

Minnesota Board of Water and Soil Resources. Minutes.

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Version 3
August 20, 2018

Minnesota Board of Water & Soil Resources

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

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

June 19, 1991

TO: BWSR Board Members and Advisors

FROM: Ron Harnack, Ex. Dir.

SUBJECT: June 26, 1991, Board Mtg Agenda

The Board meeting will be held in Room 300 South, State Office Bldg., same as last month. Parking arrangement are the same also.
The agenda for the meeting along with background information is attached for your review. General highlites relating to the agenda are as follows:

UPDATE ON METRO WATER PLANNING RULES - The rule process is moving forward under a revised schedule as we discussed in April. Since there have been some sensitivities to the process by some cities and watershed districts prior to making the April adjustments its appropriate for the Board to keep appraised of the activities.

LAND EXCHANGE BOARD ACTIONS - The action of the Board was to conditionally approve the request of the USFWS. The action is attached.

COST-SHARE, SLR, SPECIAL SERVICES AND GENERAL SERVICES GRANTS - The allocation for the above grants were discussed previously and staff will recommend allocations for Board discussion and decision.

STAFF CHANGES - Karen Schultz will be retiring after 30 years + of service to the State. There will be an open house for her on the 27th.

- RIM Coordinator interviews are being held on the 20th and results of that process will hopefully be complete and the new RIM Coordinator announced.

If you have any questions please call. See you all on the 26th.

Enclosures

Regional Offices

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

Northeast Region
394 South Lake Avenue
Room 403
Duluth, MN 55802
218-723-4752

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

South Central Region
Box 756
New Ulm, MN 56073
507-359-6074

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

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

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

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Office of the Vice President

UNIVERSITY OF MINNESOTA
TWIN CITIES

Institute of Agriculture, Forestry and Home Economics
201 Coffey Hall
1420 Eckles Avenue
St. Paul, Minnesota 55108-1030
(612) 624-4777

RECEIVED
MAY 14 1991

May 10, 1991

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

Dear Ron:

We're writing to inform you about a change in representation on the Board for the Minnesota Extension Service (MES). Beginning immediately, Fred Bergsrud, Extension Agricultural Engineer and Water Quality Coordinator, has agreed to serve for one year, with a decision to be made next spring about continuing. George Foster, the current MES representative, will substitute for Fred on the days he can't attend.

Fred's address and phone number are: 209 Agricultural Engineering, 1390 Eckles Avenue, St. Paul MN 55108; 625-9733.

Fred's leadership and prominence in water quality education and related concerns assures that he will serve MES and the Institute of Agriculture, Forestry, and Home Economics well in this role. We're pleased that he has accepted this important assignment and we look forward to continued productive relationships with the Board.

Best wishes.

Sincerely,

C. Eugene Allen
Vice President, Institute of
Agriculture, Forestry, and
Home Economics

Patrick J. Borich
Dean and Director
Minnesota Extension Service

cc: Fred Bergsrud
George Foster
Jerry Miller

May 30, 1991

Minnesota Board of Water & Soil Resources

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

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

TO: Commissioner, Minnesota Department of Agriculture
Commissioner, Minnesota Department of Health
Commissioner, Minnesota Department of Natural Resources
Commissioner, Minnesota Pollution Control Agency
Commissioner, Minnesota State Planning Agency
Chairman, Minnesota Environmental Quality Board
Director. Minnesota Geological Survey
Director, Minnesota Office of Waste Management

On June 1, 1990 the Meeker County Board of Commissioners submitted its Comprehensive Local Water Plan to the Minnesota Board of Water and Soil Resources (BWSR) for final review. Pursuant to Minnesota Rules, Chapter 9300.0170 the BWSR is transmitting a copy of the Meeker County water plan for your agency's review and comment. Your agency has 45 days from receipt of this letter to submit comments in writing to the BWSR identifying the portions of the plan that the agency has determined to be inconsistent with state law.

The Meeker County water plan document itself is being sent to your agency's 110B Technical Review Committee Member under separate cover. The 110B Technical Review Committee Members are:

MDA, Mark Zabel
MDH, Judith Ball
MDNR, Tom Lutgen
MPCA, Jeff Stollenwerk
MSPA/EQB, Marilyn Lundberg
MGS, Barb Palen

Thank you for your agency's assistance and commitment to make comprehensive local water planning the success that it has been. We also look forward to working with your agency as counties begin implementation of their water plans.

Sincerely,

Ronald Harnack
Executive Director

cc: Members BWSR
Staff BWSR
Brian Christensen, JMM
110B Technical Committee
State Conservationist, SCS
State Executive Director, ASCS
Regional Director, USFWS
District Engineer, USCOE
Paul Virnig, County Coordinator

Fax Board
Mailing in
June.
12 Bd Members

Regional Offices

Northwest Region
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Northeast Region
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May 30, 1991

TO: Commissioner, Minnesota Department of Agriculture
Commissioner, Minnesota Department of Health
Commissioner, Minnesota Department of Natural Resources
Commissioner, Minnesota Pollution Control Agency
Commissioner, Minnesota State Planning Agency
Chairman, Minnesota Environmental Quality Board
Director. Minnesota Geological Survey
Director, Minnesota Office of Waste Management

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Executive Director

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Staff BWSR
Brian Christensen, JMM
110B Technical Committee
State Conservationist, SCS
State Executive Director, ASCS
Regional Director, USFWS
District Engineer, USCOE
Paul Virnig, County Coordinator

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507-359-6074

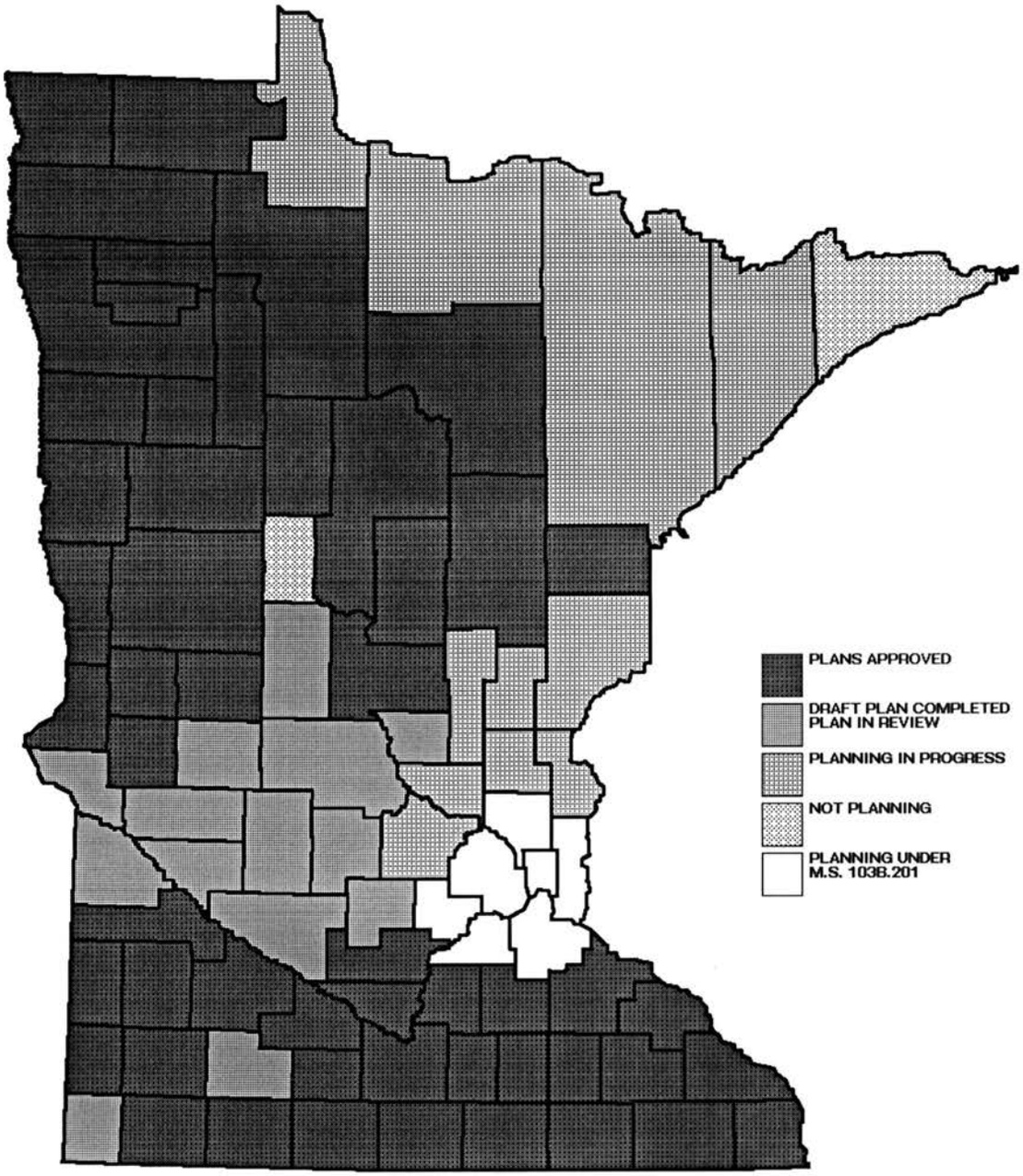
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Status of Local Water Planning (103B.301) for Minnesota Counties



Local Water Planning
Minnesota Board of Water and Soil Resources
June 17, 1991

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

June 17, 1991

COUNTY	RESOLUTION TO PLAN (DATE)	PART OF REGIONAL PLANNING GROUP	SUBMITTED FOR PRELIMINARY REVIEW (DATE)	SUBMITTED FOR FINAL REVIEW (DATE)	BWSR BOARD OVERVIEW (DATE)	BWSR PLAN APPROVAL (DATE)	LOCAL PLAN ADOPTION (DATE)	SCHEDULED PLAN UPDATE (DATE)	BWSR GRANT AGREEMENT (DATE)
AITKIN	9/15/87	MH	1/01/90	4/01/90	4/25/90	6/27/90	7/10/90	1995	LCMR
BECKER	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/89	6/12/90	1995	LCMR
BELTRAMI	10/27/87	MH	6/05/89	8/09/89	8/23/89	10/25/89	11/7/89	1995	LCMR
BENTON	10/19/88	X	5/23/91						2/08/90
BIG STONE	4/04/90	WC	4/16/91						5/29/90
BLUE EARTH	6/24/86	SC	5/03/90	9/01/90	9/29/90	11/28/90	12/18/90	1995	LCMR
BROWN	8/24/87	SC	9/01/89	12/05/89	1/24/90	2/28/90	4/10/90	1995	LCMR
CARLTON	12/8/87	X	3/01/90	8/03/90	8/22/90	10/24/90	12/11/90	1995	3/09/90
CASS	10/9/87	MH	8/23/89	1/05/90	1/24/90	3/28/90	7/10/90	1995	LCMR
CHIPPEWA	3/05/90	WC	4/16/91						5/14/90
CHISAGO	6/90	X							6/19/90
CLAY	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	4/10/90	1995	LCMR
CLEARWATER	10/28/87	MH	6/05/89	8/09/89	8/23/89	10/25/89	11/21/89	1995	LCMR
COOK									
COTTONWOOD	8/18/87	SC	6/01/91						LCMR
CROW WING	11/3/87	MH	12/27/89	9/13/90	8/22/90	10/24/90	12/11/90	1995	LCMR
DODGE	12/22/87	RZ	8/21/89	1/01/90	1/24/90	3/28/90	4/24/90	1995	LCMR
DOUGLAS	5/24/88	X	8/15/89	11/01/89	11/22/89	2/28/90	3/27/90	1995	2/12/90
FARIBAULT	6/17/86	SC	11/14/89	6/01/90	6/27/90	8/22/90	12/11/90	1995	LCMR
FILLMORE	12/8/87	RZ	8/30/89	12/05/89	1/24/90	3/28/90	1/11/90	1995	LCMR
FREEBORN	6/23/86	SC	10/01/89	5/01/90	5/23/90	10/24/90	12/18/90	1995	LCMR
GOODHUE	12/15/87	RZ	7/31/89	12/05/89	1/24/90	2/28/90	6/19/90	1995	LCMR
GRANT	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	5/02/90	1995	LCMR
HOUSTON	12/8/87	RZ	9/25/89	1/5/90	1/24/90	3/28/90	4/10/90	1995	LCMR
HUBBARD	10/7/87	MH	7/05/89	10/03/89	10/25/89	12/20/89	2/07/90	1994	LCMR
ISANTI	6/90	X							6/18/90
ITASCA	10/27/87	MH	4/01/90	10/02/90	8/22/90	11/28/90	12/11/90	1995	LCMR
JACKSON	6/23/86	SC	2/01/90	9/01/90	9/26/90	11/28/90	12/10/90	1995	LCMR
KANABEC	6/90	X							6/24/90
KANDIYOHI	2/06/90	EC	4/25/91						5/21/90
KITTSON	10/6/87	RRV	8/04/89	12/01/89	12/20/89	2/28/90	4/17/90	1995	LCMR
KOOCHICHING	6/90	X							6/18/90

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

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LAC OUI PARLE	5/90	WC	4/16/91						6/04/90
LAKE	6/90	X							6/19/90
LAKE OF THE WOODS	4/26/90	X							6/15/90
LESUEUR	6/24/86	SC	8/09/90	11/02/90	--	11/28/90	12/11/90	1995	LCMR
LINCOLN	9/15/87	RC	10/29/89	6/01/90	6/27/90	8/22/90	9/04/90	1995	LCMR
LYON	10/10/87	RC	10/29/89	6/01/90	6/27/90	8/22/90	10/16/90	1995	LCMR
MCLEOD	2/06/90	EC	4/10/91						4/13/90
MAHNOMEN	10/13/87	RRV	8/04/89	12/01/89	12/20/89	2/28/90	5/08/90	1995	LCMR
MARSHALL	10/20/87	RRV	8/04/89	12/01/89	12/20/89	2/28/90	5/01/90	1995	LCMR
MARTIN	6/17/86	SC	6/1/89	1/02/90	1/24/90	3/28/90	4/17/90	1995	LCMR
MEEKER	8/15/89	EC	2/22/91	6/01/91					3/26/90
MILLE LACS	12/89	X							3/05/90
MORRISON	10/27/87	MH	12/01/89	4/01/90	4/25/90	6/27/90	8/07/90	1995	LCMR
MOWER	12/15/87	RZ	8/04/89	12/05/89	1/24/90	2/28/90	4/10/90	1995	LCMR
MURRAY	10/10/87	RC	10/15/89	6/01/90	6/27/90	8/22/90	9/04/90	1995	LCMR
NICOLLET	7/15/86	SC	1/05/90	8/01/90	8/22/90	10/24/90	11/13/90	1995	LCMR
NOBLES	YES	X	9/20/89	2/01/90	2/28/90	4/25/90	5/22/90	1995	2/20/90
NORMAN	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	6/18/90	1995	LCMR
OLMSTED	YES	RZ	8/07/89	1/01/90	1/24/90	3/28/90	5/22/90	2000	LCMR
OTTER TAIL	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	10/10/90	1995	LCMR
PENNINGTON	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	5/08/90	1995	LCMR
PINE	5/90	X							5/24/90
PIPESTONE	10/10/87	RC	11/22/89	6/01/90	6/27/90	8/22/90	9/12/90	1995	LCMR
POLK	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	4/04/90	1995	LCMR
POPE	5/90	WC	4/12/91						5/23/90
RED LAKE	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	5/14/90	1995	LCMR
REDWOOD	10/10/87	RC	12/28/89	6/11/90	6/27/90	8/22/90	9/11/90	1995	LCMR
RENVILLE	3/01/90	EC	3/27/91						4/23/90
RICE	12/8/87	RZ	8/23/89	12/05/89	1/24/90	2/28/90	4/10/90	1995	LCMR
ROCK	7/01/89	X	3/29/91						1/30/90
ROSEAU	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	5/16/90	1995	LCMR
ST. LOUIS	12/19/89	X							3/01/90

