurred many costs due to problems of design and communication in the process and he should not be liable to cover $289. Moved by Williamson, seconded by Cofell, that the BWSR agrees to pay $500 of the cost on the Gorecki project, Benton SWCD to pay $100, and SCS to pay $106. Members also stated that the BWSR would no longer be held liable cover any additional costs incurred in this project. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Harste, Cofell, Peterson, and Jensen. Opposed: None. Carried. The Board asked SCS to consider paying the $289 obligation of the landowner, SCS will take the request under advisement. Greg will communicate to the Gorecki's and Benton SWCD the action of the Board.

** 91-43

Chairman Ogaard called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:40 a.m.

Update on Advisory Committee on Soil Loss Ordinance - Dave Behm updated members on an advisory committee to create a model soil management component for a "Soil and Water Resource Protection Ordinance" for greater Minnesota counties. The purpose of the committee would be to create model ordinance language and to develop a strategy to distribute the guidance materials to county officials and staff. Dave reported that revisions to the soil loss limits statute have been suggested by staff each of the past two legislative sessions. Staff did not proceed with legislative revisions this session because they believed a mandatory program would have resulted; staff do not believe BWSR or counties are presently ready to develop and deliver a statewide mandatory program. Counties already possess statutory authority to adopt erosion and sediment control land use controls through their planning and zoning authorities. Staff will convene an advisory committee to develop model language to serve as guidelines for those counties intending to adopt such official controls. After developing the model language, staff will devise a marketing strategy to distribute the information and concepts to officials and staff of greater Minnesota counties. The advisory committee currently includes: (1) Association of Minnesota Counties; (2) Association of Minnesota Water Resources Administrators and Planners; (3) Minnesota Association of Planning & Zoning officials; (4) Minnesota Association of Conservation District Employees; (5) Minnesota Association of Soil and Water Conservation Districts; (6) Minnesota Association of Townships; (7) Department of Agriculture; (8) Department of

Natural Resources; (9) Minnesota Farm Bureau Federation; (10) Minnesota Farmers Union; (11) Pollution Control Agency; (12) Soil Conservation Service; (13) State Planning Agency; (14) Minnesota Association of Watershed Districts. Moved by Cofell, seconded by Williamson, to accept the advisory committee as listed and authorize the committee to proceed with the creation of model ordinance language and to develop a strategy to distribute the guidance materials to county officials and staff. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Harste, Cofell, Peterson, and Jensen. Opposed: None. Carried.

** 91-44

Dave Weirens, Association of Minnesota Counties, reported that the State Planning Agency (SPA) has been drastically reduced in budget and complement. The SPA has now been renamed as the "Office of Strategic Planning."

Training Plan for SWCDs - Mark Nelson asked for endorsement from the BWSR for the staff's proposed training plan. The training committee consists of representatives of the MASWCD, MACDE, MAWD, SCS, and BWSR staff. Moved by Boulton, seconded by Cofell, to approve the recommended training plan. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Harste, Cofell, Peterson, and Jensen. Opposed: None. Carried.

** 91-45

U.S. Fish and Wildlife Service Acquisition Authority Support - Ron Harnack introduced Rick Schultz and Joe Artmann, representatives from the U.S. Fish and Wildlife Service (USF&WS). Ron reported that staff have met with the USF&WS on this issue and gave perspectives from that meeting. Mr. Schultz gave a presentation and distributed materials for the Board's information. John Brooks, Jr., made a presentation on behalf of Clearwater County Commissioners, and distributed informational materials for the Board's review. John stated that all counties are different and should be treated accordingly. All agencies should be aware of the tax problems resulting from acquisition. If 100% of the local taxes are not paid it only increases taxes for others. This is significant in counties that have a lot of publicly owned land. Local governments need to work with the agencies cooperatively to deal with problems, counties need to meet individually with the USF&WS to address issues, stated Brooks. A resolution was submitted to BWSR staff requesting the Land Exchange Board expand small wetlands acquisition authority through the Migratory Bird Conservation Act (MBCA) of USF&WS from the currently approved 28 counties to all Minnesota counties. The resolution included a position that he Land Exchange Board's approval require the effective date of authorization in a county (excluding the 28 already approved) be when that county adopts a resolution in support of the USF&WS's request, and that the BWSR and USF&WS staff should work together to avoid duplication of efforts and maximize wetland protection efforts. Discussion followed. Moved by Brooks, Jr., seconded by Cofell, to approve the USF&WS's resolution regarding acquisition authority. Board requested staff to attend the LEB meeting and speak to the resolution. The representatives present at the meeting were asked to convey the Board's action and concerns to the USF&WS. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Harste, Cofell, Peterson, and Jensen. Opposed: None. Carried.

** 91-46

Staff will send a cover letter to the USF&WS and the Land Exchange Board on this issue and the Association of Minnesota Counties will work with the Land Exchange Board on this issue. Brooks, Jr., stated that the BWSR should take the leadership role in resolving these types of issues with various agencies involved. Ron Harnack stated that the BWSR is in the policy lead regarding wetland restoration. Staff will work with other agencies on this issue. Mr. Schultz, USF&WS, thanked the BWSR for the opportunity to come before the board and said he looks forward to working in a cooperative partnership on these issues.

Chairman Ogaard adjourned the meeting for lunch at 12:35 p.m. The meeting reconvened at 1:25 p.m.

Anderson Window/DNR Land Transfer - Ron Harnack introduced Roger Holmes and Kim Hennings, Department of Natural Resources, and Jerry Larson, Anderson Window Corporation. The BWSR is involved in the land exchange issue between DNR and Anderson Window because the BWSR needs to give consent to the land exchange due to the existence of marginal lands and wetlands. Roger Holmes explained the land exchange which involves 240 acres in a wildlife area in Washington County. DNR recommends approval of the land exchange. Moved by Boulton, seconded by Brooks, Jr., directing staff to work with those involved in this land exchange initiative. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Harste, Cofell, Peterson, and Jensen. Opposed: None. Carried. Staff will send a formal letter to Department of Natural Resources and Anderson Window Corporation informing them of the action taken by the BWSR.

** 91-47

PL566 Watershed Planning - Gene Kalmes, Winona SWCD, Laurie Hassler, Olmsted SWCD and Coordinator of the Whitewater Watershed Project, and Nick Persons, SCS, were introduced. Laurie gave a brief overview and asked the BWSR to consider a request from the Whitewater Joint Powers Board to approve a P.L. 566 application for the Whitewater Watershed Project. After hearing a presentation on the proposed project and how it would complement other local resource management efforts in the watershed, it was moved by Cofell, and seconded by Warner, that the BWSR approve the P.L. 566 application for the Whitewater Watershed as a high priority project. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Harste, Cofell, Peterson, and Jensen. Opposed: None. Carried. Staff will send a letter to the joint powers board and SCS to inform them of the BWSR's action taken today.

** 91-48

Marine WMO Plan - Mark Nelson introduced Bill Campion and Tim Fredbo, representatives of the Marine WMO. Mark gave a brief overview of the Marine WMO Plan. Staff recommends approval of the plan. Moved by Graba, seconded by Harste, to approve the Marine WMO Plan. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Harste, Cofell, Peterson, and Jensen. Opposed: None. Carried.

** 91-49

Advisor Comments

- Soil Conservation Service (SCS): Roger Mussetter reported that the 1990 Farm Bill

wetland easement sign-up has been put on hold. The second CRP sign-up is scheduled for July 8-19. The joint state/federal effort to fly over and photograph the entire state of Minnesota is nearly complete. Some flights need to be redone due to weather conditions. The 1985 Farm Bill compliances are being re-evaluated to make sure everyone understands the expectations. SCS is in the process of status reviews on compliances; 5% in each county will be checked. Roger stated that there has been a turn-over in district conservationists positions. Vacancies exist in Hallock, Grygla, Stillwater, and Preston.

- Minnesota Lake Management Federation (MLMF): Pat Wulff reported that the MLMF met on May 3 in Maple Plain. An education committee has been formed, and they are in the process of developing a speakers list. The LMF national annual conference will be held October 27-29, at the Arrowwood in Alexandria. Pat invited BWSR members to attend the conference. The BWSR staff will be actively involved. The MLMF requested financial assistance from the BWSR for their conference. Chairman Ogaard stated that the BWSR would be able to assist financially again this year, as the BWSR contributed $2,000 last year for the conference.