BOARD OF WATER & SOIL RESOURCES June 17, 1991
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SHERBURNE	11/21/89	X							3/07/90
SIBLEY	6/24/86	SC	5/09/90	9/01/90	9/22/90	11/28/90	12/11/90	1995	LCMR
STEARNS	2/3/88	*	11/28/90	4/01/91	4/24/91				LCMR
STEELE	6/24/86	SC	8/24/89	5/01/90	5/23/90	7/25/90	8/14/90	1995	LCMR
STEVENS	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	6/21/90	1995	LCMR
SWIFT	5/90	WC	4/16/91						5/24/90
TODD	9/18/89	X	4/16/91						5/09/90
TRAVERSE	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	5/04/90	1995	LCMR
WABASHA	12/22/87	RZ	8/27/89	1/01/90	1/24/90	3/28/90	7/02/90	1995	LCMR
WADENA									
WASECA	7/1/86	SC	10/01/89	4/01/90	4/25/90	6/27/90	11/06/90	1995	LCMR
WATONWAN	6/24/86	SC	4/89	8/01/89	8/23/89	10/25/89	12/19/89	1995	LCMR
WILKIN	YES	RRV	8/04/89	12/01/89	12/20/89	2/28/90	4/12/90	1995	LCMR
WINONA	2/23/88	RZ	9/06/89	1/05/90	1/24/90	3/28/90	6/19/90	2000	LCMR
WRIGHT	6/20/89	X							2/12/90
YELLOW MEDICINE	10/10/87	RC	8/10/90	10/29/90	--	11/28/90	12/27/90	1995	LCMR
TOTALS									
80	78	78	67	55	54	53			

RRV – Red River Valley 15 Co. Joint Powers Board
MH – Mississippi Headwaters Board, 8 Counties
RC – Redwood–Cottonwood Rivers Control Area, 6 Counties
SC – South Central Watershed Planning Project, 13 Counties
RZ – Root–Zumbro Rivers Watershed, 9 County Joint Powers Board
WC – West Central MN 5 County Group
EC – East Central MN 4 County Group
* – Stearns County is a LCMR funded planning effort
X – Independent Conties, Counties preparing plans alone

OVERVIEW OF THE MEEKER COUNTY COMPREHENSIVE WATER PLAN

FOR THE JUNE 26, 1991 BWSR MEETING

INTRODUCTION

Land use in Meeker County is dominated by agriculture. Well over 70% of the land is cultivated with another 12% remaining open or used as pasture. Forest, marsh and other surface waters also contribute to the Meeker County landscape. The cities of Eden Valley, Wadkins, Litchfield, Cedar Mills, Dassel, Cosmos, Grove City, Kingston and Forest City lie within the County's border. Meeker County began local water planning on August 15, 1989 as part of a 4 county Mid-Minnesota Joint Powers Board which joined together to cooperatively develop local water plans.

PHYSICAL DESCRIPTION OF THE COUNTY

Meeker County is located in Central Minnesota at the northern edge of the corn belt. Igneous and metamorphic bedrock is overlain by 200 to 400 feet of glacial till, glacial lake sediment and glacial outwash. Most of the water supply for the county is drawn from layers of sand and gravel within the finer textured till and glacial lake bed deposits.

Spring fed creeks and lakes are common to Meeker County. These creeks and lakes can be observed as drought begins to affect other surface water bodies. Streams and lakes which receive spring water include Sucker Creek, Lake Willie, Lake Manuella, Lake Stella, Lake Betsy, and Stagg Brook. Trout stocking of some of these waters provides additional appeal to the sporting public. Little Mud Lake in Forest Prairie Township, Willow Creek and Sucker Creek are all designated for trout management. Twenty recreational lakes provide much entertainment for the public. However as summer progresses algal blooms make recreating less appealing. Twenty Eight public accesses exist on these lakes. The North Fork Crow River between Lake Karonis and the Meeker-Wright County line has been designated as a recreational river with several rest areas and accesses available to canoeists.

The four major watersheds in Meeker County include The Sauk River (including 3 minor watersheds), Clearwater River (including 5 minor watersheds) North Fork Crow River (including 27 minor watersheds and the South Fork Crow River (including 19 minor watersheds). The Sauk River Watershed is dominated by dairy farms, row crops and wetlands. Erosion, sedimentation and feedlot runoff are potential problems. The Clearwater River watershed is used for dairy, hogs and row crops. Considerable RIM and CRP acreage exists in this watershed. Erosion and sedimentation as well as feedlots are problems. The North Fork Crow is dominated by row crop, poultry, hogs and dairy. Litchfield and Dassel and lakeshore development give the watershed a slightly urban trait. This large watershed includes many lakes,streams and ditches which carry runoff quickly

downstream. Sediments with attached nutrients as well as feedlots threaten water in this watershed. The South Fork Crow is dominated by row crop and extensive drainage. Erosion and sedimentation is a problem in the northern portion of this watershed.

Original vegetation of the county included high grass prairie such as Big Blue Stem as well as big woods Sugar Maple, Basswood, Yellow Birch, Bur and Pin Oak, Aspen, Hazel Thickets and occasional White Pine. Presently several thousand forested acres lie in eastern and northern Meeker County. 20,000 acres of erosive land has been placed in CRP, 782 acres in RIM, 2088 acres in Federal Waterbank, 1644 acres in USFW programs and 200 acres in State Waterbank.

STAFF REVIEW

Meeker County plans to maintain all County and Judicial Ditches in accordance with Chapter 103B including the buffer strip provisions of the law. The county will prioritize drained streamside and lakeside wetlands and provide education on their benefits. The County intends to step up its use of side inlet structures on ditches to prevent bank erosion and sedimentation.

The plan indicates the county will work with Lake Associations to restrict the use of fertilizer around lakes and will adopt erosion and sediment controls governing construction sites.

Regarding feedlots, the county plans to inventory all feedlots in shoreland areas and within 1/4 mile of intermittent streams. The county will also control feedlot runoff through county ordinances.

Other strategies developed by the county address ISTS's by charging a fee when property transfers to certify the adequacy of the existing sewage treatment system and investigation and development of base line surface and groundwater monitoring programs with focus on the glacial drift aquifers supplying public water supplies and on groundwater recharge areas for public water supplies.

As a result of the preliminary review of the plan County and associated county staff worked hard to collect additional data for use in the plan. The additional data has been added to the plan which was submitted for final review on June 1, 1991

ANNUAL STATUS REPORT
WELL-SEALING COST-SHARE PROGRAM

SUBMITTED BY THE BOARD OF WATER AND SOIL RESOURCES
IN COOPERATION WITH THE
MINNESOTA DEPARTMENT OF HEALTH

APRIL 1991

Minnesota Statutes Chapter 103I.331 calls for the Board of Water and Soil Resources (BWSR), in cooperation with the Minnesota Department of Health (MDH), to report annually to the legislature on the status of the well-sealing cost-share program.

Background

Abandoned wells are water wells that are no longer in use or are in such a state of disrepair that continued use is impractical or a health hazard. Estimates of the number of abandoned wells in Minnesota range from 800,000 to 1,600,000. Unsealed abandoned wells are a potential source of ground water degradation. They can act as conduits or channels for contamination to reach ground water. Water from a contaminated aquifer may move through an unsealed abandoned well to contaminate another aquifer that is normally protected by an impermeable layer. Properly sealing abandoned wells eliminates these contamination risks and helps protect ground water.

The Ground Water Protection Act of 1989 provided for limited state funding to establish a cost-share program to seal abandoned wells. The Board of Water and Soil Resources is administering the program. The legislation directed the BWSR, in consultation with other agencies, to select counties to receive grant monies for well sealing. The selected counties may contract for the administration of the well-sealing program with another local government unit, such as a soil and water conservation district or community health services agency.

BWSR is also directed to establish priorities for well-sealing. Setting of priorities will be necessary, as the available funding will be able to address only a small fraction of the number of unsealed abandoned wells statewide.

Funding

A total of $390,000 was initially made available for cost-share grants during the period July 1990 to June 1991. This figure was later reduced to $357,000 due to budget-reduction measures. This is enough money to seal only several hundred wells. Because of the limited funding, only selected counties received funding. If the legislature continues the funding beyond 1991, additional counties will be added in the future. Minnesota Statutes Chapter 103I states that after July 1, 1991, only well sealings that are responsive to the actions identified in an approved comprehensive local water plan will be eligible for assistance.

There are no administrative funds for counties associated with this grant program. The legislature expects that all funds will go toward well-sealing costs. Cost-sharing will provide up to 75% of the total well-sealing cost, not to exceed $2,000 per well.

Goals and Objectives

BWSR staff has administered of the program with the following goals and objectives in mind:

- Define a useable method for prioritizing wells for sealing. State cost-share funds will be used only to seal high-priority wells. This will help to insure that the most effective use is made of state funds and that the state gets the most ground water protection for its money.
- Select counties based on the strength of the county's proposal and the ability of the county to administer the program, in

addition to well construction, hydrogeology, aquifer and land use, and on the county's planning and inventory efforts.

- Select counties in different hydrogeologic settings around the state where different well construction practices exist in order to determine the feasibility of well-sealing cost share programs in these settings.
- Reserve a smaller portion of the funds for specific smaller-scale well-sealing projects in counties that are not receiving larger grants but have identified a number of high-priority wells.
- Take maximum advantage of training, educational, and demonstration opportunities afforded by the well-sealing work.
- Give selected counties maximum flexibility to tailor the program to local needs.

Initial progress

The following was accomplished during the first half of 1990:

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

Selection of counties

In early April 1990 an application packet was sent to county contacts. The packet contained information on the goals of the program, details of the grant process, criteria for selection of counties, guidelines for inventorying and prioritizing wells, and contracting options. Counties were given until June 1, 1990 to submit proposals and supply additional information, if desired.

In June 1990 the interagency advisory group reviewed 27 proposals from counties for well-sealing cost-share grants. The proposals ranged widely in detail and scope. Review criteria included the strength of the county's proposal, its ability to administer and implement the program, and its planning and inventory efforts, in addition to well construction, aquifer use, and land use.

Funding allocations

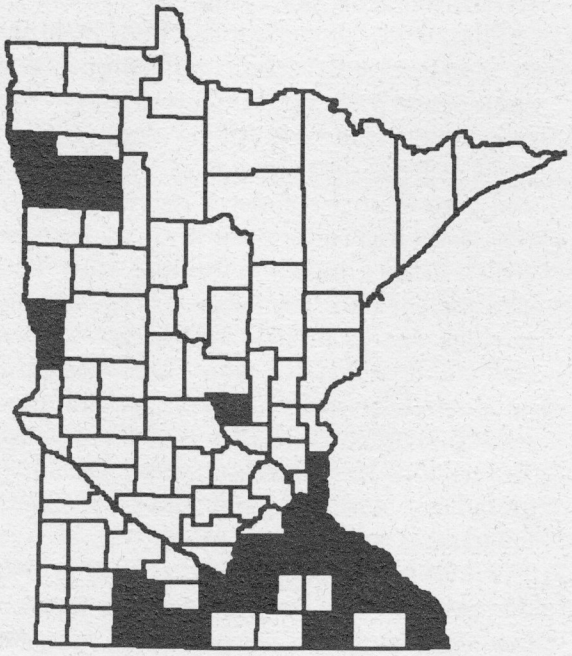
The grants range from $1,200 to $35,000 per county. County proposals ranged from smaller demonstration-scale projects in which one or several high-priority wells are specifically identified for sealing, to larger-scale projects involving many wells.

For all counties with approved local water plans, work must be completed by June 30, 1992. For those without approved plans (as of this date Benton, Cottonwood, Washington, and Dakota), work must be completed by June 30, 1991.

Implementation

Participating counties are being given substantial flexibility to implement the program according to local needs. For example, counties will be able to vary the cost-share percentages (up to the maximum of 75% or $2,000 per well). The BWSR expectation is that funds be used to seal priority wells, and that the wells be sealed according to state code. Counties are being granted flexibility in prioritizing wells for sealing, as long as the criteria they use are consistent with those developed by BWSR. Counties will be using a variety of contracting options, from allowing landowners to select their own contractors to developing county-

Counties Receiving Well-Sealing Grants



Benton	*$15,000*
Blue Earth	*$23,000*
Cottonwood	*$5,000*
Dakota	*$35,000*
Goodhue	*$28,000*
Houston	*$7,500*
Jackson	*$2,000*
LeSueur/Waseca	*$55,000*
Martin	*$23,000*
Mower	*$23,000*
Olmsted	*$30,000*
Polk	*$5,000*
Red Lake	*$1,200*
Rice	*$28,000*
Wabasha	*$3,300*
Washington	*$25,000*
Wilkin	*$20,000*
Winona	*$28,000*

wide package contracts with one or several water well contractors for the well-sealing work.

Progress to Date

The following are a few program highlights:

- To date, approximately 15 wells have been sealed in Jackson, Polk, Houston, Benton, and Washington Counties. The other grant recipients are currently inventorying, prioritizing, and/or accepting applications.
- In Jackson County a 100-foot deep, 3-foot diameter "dug" well was sealed using grant funds to pay for 75% of the total well-sealing cost of $1345.
- In Polk County, funds were used to seal a very high-priority well in Crookston. The 250-foot well was close to a chemical storehouse depot and in an area prone to seasonal flooding.
- In Benton County, well-sealing efforts are being concentrated on large-diameter "dug" wells.
- In Olmsted County, the City of Rochester Public Utilities (RPU) has budgeted $15,000 for well sealing to be used in conjunction with the state grant of $30,000. The combined funds will be used to seal high-priority wells in the city. The RPU contribution is being used to increase the cost-share percentage from 75% to 90%. The well sealings will be tied in to ongoing well head protection efforts.
- Blue Earth County has matched the state grant of $23,000 with an additional $25,000. County staff are currently accepting applications and prioritizing wells for sealing.
- A few counties had not finalized their commitment to the process by mid-February, 1991. Governor's Executive Order 1 further restricted granting activities, resulting in an unencumbered balance of $33,000 out of the original $390,000. In an effort to balance the agency's budget within available funds, the funds were reallocated to reduce unanticipated costs associated with the Snake River Watershed District hearings
- The availability of cost-share funds has increased public awareness of the need to seal abandoned wells and has stimulated efforts to conduct inventories.
- Counties have been working closely with regional MDH staff. MDH hydrologists and well inspectors have been present at many well sealings.

Issues

Limited funding is a problem for the well-sealing cost-share program. The current allocation provides only enough funding to seal several hundred of the 800,000 to 1,600,000 abandoned wells statewide. Clearly, substantial prioritizing will need to be done.

The problem of prioritizing wells is compounded by the lack of inventory data on abandoned wells. County-scale inventories of abandoned wells are either non-existent or just starting. It is proving to be very difficult for counties to prioritize wells for sealing without the benefit of adequate inventory data. The implementation of a well-sealing cost-share program will be much more straightforward and successful several years in the future after counties have had the opportunity, through local water planning and other efforts, to conduct inventories of abandoned wells.

This problem is being alleviated somewhat by extending the grant periods, where possible, to June 30, 1992. This will give counties some time to conduct inventories and prioritize wells before beginning sealing work. In general, counties with larger grants and with 1992 deadlines are spending their time inventorying and prioritizing now, rather than sealing wells. The BWSR is encouraging this more effective long-term strategy.

Counties that received grants but do not have approved local water plans are faced with the difficult task of completing all work by the statutory deadline of June 30, 1991. Unfortunately, this may create the need to do the work without the benefit of adequate inventory data.