- Minnesota Association of Watershed Districts (MAWD): Howard Peterson reported that the Metro Chapter of MAWD met May 21. A major issue for MAWD is watershed authority and watershed board powers. Howard stated that MAWD will be requesting BWSR staff assistance on this issue. The MAWD summer tour is scheduled for June 21-22 in Worthington. The tour will feature the Kanaranzi-Little Rock, Middle Des Moines and Okabena-Ocheda Watershed Districts in southwestern Minnesota. The Association Executive Committees of MAWD, MASWCD, AMC and BWSR will meet during the summer tour with Ron Harnack as the moderator.

- Minnesota Association of Conservation District Employees (MACDE): John Sumption reported that MACDE representatives have been appointed to the following committees: Joe Fitzgerald, Stearns SWCD, Irrigation Advisory Committee; Lowell Franzen, Mower SWCD, Model Ordinance; and Jim McCullough, Wright SWCD, Land Exchange Board. John stated that the MACDE will be meeting in July to discuss the long-range training plan.

representing MACDE at meeting

<u>Other Items</u> - Chairman Ogaard asked board members if they are interested in holding meetings around the state. John Boulton invited the BWSR to his area in August. Having meetings around the state provides good visibility for the BWSR in water resources management and is also good exposure for media coverage. John Brooks, Jr., invited the BWSR to his area as well. Wayne Anderson, MPCA, invited the board to attend the Clean Water Partnership Program area.

An LCMR tour of the Minnesota River will be held in June. John Boulton also invited the board to attend the Study Area II annual meeting in Redwood Falls on June 17.

Ron Harnack stated that a marketing strategy is needed for RIM Reserve and wetlands restoration legislation.

** 91-50 Moved by Graba, seconded by Cofell, to adjourn the meeting at 3:20 p.m. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Brooks, Jr., Harste, Cofell, Peterson, and Jensen. Opposed: None. Carried.

Respectfully submitted,

Donald Ogaard
Chairman

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

FIFTH FLOOR, FLOUR EXCHANGE BUILDING
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April 25, 1991

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Re: Petition for Establishment of the Snake River Watershed District; OAH Docket No. 7-3300-4922-2

Dear Counsel:

Please be advised that I have decided to CONTINUE INDEFINITELY the period for the filing of Reply Briefs in the above-entitled matter. The deadline for filing had been set earlier as Friday, May 3, 1991 (mailing date). That deadline is now continued to allow the parties to continue to explore settlement options. It is my intention to not reinstate a Reply Brief period until I am satisfied that all possible settlement options have failed. If Reply Briefs are to be filed in the future, you will have at least four weeks' notice prior to the deadline date.

I encourage the parties to continue with all good faith efforts to find a settlement in this matter. Thank you for your cooperation.

Very truly yours,

Richard C. Luis

RICHARD C. LUIS
Administrative Law Judge
Telephone: 612/349-2542

RCL:lr
cc: A.W. Clapp III

AN EQUAL OPPORTUNITY EMPLOYER

U.S. Fish and Wildlife Service Request for Statewide Acquisition Authority

Why does the Service want expanded small wetland acquisition authority?

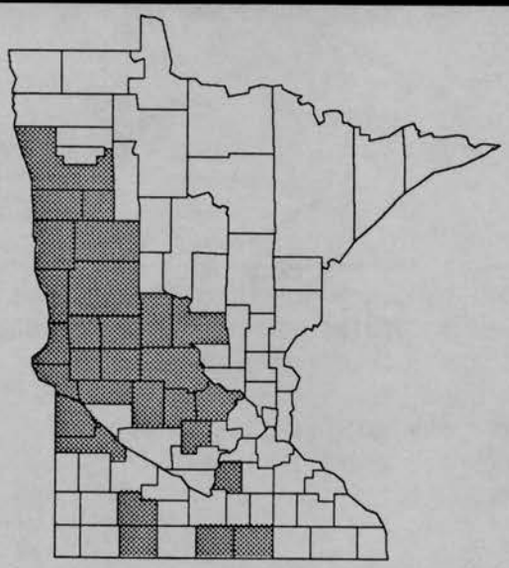
The U.S. Fish and Wildlife Service (Service) is requesting expanded small wetland acquisition authority so it can protect wetlands throughout Minnesota as opportunity or need arises. In many counties, there may not be any acquisitions since there is no defined need or adequate lands have already been protected. Most of the Service's expanded acquisition efforts will be to obtain easements from willing landowners rather than fee title acquisitions.

Since 1986, about 1000 landowners have become partners with the Service in restoring small wetlands. We would now like to purchase easements from many of these individuals to provide long-term protection to these wetlands.

What is the Service's current acquisition authority?

The Service was granted authority to acquire small wetlands in 19 Minnesota counties in 1962. In 1977, the number of counties was expanded to 28 and "acreage goals" were established. These "acreage goals" were 391,460 acres for fee title purchases and 587,320 acres for easement acquisitions.

28 Counties with Small Wetland Acquisition Authority



How much land has the Service acquired since 1962?

Over the past 30 years, the Service has acquired 152,869 acres have been acquired in fee title and 218,408 acres via easements. This amounts to 38% of the authorized "acreage goals" or about .6% of the state's total area. The Service is not asking for expanded "acreage goals" because the acreages already approved are adequate and will be distributed to expansion counties on a negotiated basis.

What kind of land is the Service acquiring?

The Service acquires primarily existing wetlands or wetlands that have been drained and now are marginal farmlands. The latter are generally not productive cropland because they are too wet to crop and produce low yields.

Does the Service consult with the County on lands to be acquired?

The Service routinely consults with local governments when planning to acquire lands. Also, the Service is required by law to consult with the Land Exchange Board when using Migratory Bird Conservation Act funds to purchase small wetlands.

Does the Service work with other agencies in it's wetland protection efforts?

The Service commonly works with groups such as Soil and Water Conservation Districts, Board of Water and Soil Resources, Department of Natural Resources, Pollution Control Agency, and Soil Conservation Service when planning wetland acquisitions.

Will the landowner receive compensation for wetlands that the Service wants?

The Service pays appraised market value for lands that are purchased in fee title or easement. In either case, the Service buys only from willing sellers who receive fair compensation for their property.

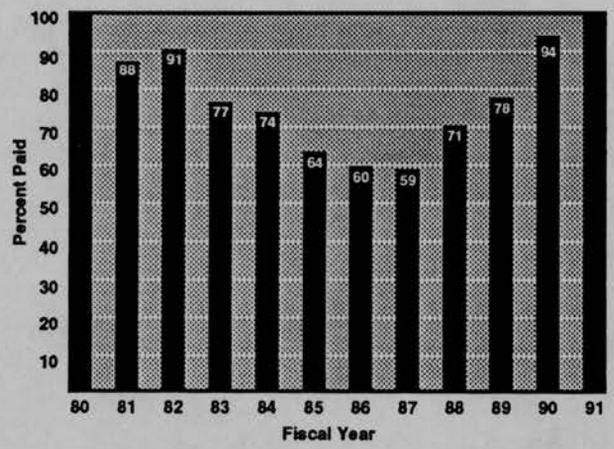
Who pays for wetland restorations and improvements?

Wetland restorations on private lands are usually done at no cost to the landowner. The Service or other partners provide funding for the improvements.

Does the Service pay taxes on land it acquires?

The Service does not pay taxes but provides annual revenue sharing payments to local governments. Payments are based on the greater of 25% of net refuge receipts or 3/4 of 1% of the appraised value of the purchased lands. In some years, there have not been sufficient funds to fully fund revenue sharing payments. In 1990, counties received 94% of the payment and in 1991, payment is expected to be at the 100% level. For lands that the Service has only acquired an easement, the land stays on the tax rolls and is taxed at normal rates. Taxes are paid directly by the landowner.

Shared Revenue Payments



What are the benefits of wetlands?