Related Activities

As a result of the well-sealing cost-share program, the BWSR was able to add a hydrogeologist to its staff. In addition to administration of the grant program, the additional staff capability has allowed BWSR to expand its efforts in the ground water area, and particularly in providing training and technical support to local units of government. Some of the related activities that this position has enabled are:

- Guidance documents have been prepared to assist counties with the process of conducting well inventories and prioritizing wells for sealing. Other informational items include a bulletin on well sealing costs prepared in conjunction with the Minnesota Water Well Association (the well drillers' organization), and a bulletin describing BWSR expectations and performance standards for the program.
- A series of ground-water training sessions were held around the state for local government staff. The purpose of the training sessions was to introduce local government staff and officials who are becoming increasingly involved in ground-water management to the basics of ground water. The sessions were well-attended (over 300 in attendance statewide) and interest in follow-up sessions was high.
- The BWSR hydrogeologist is assisting with the development of ground-water plans in the metropolitan area, and with the implementation of the ground-water components of local water plans statewide.
- BWSR staff have conducted other ground-water training and educational programs around the state and will continue to do so in the future.

Future of Program

The pilot well-sealing cost-share program is not proposed to be continued in the next biennium. The BWSR intends to assess the strengths and weaknesses of the current program in cooperation with the Minnesota Department of Health. The agencies will report to the legislature on how to best address the issue of abandoned wells in a comprehensive manner.

Questions on the program and related activities can be addressed to Eric Mohring at (612) 297-7360.

BOARD OF WATER AND SOIL RESOURCES
ROOM 300 SOUTH, STATE OFFICE BUILDING
100 CONSTITUTION AVENUE
ST. PAUL, MINNESOTA 55155
JUNE 26, 1991

AGENDA

9:00 a.m.	1.	Call to Order
	2.	Adopt Agenda
	3.	Approval of Minutes of May 22, 1991
	4.	Reports - Chairman's Report - Donald Ogaard - Executive Director's Report - Ron Harnack - EQB/Water Resources Report
	5.	Recognition of BWSR Members
10:00 a.m.	6.	Local Water Plan Approvals - Lower St. Croix WMO (Tentative)- Dave Behm - Stearns County - Dan Steward
	7.	Update of Metro Water Planning Rules - Jim Birkholz and Bruce Sandstrom
	8.	Update on Land Exchange Board Decision Regarding USF&WS Specific Provisions - Ron Harnack
	9.	Wetland Act Implementation - Ron Harnack
11:30 a.m.	10.	Overview of Wellhead Protection Policy Work - Doug Thomas
12:15 p.m.	Lunch	
1:15 p.m.	11.	Cost-Share Allocation Criteria Update - Chuck Niska, MASWCD, Ramsey SWCD
	12.	FY92 BWSR Allocation Recommendations for SLR, Special Projects, Cost-Share, and General Services - Chuck Niska

13. Advisor Comments
    - Danny Potter, MASWCD
    - Gary Nordstrom, SCS
    - Pat Wulff, LMF
    - Howard Peterson, MAWD
    - John Sumption, MACDE
    - Franklin Denn, MAT

14. Board Issues - discussion, comments, action needed

Next meeting - July 24, 1991

3:30 p.m. Adjourn

BOARD OF WATER AND SOIL RESOURCES
ROOM 300 SOUTH, STATE OFFICE BUILDING
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JUNE 26, 1991

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

Appointed Members Absent
Diane Jensen
John Brooks, Jr.

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

Others in Attendance
Roger Mussetter, Soil Conservation Service
Pat Wulff, Minnesota Lake Management Federation
John Sumption, Minnesota Association of Conservation District Employees
Danny Potter and D'Wayne DeZiel, Minnesota Association of Soil and Water Conservation Districts
Dave Wierens, Association of Minnesota Counties
Franklin Denn, Minnesota Association of Townships
Barbara Toren, EQB/Environment Education Advisory Board
Bill Downing and Tom Peterson, Ramsey SWCD

Staff in Attendance

Ron Harnack	Chuck Niska
Jim Birkholz	Mark Nelson
Greg Larson	Bruce Sandstrom
Doug Thomas	Dan Steward
Mary Jo Anderson	Dave Behm

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

** 91-51 **Adopt Agenda** - Moved by Williamson, seconded by Warner, to adopt the agenda as presented. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

** 91-52 **Approval of Minutes of May 22, 1991** - Moved by Cofell, seconded by Peterson to approve the minutes as circulated. Howard Peterson stated that a correction was needed on page six regarding his MAWD comments. An "s" should be added to the Executive Committee of MAWD, MASWCD, AMC and BWSR, so it should read: The Association of Executive Committees of MAWD, MASWCD, AMC and BWSR will meet during the summer tour with Ron Harnack as the moderator. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

Chairman's Report - Chairman Ogaard has been involved in a road construction controversy in his area regarding the necessity of permits.

Chairman Ogaard attended the EQB/Environmental Education Advisory Board (EEAB) retreat. He introduced Barbara Toren, chair of the EEAB.

Chairman Ogaard attended the MAWD summer tour in Worthington.

Chairman Ogaard announced that a new chair has been appointed as of July 1, 1991. He will remain a member of the BWSR and will offer his assistance to the new chairman.

Executive Director's Report - Ron Harnack reported that he also attended the MAWD tour of southwestern Minnesota.

Ron attended the Study Area II inter-agency meeting in Redwood Falls. He reported that it was a good meeting and that it was interesting to see the perspectives on various issues and exchange of ideas about different areas of concern.

Ron reported that an endangered plant, the prairie bush clover, is located on the site of the Wellner-Hageman project. It is not expected to delay the project completion. Board members will see this project next month while touring southwestern Minnesota.

Ron stated that the inventory guidebooks are completed and will be published and distributed soon. The guidebooks relate to the BWSR programs, such as wetlands, abandoned wells, etc.

Ron reported that the RIM coordinator position was recently filled. Seven candidates were interviewed last week by an interview panel consisting of Ron; Susan Tsakakis; Vern Ingvalson, Farm Bureau; Tim Bremicker, DNR; and Bill Cofell. Dave Behm has been offered the RIM coordinator position and has accepted.

Ron announced that Greg Larson will lead the new RIM/Wetlands Section of the BWSR. Greg's new title will be Administrator of the RIM/Wetlands Section.

Ron reported that Karen Schultz is retiring after 30 years of state service. An open house will be held in her honor June 27 in the BWSR office from 2:00 - 4:00 p.m. Board members are invited to stop by. Chairman Ogaard proposed a resolution to Karen on behalf of the BWSR. "The Minnesota Board of Water and Soil Resources expresses its sincere appreciation to Karen Schultz for her dedicated service to the Water Resources Board and the Board of Water and Soil Resources, and her outstanding assistance to watershed districts and the Minnesota Association of Watershed Districts." Moved by Harste, seconded by Warner, to approve the aforementioned resolution. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried. Loren Harste expressed his gratitude for Karen's excellent assistance to watershed districts.

** 91-53

<u>Recognition of BWSR Members</u> - Chairman Ogaard, on behalf of the BWSR, recognized outgoing BWSR members Jim Hoese, John Williamson, Bill Cofell, and Natalie Steffen, by presenting them with a plaque. Their terms expire July 7, 1991. They also received a certificate of commendation from Governor Arne Carlson. Chairman Ogaard announced that Howard Peterson has been reappointed. He also announced the newly appointed BWSR members: Dwain Otte, Dakota SWCD; Jim Rossman, Olmsted County Commissioner; Warren Rodning, Nicollet County Commissioner; and Jim Nielsen, chair, citizen member.

<u>Update on Land Exchange Board Decision Regarding USF&WS Specific Provisions</u> - Ron Harnack explained the amendments to the USF&WS procedural agreement: 1) The limitation on the number of counties within which the USF&WS may acquire land is removed; 2) The limitations on the amount of land available for purchase in each of the specific counties identified in the 1962 procedural agreement shall remain in effect, and the limitation on the total amount of land available for purchase statewide shall remain in effect; 3) The USF&WS shall continue to seek county board approval on all fee and easement acquisitions, and shall report the county board responses to the Land Exchange Board when county approval is sought for the acquisitions; 4) If, by the end of federal fiscal year 1994, the United States does not fund the in-lieu of tax program at a 100% funding level, this amendment shall automatically terminate; and 5) The USF&WS shall provide the Land Exchange Board members with an explanation of the funding formula for the federal in-lieu of tax payment program, and shall work with the Land Exchange Board to identify alternative formulas.

<u>Update on Metro Water Planning Rules</u> - Bruce Sandstrom reported that the fifth draft of the of rules have been sent out. The next advisory committee meeting is July 18, when the fifth draft of the rules will be reviewed. BWSR members should submit their comments to Bruce. He gave a brief slide presentation, giving an overview of the metro watershed management planning rules. Jim Birkholz stated that each community needs to establish firm goals and staff needs to focus on the goals to effectively work with the communities.

Ron Harnack stated that Bruce and Jim deserve much credit for taking the lead on this and working effectively with those involved.

Chairman Ogaard called for a break in the meeting at 10:15 a.m. The meeting reconvened at 10:30 a.m.

Local Water Plan Approvals

- Lower St. Croix WMO - Dave Behm introduced Tim Fredbo, Washington SWCD, representing the WMO. Dave gave a brief overview of the Lower St. Croix WMO Plan. Dave said that the communities involved in the plan have a very good working relationship and can serve as an example to the rest of the state. Staff recommends approval of the
** Lower St. Croix WMO Plan. Moved by Graba, seconded by Boulton, to approve the Lower
91-54 St. Croix WMO Plan. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

- Stearns County ~~WMO~~ water Plan - Dan Steward introduced Lee Wallace and Robert Bixby, representatives of the ~~WMO~~. Dan gave a brief overview of the Stearns County ~~WMO~~ water Plan.
** Staff recommends approval of the ~~WMO~~ water Plan. Moved by Cofell, seconded by Williamson,
91-55 to approve the Stearns County ~~WMO~~ water Plan. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

Wetland Act Implementation - Ron Harnack gave a brief summary of the wetlands act.

Wellhead Protection Policy Work - Doug Thomas distributed an informational handout on the BWSR's role in wellhead protection and sensitive ground water area protection. He explained the laws that require wellhead protection, what constitutes a wellhead protection area management plan, the state's approach, and the policy work group's goal.

Chairman Ogaard adjourned the meeting for lunch at 12:15 p.m. The meeting reconvened at 1:10 p.m.

Cost-Share Allocation Criteria Update - Chuck Niska, MASWCD, and Ramsey SWCD. Danny Potter, President, MASWCD, reported that a statewide SWCD survey was conducted by each area director regarding the cost-share allocations. The MASWCD recommends that the allocation not change for now, but that an enhanced funding program be developed that could lead to revised formula. He appointed a committee to work with the BWSR staff to look at the allocation criteria and funding initiative. The committee consists of Russ Ruud, Lowell Moen, Konrad Koosman, John Sumption, Arlan Moger, Jim Anderson, Vern Wilker, and Tom Peterson. D'Wayne DeZiel and Chuck Niska will be advisors to the committee. Bill Downing, chairman of the metro SWCDs and supervisor of Ramsey SWCD, requested the BWSR provide equal access to cost-share money. The current cost-share allocation gives preference to rural ag uses, Downing said, and they are asking for a modification to the current formula that would reflect equity and address the needs of forested, urban, and recreational. Chairman Ogaard stated that local units of government need to show the

legislature the necessity and the rational behind their need for state dollars. Ron suggested that the committee, with BWSR staff assistance, define the objectives and a timeframe, for looking at the cost-share allocation criteria and bring this information to the BWSR meeting. Mr. Downing expressed his appreciation to the BWSR and staff for their assistance on this.

FY92 BWSR Allocation Recommendations for SLR, Special Projects, Cost-Share, and General Services - Chuck Niska distributed the staff funding recommendations for SLR and special projects. Discussion followed. Moved by Boulton, seconded by Hoese, to accept and approve the FY92 SLR and Special Projects allocations, with a brief description of each project to be included. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

** 91-56

Chuck distributed the staff recommendation on funding for the cost-share and general services allocations. Discussion followed. Moved by Williamson, seconded by Warner, to approve the FY92 cost-share and general services allocations as proposed by staff. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

** 91-57

Advisor Comments

- Minnesota Association of Soil and Water Conservation Districts (MASWCD): Danny stated that area meetings are being held statewide and resolutions are being proposed. Danny will be attending the NACD North Central Regional meeting in Des Moines on July 7-10. The MASWCD Annual Convention will be held at the Holiday Inn in Duluth on December 1-3. Danny reported that he and D'Wayne DeZiel attended the MAWD summer tour in Worthington.

- Soil Conservation Service (SCS): Roger Mussetter reported that the 1992 CRP sign-up is scheduled for July 8-19. The wetlands definition manual hasn't been published yet because the wetlands determination has been put on hold due to possible changes in the manual. Roger reported that a wetlands restoration training session was held in Spirit Lake, Iowa. Three SCS staff attended, as well as Tom Wenzel, BWSR staff. The session will assist those involved to work as a team to restore wetlands. Roger updated the BWSR on the Gorecki situation. SCS has agreed to reimburse the Gorecki's $1,500 for miscellaneous costs; SCS in St. Paul is now awaiting approval from Washington.

- Minnesota Lake Management Federation (MLMF): Pat Wulff stated that the MLMF will not be meeting again until August.

- Minnesota Association of Watershed Districts (MAWD): Howard Peterson commented on the MAWD summer tour of southwestern Minnesota. He encouraged members to attend outstate meetings to learn about other areas of the state. The MAWD annual meeting will be held at Cragun's in Brainerd on December 6-7. Howard stated that the ad hoc committee of MAWD, AMC, and MASWCD is a very worthwhile and a good

cooperative effort by those involved.

- Minnesota Association of Conservation District Employees (MACDE): John Sumption stated that he appreciated the invitation by the MASWCD to be a member of the cost-share allocation committee.

- Minnesota Association of Townships (MAT): Franklin Denn thanked the BWSR staff for attending their meeting up north. The MAT is preparing to go to Washington, D.C. in early September to promote initiatives.

Other Items - Chairman Ogaard reported that Fred Bergsrud will be replacing George Foster as a representative of the Minnesota Extension Service on the BWSR.

Chairman Ogaard was concerned about the five agency representatives and how they should fit into the BWSR in an enhancing and complimentary manner. He asked that the agencies be more involved and be proactive as members of the Board.

Howard Peterson expressed his appreciation to the outgoing members and said that he has valued their input over the years. Bill Cofell had a few parting remarks. He thanked Don Ogaard for his knowledge of soil and water issues and hoped the BWSR will continue its emphasis on local involvement. Bill complimented the BWSR staff for their high level of competency, capability, and good working cooperation. Chairman Ogaard in closing thanked members and staff for their support during the past three and a half years.

The July 24th meeting will be held at the Holiday Inn in New Ulm, with a tour of southcentral Minnesota on the 25th.

** 91-58 Moved by Warner, seconded by Graba, to adjourn the meeting at 3:15 p.m. Affirmative: Ogaard, Williamson, Boulton, Warner, Graba, Harste, Cofell, Hoese, and Peterson. Opposed: None. Carried.

Respectfully submitted,

Donald Ogaard

Donald Ogaard
Chairman

AMENDMENT TO USFWS PROCEDURAL AGREEMENT

The Procedural Agreement between the Land Exchange Board and the United States Fish and Wildlife Service (USFWS) dated May 23, 1962, and subsequently amended, is further amended as follows:

1) The limitation on the number of counties within which the USFWS may acquire land is removed;

2) The limitations on the amount of land available for purchase in each of the specific counties identified in the 1962 Procedural Agreement shall remain in effect, and the limitation on the total amount of land available for purchase statewide shall remain in effect;

3) The USFWS shall continue to seek county board approval on all fee and easement acquisitions, and shall report the county board responses to the Land Exchange Board when Board approval is sought for the acquisitions;

4) If, by the end of federal fiscal year 1994, the United States does not fund its in lieu of tax program at a 100% funding level, this amendment shall automatically terminate; and

5) The USFWS shall provide the Land Exchange Board members with an explanation of the funding formula for the federal in lieu of tax payment program, and shall work with the Board to identify alternative formulas.