Wetlands have many benefits to the landowner and the general public:

- payments for non-productive or marginally productive land
- replenish soil moisture and groundwater recharge
- increased water retention and storage capacity
- reduction in water and soil erosion
- production of forage crops
- improvement of water quality
- reduction in flooding severity
- source of water for livestock
- habitat for fish and wildlife
- increasd hunting opportunities
- increased trapping opportunities
- increased baitfish harvest
- increased fishing and boating recreation
- reduced water sediment loads
- removal of farm chemical and nutrient loads
- habitat for rare and endangered species
- educational and scientific opportunities
- increased wildlife observation
- quiet areas to enjoy nature

Are their other economic benefits to wetlands?

The economic value of wetlands has been difficult to determine. However, here are some values for wetland activities that are known:

- **waterfowl hunting** :
  a $2 billion industry in the U.S. and Canada
- **trapping**:
  Minnesota marsh related species provide a fur harvest of about $15 million annually.
- **hunting**:
  Minnesota's hunting related expenditures amounted to more than $216 million in 1985.
- **nonconsumptive uses**:
  In 1985, Minnesotans spent almost $240 million on nonconsumptive wildlife recreation. Much of this was related to wetlands.

It is estimated that nationally flooding costs $3-4 billion annually. Wetlands have been shown to retain runoff and reduce flood impacts thereby providing a $300 per acre foot in flood storage benefit. Similarly, water and wind erosion are reduced thereby improving the quality of our waters and soils. Wetlands also provide water purification by removing soil particles, farm chemicals, nutrient loads and other pollutants.

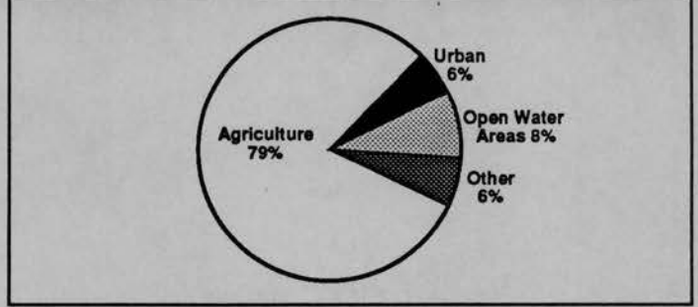
Canada estimates that the overall benefits from their wetlands amounts to $10 billion annually.

Why is the Service concerned about the wetlands?

The Service has management responsibility for migratory birds, endangered species and anadromous fish , many of which depend on wetlands for all or most of their life cycles. In some cases, it is necessary to protect important lands via some type of acquisition.

Over the past 100 years, our nation has lost almost 120 million acres (or 53%) of wetland habitat. Minnesota has lost 42% (about 7 million acres) of its wetlands. The remaining 8.7 million acres are very important since they amount to about 9% of the nation's total remaining wetlands.

Causes of Wetland Loss



How does the Service effort fit with the wetland protection bills that are making their way through the State legislature?

The Service wetland protection efforts should complement whatever legislation finally emerges from state legislature. It should also support the President's "No Net Loss" wetland policy.

For more information
Contact Rick Schultz or Joe Artmann, USFWS, Federal Bldg., Fort Snelling, MN 55111 (612 725-3570)

Stewardship 2000

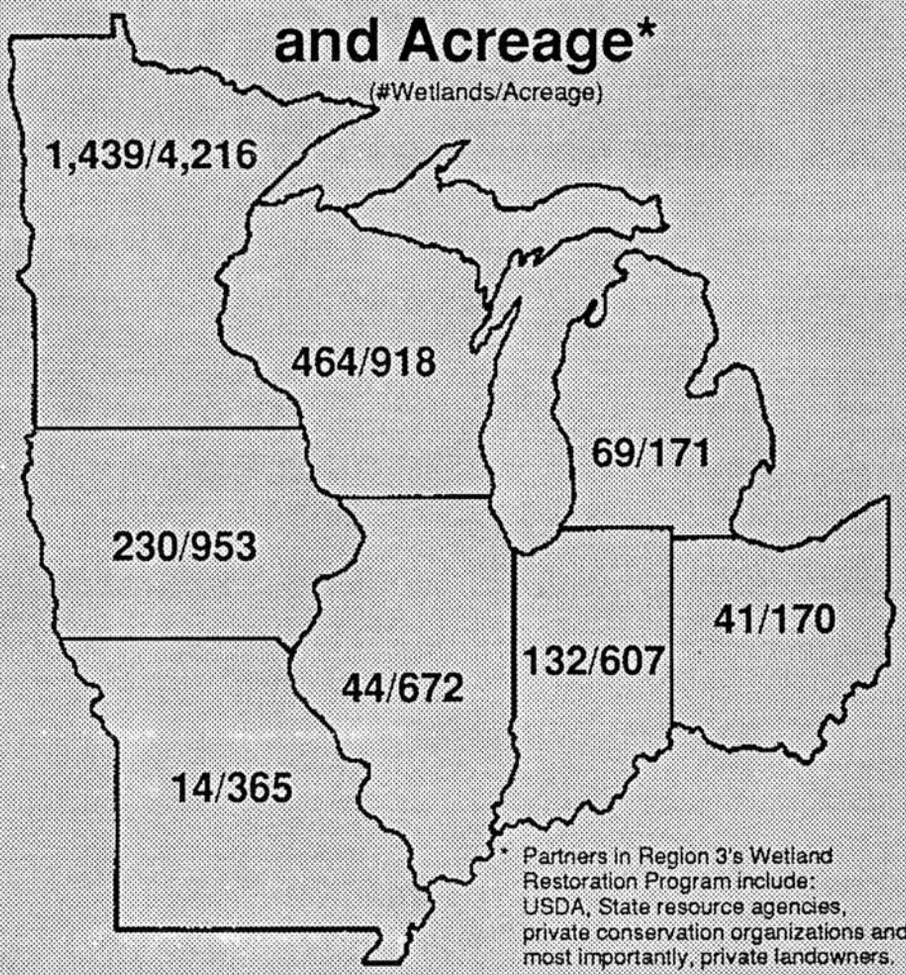
Final FY90 Report

"Partners for Fish and Wildlife on Private Lands"

U.S. Fish & Wildlife Service • Region 3 • North Central Region • Information (612) 725-3570

1990 Wetland Restorations and Acreage*

(#Wetlands/Acreage)



* Partners in Region 3's Wetland Restoration Program include: USDA, State resource agencies, private conservation organizations and, most importantly, private landowners.



Wetland Restoration Summary (1987-1990)

State	IL	IN	IA	MI	MN	MO	OH	WI	Total
# Wetlands Restored	73	361	644	202	4,452	16	113	1,037	6,898
Estimated Acreage	966	1,234	2,329	541	13,060	398	384	2,170	21,082

May 22, 1991

RESOLUTION

WHEREAS the U.S. Fish and Wildlife Service (Service) has requested of the Land Exchange Board (LEC) expanded small wetlands acquisition authority through the Migratory Bird Conservation Act (MBCA) from the currently approved 28 counties to all Minnesota counties and;

WHEREAS the Service is not requesting expanded easement and fee title acreage goals but will operate under currently approved acreage goals and;

WHEREAS it is understood that the Service needs LEC authorization to pursue land acquisition using MBCA funds;

WHEREAS it is also understood that the Service can currently pursue land acquisitions statewide without prior authorization from the LEC if using funds other than those received from the MBCA;

WHEREAS the Service will only consider easement and fee title acquisitions from willing sellers and;

WHEREAS the majority of the Service's expanded acquisition efforts will be in the form of easements with the land being kept in private ownership and;

WHEREAS the Service will continue to seek approval from the county boards when pursuing fee title acquisitions;

WHEREAS the Minnesota Board of Water and Soil Resources (Board) is interested in the well-being of this state's water and soil resources and;

WHEREAS the Board is actively protecting and restoring wetlands which have been converted to marginal croplands and believes this program will enhance wetland restoration in the state;

WHEREAS the Service and the Board both agree that landowners should be compensated for conservation programs;

NOW BE IT RESOLVED that the Board supports the Service's request to the LEC for expanded small wetlands acquisition authority but encourages the Service to receive this authorization on an individual county basis and;

BE IT FURTHER RESOLVED that the LEC's approval contain a requirement that the effective date of authorization in a county (excluding the 28 already approved) be when that county adopts a resolution in support of the Service's request; and

~~BE IT FURTHER RESOLVED that the Board~~ encourages counties to adopt a resolution in support of this;

BE IT FURTHER RESOLVED that the Board of Water and Soil Resources and Service staff should work together to avoid duplication of efforts and maximize wetland protection efforts.

Advisory Committee to create a
MODEL Soil Management Component for a
"Soil & Water Resource Protection Ordinance"
for Greater Minnesota Counties

NOTE: Purpose of committee would be to create MODEL ordinance language and to develop a strategy to distribute the guidance materials to county officials and staff.

* * *

June 4, 1991
Agenda:
* Need for model ordinance
* Purpose of advisory committee
* Identification/discussion of concepts

early July, 1991
Agenda:
* Identification/discussion of "model" definitions & goals

early August, 1991
early September, 1991
Agendas: * Review first and second drafts

early October, 1991
Agenda:
* What will it take to achieve "T by 2000"? Is 2000 feasible?
* What will it take to implement ordinance?
* Identify opportunities to inform local officials and staff

* * *

Background:
* Revisions to "Soil Loss Limits" statute have been suggested by staff each of the past two legislative sessions.
* Staff did not proceed with legislative revisions this session because they believed a mandatory program would have resulted; staff do not believe BWSR or counties are presently ready to develop and deliver a statewide mandatory program.
* Counties already possess statutory authority to adopt erosion and sediment control land use controls through their planning and zoning authorities. Staff will convene an advisory committee to develop "model" language to serve as guidelines for those counties intending to adopt such official controls.
* After developing the "model" language, staff will devise a "marketing strategy" to distribute the information and concepts to officials and staff of Greater Minnesota counties.
* Advisory committee includes: **(1)** Assoc. of Minnesota Counties; **(2)** Assoc. of Minnesota Water Resources Administrators & Planners; **(3)** Minnesota Assoc. of Conservation District Employees; **(4)** Minnesota Assoc. of Planning & Zoning Officials; **(5)** Minnesota Assoc. of Soil & Water Conservation Districts; **(6)** Minnesota Assoc. of Townships; **(7)** Department of Agriculture; **(8)** Department of Natural Resources; **(9)** Minnesota Farm Bureau Federation; **(10)** Minnesota Farmers Union; **(11)** Pollution Control Agency; **(12)** Soil Conservation Service; & **(13)** State Planning Agency.
(14) MAWD

Title evidence is obtained from the abstracter at no cost to the landowner. This is checked to determine that all owners of record have signed the easement. Service attorneys then review the case and furnish an opinion of title. If the opinion points out any title defects, steps will be taken to correct them usually at no cost to the landowner. The easement will then be accepted.

After the easement is accepted the landowner will receive a letter by certified mail informing him the easement has been accepted and is being recorded at the county courthouse. A copy of the fully executed easement will be sent to the landowner at that time.

How Are Payments Made?

Payment is usually made within seven to 10 months after the easement has been signed. During this time the easement agreement is recorded and the abstracter brings the title evidence up to date. A single lump-sum payment will be made by a U.S. Treasury check for the amount specified in the easement.

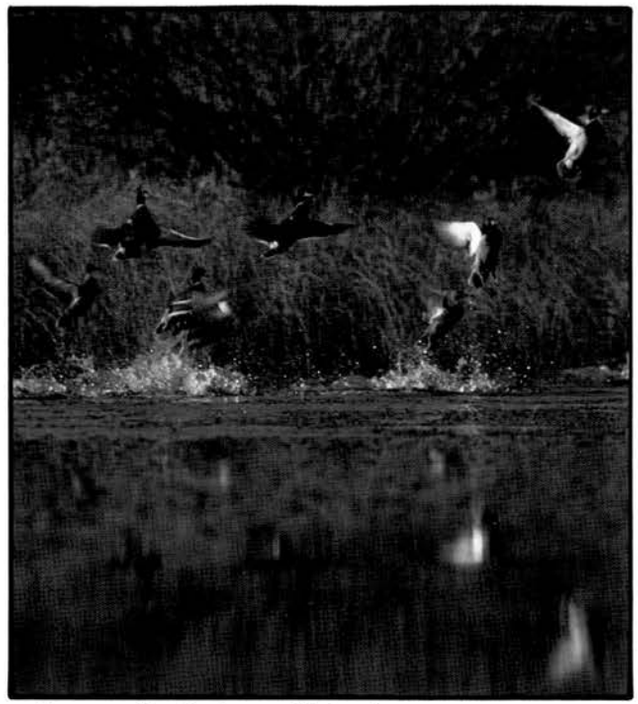
If there is a mortgage on the property, it is necessary to have the mortgagee give his consent to the easement. The mortgage holder will be asked to sign a statement known as a consent agreement.

If a charge is made by the mortgagee for the consent agreement, the landowner must pay this charge, but may then file a claim and be reimbursed by the United States.

If land is being bought under a contract for deed, in order for an easement to be placed on this property, both buyer and the contract seller, who holds the legal title, must sign the easement agreement.

When there is a mortgage or contract for deed, who is to receive the payment is dependent on the mortgage holder or the contract seller and the terms of their agreement. They may require that all or a part of the money be applied to the mortgage or contract balance, or they may allow the entire payment to go to the landowner.

The program to save the wetlands was authorized by Congress on August 1, 1958. It is financed by receipts from the sale of Migratory Bird Hunting and Conservation Stamps, commonly known as Duck Stamps. Sportsmen throughout the nation are sponsoring this project when they purchase these stamps.



Even small potholes qualify for the easement program. Breeding ducks often use them in the springtime.

DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service

This brochure was produced by NDSU Extension Service under the North American Waterfowl Plan for the Prairie Pothole Joint Venture.



A grouping of temporary and permanent wetlands in the same area are best for duck production.

The Wetland Easement

A U.S. Fish and Wildlife Service Wetland Easement:

- ☑ can generate increased farm income from wetlands
- ☑ does not affect normal farming operations
- ☑ covers only the wetlands specified in the agreement
- ☑ does not affect landowner mineral rights
- ☑ does not remove land from the tax rolls
- ☑ are permanent or perpetual agreements that stay with the deed title to the land
- ☑ compensate the landowner for conserving wetland benefits



Why Are Wetlands Important?

Wetlands are like giant sponges on the landscape that soak up excess rainfall and snowmelt. They may be shallow water areas that retain water for only a few days to weeks. Some wetlands hold water throughout the year.

Wetlands are magnets for wildlife. In addition to providing the essential habitat for waterfowl, they provide cover for pheasants and deer and are home to furbearers such as mink and muskrat, as well as a wide variety of other plants and animals.

Wetlands are also critical in improving water quality, recharging groundwater supplies, and collecting water runoff which reduces soil erosion and downstream flooding. Because of these benefits, wetlands conservation is a national priority in this country.

How Does A Wetland Easement Protect Wetland Benefits?

The Department of Interior, the nation's principal conservation agency, in order to conserve our wetland resources, created the Wetlands Easement Program. This program, first authorized by Congress in 1958 is financed by revenue generated from the sale of Duck Stamps and administered by the U.S. Fish and Wildlife Service.

A wetland easement is a permanent or perpetual agreement entered into by a landowner and the U.S. Fish and Wildlife Service. The easement covers only the wetlands specified in the agreement. In return for a single lump sum payment the landowner agrees not to drain, burn, level or fill wetlands covered by the easement. In addition, the agreement also gives service representatives the right to enter the land to check for compliance with the terms of the easement agreement. These inspections are usually made from airplanes.

In order for a property to be eligible for a wetland easement, it must have wetlands of value to waterfowl and be located in a county which has been approved for the easement program.

What Does An Easement Cover?

The easement covers certain existing wetlands or those which recur through natural or man-made causes. As such, impoundments by dams or dikes do not qualify. These wetlands will be shown on a map which is part of the easement. Enforcement of the terms of the easement contracts are limited to these wetlands. Previously drained wetlands will not be covered by the provisions of the easement unless the landowner agrees to restore the wetland. Cost sharing for restoration work may be available and restored wetlands will qualify and can be added to the easement offer.