Post-it brand fax transmittal memo 7671	# of pages ▸ 1
To Mary Jo Anderson	From Mike Miller
Co. BWSR	Co. DNR
Dept.	Phone # 6-0237
Fax # 7-55615	Fax #

Minnesota Board of Water & Soil Resources

DRAFT

Metropolitan Watershed Mangement Planning Rules

Overview
6/20/91

The following is an overview of 6th draft of the proposed rules guiding watershed planning and implemetation in the seven county Metro area. Where appropriate, applicable citations of Minnesota law or rule are provided.

Part 8410.0010 - Purpose

- directly from the statute
- purposes are to:
  - protect, preserve and use natural storage and retention systems
  - minimize public capital expenditures
  - identify problems and plan for protection & prevention
  - establish uniform local water policies
  - prevent soil erosion
  - protect fish and wildlife habitat
  - secure other benefits of proper water management

(MS 103B.201)

Part 8410.0020 - Scope

- Jan. 1, 1995 effective date for plan amendments
- other sections effective upon promulgation
  - content of joint powers agreements
  - annual reporting requirements
  - determinations of failure to implement

(MS 103B.231, Subd. 4; MS 103D.405)

Part 8410.0030 - Definitions

- 33 terms defined, including:
  - agency acronyms
  - minor plan amendment
  - natural surface water storage and retention systems
  - wetland banking system

Part 8410.0040 - Content of Joint Powers Agreements

WMO joint powers agreements must provide:

- a procedure for advisory committees
- that policy decisions require no more than majority vote
- that CIP decisions require no more than 2/3 vote
- for the adoption of rules of order and procedure
- at least an annual meeting
- membership requirements & structure
- conformance within one year after rule adoption

(MS 103B.211, Subd. 1, (b) and (c); MS 471.59)

Part 8410.0050 - Removal of WMO Representatives

Provides for the removal of WMO representatives by their appointing authority for just cause. Just cause includes:

- malfeasance
- nonfeasance
- misfeasance

(MS 103B.227, Subd. 3)

Part 8410.0060 - Content of WMO Plans: Executive Summary

Reqires an executive summary whcih summarizes:

- membership
- general boundaries
- history of organization
- goals
- problems
- potential solutions
- general content of local plans

Part 8410.0070 - Content of WMO Plan: land and Water Resource Inventory

- Allows for adoption by reference of published materials
- emphasizes summaries of existing data
- precipitation
- geology and topography
- surface water data
  - * public ditches
  - * maintain copies of NWI and PWI inventories
  - * major hydrologic characteristics
- soils
- land use
- water based recreation
- fish and wildlife habitat
- pollutant sources

(MS 103B.231, Subd. 6)

DRAFT

Part 8410.0080 - Content of WMO Plans: Impact on Other Units of Government

- draft of policies & goals sent to LUGs
- discussion of inconsistencies

(MS 103B.201, (3) & (4); MS 103B.231, Subd. 4 & 6)

Part 8410.0090 - Content of WMO Plans: Establishment of Goals and Policies

- avoid conflict with county, regional and state goals and policies
- must describe goals with respect to:
  - * runoff quantity
  - * runoff quality
  - * impact on fish and wildlife
  - * public participation
  - * public ditch systems
  - * groundwater
  - * wetlands
  - * erosion

(MS 103A.202; MS 103A.205; MS 103B.231, Subd. 6.; MS 103B.225, Subd. 7; MS 103D.337; and MS 103D.345)

Part 8410.0100 - Content of WMO Plans: Assessment of Problems

- lake and stream water quality
- flooding
- storm water control issues
- recreational opportunities
- soil erosion
- adequacy of existing controls
- future potential problems

(MS 103B.231, Subd. 6)

Part 8410.0110 - Content of WMO Plans: Implementation Program

Subpart 1 - Regulatory Controls

- wetland protection (Wetland Cons. Act of 1991)
- erosion control ordinance
- erosion control conditions on existing permits
- assessment of compliance with floodplain & shoreland
- nuisance ordinance options

(MS 103A.207; 103B.201; 103B.231, Subd. 6; Minn Rules Part 6120.330; MS 561.19, Subd. 2; MS 609.74)

Subpart 2 - Stormwater & Drainage Design Performance Standards

- standards must be consistent with WMO goals
- plans must establish:
  - * target pollutant loadings
  - * maximum permissible runoff rates
  - * design criteria for outlet structures
  - * methodology for nutrient entrapment

(MS 103B.201; MS 103B.231, Subd. 6; and MS 103B.3365, Subd. 4)

Subpart 3 - Information Program

- define how annual written communication is to reach general public

(MS 103B.227, Subd. 4)

Subpart 4 - Data Collection Programs

- all plans must establish a data collection program
- monitoring programs must be designed to ascertain whether WMO goals are being achieved
- encourage other units of government collecting data to annually submit data to WMO
- data should be consistent with state data compatibility guidelines

(MS 103A.401; MS 103B.151, Subd. 1; MS 103H.175; MS 103B.231, Subd. 6)

Subpart 5 - Management Programs

Plans must assess the:

- need for street sweeping
- need for inspecting storm water infrastructure
- adequacy of stormwater system maintenance
- condition of public ditches
- need to establish a classification system to manage various waters
- need for local plans to address hazardous spills
- need for any other management programs

(MS 103B.231, Subd. 6)

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Subpart 6 - Potential Solutions to Problems

- existing, documented problems not solvable by preventable actions shall evaluate specific structural solutions
- proposed structural solutions must be accompanied by cost estimates and recommend funding source
- structural solutions must be assigned priorities

(MS 103A.207; 103B.205, Subd. 3; and MS 103B.231, Subd. 6)

Part 8410.0120 - Content of WMO Plans: Impact on Local Government

- must address administrative and financial capabilities of LUG to administer any required controls
- define status of existing controls
- need for an assessment financial impact of implementation on LUG
- WMO plan must specify which parts can be adopted by reference by LUG

[MS 103B.231, Subd. 6, (b)]

Part 8410.0130 - Content of Plan: Implementation Priorities

- prioritization must consider:
  - * available funding
  - * prevention of problems
  - * grant funding is properly targeted

Part 8410.0140 - Content of WMO Plans: Implementation Components

- must provide for specificity in how programs will be implemented
- responsibilities of the WMO and each LUG must be clearly defined
- WMO programs must be in affect one year after adoption
- proposed capital improvement programs must be specific
- enforcement responsibilities must be outlined
- must establish an administrative process and time line for local plans

(MS 103B.211, Subd. 1; MS 103B.231, Subd. 6 (a) & (b); MS 103B.231, Subd. 10; MS 103B.205, Subd. 13; MS 103D.335, Subd. 23; and MS 103D.545;

Part 8410.0150 - Content of WMO Plans: Amendment Procedure

- plans must identify next review or revision date
- provides for a shortened process for making "minor plan amendments"
- defines minor amendments to a capital improvement program
- defines format of amendments
- defines how amendments must be distributed

(MS 103B.231, Subd. 6 & 11)

Part 8410.0160 - Annual Reporting Requirements

- annual financial, activity and audit reports to be submitted to BWSR by June 1
- no audit report if no funds are expended by WMO itself
- defines contents of the reports
- activity report must include an a annual work plan and an assessment of the last year's work plan
- defines the procedure BWSR must follow for ordering a state audit state audit must be initiated by complaint

(MS 103B.231, Subd. 14; MS 103D.351 and MS 103D.355)

Part 8410.0170 - Content of Local Plans: General Structure

- sets forth general topics to be covered
- provides for local plan adoption 2 years from the date of BWSR's approval of the last WMO plan affecting the LUG

Part 8410.0180 - Content of Local Plans: Structure

- inclusion of summary of water management related agreements affecting the LUG
- goals and policies must be consistent with all WMOs affecting the LUG

corrective actions must be consistent with WMO plans

- must contain an estimate of the costs of all aspects of implementation
- provides that local controls be adopted within 6 months of adoption of local plan

(MS 103B.231, Subd. 6; and MS 103B.235, Subd. 1 through 5)

Part 8410.0190 - Determinations of Failure to Implement

- determinations must be initiated by written complaint or review of an annual report
- BWSR staff must initiate an investigation of the facts and prepare a report to substantiate failure to implement
- report sent to affected parties prior to a meeting facilitated by the BWSR in order to attempt to resolve
- appeals to the BWSR's dispute resolution committee can't be heard until there has been an attempt to resolve informally
- BWSR board makes determination based on facts presented
- provision for sanctions as allowed by law where deemed appropriate

(MS 103B.231, Subd. 3 (h); MS 103B.231 Subd. 10, 12, & 13)

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Minnesota Board of Water & Soil Resources

Metropolitan Watershed Management Planning Rules

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History , Summary and Questions

6/21/91

History of Local Water Planning in the Metropolitan Area

The Metropolitan Surface Water Management Act was passed into law in 1982. The current law is contained in Minnesota Statutes Section 103B.201 to 103B.255. The local water plans which originate from the law are commonly referred to "509" plans in reference to the 1982 session law of the original act. This act provided the basis for local watershed planning and management in the seven county metropolitan area comprising Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties.

The original act mandated that comprehensive surface water management plans be developed for 46 separate watersheds in the Metro area. A primary purpose of the Act was to provide for the more uniform, comprehensive management of surface water at the local level. The act was amended in 1987 to allow counties to develop groundwater plans on a voluntary basis. The amended law is now simply referred as the Metropolitan Water Management Act (Act).

Rules Mandated for Metro Water Planning

During 1989 a task force established by the legislature studied the status and effectiveness of the local water management planning activities brought about as a result of the Act. The task force concluded that there were both successes and failures. The failures were related somewhat to lack of oversight and guidance by the state to the plan development and implementation process. Consequently, pursuant to the recommendations of the task force, the 1990 legislature enacted a number of revisions to the Act (Chapter 601 of the Laws of 1990). One major revision of the Act required the Board of Water and Soil Resources (BWSR) to promulgate a rules to help guide and coordinate a number of aspects of metro watershed plan development and implementation. Among the items the 1990 law required the rules to address include:

1) joint powers agreement content,
2) content of watershed plans,
3) content of local watershed plans,
4) annual reporting requirements, and
5) procedures for dealing with non-compliance.

The Rule Making Process

The BWSR developed the proposed rules with the assistance of a 44 member advisory committee. The advisory committee was comprised of interested representatives of 9 watershed management organizations (WMOs) and or cities, 4 watershed districts, 4 counties, 7 soil and water conservation districts, 8 state or regional agencies and 9 associations or interest groups. The first meeting of the committee was in October, 1990. The rule represents the consensus building efforts of the committee. The committee reviewed and commented on 6 separate drafts of the rules. Subcommittees of the group discussed in detail a number of issues, including wetland protection, water quality monitoring, stormwater design standards and implementation.

Concept of the Rules

About one half of the rule deals with the content of second generation watershed management plans of both watershed management organizations and of metropolitan cities and towns. The other half of the rule defines such items as content of joint powers agreements, annual reporting requirements of watershed management organizations and procedures for dealing with situations where plans are not being properly implemented.

The rule will not substantially impact WMOs and their members who have established successful watershed management programs. The rule sections dealing with plan content are structured to "guide" the planning process instead of trying to prescribe the same solutions for every watershed.

Commonly Asked Questions

Who is the Board of Water and Soil Resources in the first place?

The Board of Water and Soil Resources (BWSR) was created by the legislature in 1987. It was formed by the merger of three existing boards, the Soil and Ware Conservation Board, the Water Resources Board and the Southern Minnesota River Basin Commission. The Board is comprised of 12 voting members appointed by the governor who represent primarily local units of government and the general public. There are also 5 non-voting members repre-

sented by the Minnesota Departments of Natural Resources, Health, and Agriculture , the Minnesota Pollution Control Agency, and the University of Minnesota. Some of the major roles of the BWSR include the approval of local water management plans and the dissemination of state funds to local government for local water and soil management activities. Another program is the administration of a portion of the Reinvest in Minnesota program, aimed primarily at the preservation of wetlands.

By what authority is the Board of Water and Soil Resources developing these rules?

Chapter 601 of the Laws of 1990 amended the Metropolitan Water Management Act to require the BWSR to adopt rules for a number of issue areas relating to the Act. The rules were to cover such items as content of 2nd generation metro water plans, annual report requirements, content of joint powers agreements, and determinations relating to failure to implement. The brief overview of each section references specific sections of applicable law.

Why do we need rules, we've completed our plan and now implementing it?

While the original Act was passed in 1982, there has been mixed success with respect to implementation. In 1982, the concept broke new ground and, consequently, some "rough spots" began appearing. In 1989 a legislative task force was convened and studied the issues. The task force presented its findings in a report to the governor and legislature in December of 1989. Most of the task force's recommendations were implemented through the 1990 law revisions. The goal of the task force, the legislature and the BWSR has been and will continue to be to not interfere with successful WMO planning efforts, but at the same time provide a higher level of uniformity over a reasonable time frame.

When are these rules effective?

The parts of the rule which affect the content of local water plans generally are mostly effective after January 1, 1995. This is contingent upon scheduled revision dates in approved plans and when the plans were first approved by the BWSR. Some aspects of the rule are effective upon adoption of the rule. These aspects relate to content of joint powers agreements, annual financial and activity reports and procedures relating to determinations of failure to implement.

How do these rules affect the Wetland Conservation Act (WCA) of 1991?

Most aspects of the WCA will be effective before the rules would affect the content of Metro water plans. The WCA requires that local water plans be amended to "identify high priority areas for wetland preservation or restoration" but is silent as to when that must be done. However, some of the financial incentives contained in the WCA may not be available to affected landowners until the WMO plan is amended to identify these areas. Consequently, many WMOs may be amending their plans prior to the scheduled date for revision to accomplish this. Further, some WMOs may find it advantageous to incorporate some of the concepts targeted for second generation plans at the same time they address the issues posed by the WCA.

How can I be assured that my interests have been upheld by either the rule advisory committee or the BWSR?

You can't be. But you can be assured that every sentence was carefully scrutinized by a group of individuals representing very diverse interests. In the review process, over 625 pages of written comments were submitted by the committee and were responded to in writing by BWSR staff. Additionally, extensive verbal discussions took place over both complex as well as simple issues. This is attested to by the compilation of over 175 pages of meeting minutes. The overall dedication of the advisory committee has been sincerely appreciated by the BWSR. You can contact the BWSR at 297-4958 for a list of the advisory committee members and their phone numbers if you should want to contact someone who should closely represent your interests.

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Preliminary Overview
Lower St. Croix Watershed Management Organization Plan
by David H. Behm, 6/91

The Lower St. Croix Watershed Management Organization (LSCWMO) was established on June 21, 1985, as a joint powers commission for the purpose of preparing and implementing a plan for the management of water resources in southern Washington County. The LSCWMO is about 42.9 square miles in size and is entirely within Washington County. The LSCWMO is bounded by the St. Croix River on the east, Cottage Grove-Ravine WMO on the west, Valley Branch Watershed District on the north, and the Mississippi River on the south. The Cities of Afton, Cottage Grove, and Hastings and Denmark Township are the municipalities, in whole or part, lying within the LSCWMO.

Unlike most watersheds of the Twin Cities metropolitan region, there are no serious watershed management problems within the LSCWMO needing correction. Therefore, the LSCWMO has the rare opportunity to focus its efforts on prevention of water quality problems, rather than taking only rehabilitative actions. The most significant problem to be resolved is excessive erosion on agricultural lands and the nonpoint source water pollution associated with the runoff.

Since the LSCWMO is relatively new, there are no past projects to highlight. Nevertheless, the City of Afton's plat review provisions are noteworthy. Before any home construction begins, the developer must install paved streets throughout the development and any active gully erosion must be corrected with structural measures. These provisions will significantly reduce the likelihood of sedimentation into the St. Croix River. Bruce Sandstrom, Metropolitan Water Planning Coordinator, toured the watershed with representatives of the LSCWMO on May 24, 1990.