How Are Landowners Rights Preserved?

The easement does not restrict normal farming practices such as cropping, haying, grazing, plowing or working wetlands when they are dry of natural causes.

Landowners still have the right to open or close their lands to hunting and trapping.

In addition, they retain the right to develop the minerals. The rights the United States acquires are limited to burning, draining, filling and leveling of wetland areas.

How Is An Easement Executed?

The agreement document used by the service is both an option and an easement. The option provides that the service may at any time during the option period accept the easement whereupon it will be recorded in the county records. Landowners must adhere to the terms of the agreement from the day it is signed.

The option period is needed so that the government will have time to obtain and examine evidence of legal title to the land.

Normally the easement agreement will be accepted in less than nine months. The option is usually taken for a longer period of time to allow for unforeseen problems.

WATER LINES

A Publication of the Minnesota Lake Management Federation — *Winter 1990*

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Carl Swanson

Lake Monitoring: What I Know Now and Wish I Had Known Then

Three years ago we were six – today, we number 150. And all because we thought our lake was drying up.

Of course, we knew Coon Lake was responding to the pressure of more people and more uses. A 1,703 acre water body that lies 25 miles north of the Twin Cities, Coon Lake has been feeling the impact of the expanding metropolitan area for 30 years. Some of the deterioration has been from natural causes. However, increasing uses within the watershed – conversion from seasonal to year-round homes, additional agricultural uses and out-of-date zoning codes – are also taking their toll.

In 1987, a member of the Coon Lake Community funded the rental of a harvester. The interest generated by this machine and the fear that the lake was four feet below normal was enough to activate six extremely dedicated people to start the Coon Lake Improvement Association. However, we soon realized that before we could start to preserve and enhance its current water quality we had to collect real data about Coon Lake. So we set out to get it.

Getting Started

We started Secchi disk monitoring of Coon Lake's water clarity through Minnesota's Citizen Lake Monitoring Program (CLMP). Initially, we started monitoring two preselected spots with one disk. As of 1989, through lake association funding, we have six disks and monitor six spots.

Once involved with CLMP, we became aware that more could be done. One of our best sources of information has been the North American Lake Management Society. Using the NALMS manual, "Starting and Building an Effective Lake Association," we learned how to organize, and what direction to take.

Through the MPCA and CLMP, we heard about the Lake Assessment Program (LAP). This is a one-year cooperative study between the MPCA and a Lake Association that covers the following areas:

Lake Watershed Monitoring

- Water clarity testing done through CLMP - by lake association
- Chemistry analysis - by MPCA
- Lake level monitoring - by lake association
- Precipitation recording - by lake association

Lake Watershed Analysis

- Determining lake morphometric variables - by MPCA
- Defining the watershed - by MPCA
- Identifying all tributaries, storm sewers, agricultural tiles, etc., to the lake - by lake association

Continued on Page 4

North and South, State Looks at Eurasian Water Milfoil

Representative Tony Kinkel, Park Rapids, initiated what was billed as the "Milfoil Summit" on December 15, in Akeley. The meeting was organized by John Sumption, Cass SWCD, as a pro-active approach toward defining measure to control and prevent spreading of Eurasian Water Milfoil.

Attendance totaled 43 people representing lake associations, Hubbard and Cass County Commissioners, resort associations, MDNR, Chambers of Commerce of Park Rapids and Walker, Minnesota Office of Tourism, Cass County Extension Service, Focus 10,000, and other interests.

The speaker list included: Pat Alberg - Hubbard County Commissioner, Neill Kinder, President - LLA Chamber of Commerce, Frank Allen - Regional Director, Minnesota Office of Tourism, Carl Swanson - Wright County Federation of Lake Associations, Wally Christiansen - Association of Cass County Lakes, and John Sumption - Cass SWCD and Chairman, Leech Lake Area Community Task Force on EWM.

Featured guests included Jack Skrypek - Chief, DNR Ecological Services, and Tom Sak, DNR EWM Coordinator.

Speakers stressed various points, including the potential tremendous loss to the state if EWM continues to spread; the need for milfoil specific research; a moratorium on new public accesses; expanded education; the $6 billion state tourism industry as being "wood and water" dependent; the need to regulate boat traffic in and out of infested waters; and the regulation of out-of-state boat / trailer traffic in respect to spreading EWM.

Ideas and information developed from the meeting will be used by Representative Kinkel to draft further legislation to control and prevent spreading of EWM. He emphasized the need for a unified approach from various interests in his district.

A resolution was introduced and passed by vote of attendees, as follows:

"Therefore, the Eurasian Milfoil Summit meeting hereby strongly recommends that the Minnesota DNR, acting as the lead coordinating agency, be empowered and funded to develop and implement programs by Spring 1991, that will effectively control and contain EWM in waters already infested, to prevent further spreading."

Reprinted from the February 1991 Leech Lake Association Newsletter.

Management of Eurasian Water Milfoil

This is the title of a meeting at the Gray Freshwater Biological Institute on January 19.

Sponsored jointly by the DNR and the Freshwater Foundation, it was a public meeting on the management of EWM in Minnesota waters, with information on the DNR program for 1990-91 and suggestions for improvement.

Much of the success of the meeting can be attributed to the excellent work of Brian Stenquist as Facilitator. He saw to it that the agenda was accomplished and finished on time. This was no small achievement considering the issues involved and number of people wanting to be heard. Credit also goes to Jack Skrypek, Chief, Ecological Services, DNR; Tom Sak, DNR EWM Coordinator,

Continued on Page 11



Board of Water and Soil Resources (BWSR)

The BWSR is the state administrative agency for Soil and Water Conservation Districts (SWCD), Watershed Districts (WD) and, in some cases, counties. As such, BWSR is the district's direct line to state government. The BWSR coordinates the water and soil resource planning activities of SWCDs, WDs, counties, and also the Water Management Organizations (WMO).

The BWSR is headed by a 12-member board appointed by the governor. The board is composed of three SWCD supervisors, three watershed managers, three county commissioners, and three citizens at large. The BWSR has a staff of specialists including seven board representatives and three field hydrologists working in regional offices around the state.

In a nutshell, the BWSR performs the following functions and services:

- Administers a variety of resource management programs such as RIM and state cost-share. The programs are implemented at the local level by SWCDs. BWSR staff oversees local program administration to ensure consistency with program rules and state laws.
- BWSR is service-oriented and responds to the needs of Soil and Water Conservation Districts, Watershed Districts, and counties by maintaining handbooks, assisting in program planning and evaluations, providing training opportunities and trouble-shooting problems as they occur.
- Provides financial support to SWCDs through general service allocations and other grants. BWSR provides base and challenge grants to counties for development and implementation of water plans.
- Responds to concerns and needs raised by local units of government throughout Minnesota and works to transfer those concerns into programs, staff, funding, or whatever is required to wisely manage our soil and water resources.
- Facilitates communication among state agencies and between state and local units of government to make expertise and resources of state agencies more available to local units of government.
- Develops information and education programs to increase the awareness of local water and soil resource problems and opportunities.

■■■■■

BWSR is the district's direct line to state government, coordinating water and soil resource planning activities of SWCDs, WDs, counties, and Water Management Organizations. Its 12-member board consists of three SWCD supervisors, three watershed managers, three county commissioners, and three citizens-at-large.

■■■■■

- Responsible for hearing and resolving disputes, interventions, and appeals related to comprehensive local water plans, appeals of watershed district decisions, and Metro Water Management Organization projects.
- Develops rules, guidelines, and allocation formulas for its various grants to local units of government. BWSR staff do regular compliance audits of local administration of BWSR grant funds.
- Hears petitions to establish, enlarge, or terminate SWCDs, WDs, and WMOs. The BWSR also has final approval authority for SWCD comprehensive and annual plans, county water plans (110B plans), and metropolitan water management plans (509 plans).
- Develops statewide soil and water conservation policy and implements conservation programs to carry out the policies.