The written comments on the draft LSCWMO plan were submitted by MDNR, MPCA, BWSR, MDH, and Metropolitan Council. The LSCWMO responded in writing on June 14, 1990 to these agencies. As of this mailing, BWSR staff presume that the proposed revisions to the Plan will be accepted as satisfactory by the other review agencies. The proposed revisions address a majority of the issues and concerns initially raised by BWSR in its July 3, 1990 review letter.

The Plan does not propose a WMO Capital Improvements Program because of the lack of water quality problems that would be resolved through the implementation of capital improvement projects. Instead, the Plan directs each community to prepare a 5-year Capital Improvements Program that identifies and evaluates solutions to local water management problems in their respective local plans. The local adoption of a CIP does not require a community to carry it out, but it does make each local government unit examine its water problems.

The Plan establishes numerous policies and goals to address runoff management, wetlands, water quality, flooding, erosion control, groundwater, multiple use management of water resources, water management classification, and administration. For example, the LSCWMO policies for erosion control states "local units of government shall adopt a soil loss limits regulation for construction sites and agricultural land at least as stringent as Minnesota Statutes Sections 103F.401 - 103F.455." The policy also "strongly encourages each community adopt the uniform erosion and sediment control planning and practice standards of the Minnesota Board of Water and Soil Resources."

The LSCWMO developed a water management classification system to provide for a logical method of assigning planning and management responsibilities and for the assignment of costs for improvement projects. The water management classification system separates waters of the LSCWMO into three classifications: waters of regional, district, or local importance. Improvement projects for waters of regional importance (St. Croix and Mississippi Rivers) will be funded on a watershed-wide assessment or from federal, state, or other regional sources. Funds for projects on waters of district importance (perennial and intermittent streams crossing two or more communities) are to be considered on a tributary basis, involving the affected communities. Financial support

for improvement projects for waters of local importance (all other watercourses and all ponds and wetlands greater than 2.5 acres) will be from local sources, involving the individual communities.

The LSCWMO will retain most of its regulatory authority until local plans are developed and approved by the LSCWMO or a local government simply adopts the LSCWMO Plan as its own. The LSCWMO intends to phase out most of its direct regulatory authority as each local plan is brought into compliance with the LSCWMO's Plan. Communities that choose not to enforce the land use regulations required by the Plan must assign that enforcement responsibility to the LSCWMO or Washington County.

In summation, BWSR staff conclude that the watershed plan appears to be consistent with existing state law and rule. Consequently, BWSR staff will recommend approval at the June 26, 1991 Board meeting provided no review agency notifies the BWSR of any significant deficiencies.

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

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CHAPTER 8410

BOARD OF WATER AND SOIL RESOURCES

METROPOLITAN LOCAL WATER MANAGEMENT

8410.0010 - PURPOSE

The purpose of these rules is to make specific the processes, responsibilities and the role of watershed management organizations, local units of government, the metropolitan council and state agencies in preparing and implementing surface water management plans and coordinate their development with groundwater plans in the seven county metropolitan area. This is being undertaken pursuant to Minnesota Statutes 103B.201 to 103B.255 in order to:

(1) protect, preserve, and use natural surface and groundwater storage and retention systems;

(2) minimize public capital expenditures needed to correct flooding and water quality problems;

(3) identify and plan for means to effectively protect and improve surface and groundwater quality;

(4) establish more uniform local policies and official controls for surface and groundwater management;

(5) prevent erosion of soil into surface water systems;

(6) promote groundwater recharge;

(7) protect and enhance fish and wildlife habitat and water recreational facilities; and

(8) secure the other benefits associated with the proper management of surface and groundwater.

8410.0020 - SCOPE.

These rules apply to both the general administration of metropolitan watershed management activities and to amendments to existing plans made after January 1, 1995. If no plan has been submitted to the Board by the effective date of these rules, any plan thereafter submitted must be in compliance with these rules. A WMO must amend its plan consistent with these rules and submit

such amendments to the Board in conformance with its amendment schedule and/or amendment procedures outlined in Sections 8410.0150 but not later than 10 years from the date of initial plan approval.

8410.0030 - DEFINITIONS.

Subpart 1. **Applicability.** The definitions in this part and in Minnesota Statutes, section 103B.205 apply to parts 8410.0010 through 8410.0190.

Subp. 2. **Board.** "Board" means the Minnesota Board of Water and Soil Resources created by Minnesota Statutes, section 103B.101.

Subp. 3. **BWSR.** "BWSR" means the Minnesota Board of Water and Soil Resources created by Minnesota Statutes, section 103B.101.

Subp. 4. **Capital improvement** "Capital Improvement" means a physical improvement that is not directed toward maintenance of an in-place system during its life expectancy.

Subp. 5. **Council.** "Council" means the Metropolitan Council as created by Minnesota Statutes section 473.123.

Subp. 6. **Groundwater plan.** "Groundwater plan" means a county plan adopted under Minnesota Statutes Section 103B.255.

Subp. 7. **FEMA.** "FEMA" means the Federal Emergency Management Agency.

Subp. 8. **Flooding Problem.** "Flooding Problem" means a flooding problem that has been identified as a problem by the WMO or local unit of government.

Subp. 9. **Metropolitan Water Management Act.** "Metropolitan Water Management Act" means Minnesota Statutes Sections 103B.201 to 103B.255.

Subp. 10. **Local comprehensive plan.** "Local comprehensive plan" has the meaning given it in Minnesota Statutes Section 473.852, subdivision 5.

Subp. 11. **Local government unit.** "Local government unit" or "local unit" has the meaning given it in Minnesota Statutes Section 473.852.

Subp. 12. **MDNR.** "MDNR" means the Minnesota Department of Natural Resources.

Subp. 13. **MDH.** "MDH" means the Minnesota Department of Health.

Subp. 14. **MDOT.** "MDOT" means the Minnesota Department of Transportation.

Subp. 15. **MGS.** "MGS" means the Minnesota Geological Survey.

Subp. 16. **Minor plan amendments.** "Minor plan amendment" means items such as: recodification of the plan, revision of a procedure meant to streamline administration of the plan, clarification of the intent of a policy, the inclusion of additional data not requiring interpretation, or any other action which will not adversely affect a local unit of government or diminish the WMO's ability to achieve a plan's goals or implementation program.

Subp. 17. **Minor watershed unit.** "Minor watershed unit" means each of the approximately 5,600 minor watershed units delineated on the state watershed boundaries map prepared pursuant to the requirements of Laws of Minnesota 1977, chapter 455, section 33, subdivision 7, paragraph (a) and the accompanying data base, and the revisions of that data base.

Subp. 18. **MPCA.** "MPCA" means the Minnesota Pollution Control Agency.

Subp. 19. **MUSA.** "MUSA" means the Metropolitan Urban Service Area as defined on maps prepared by the Metropolitan Council. The latest version of the map identifying the MUSA is adopted by reference and is subject to periodic change. The latest version of the map identifying the MUSA may be obtained from the Metropolitan Council Data Center, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101. The MUSA is the area of the Seven County Metropolitan Area which the Council is committed by policy to provide regional planning for sanitary sewer, highway, transit, park and airport facilities.

Subp. 20. **Natural surface water storage and retention systems.** "Natural surface water storage and retention systems" means public waters and wetlands and as defined in Minnesota

Statues 103G.005 Subdivisions 15 and 19, respectively.

Subp. 21. **Official controls.** "Official controls" has the meaning given it in Minnesota Statutes, Section 473.852.

Subp. 22. **Plan.** "Plan" means the watershed management plan prepared by a watershed management organization or county as required by Minnesota Statutes, Section 103B.231, subd. 1.

Subp. 23. **Plan Review Authorities.** "Plan Review Authorities" means the Metropolitan Council, the MDH, the MDNR, the MPCA, the BWSR, and counties, cities, towns, and SWCDs partially or wholly within the WMO as defined in Minnesota Statutes, Section 103B.231, Subd. 7, 8, and 9.

Subp. 24. **Public waters.** "Public waters" means those waters of the state identified as public waters pursuant to Minnesota Statutes, Section 103G.005, Subdivision 15.

Subp. 25. **Seven County Metropolitan Area.** "Seven County Metropolitan Area means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, excluding the corporate boundaries of the City of New Prague.

Subp. 26. **Subwatershed unit.** "Subwatershed unit" means a hydrologic area less than the entire area under the jurisdiction of a watershed management organization.

Subp. 27. **SWCD.** "SWCD" means Soil and Water Conservation District.

Subp. 28. **Watershed.** "Watershed" means a drainage area having boundaries which are substantially coterminous with those of an aggregation of contiguous minor watershed units possessing similar drainage patterns and which cross the borders of two or more local government units.

Subp. 29. **Watershed district.** "Watershed district" means a district established pursuant to Minnesota Statutes, Chapter 103D.

Subp. 30. **Watershed management organization.** "Watershed management organization" or "organization" means either: 1) a watershed district wholly within the metropolitan area, or 2) a joint powers entity established wholly or partly within the metropolitan area by special law or by agreement that performs

some or all of the functions of a watershed district that has the characteristics and the authority specified under Minnesota Statutes Section 103B.211. Counties may be watershed management organizations if a joint powers WMO does not perform and the responsibility for plan preparation is deferred to them. Lake improvement or conservation districts are not watershed management organizations.

Subp. 31. **Wetlands.** "Wetlands" means those waters of the state identified as wetlands under the Minnesota Statutes Section 103G.005, Subdivision 19.

Subp. 32. **Wetland Banking System.** "Wetland banking system" means an accounting system established by a unit of government for the purpose of tracking and managing net losses and gains to wetland values that occur as a result of development.

Subp. 33. **WMO.** "WMO" means watershed management organization.

8410.0040 - CONTENT OF JOINT POWERS AGREEMENTS.

Subpart 1. In addition to a description of any authorities adopted pursuant to the content requirements of Joint Powers Agreements as outlined in Minnesota Statutes Section 103B.211 Subdivision 1, Joint Powers Agreements establishing a water management organization must at a minimum contain the following items:

A. a purpose statement consistent with Minnesota Statutes 103B. 201,

B. a complete legal description defining the boundary of the WMO,

C. a requirement to adopt rules of order and procedure,

D. a process for establishing an annual budget and work plan,

E. a formula for determining each member's share of the annual operating budget,

F. a statement as to how member appointees are to be compensated,

G. a procedure providing for the establishment of

citizen and technical advisory committees or other means of public participation.

H. a section defining the powers and duties of the WMO,

I. a section establishing the duties and terms of the officers of the WMO,

J. a notification process on the location and time of meetings,

K. a section defining the voting requirements for decision making and capital improvements consistent with Minnesota Statutes 103B.211, Subd. 1, (c),

L. a section outlining meetings to be scheduled at least annually.

M. the process and responsibilities of the WMO and its members for filling vacancies consistent with Minnesota Statutes 103B.227, Subdivisions 1 and 2,

N. the duration of the agreement and a process for dissolution which provides for at least 90 days notice of the intent to dissolve to the affected county(ies) and the board, and

O. a section defining how the membership will be represented with the total number of representatives to be not less than 3.

Subpart 2. Joint Powers Agreements must be updated if necessary to be in conformance with these rules no later than January 1, 1993 or one year after adoption of Minnesota Rules Chapter 8410, whichever is later.

Subpart 3. A county may be a member of a Joint Powers Agreement WMO when the conditions described in Minnesota Statutes Section 103B.211, Subdivision 3 are present.

8410.0050 - REMOVAL OF WMO REPRESENTATIVES.

A manager of a Watershed District or a member of a Joint Powers Board may be removed from the position by the appointing authority prior to term expiration for violation of a code of ethics of the WMO or appointing authority or for malfeasance, nonfeasance, or misfeasance, after being provided an opportunity for hearing before the appointing authority. Managers holding

the position as elected official and are not re-elected, or are serving an indefinite term at the pleasure of the appointing authority may be removed by the appointing authority at will. Decision of the appointing authority may be appealed to the Board of Water and Soil Resources.

8410.0060 - CONTENT OF WMO PLANS: EXECUTIVE SUMMARY.

Each plan must have a section entitled "Executive Summary". The summary should outline the purpose of the organization, the membership of the WMO board of managers, the general boundaries of the WMO, a brief history of the organization, a summary of the watershed management goals, problems, potential solutions, and general content of required local plans.

8410.0070 - CONTENT OF WMO PLANS: LAND AND WATER RESOURCE INVENTORY.

Each plan must contain an inventory of water resource and physical factors affecting the water resources based upon existing records and publications. When data publications are adopted by reference, the plan must include a brief summary of the data and identify where the publication can be obtained. At a minimum, the following information must be included in the ~~WMO~~ plan. Items A and C5 are allowed to be in the local plan instead of the WMO plan.

A. Precipitation. Plans must include precipitation data normally used in the seven county metro area for hydrologic and hydraulic design.

B. General geology and topographic data. Each WMO plan shall contain a summary describing the general topographic relief, geology, aquifers and all known groundwater-surface water connections. The summary should reference available publications and maps where data may be available in greater detail. A map defining appropriate subwatershed units within the WMO must be included.

C. Surface water resource data. Necessary surface water data within the watershed that includes:

(1) a map of the public waters and public ditch systems established under Minnesota Statutes 103D or 103E, including the location of any existing dams and control structures;

(2) a copy of the National Wetlands Inventory Map produced by the United States Fish and Wildlife Service; and, if deemed useful by the WMO, a copy of the Metropolitan Mosquito Control District Mosquito Control Wetland Inventory;

(3) either an inventory of the functional values of the wetlands present; or, provision for a phased project to create such inventory within a given time frame; or, the adoption of a specific process to identify such functional values on a case-by-case basis for the review of individual project proposals, all of which must be consistent with Minnesota Statutes Section 103B.3355;

(4) a table of the major hydrologic characteristics of public waters if provided by the MDNR in a format that can be readily incorporated in a plan,

(5) a map(s) showing the areas served by each existing stormwater system which identifies existing stormwater ponds and the location of all stormwater outfalls;

(6) a table summarizing available information on the 100 year flood levels and peak discharges of existing and proposed stormwater ponds along with flood profile information that corresponds to the peak discharges of channelized flow passing through the watershed. The plan shall determine the need for additional data and recommend a schedule for securing same. A discussion must also be provided relative to the consistency of the flood profile information developed as part of the stormwater management plan to that of any information published in a FEMA Flood Insurance Study;

(7) a general discussion of, or a map showing areas of known flooding problems not identified as flood prone in a published flood insurance study,

(8) a listing of the existing flood insurance studies and location where they can be viewed;

(9) a summary of water quality data and any related information if available from SPA, MPCA, MDNR, MDOT, MDH, the Metropolitan Council, the Metropolitan Waste Control Commission, the WMO, the SWCD, the county(ies), and city(ies);

(10) a map or list, if available, showing the location of known existing and abandoned surface water quality and quantity monitoring sites;

(11) a list of municipalities with approved shoreland ordinances and projected completion dates for those without ordinances; and

(12) a table listing the amounts and locations of all surface water appropriations as permitted by the MDNR and provided to the WMO.

D. Groundwater resource data. Necessary groundwater data includes any data required to be included in the WMO plan by a county groundwater plan. If a county groundwater plan is not anticipated to be completed, the WMO plan must include groundwater data as necessary to allow groundwater issues to be addressed.

E. Soil data. Each WMO plan must include a general discussion of the types of soil present, their development limitations their infiltration characteristics and their tendency to erode. The discussion must include a list of references where more detailed data are available.

F. Land use and public utility services. Necessary land use and public utility service information is limited to that which existed at the time the plan or plan amendment was developed, including:

(1) a general map of existing land uses;

(2) a general map showing anticipated land uses;

(3) reference to the location of the metropolitan urban service area.

G. Water based areas and land ownership. Necessary information on water based recreation areas and land ownership includes a map or a discussion of the location of all existing and proposed local, regional, state and federal parks, preserves,

wildlife areas, recreation areas, canoe routes and water accesses available for use by the public.