The MLMF has been involved with BWSR from the beginning. The BWSR has helped fund the first two MLMF conferences. Ron Harnach, the new executive director, was formerly with the DNR and involved with shoreline regulations. Ron has been a speaker at our conferences.

Pat Wulff of Lake Independence is representing the MLMF on the BWSR through an advisory membership. Pat says, "BWSR staff people have been generously helpful in orienting me to my new task and board members have openly welcomed me. I feel confident that MLMF's advisory membership on the BWSR will be helpful to all concerned."

Lake Monitoring

(Continued from Page 1)

- Examining land use in the watershed through the Land Management Information Center Data - by MPCA
- Assessing accuracy of land use information - by MPCA and lake association
- Assessing number of homes around lake and noting status (year-round or seasonal) and the type of waste disposal system - by lake association

A Report is Generated

From this information, MPCA generates a report containing basic information about the lake and its watershed. The following items are included in the report.

- A summary/analysis of water chemistry and physical data;
- Assessment of trophic status of the lake relative to other lakes in the state;
- A map of the lake, identifying tributaries and the like, with basic morphometric data;
- A summary of land use in the watershed; and
- Recommendations for future studies

To participate in the program, the association has to meet a few requirements – we had to be active in the CLMP and show community involvement – and to this end we organized cleanup days, funding the electrical hookup for an aeration system and put out a quarterly educational newsletter. These accomplishments were set forth in a letter to Curtis J. Sparks, section chief of the Program Development Section, Division of Water Quality, MPCA, and we were one of the nine lakes selected for the 1989 Lake Assessment Program.

Lake Assessment Program

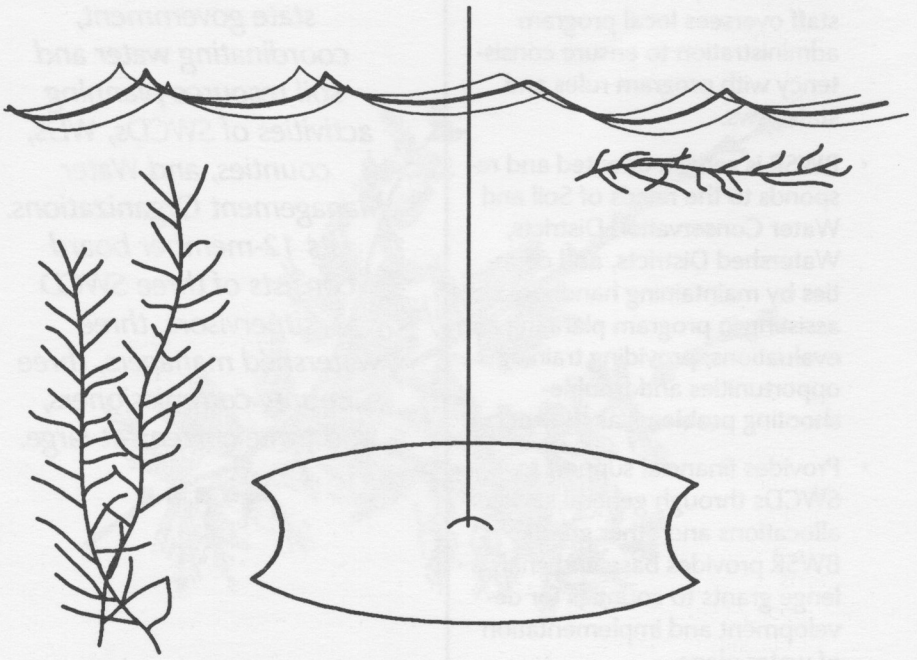
A solid group of devoted people is essential for gathering the information required by the LAP. The larger the lake, the more people you will need, and the better the program will have to be managed. Do not let that scare you, because it can be done. We have run into our share of problems. However, the devotion of the volunteers has kept us moving in the right direction. One of the main things to keep in mind when dividing responsibilities is that you do not want to overload any one individual.

The most dreaded task was the door-to-door survey for septic system information. We were concerned about having doors slammed in our faces and were also worried that we might alienate current and potential members. Actually, only one or two doors were slammed, and the rest of the people were very cooperative. When doing the survey, we handed out information about septic systems and Eurasian Water Milfoil.

A large side benefit from the LAP has been the high degree of visibility and credibility gained by the lake association within the local community. The association hopes to have a Phase I diagnostic / feasibility study done for Coon Lake. We will be using the information from the LAP to aid in designing any future studies. Once Phase I study is completed, we can begin extensive remedial action. With only a word-of-mouth campaign, Association membership has risen to 150, representing nearly half of the homeowners. Best of all, these homeowners are becoming environmentally active and aware, which bodes well for Coon Lake's future.

Don Selby, Coon Lake Improvement Association

This article was originally published in the 1989 Lake Management Conference Proceedings. The proceedings are an important resource for everyone involved in lake management. Proceedings are still available.



Secchi disks are used to test clarity by lowering them into the water and observing the depth at which they can no longer be seen.

Citizen's Lake Monitoring Program

Catalyst for the Beginning of Many Lake Associations

Check your knowledge of lake monitoring with this quick quiz:

1. What kind of lake sampling data is most used to analyze water quality trends?
2. What kind of data makes up the bulk of state lake monitoring records?
3. Which lake monitoring tool was first used widely by laypersons?
4. Which lake monitoring tool does not need chemical or biological analysis to provide water quality data?

Give yourself high points if you realized that all these questions were about transparency measurements (answers to 1 and 2) collected by using a Secchi disk (answers to 3 and 4).

The Secchi disk, invented by Jesuit priest Pietro Secchi (1818-1873), remains one of the easiest to use of any lake monitoring tool and also the one that provides the most insight into natural fluctuations and seasonal patterns in water quality.

The ease with which people can collect lake data with a Secchi disk was what caught Dr. Joe Shapiro's attention and led to his development of the country's first program using citizens to collect water quality data. Shapiro started the Citizen Lake-Monitoring Program (CLMP) in 1973 under the auspices of the University of Minnesota's Limnological Research Center. That first year, 74 lakes were monitored by citizen volunteers.

The CLMP was transferred from the University to the Minnesota Pollution Control Agency (MPCA) in 1978. During 1990, 550 CLMP volunteers monitored 500 state lakes scattered among 54 of Minnesota's 87 counties.

The CLMP volunteers' transparency readings make up the bulk of collected data on Minnesota's lakes. All CLMP records are entered into the Environmental Protection Agency's national water quality computer data bank (STORET), where they are available to anyone requesting lake data. The MPCA has received requests for Secchi disk data from the U.S. Forest Service, the Tennessee Valley Authority (for a report on acid rain), libraries, colleges, local government officials and lake associations.

■ ■ ■ ■ ■

Is your lake association a good candidate for the Lake Watch program?

■ ■ ■ ■ ■

MPCA staff rely on the transparency readings as they analyze state water quality for reports required by the Clean Water Act. Where monitoring has been conducted for several years, the data has been particularly useful in analyzing long-term trends in lake water quality and defining the natural characteristics of lakes within the seven aquatic ecoregions in Minnesota.

In a program one level beyond CLMP, the MPCA runs a Lake Assessment Program (LAP) where intensive water monitoring is conducted as a joint effort between MPCA staff and a sponsoring lake association or local government body. Applicants for LAP must be active in the CLMP. CLMP participation is an indication to MPCA staff of the depth of interest and willingness of project sponsors to get out and work for better water quality. It is likely that future applicants for Clean Water Partnership projects for lakes will also need to be in the CLMP.

Freshwater Foundation recently announced the formation of a new citizen monitoring program. Called "Lake Watch", the program is being underwritten by the Coors Brewing Company and will encourage citizens to collect a variety of observations in addition to the Secchi transparency readings. Some of the additional data collected by Lake Watch participants will be: weekly Secchi disk and water temperature readings, pH levels, ice in / ice out, spring leaf out, peak of fall color, lake level, fish kills, rainfall measurements, and loon and other unusual wildlife sightings.

An advisory committee set up to help this new effort get off the ground includes members from the MPCA, Mississippi Headwaters Board, Headwaters Regional Development Commission, Bemidji State University, and Itasca SWCD.

MPCA staff have recently gotten questions from lake association members asking what the relationship of the CLMP will be to the new Lake Watch program. The CLMP will remain a separate program run by the MPCA. However, all participants in Lake Watch will also automatically be enrolled in the CLMP and given a Secchi disk with their initial Lake Watch kit.

If you are already in CLMP and want to also Lake Watch, be sure to indicate you are already a CLMP member on your application to the Freshwater Foundation. Otherwise,

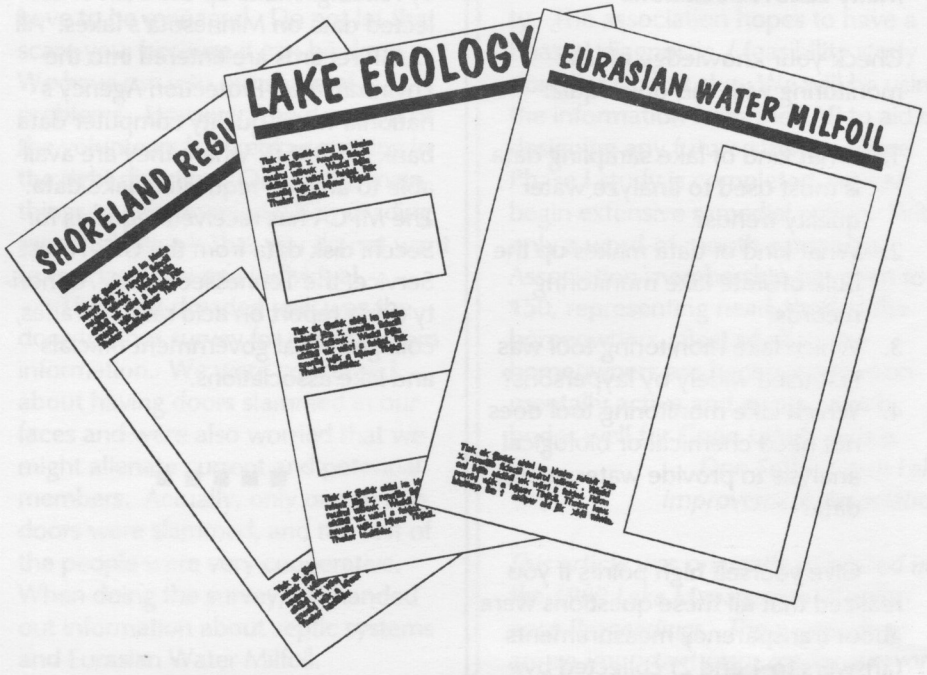
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Education Update

The MLMF's Education Committee plans to publish fact sheets concerning issues in lake management. Topics being developed include:

- Lake ecology
- Lake association organization
- Shoreland regulations
- Watershed management
- Eurasian Water Milfoil
- Grant programs
- A regional contact list for people and agencies providing technical assistance for your lake association
- Publication list of lake information materials

As fact sheets are published, they will be available through the main MLMF office or from your area MLMF representative. If you have topics of concern, let us know by contacting Cis Berg, Water Resources Center, Mankato State University 507/389-5492.



MLMF Members Sought to Participate in Conference



Have you had experience in forming a lake association? Working with agencies or the legislature to implement a management program for your lake? Developing a newsletter for your association? If you have experience in these or other areas related to lake management, the 1991 Minnesota Lake Management Conference may provide an opportunity to inform and educate others interested in improving their lakes.

The MLMF is inviting Federation members to participate in the 1991 Conference as session speakers and workshop leaders. If you are interested in giving a talk, please submit a summary of your planned presentation (about 150 words) by May 31 to:

Steve Colvin
DNR Ecological Services
500 Lafayette Road
St. Paul, MN 55155-4025

Please include your name, affiliation, address and daytime phone number. Speakers will be chosen from those submitting summaries by May 31.

Steve Colvin
Program Chair
MLMF Conference 1991

Steve Heiskary, President
Lino Lakes, 612/483-8165

Carl Swanson, Vice President
Wright County, 612/425-4081

Eugene R. Strommen, Secretary
Wayzata, 612/473-7033

Mark Tomasek, Treasurer
Oakdale, 612/777-0547

Patricia Alberg, Director
Hubbard County, 218/732-3034

MINNESOTA LAKE MANAGEMENT FEDERATION

Cis Berg, Director
Mankato, 507/389-5492

Paul Bugbee, Past President
Paynesville, 612/243-4448

James Halloran, Director
Brainerd, 218/963-2455

Wilfred Hansen, Director
Ortonville, 612/839-2754

Kevin R. Kretsch, Director
Hamel, 612/478-9421

Membership Application

CATEGORY	DUES *	BENEFITS
INDIVIDUAL	*$ 15.00*	*1 Newsletter, 1 Vote*
LAKE ASSOCIATION	*$ 50.00*	*5 Newsletters, 5 Votes*
PUBLIC / NON-PROFIT AGENCY	*$ 75.00*	*2 Newsletters, 2 Votes*
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** Dues are for a one-year period from date of your application.*

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Lake or Stream you are on: _____ County _____ Twp. _____

Association (if any) _____

AREAS OF INTEREST
(You may circle more than one)

A - Watershed Pollution
B - Lake Algae
C - Lake Weeds
D - Septic Tank Pollution
E - Rough Fish
F - Surface Use Conflicts
G - Shoreland Management
H - Lakeshore Taxes
I - Public Relations
J - Fundraising
K - Newsletter
L - Aeration

[ ] Yes, I would like to be active on an MLMF Committee.

[ ] I don't want to be on a committee, but I've checked my areas of interest above.

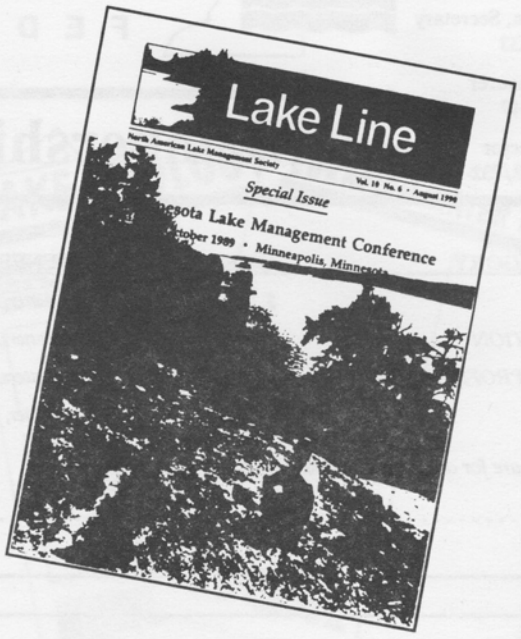
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1989 Lake Management Conference Proceedings Still Available

The 1989 conference was successful because of the high degree of interest expressed by the participants. MLMF and NALMS have published a summary in an illustrated issue of *Lake Line*. An important resource to everyone involved in lake management, copies are still available. Send $6.50 ($5.00 plus $1.50 postage), payable to MLMF, to:

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What Do You Want MLMF to Be?

Input on Long-Range Goals Sought From Members

During the quarterly Board of Directors' meeting on February 11, a discussion was held to outline the future course of the MLMF. The ideas put forward during this meeting are listed below.

Please take a moment to read the following. After reviewing, please indicate your five favorite services, ideas, or goals in each respective category, with 1 being the highest and 5 being the lowest. There is a blank space at the bottom of each section for you to enter your own suggestions. Thank you for your help.