H. Fish and wildlife habitat. Necessary information of fish and wildlife habitat includes:

(1) a list and description of the MDNR ecological and management classifications for lakes and streams, where available;

(2) a list and description of the conclusions and recommendations of biological surveys or reconnaissance studies, where available; and

(3) a description of state management plans for fish and wildlife areas, where available.

I. Unique features and scenic areas. Necessary unique feature and scenic area information includes a map or description (listing) of unique features and scenic areas with relationships to water including state designated natural and scientific areas, areas containing county, state, and federal rare and endangered species, and other features such as waterfalls, springs, historic mills and heritage elements identified by the MDNR Heritage Program, to the extent it is available from the MDNR.

J. Pollutant Sources. A map or list from appropriate agencies of:

(1) known closed and open sanitary landfills, closed and operating open dumps, and Minnesota Superfund hazardous waste sites and a summary of available water quality information relating to these sites; and

(2) feedlots, abandoned wells as defined by the MDH, permitted underground storage tank sites, and permitted wastewater discharges, and a summary of available water quality information relating to these sites.

If the information outlined in Section J is included in a county groundwater plan, this information can be excluded from the WMO plan provided suitable references are provided.

8410.0080 - CONTENT OF WMO PLANS: IMPACT ON OTHER UNITS OF GOVERNMENT.

During the development of its plan, each WMO shall send a draft of policies and goals to each affected local unit of government, water utility, lake commission, and SWCD. These agencies must be ask to identify if these draft goals and policies are inconsistent with their adopted plans related to water resource management. The WMO plan shall include a discussion of any alleged inconsistencies reported by responding agencies, provided such is provided to the WMO within 45 days of transmittal of the WMO's draft policies and goals.

8410.0090 - CONTENT OF WMO PLANS: ESTABLISHMENT OF GOALS AND POLICIES.

Each plan must contain specific goal statements and corresponding policies relating to the overall purposes of this rule as outlined in Part 8410.0010. The goals and policies of the WMO shall attempt to avoid conflict with county, regional or state goals and policies. The goals must be outlined in sufficient detail to provide direction regarding what the policies are to accomplish, provide direction to the WMO Board, and allow for the success or failure of these goals and policies to be quantified. The goals and policies should recognize the fundamental relationship between water quality and land use. Development of goals and policies must, at a minimum address the following issues:

A. Water Quantity. Plans must outline goals and policies describing how stormwater runoff will be managed. For appropriate subwatershed units, goals for maximum allowable peak runoff rate should be established for selected rainfall event(s) with specific reference to how runoff from developments creating more than one acre of new impervious surface will be managed with respect to Minnesota Statutes 103B.3365.

B. Water Quality. Plans must, at a minimum, outline specific water quality goals and policies for natural surface

waters storage and retention systems within the WMO. Goals should be related to parameters or quantities that can be measured. The relationship of land use to water quality should be considered when developing goals and policies. The goals and policies should be developed to strive for compliance with applicable water quality standards and be suitable for the intended uses of natural surface water storage and retention systems.

C. Recreation and Fish and Wildlife. Plans must outline how water resource based recreational activities and wildlife interests will be protected and/or improved through the implementation of the plan. In consideration of these issues, the plan must determine whether there is a need to classify or prioritize individual water resources for management purposes. Plans must also evaluate the need to establish a wetland banking system.

D. Enhancement of Public Participation, Information and Education. Plans must outline goals and policies describing how and when public participation will be encouraged. Goals and policies must address as a minimum the creation and purposes of advisory committees and public information programs.

E. Public Ditch Systems. If public ditch systems are within the WMO, the plan shall by policy define the WMO's relationship to the ditch authority and recommend whether or not there are advantages to managing the ditches under the Metropolitan Water Management Act and determine whether ditch maintenance activities have the potential of adversely impacting any goal of the WMO.

F. Groundwater. If a county groundwater plan has not been commenced at the time the plan or amendment thereof is initiated, the WMO shall assess the need and degree of involvement the WMO shall have in groundwater management, and establish appropriate goals and policies.

G. Wetlands. Plans must outline specific goals and policies regarding the management of wetlands within the WMO and identify high priority areas for wetland preservation,

restoration and establishment. Wetland management goals and policies should address utilization, protection and/or preservation, as well as the enhancement or restoration of wetlands identified within the WMO.

H. Erosion. Plans must identify specific goals and policies that will control soil erosion consistent with the goals and policies outlined in Section 8410.0090.

8410.0100 - CONTENT OF WMO PLANS: ASSESSMENT OF PROBLEMS.

Each plan must contain an assessment of existing and potential water resource related problems using a combination of analysis of land and water resource data collected pursuant to Part 8410.0070 and through the identification of existing or potential problems by residents or local, regional, or state agencies. During the development of this assessment, the WMO shall request a brief assessment of existing problems affecting the subject WMO from the Council, the Metro Waste Control Commission, the MPCA, the MDNR, the MDH, the MDOT, the Minnesota Department of Agriculture, and each county and SWCD with land within the jurisdiction of the WMO based on data, plans and other documentation within their possession. The WMO should solicit comments from residents and local officials within the watershed for information about problems which may be more local in nature. The WMO's assessment shall include a discussion of the relationship of locally identified problems to problems identified by regional and state agencies, counties, and SWCDs provided such information is received within 45 days of the WMO's written request. The assessment of existing and potential problems as determined by the WMO must, at a minimum, include the following topic areas:

A. specific lakes and streams with water quality problems;

B. flooding and stormwater rate control issues within and between communities;

C. impacts of water quantity and quality management practices on recreation opportunities;

D. impacts of stormwater discharges on water quality, fish and wildlife resources;

E. impact of soil erosion on water quality and water quantity;

F. general impact of land use practices, and in particular, land development and wetland alteration on water quality and quantity;

G. the adequacy of existing regulatory controls to manage or mitigate adverse impacts on public waters and wetlands.

H. the adequacy of programs to:

(1) limit soil erosion and water quality degradation, and

(2) maintain the tangible and intrinsic values of natural storage and retention systems; and

(3) maintain water level control structures; and

I. the adequacy of capital improvement programs to correct problems relating to:

(1) water quality

(2) water quantity management,

(3) fish and wildlife habitat, and public waters and wetland management, and

(4) recreational opportunities, and;

J. Future potential problems which are anticipated to occur generally within a 20 year period based on growth projections and planned urbanization identified in local and regional comprehensive plans. Such assessments must include a discussion of the relationship between locally identified problems and the problems and goals identified in county, regional, state and federal plans which are brought to the attention of the WMO Board.

8410.0110 - CONTENT OF WMO PLANS: IMPLEMENTATION PROGRAM

Each plan must describe an implementation program consisting of nonstructural, structural and/or programmatic solutions to the problems, issues, and goals identified pursuant to Parts 8410.0090 and 8410.0100. In developing its implementation

program the requirements contained in Subparts 1 through 6 must be followed. All plans should clearly define the responsibility of the WMO and the local units of government in carrying out the implementation program and further define the WMO's role when a local unit of government is considering a variance or fails to implement its water resource management responsibilities.

Subpart 1. **Regulatory Controls.** In establishing required regulatory controls, the following sections must be considered:

A. **Wetland protection.** Each plan must describe any local controls and procedures in place with regards to carrying out the local government responsibilities pursuant to the Wetland Conservation Act of 1991 and any rules promulgated thereof. Each plan must also define any other local controls the WMO has determined to be necessary in order to achieve its water management goals which may be more restrictive than that required by said Act. The description should consider, where applicable the following topics:

(1) the relationship of the WMO, state agencies, local SWCDs, and affected counties, cities and towns with respect to authority, administration and coordination;

(2) any designated repositories for required maps or inventories of wetlands;

(3) any procedures related to enforcement procedures and responsibilities; and

(4) a description of any local wetland banking programs and their relationship to any corresponding state program.

B. **Erosion Control.** The WMO shall specify controls or programs to reduce erosion and sedimentation to receiving waters. In rural areas, agricultural crop land erosion may be controlled by implementing zoning ordinances consistent with Minnesota Rules Part 6120.3300, Subpart 7 and may include other water resources outside of designated shoreland areas as deemed appropriate by the WMO. WMOs affected by specific state laws requiring adoption of uniform county-wide erosion and sediment control standards or programs must be compliant with such laws. All other WMO's must

either adopt by reference an existing set of erosion and sediment control guidelines or best management practices published by a county, a SWCD, the Board or the MPCA, or establish comparable erosion and sedimentation guidelines of its own for the purpose of administering erosion controls.

C. **Permits.** Each plan must specify controls which require all appropriate building permits, driveway permits and grading permits to contain enforceable provisions to protect soil from erosion during and after construction. This does not include sites for which approved erosion control plans are in place.

D. **Shoreland and Floodplain Ordinances.** Each plan must identify member local units of government that have failed to adopt and administer a MDNR approved shoreland and floodplain ordinances where mandated by state law. Where the plan notes that flood damage has occurred outside of mapped floodplains or potential for flooding exists adjacent to stormwater facilities, each plan shall require the local unit of government to determine if additional local controls are necessary to address the situation.

E. **Nuisance Controls.** Where a plan notes the existence of certain land uses which could adversely affect the WMO's ability to achieve its water quality goals, and these uses cannot be properly managed or regulated with existing controls, the uses constitute a public nuisance in accordance with Minnesota Statutes Section 609.74. In such cases, the plan must provide for the adoption of local controls to define and abate such nuisances. For the purpose of these rules, public nuisances may include any action failure to act or land use practice which would impair water quality if allowed to continue.

Subpart 2 - **Stormwater & Drainage Design Performance Standards.** Each plan must contain minimum standards and provide for appropriate controls for the design of new stormwater conveyance, ponding and treatment systems consistent with the overall goals of the WMO plan and consistent with Minnesota Statutes Section 103B.3365 Subdivision 4. Included will be

performance standards which provide for:

A. the establishment of target in-lake nutrient concentrations and corresponding pollutant loadings for sediment and nutrients.

B. the design storm frequency for establishment of maximum permissible runoff rates based on such considerations as, existing and future flood levels and expected increases in runoff volume with respect to impacts on downstream channels and adjacent development;

C. the establishment of standards to reduce the impacts of flooding on natural resources, personal and real property.

D. the establishment of design criteria for stormwater outlet structures to address floatable pollutants and to provide for access for maintenance and repair;

E. pond design methodology for nutrient entrapment consistent with the subwatershed goals; and

F. compliance with pollutant loading for specific subwatersheds, consistent with local, regional, and statewide plans in consideration of MPCA water quality standards.

Subpart 3. **Information Program.** All plans must provide for the publishing of at least one written communication per year identifying the representatives on the WMO Board, current advisory committee members, how to contact the WMO, its role in local water management, the goals and policies of the WMO, when public meetings are held, how the WMO is financed, where the plan can be viewed, and any other information relative to the implementation of its plan. The communication may be accomplished through the publication of a news letter, publication of all or a portion of its annual report, an article or news release submitted to a local newspaper widely distributed in the member communities, an attachment to a sewer or water bill, or any other similar media format which annually reaches the general population.

Subpart 4. **Data Collection Programs**

A. All plans must establish water quality and quantity monitoring programs that are capable of producing accurate data

to the extent necessary to ascertain whether the water quality goals of the WMO are being achieved. Such programs shall, at a minimum, include the location of sampling, the frequency of sampling, the proposed parameters to be measured and the requirement of periodic analysis of the data.

B. All plans should encourage all units of government collecting water quality and quantity management data, to annually submit such data consistent with state compatibility guidelines to the WMO and other appropriate state agencies for entry into public access data bases.

Subpart 5. **Management Programs.**

A. All WMO plans must assess or require local plans to assess the need for periodic maintenance of public works, facilities and natural conveyance systems and specify any new programs or revisions to existing programs needed to accomplish its goals and objectives. Plans must further identify which units of government or private parties are responsible for maintenance thereof. Plans must, at a minimum, assess or require local plans to assess:

(1) the need and frequency for sweeping of public and private streets and parking lots;

(2) the need and frequency for inspecting stormwater outfalls, sumps, and ponds;

(3) the adequacy of maintenance programs for stormwater facilities and water level control structures owned by both WMO members and nonmembers;

(4) the condition of public ditches constructed pursuant to Minnesota Statutes 103F, 106A or 103D 112; if the WMO has jurisdiction over these systems;

(5) the need to establish a water body management classification system to provide for water quality and quantity management based on a hierarchial basis; and

(6) the need to establish local spill containment clean-up plans and;

(7) the need for other management programs as deemed necessary.

B. All proposed management programs establishing a classification system for the management of water bodies shall be consistent with Minnesota Rules Chapter 7050. Where WMO classifications are inconsistent, the WMO shall petition the MPCA to revise the MR7050 classification.

Subpart 6. **Potential structural solutions to problems.**

A. **Structural options to existing problems.** All plans which document existing water management problems which cannot be resolved by preventative actions shall investigate the feasibility of implementing structural solutions which would remediate or resolve each problem.

B. **Cost analysis.** For each structural solution proposed, all plans shall provide a cost estimate and a recommendation as to how it should be funded.

C. **Priorities.** Each potential structural solution identified pursuant to this section shall be assigned priorities. In assigning priorities, consideration shall be given to regional and state plans in conjunction with the WMO's policies, goals and problems identified in Parts 8410.0085 and 8410.0090.

8410.0120 - CONTENT OF WMO PLANS: IMPACT ON LOCAL GOVERNMENT.

Subpart 1. **Existing Local Controls.** All plans shall review the local controls and programs required by the plan in accordance with Part 8410.0100. This review will include concerns expressed by counties, cities and townships with respect to their administrative and financial capabilities to adopt and enforce such controls and programs in addition to a table which generally describes the status of local controls and programs of affected counties, cities and townships with respect to that required by the plan.

Subpart 2. **Financial Impact on Local Government.** All plans shall contain an analysis of the financial impact of implementation of the proposed regulatory controls and programs identified pursuant to Part 8410.0100. Such analysis shall include at a minimum an estimate of the costs associated with the

plan implementation and anticipated source(s) of revenue.

Subpart 3. **Adoption by reference.** All or part of a WMO plan may be adopted by reference by a local unit of government for all or part of its local plan to the degree specified in the approved WMO plan.

8410.0130 - CONTENT OF WMO PLANS: IMPLEMENTATION PRIORITIES.

All plans must prioritize all plan implementation components to make the best use of available local funding, to prevent future water management problems from occurring to the maximum extent practical and to ensure that regional, county, state and federal grant funding is targeted properly.

8410.0140 - CONTENT OF WMO PLANS: IMPLEMENTATION COMPONENTS

Subpart 1. **Controls.** All plans must provide for the adoption of necessary regulatory controls, stormwater design standards, education program, data collection programs, and maintenance programs which the plan identifies pursuant to Part 8410.0110.

Subpart 2. **Responsibilities.** All plans must clearly distinguish the responsibilities of the WMO versus the responsibilities of affected counties, cities and townships with respect to each implementation program element established in accordance with Part 8410.0100.

Subpart 3. **Schedule.** All WMO plans must include a schedule for implementation by the WMO, JPA members and affected local units of government. All WMO plan controls and programs must be in effect within one year of plan adoption. All local plan controls and programs must be developed and in effect within two years of adoption of the last WMO plan within the local unit of government.

Subpart 4. **Capital improvement program.** All plans shall include a capital improvements program which identifies specific capital improvements necessary to implement the water resource management goals and policies of the WMO.

Subpart 5. **Enforcement.** All plans must identify the procedure to be followed to enforce violations of the controls of the WMO as well as the local unit of government.

Subpart 6. **Administration process.** All WMO plans must specify the administrative process and time lines for the submittal, review, and approval of local plans by the WMO.

8410.0150 - PLAN CONTENT: PLAN AMENDMENTS

Subpart 1. **Amendment section.** All plans must contain a section entitled "Amendments to Plan" which contains the year the plan shall extend to and establish the process by which interim amendments may be made and who may initiate such amendments.