A. What services should the MLMF be providing its membership?

1. Annual State Lake Management Conference ____
2. Inventory of fact sheets (packet) from state, county resources to assist lake associations in keeping updated ____
3. Handbook of educational materials and "how to" resource material, with contacts ____
4. Assist with organizational skills from a pool of volunteer specialists from among existing lake associations / agencies ____
5. Be a clearinghouse for legislative bills, recommending responses where appropriate ____
6. Be a strong voice for lake associations with state, federal authorities ____
7. Speaker resource by regions ____
8. Resource / lending library for publications / video ____
9. Membership list, regular newsletter ____
10. _____

B. How should MLMF go about increasing membership?

1. Promptly upgrade its membership brochure ____
2. Clearly state MLMF goals, objectives, targeting those intended for lake associations ____
3. Develop prospects with aid of agency lists (i.e., Board of Soil & Water Resources, Citizen's Lake Monitoring Program participants, County Planning and Zoning offices, MDNR lake treatment applicants ____
4. Initiate direct contact of lake associations by area MLMF board member ____
5. Circulate news releases and article reprints from MLMF *Waterlines* to lake area newspapers ____
6. Provide a forum for exchange, interacting, among lake associations ____
7. Provide solicitation tools to board members, other volunteers willing to help ____
8. Utilize *Focus 10,000* to attract prospects ____
9. _____

C. What would you like to see the MLMF do over the next five years?

1. Determine the relationship with other lake management organizations (i.e., NALMS, counties, Freshwater Foundation, Chambers of Commerce in lake communities, Corps of Engineers, BWSR, resort associations) ____
2. Establish a goal for securing "X" or % or number of new members ____
3. Assist in formation of 200 lake associations and 10 COLAs ____
4. Increase public awareness of MLMF's role in lake management services ____
5. Involve members in active committee positions ____
6. Employ paid staff ____
7. Establish MLMF as the professional link to lake associations ____
8. Identify issues ____
9. Establish a lake management contact person in county, state agencies; MLMF to so advise lake association members ____
10. Support regional lake management workshops ____
11. Strengthen *Waterlines* newsletter ____
12. Join NALMS ____
13. Conduct survey of labs to determine services available to lake associations, develop a direction, include certification where available ____
14. _____

Continued on Page 10

What Do You Want MLMF to Be?

(Continued from Page 9)

D. How does MLMF achieve its ambitions?

1. Continue annual state lake management conference, increasing lake assocations' role in the conference ____
2. Provide educational materials (i.e., packet of fact sheets, handbook) ____
3. Prioritize (items A, B and C) (i.e., set time schedule, determine who does it, budget for support) ____
4. Learn from "sister" organizations, such as Wisconsin Lake Management Federation ____
5. Encourage NALMS membership for lake associations, board members ____
6. Pursue professional fundraising services (i.e., foundation grants, LCMR, U of M Water Resource grants, BWSR grants) ____
7. Summarize results, publish results (in media and *Waterlines*) ____
8. ____

Kevin Kretsch

Citizen's Lake Monitoring Program

(Continued from Page 5)

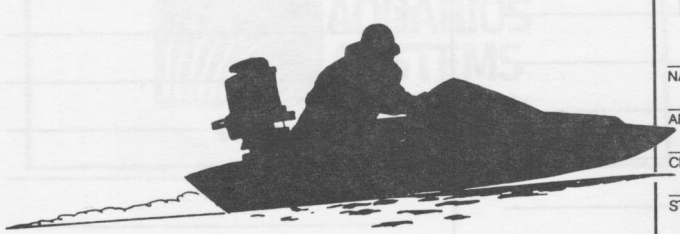
you will be charged for an additional Secchi disk.

One of the main things to remember if you decide to participate in both programs is how and where to send your collected data. Lake Watch participants will be given a CLMP data recording sheet for Secchi transparency readings and a set of postcards to record other measurements and observations. Mail the postcards into Freshwater on a weekly basis. Mail the CLMP data sheet to the MPCA at the end of the monitoring season.

A final note: Participants in the new Freshwater program will automatically be put on the mailing list for CLMP's newsletter *Lake Watch*. Don't let the name confuse you; this is still the CLMP volunteers' connection to news and information about lake monitoring and lake programs in Minnesota. The MPCA will mail the newsletter to all CLMP and Lake Watch members at the beginning and end of each year.

Carol Mockovak is with the MPCA's Public Information Office. For further CLMP information Carol can be contacted at: MPCA, 520 Lafayette Road, St. Paul, MN 55155 612/296-7441. For further information on the Freshwater Foundation's Lake Watch program, contact George Orning at: Freshwater Foundation, Box 90, Navarre, MN 55392 612/471-8407.

Focus 10,000 is a monthly magazine oriented to Minnesota's 150,000 shoreland owners. According to publisher Ginny Lee, an MLMF member, the response to the magazine has been very encouraging.



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Management of Eurasian Water Milfoil

(Continued from Page 7)

and George Orning, Research Director, Freshwater Foundation.

In terms of the size of the problem, it was reported that EWM has been spreading throughout the U.S. since first identified in the 1940's. Millions of dollars have been spent on research both in the U.S. and Canada in a futile effort to control it with the result that only ten states do not have EWM infestations. Currently, it has been found in 34 lakes and two streams in Minnesota.

Research at the highly prestigious Freshwater Foundation / Gray Freshwater Biological Institute to focusing on a fungus in pellet form that will grab onto a plant and kill it. This is a five-year program – it may or may not be successful – at a cost of some $1.1 million, with funds that are not yet available.

The DNR has spent an appropriation of $250,000 during the biennium just ending on research, publicity, public awareness, education, and personnel.

The goals and strategies of the DNR plan stop short of any effort or funding to prevent spreading. Sounds crazy? Yes, but true. There are four strategies in the DNR plans for 1990 / 1991, none of which will prevent spreading.

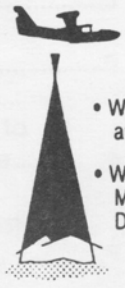
1. *Public Education.* Posters, brochures, billboards, signs, meetings, and media. These are useful materials and have gone a long way toward educating the public; but they won't prevent spreading, no more than the signs along the highway prevent littering.
2. *Monitoring Infestations.* This includes the efforts of concerned citizens to detect and report infestations, with assistance from the DNR.
3. *Control Program.* This involves the use of herbicides for treatment of known infestations. The effectiveness is questionable, and does not prevent spreading.
4. *Research.* Funds have not been adequate. Additional funding is anticipated for the 1992 / 1993 biennium for a cooperative research program with the DNR and the Freshwater Foundation.

The Leech Lake Association has taken the position that while these areas of spending may well be worthy, they will not prevent spreading. We have urged the DNR to add one more strategy to their plan that seeks to contain EWM in currently infested waters, towards the goal of a *zero* increase in the number of new infestations in 1991. This means appropriating and spending money at the source of the problem, through some sort of a quarantine of infested waters and an inspection program of boats leaving these waters.

It remains to be seen what effort, if any, will be given to our proposal.

Reprinted from the February 1991 Leech Lake Association Newsletter.

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President's Perch



Greetings! We have signed a contract for the 1991 Lake Management Conference with Radisson Arrowood Resort in Alexandria, which is scheduled for October 27-29. Thanks to Duane Hammargren (Lake Ida), Bob Arthur (Lobster Lake), and Bruce Nelson (Alexandria Area Sanitary District) for laying the groundwork for us.

The MLMF winter board meeting was held at Arrowood on February 10-11, and the board had the opportunity to look around the facility. Conclusion: a great place to hold a conference. The focus of the board meeting was on long range planning and membership development. We also discussed conference-related issues with Duane Hammargren, Bruce Nelson, and Steve Colvin (DNR) who is chairing the conference program committee.

We had other guests: Bill Maucher (Cullen Lake Chain) and Peter Waller (Big Stone Lake) sitting in for Jim Halloran and Wil Hansen, who could not attend because of other commitments.

Dan Steward and Ron Shelito provided us with information, types of services and opportunities offered by the Board of Water and Soil Resources (*see BWSR Board in this issue*). Gerry Boe (Whitefish Chain) participated in the long-range planning process. Ginny Lee (*Focus 10,000*) also attended.

Other things we are working on include the development of educational materials, membership directory, membership brochure, and the final editing of the 1990 conference proceedings. Board members have also been assisting in development of lake associations. One of the suggestions from the winter meeting was to develop a speakers' bureau. I would like to see this in place by this summer. I call on each of you who enjoy speaking to groups or sharing information to submit your names along with topics you are willing to address. Send this to MLMF, c/o Gene Strommen. We'd like to have this in our May newsletter.

Our next board meeting is May 3, and there will be an Executive Committee meeting prior to that. If there's anything you want addressed, let me or one of the board members know.

Till then, stay warm and look forward to spring.

Steve Heiskary
MLMF President

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