Subpart 2. **General amendment procedure.** All amendments to a plan must adhere to the review process provided in Minnesota Statutes 103B.231, Subdivision 11, except where the proposed amendments constitute minor amendments, provided;

A. a public hearing has been held on the matter,

B. a notice of public hearing has been published in the WMO's legal newspaper at least 10 days prior to the hearing,

C. a notice of the hearing and a copy of the proposed amendments is sent at least 30 days prior to such hearing to all plan review authorities, and contiguous local units of government including adjacent WMO's.

D. the WMO announces at the hearing and in the notice of hearing that any aggrieved party may request to the board within 10 days of the hearing that the amendments be reviewed in accordance with Minnesota Statutes 103B.231, Subd. 7,8 and 9, and

E. the board has either approved the amendments, has decided that a full review of the amendments is not needed pursuant to Minnesota Statutes 103B.231, Subd. 11 or has not taken any action within 45 days of the date of the hearing.

Subpart 3. **Minor amendments to capital improvements.** An amendment to an approved plan's capital improvement program may be considered to be a minor plan amendment if the following conditions are met;

A. the original plan set forth the capital

improvement(s) but not to the degree needed to meet the definition of "capital improvement program" as provided in Minnesota Statutes 103B.205. Subdivision 3.

B. the affected county or counties have approved the capital improvement in its revised, more detailed.

Subpart 4. **Form of amendments.** Unless the entire document is reprinted, all amendments adopted by the WMO must be printed in the form of replacement pages for the plan, each page of which must,

A. on draft amendments being considered show deleted text with strike-outs and new text as underlined,

B. be re-numbered as appropriate, and

C. include the effective date of the amendment.

Subpart 5. **Distribution of amendments.** Each WMO must maintain a distribution list of agencies and individuals who have received a copy of the plan and shall distribute copies of amendments within 30 days of adoption thereof. All WMO's should consider sending drafts of proposal amendments to all plan review authorities to seek their comments prior to establishing a hearing date or commencing the formal review process.

8410.0160 ANNUAL REPORTING REQUIREMENTS.

Subpart 1. **Requirement for annual financial, activity, and audit reports.** By June 1 of every year, each WMO shall submit to the BWSR a financial report, an activity report, and an audit report for the proceeding fiscal year if it has expended or accrued funds during this time. These reports may be combined into a single document. The audit report for the proceeding fiscal year must be prepared by a certified public accountant or the state auditor and also forwarded to the State Auditor's Office no later than June 1.

Subpart. 2. **Content of annual financial and audit report.** The annual financial report must include the following information:

A. the approved budget;

B. a reporting of revenues;

C. a reporting of expenditures;

D. a financial audit report or section which includes a balance sheet, classification of revenues and expenditures, an analysis of changes in final balances and any additional statements deemed necessary for full financial disclosure.

Subpart. 3. **Content of annual activity report.** The annual activity report must include the following information:

A. a list of WMO board members, advisory committee board members and board member vacancies at the end of the reporting year; including designated officers and member mailing addresses and telephone numbers. For joint powers WMOs, the list must indicate the governmental organization each board member represents. For watershed districts, the list must indicate the county that each member is appointed by;

B. a list of WMO employees and consultants; including mailing addresses and telephone numbers.

C. an assessment of the previous year's annual work plan which indicates whether the stated goals and objectives were achieved and, where they were not achieved, indicates why they could not be achieved;

D. a projected work plan for the next year indicating the desired goals and objectives;

E. a summary of permits or variances issued or denied as well as any enforcement actions initiated;

F. a summary of permits or variances issued or denied as well as any enforcement actions initiated;

G. the status of local plan adoption and implementation;

H. a copy of the written communication required by Part 8410.0100, Subpart 3;

I. the WMO's activities related to the biennial solicitations for interest proposals for legal, professional, or technical consultant services pursuant to Minnesota Statutes 103B.227, Subd. 5;

J. an assessment of changes in fund balances,

including a description of the costs of each program element with respect to the overall annual budget; and

K. the status of any locally adopted wetland banking program.

Subpart. 4. **Procedure for state audit.** The BWSR shall use the following procedure in determining whether to order a state financial or performance audit of a WMO:

A. Before the BWSR will consider ordering a state audit, a written complaint must be filed with the BWSR's executive director requesting the BWSR to order a state audit. The complaint must set forth with as much specificity as possible the grounds for requesting a state audit. Valid grounds for requesting a state audit include the mishandling or misuse of public funds and or the documented failure to implement an approved plan.

B. The executive director shall determine whether there is a basis for a complaint before reporting the complaint to the BWSR. The executive director shall ensure that the affected WMO is notified of the complaint and given an opportunity to respond to the allegations prior to determining whether there is a basis for the complaint.

C. If the executive director determines there is a basis for the complaint, the complaint shall be reported to the BWSR. The affected WMO shall be given an opportunity to appear before the BWSR at the time the complaint is reported to it and respond to the allegations in the complaint. The complainant shall also be given an opportunity to appear.

D. After having the complaint reported to it, and after providing an opportunity for the WMO and the complainant to be heard by it, the BWSR shall decide whether to order a state financial or performance audit of the WMO.

8410.0170 - CONTENT OF LOCAL PLANS: GENERAL STRUCTURE.

Local plans must at a minimum meet the requirements for local plans as set forth in Minnesota Statutes 103B.235, except as provided by the WMO plan pursuant to Part 8410.0120, Subpart

3. They must include sections containing a table of contents, purpose, water resource related agreements, executive summary, land and water resource inventory, establishment of goals and policies, relation of goals and policies to local, regional, state, and federal plans, goals, and programs, assessment of problems, corrective actions, financial considerations, implementation priorities, amendment procedures, implementation program, and an appendix. Communities should consider including its local plan as a chapter of its local comprehensive plan. The local plan shall be adopted within 2 years of BWSR's approval of the last WMO plan that affects local unit of government.

8410.0180 - CONTENT OF LOCAL PLAN: STRUCTURE.

Subpart 1. **Purpose.** Each local plan must have a section entitled "Purpose" which outlines the purposes of the water management programs required by Sections 103B.205 through 103B.255.

Subpart 2. **Water Resource Related Agreements.** Any appropriate water resource management related agreements, which have been entered into by the local community must be outlined. This includes joint powers agreements related to water management the local community may be party to between itself and the WMO, adjoining communities, or private parties. Available information concerning these agreements in general conformance with the content of joint powers agreements for WMO's as outlined in Minnesota Rules Section 8410.0030 must be included.

Subpart 3. **Executive Summary.** Each plan shall have a section entitled "Executive Summary", which generally summarizes the content of the local plan in a manner similar to that required for WMO plans under Section 8410.0060.

Subpart 4. **Land and Water Resource Inventory.** Each local plan must contain a composite land and water resource inventory containing all relevant data from WMO plans affecting it consistent with the data required by Minnesota Rules Section 8410.0070.

Subpart 5. **Establishment of Policies and Goals.** Each local

plans must state specific goals and corresponding policies related to each of the overall purposes outlined in Minnesota Rules Part 8410.0010, be consistent with the policies and goals of the WMO plans within the city or township, and address the relation of the local plan to the regional, state and federal goals and programs outlined in Section 8410.0080.

Subpart 6. **Assessment of Problems.** Each plan must contain a summary assessment of existing and/or potential water resource related problems, including those identified in WMO plans which affect the community. The problem assessment must be completed for only those areas within the corporate limits of the community and meet the same content requirements as that outlined for WMO plans pursuant to Minnesota Rules Section 8410.0090, Subparts 1 and 2.

Subpart 7. **Corrective Actions.** Each local plan shall describe non-structural, programmatic and/or structural solutions to the problems identified in Part 8410.0180, Subpart 6. The mandatory actions outlined in Minnesota Rules Section 8410.0100, Subparts 1 through 6 for WMO plans, shall be considered except that such actions shall be limited to those that can be implemented at a local level. All corrective actions must be consistent with the WMO plan(s) having jurisdiction within the municipality or township.

Subpart 8 **- Financial Considerations.** The local plans must contain an analysis of the financial impact of implementation of the proposed regulatory controls and programs identified pursuant to Part 8410.0180, Subpart 6. The analysis must include at a minimum the following items:

A. the estimated cost of adoption and enforcement of local controls and standards for the local municipality;

B. the estimated annual cost of implementation of other specified programs to each local municipality;

C. a discussion of local ability to fund adoption of and enforcement of local controls and standards, implementation of other specified programs, and capital improvements. Discussion to include:

(1) levy limit constraints;

(2) effect on other city funding needs;

(3) establishment of watershed management taxing districts;

(4) creation of stormwater utilities; and

(5) monetary impact against homes or farmsteads in effected community.

D. the impact on the local municipality of local implementation of each capital improvement project component if ad valorem financing is used; and

E. a summary of grant funding that would likely be available to fund water management projects and programs.

Subpart 9. **Implementation Priorities.** Local plans must prioritize implementation components so as to make the best use of available local funding and prevent future water management problems from occurring to the maximum practical extent. Local plans must prioritize WMO plan implementation components in line with WMO priorities as outlined pursuant to Part 8410.0130, but for only those implementation components that must be facilitated by the local municipality or township.

Subpart 10. **Implementation Program.** All local plans must outline required implementation components that apply at a local level. These components shall be consistent with the required plan components outlined for WMO plans under Part 8410.0140. Official local controls must be enacted with 6 months of adoption of the local plan.

Subpart 11. **Amendment Procedures.** The local plan must contain a section entitled "Amendments to Plan", which contains the year the plan shall extend to and establish the process by which amendments may be made. The amendment procedure shall be in conformance with the plan amendment procedure outlined in the WMO plan(s) that effects the community. Local plan amendments must be forwarded to each WMO affected by the local plan amendment for review and approval prior to adoption.

Subpart 12. **Submittal and Review.** After consideration and before adoption, the local plan shall be submitted to all

affected WMOs for review in accordance with Minnesota Statutes Section 103B.235. Each local unit of government must also notify affected WMOs within 30 days of adoption and implementation of the plan, including the adoption of necessary official controls.

8410.0190 - DETERMINATIONS OF FAILURE TO IMPLEMENT.

Subpart 1. **Applicability.** This part applies when a plan is not being implemented for a watershed either because there is not a WMO, or because the WMO has not adopted an approved plan, or because the approved plan is not being carried out.

Subpart 2. **Establishing cause.** Prior to the board's involvement in determinations of whether a plan is being properly implemented, the board shall first establish just cause for such determination by review of a written complaint from an aggrieved party or through conclusions arrived at by board staff pursuant to the review of a WMO's annual report. Any complaint or appeal made by an aggrieved party pursuant to Minnesota Statutes Section 103B.231, Subd. 13 must be made in writing to the Executive Director of the Board and must summarize the issues at dispute and the efforts the party made to resolve the problem.

Subpart 3. **Board staff responsibilities.**

A. Staff investigation and report. Board staff may investigate issues relating to alleged failure to implement plans primarily by response from written complaint from an aggrieved party or by review of WMO annual reports. Within 30 days of receiving a written complaint, board staff are required to initiate a preliminary investigation of the facts as they appear based on personal observation, review of all relevant documents and discussions with involved parties. The results of this preliminary investigation shall be reviewed with the executive director, and the board's legal counsel if appropriate, prior to preparation of a report. The report shall ascertain whether a failure to implement exists, define the exact nature of the failure to implement and recommend a course of action.

B. Meeting to discuss staff report. Upon completion

of a report regarding a complaint or review of an annual report, the staff shall send a copy of its report by certified mail to the WMO members of record to set a time and place for a meeting agreeable to all parties to informally discuss the contents of the report if a conflict exists. The complainant and any other aggrieved or affected party shall also be sent a copy of this report by certified mail and shall be invited to attend any meeting held to discuss the report.

C. Official response from WMO. The affected WMO shall be allowed 30 days to hold a public meeting to develop a formal course of action if the joint powers agreement requires such process. Any formal response shall be sent by certified mail to the board as well as any aggrieved or affected party within 15 days of such meeting.

D. Appeal to Dispute Resolution Committee. The affected WMO and any aggrieved or affected party may not appeal to the board's dispute resolution committee established pursuant to Minnesota Statutes Section 103B.101, Subd. 10. to hear and resolve disputes over plan implementation until after the meeting has been held in accordance with Part 8410.0190, Subpart 2, B.

E. Report to Board. Based upon information discovered at the meeting held in accordance with Part 8410.0190, Subpart 2, B. or receipt of the formal response received from the WMO in accordance with Part 8410.0190, Subpart 2, C. board staff shall report to the board at a regular meeting as to the status of the dispute. If the board needs to take further action to resolve the dispute, board staff shall recommend the appropriate course of action, consulting with the board's legal counsel as appropriate.

Subpart 4. **Board Responsibilities**

A. Findings of Fact. Upon receipt of the board staff's report and recommendations, the board is required to do any or all of the following:

(1) do nothing further if the staff's investigation finds that the subject plan is being properly implemented, provided the board concurs;

(2) advise board staff to conduct additional fact finding it deems necessary and report back to the board accordingly;

(3) order the dispute resolution committee to convene to attempt to negotiate the matter and to advise the board further;

(4) issue a findings of fact and conclusions of its investigation advising the affected WMO(s), county, or counties of the documented failure to implement the subject plan and advise the appropriate unit of government of its responsibility to implement the plan pursuant to Minnesota Statutes 103B.231, Subd. 3.,(b) within a prescribed period of time.

B. Failure to Act. Upon issuance of its findings pursuant to Part 8410.0190, Subpart 3, A. (4), the board shall notify the appropriate counties to proceed as required by Minnesota Statutes Section 103B.231, Subdivision 3, clauses (b) or (c) as applicable. If county fails to act after it is notified, the Board shall notify state agencies that they may initiate their prerogatives under Minnesota Statutes Section 103B.231, Subdivision 3, Item (g).

C. Role of the dispute resolution committee. The board's dispute resolution committee has the following duties and responsibilities with respect to disputes relating to failure to implement a plan:

(1) convene and hear appeals from both aggrieved parties and WMOs not satisfied with the findings and recommendations of the board's staff report presented at the meeting required by Part 8410.0190, Subpart 2, B; and

(2) convene at the pleasure of the board as prescribed by Part 8410.0190, Subpart 3, A. (3) to attempt to negotiate and settle disputes over determinations relating implementation of plans and to further advise the board.

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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 **Lower St. Croix Water Management Organization** pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Commissioners of the Lower St. Croix Watershed Management Organization (LSCWMO) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subdivision 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. **Joint Powers Agreement.** The LSCWMO was established by a joint powers agreement in 1985. The parties to the agreement are the Cities of Afton, Cottage Grove, and Hastings and Denmark Township. All but the City of Hastings are represented on the governing board of the LSCWMO.

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

3. **Nature of the Watershed.** The LSCWMO is approximately 42.9 square miles in size and is bounded by the St. Croix River on the east, Valley Branch Watershed District on the north, Cottage Grove-Ravine WMO on the west, and the Mississippi River on the south. The existing land use is predominantly agricultural with some rural residential. The general drainage system of the watershed is characterized by few lakes, ponds or wetlands. The vast majority of the watershed drains eastward to the St. Croix River through well defined drainage systems and a narrow band along the southern-most and southwestern corner of the watershed drains either westward or southward to the Mississippi River.

4. **Metropolitan Council Review:** On December 6, 1989 the Metropolitan Council's Environmental Resources Committee met to discuss the content of a staff report relating to the review of the Plan. On December 27, 1989, the Metropolitan Council sent a letter to the LSCWMO which stated that it had adopted several

recommendations contained in the staff report. The recommended revisions included:

a. identify methods to be used by municipalities for hydrologic studies;
b. identify a process for the management of inter-community drainageways by the LSCWMO; and
c. implement a water quality management program, emphasizing a monitoring program.

On June 14, 1991 the LSCWMO submitted responses to these items as well as corresponding amendments to the Plan. On June 21, 1991 Metropolitan Council staff expressed concerns regarding LSCWMO proposed amendments to policies 1G of Water Quantity and 2C of Water Quality. BWSR staff accommodated the concerns of the Council's staff by obtaining concurrence of the LSCWMO on additional modifications to each of these policies in a June 26, 1991 letter from Tim Fredbo, Washington SWCD (Plan preparer), on behalf of the LSCWMO's Board.

5. **Minnesota Department of Natural Resources Review:** The LSCWMO received written comments on the Plan dated February 7, 1990 from the Region 6 Administrator of the Minnesota Department of Natural Resources (MDNR). The comments included but were not limited to the following concerns:

a. the plan's tendency to assign substantial watershed management responsibilities to local units of government,
b. specific recommendations to improve the wetlands appendix section and the wetland inventory contained therein,
c. potential adverse impact on wetland values due to the LSCWMO multiple use water resources management policy,
d. specific recommendations regarding when MDNR Protected Waters Permits and MDNR Appropriation Permits are required,
e. establishment of a water quality monitoring program,
f. establishment of mandatory best management practices for erosion and sediment control,
g. identification of specific data errors or omissions, and
h. omission of federal and state designations regarding the St. Croix and the Mississippi Rivers.

On June 14, 1991 the LSCWMO submitted responses to these items as well as corresponding amendments to the Plan.

6. **Minnesota Pollution Control Agency Review:** The Board received written comments on the Plan dated July 6, 1990 from the Director, Division of Water Quality of the Minnesota Pollution Control Agency (MPCA). The MPCA found the Plan to be consistent with state law and rule but provided the following as well as other comments:

a. a water quality monitoring program should be established,
b. further discussion is needed regarding how potential pollutants may be affecting water quality and what could be done to alleviate potential effects, and

c. clarifying the LSCWMO stormwater management policy with respect to impact on wetlands.

On June 14, 1991 the LSCWMO submitted responses to these items as well as corresponding amendments to the Plan.

7. **Minnesota Department of Health Review:** The LSCWMO received written comments on the Plan dated January 2, 1990, from the Director, Division of Environmental Health of the Minnesota Department of Health (MDH). The comments included but were not limited to the following concerns:
   a. the Plan should include a groundwater recharge map,
   b. the Plan should contain land use and development guidelines which protect groundwater quality and quantity,
   c. groundwater recharge areas should be protected through locally adopted ordinances, and
   d. a water management classification system should include groundwater as well as surface water.

   On June 14, 1991 the LSCWMO responded to the MDH.

8. **Board Review:** On May 24, 1990, Board staff toured the watershed with representatives of the LSCWMO. On July 3, 1990, Board staff submitted comments in writing on the Plan. The comments included but were not limited to the following concerns:
   a. the LSCWMO should prepare written responses to agency comments,
   b. revisions are needed to the schedule for local plan adoption,
   c. inclusion of an executive summary,
   d. improvements in references to DNR Protected Waters Inventory numbers on LSCWMO water resources inventory map,
   e. adoption of a consistent methodology for communities to follow when analyzing peak flows where water drains from one community to another, and
   f. implementation of a water quality monitoring program.

   On June 14, 1991 the LSCWMO submitted responses to these items as well as corresponding amendments to the Plan.

9. **Plan Revisions.** On June 14, 1991 the LSCWMO submitted revisions to the Plan. The revisions addressed many of the agency comments. The revisions were contained on the following list of pages:

   Pages 8, 12, 14-17, 20-22, 26, 33 and 35-38.

   The revisions included but were not limited to the following:
   a. an Executive Summary of the plan,
   b. modifications to a schedule for local plan adoption,
   c. identifying preferred methods for hydrograph analysis and modeling flood hydrographs to be used by member

municipalities,

d. clarifying policy about inter-community management of drainageways,
e. acknowledging the potential future need of a water quality monitoring program,
f. making improvements to the wetlands appendix section and the wetland inventory,
g. clarifying the minimization and/or mitigation of adverse impacts to wetlands, and
h. clarifying stormwater management policy regarding wetland impacts, including additional policy modifications as per the June 26, 1991 letter referenced in item 4 (Metropolitan Council Review) on page 2 of 4 of this Order.

10. **Plan Highlights.** The following are a few highlights included in the plan:
    a. a water management classification system to provide guidance for assigning planning and management responsibilities and for the assignment of costs for improvement projects, and
    b. requirement for local soil loss limits ordinances.

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 Lower St. Croix Water Management Organization pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

2. The Lower St. Croix Watershed Management Organization Plan attached to this Order states water and water-related problems within the LSCWMO's boundaries, possible solutions thereto, general objectives and policies of the LSCWMO, and an implementation program. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

That the Board hereby approves the attached Plan dated August 31, 1989, as amended in June 1991, as the Watershed Management Plan for the Lower St. Croix Watershed Management Organization.

Dated at Saint Paul, Minnesota, this 26th day of June, 1991.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Donald H. Ogaard
Chairman

TO: BWSR Board Members

FROM: Doug Thomas, Local Water Planning Coord.

DATE: June 17, 1991

SUBJECT: Stearns County Water Plan - Board Action

With the Stearns County Water Plan scheduled for Board action this month, and it having been quite awhile since the last plan approval, I thought it would be useful to provide Board members with some refresher information ahead of the meeting.

The review and approval process that we have been using for local water plans is as follows:

Local Review & Comment (60 days)

During this 60 day period the plan is mailed to all local units of government and adjacent counties for review and comment. Also during this time the plan is sent to the participating state agencies for preliminary review. These state reviews must be forwarded to the BWSR Field Hydrologist within 45 days so that they can be incorporated into the BWSR preliminary comments to the county.

Public Hearing

Following the 60 day local review the county must hold a public hearing to gain additional public input. During this period the county must prepare written responses to all written comments received during preliminary review.

Final State Review (90 days)

Month 1 - The county submits its final plan along with all comments, and a transcript of public hearing to the BWSR. The county must also submit it's responses to comments received during preliminary review. Agencies have 45 days to complete their final review. The BWSR field hydrologist prepares a written overview of the county plan and includes it in Board packet for that months meeting.

Month 2 - This month is used to update the Board with any significant issues or problems that staff have encountered. This is done to apprise the Board of potential conflicts and what may be expected during the last month of final review.

Month 3 - Staff presents the plan for action and gives a run down of plan chronology, agency comments, and plan highlights. The Board then approves or disapproves the plan unless the county has requested an extension to final review.

Also attached for your information is the Stearns County overview which you received in April and a draft Order. The Order is the official document which staff uses to present findings of fact, conclusions, and order plan approval.

If you have any questions please do not hesitate to contact me at (612) 297-5617. Also I will be at the Board meeting to answer any questions that you may have at that time.

OVERVIEW OF THE STEARNS COUNTY WATER PLAN
APRIL 1991

BACKGROUND

Stearns County began development of the Stearns County Comprehensive Water Management Plan (Plan) by resolution of the County Board in February 1988. The County established a Water Advisory Board to guide development of the Plan. The County contracted with St. Cloud State University (SCSU) to assist with development of the Plan. The County appointed Lee Carlson-Wallace, County Surveyor, to serve as Water Planning Project Manager and Water Advisory Board Chairman. Dr. Robert Bixby, Associate Professor in the SCSU Geography Department was project coordinator for SCSU. Stearns County was the only county of the original 52 LCMR funded counties to prepare a plan independently.

County Description

Stearns County is located in Central Minnesota within the central hardwood forests ecoregion. 1970 land use figures show that 50% of the county was cultivated for crop production, 32% pastured, and 10% was forested. Stearns County's population in 1960 was 80,000; by 1990 it had grown to 120,000, a 50% increase. Growth is expected to slow, but still remain substantial. St. Cloud, the county seat, is located along the I-94 "growth corridor" which bisects the county southeast to northwest. Although urban land uses continue to expand rapidly, the county's economy is still dominated by agriculture. Stearns County farm income ranks numnber one in Minnesota, and in the top ten nationally.

Surface water drainage is generally southeasterly. The Sauk and North Fork Crow Rivers drain the western two-thirds of the county. The eastern part of the county drains through smaller streams directly to the Mississippi River which runs along its eastern boundary.

Stearns County has nearly 300 lakes covering about 35,000 acres. Thousands of acres of wetlands have been converted to tillable lands. Wetlands covered only 1.2% of the county according to 1970 land use statistics.

Nearly the entire county is covered by glacial deposits, which range from tens to hundreds of feet thick. Perhaps the most significant of these glacial deposits are the outwash plains, which cover much of the eastern and southwestern parts of the county, and along the course of the Sauk River. The outwash areas are generally more susceptible to contamination than the till plain and morainal areas. Much of the rural residential growth occurring in the St. Cloud area is taking place on susceptible outwash soils. Since western Stearns County is generally higher, ground water flow is, in general, from west to east.

The Plan notes that the "Purity of groundwater supplies can no longer be assumed." Neither can deep wells be assumed to be contaminant free. The absence of water retarding aquicludes in much of the county allows nitrate contamination to move deep into the aquifers.

The Plan also notes that surface water quality in streams is poor. Total phosphorus levels as measured in 25 county streams are twice the level expected for watersheds with intensive agricultural land use. The county is estimated to have 1,200 feedlots, which are pollution hazards. Feedlot improvement and rural residential growth are two of the priority water quality issues identified in the Plan.

DRAFT

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

In the Matter of Reviewing the Comprehensive Water Plan for **Stearns County** (Minnesota Statutes 1988, Section 110B.08, Subdivision 5 (now M.S. 1990, 103B.315, Subdivision 5) and Minnesota Rules 9300.0170)

ORDER APPROVING COMPREHENSIVE WATER PLAN

Whereas, the Stearns County Board of Commissioners submitted a Comprehensive Water Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on April 1, 1991 pursuant to Minn. Stat. 1988, Section 110B.08, Subdivision 5 (now M.S. 1990, 103B.315, Subd.5), 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. On February 3, 1988 Stearns County passed a resolution to develop a Comprehensive Water Plan.

2. Chapter 110B of Minnesota Statutes 1988 (now 103B.301, M.S. 1990), authorizes and encourages Minnesota counties to develop and implement a comprehensive water plan.

3. Stearns County completed a draft Plan in November of 1990, and submitted it to affected local units of government for review and comment pursuant to Section 110B.08 Subd. 1 (now 103B.315 Subd. 1). Written comments received as a result of local review included Clearwater River Watershed District, North Fork Crow River Watershed District, Sauk River Watershed District, South Two River Watershed District, John Bohmer, Brian Smith, and Mel Torborg.

   On April 1, 1990 Stearns County responded in writing to all written comments received during local review.

4. On November 28, 1990 Stearns County submitted its draft Plan to the Departments of Agriculture, Health, and Natural Resources, the Pollution Control Agency, the State Planning Agency and the Minnesota Geological Survey for preliminary review and comment.

5. On February 11, 1991 Stearns County held a public hearing on the Plan pursuant to Section 110B.08 Subd. 4. (now 103B.315 Subd. 4) for the purpose of obtaining public input into the Plan.

6. On April 1, 1991 Stearns County submitted its Plan along with all written comments received on the plan, a record of the public hearing, and a summary of changes incorporated as a result of the review process to the Board.

7. On _____ Board staff held a close-out meeting with Stearns County to review final plan changes.

8. **Minnesota Department of Agriculture Review:** On March 22 and May 15, 1991 the Minnesota Department of Agriculture (MDA) provided written comments on the Plan. In its final review dated May 15, 1991 MDA provided comments related to inconsistencies with Minnesota statutes, recommended minor changes, and recommended future amendments or programs the County may wish to consider in future Plan amendments. In its final comments MDA found no inconsistencies with current law and rule and recommended the plan be approved.

   On April 1, 1991 Stearns County responded in writing to the MDA on its preliminary Plan review comments.

9. **Minnesota Pollution Control Agency Review:** On February 22 and May 29, 1991 the Minnesota Pollution Control Agency (MPCA) provided written comments on the Plan. In its May 29, 1991 comments to the Board the MPCA recommended approval of the Plan.

   On May 1, 1991 Stearns County responded in writing to the PCA on its preliminary Plan review comments.

10. **Minnesota Department of Natural Resources Review:** On March 13, and _____, 1991 the Region III Administrator provided written comments on the Plan to the Board.

    The DNR in its preliminary review dated March 13, 1991 provided comments which dealt with suggested improvements for plan assessments and strategies dealing with permit requirements, drainage, floodplain management, and wildlife habitat.

    The DNR in its final review dated _____, 1991 recommended approval of the Plan.

    On April 1, 1991 Stearns County provided written comments to DNR on its preliminary Plan review comments.

11. **Minnesota Department of Health Review:** On February 7th and _____, 1991 the Minnesota Department of Health (MDH) provided written comments on the Plan to the Board. MDH in its comments dated _____, 1991 recommended approval of the Plan.

    On April 1, 1991 Stearns County provided written comments to MDH on its preliminary Plan review comments.

12. **Minnesota Geological Survey Review:** On February 6th and May 15, 1991 the Minnesota Geological Survey (MGS) provided written comments on the Plan to the Board. MGS reviewed the Plan for accuracy of the text on geology and aquifer systems described in the Plan. MGS identified a number of required changes and additions to the Plan's summaries and references of geology. MGS also provided suggestions for improvement of goals and actions items in the Plan. MGS in its final comments dated May 15, 1991 recommended approval of the Plan.

    On April 1, 1991 Stearns County provided written comments to MGS on its preliminary Plan review comments.

13. **Minnesota State Planning Agency / Environmental Quality Board Review:** No written comments received.

14. **Office of Waste Management Review:** No written comments received.

15. **Minnesota Board of Water & Soil Resources Review:** On March 1, 1991 the Minnesota Board of Water & Soil Resources (BWSR) provided written comments to the County on its preliminary Plan. Required changes or additions to the Plan included:

    ** The Plan's implementation section should tie drained wetland mapping and restoration more closely with identified problems associated with the county's ditches.

    ** Clarification to the assessment on implications of irrigation.

    ** The Plan must identify how the Plan will be coordinated locally, including the designation of a lead agency or local coordinator.

    ** The Plan must include a summary of necessary staff and financial assistance necessary to implement the Plan.

    ** The Plan must include a summary of the conflict resolution process set forth in Minnesota rules 9300.0200 and 9300.0210. The Plan should also prescribe a local conflict resolution procedure.

    ** The Plan must address how amendments will be developed and processed.

    On April 1, 1991 Stearns County responded in writing to the BWSR on its preliminary Plan review comments.

    On _____, 1991 BWSR staff held a close-out meeting to discuss final plan changes.

    On _____, 1991 Stearns County provided written changes to Board.

16. **County Response to Agency Comments:** Stearns County in its final Plan submitted to the Board on April 1, 1991 made some required changes as required by BWSR staff review of March 1, 1991. Stearns County also made numerous changes to the Plan as a result of Agency and local comments.

On _____, 1991 Stearns County provided written changes as required by BWSR at the _____, 1991 close-out meeting.

17. The Board reviewed the Plan for conformance with the requirements of the Comprehensive Local Water Management Act at its June 26, 1991 regular meeting.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan of Stearns County pursuant to Minn. Stat. 1988, Sections 110B.04, Subd. 4 (now 103B.301, Subd. 4.) and Minn. Rules 9300.0170, Subd. 4.

2. The Stearns County Plan attached to this Order states water and water-related problems within the County, possible solutions, general goals, objectives and actions of the County, and an implementation program. The attached Plan is in conformance with the requirements of Minn. Stat. 1988, Chapter 110B (now 103B.301) and Minn. Rules Chapter 9300.

ORDER

The Board hereby approves the attached Plan as the Comprehensive Water Plan of Stearns County. Dated at St. Paul, Minnesota, this 26th day of June 1991.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Donald H. Ogaard
Chairman

INTRODUCTION TO THE MINNESOTA BOARD OF WATER AND SOIL RESOURCES (BWSR) AND ITS ROLE IN WELL HEAD PROTECTION & SENSITIVE GROUND WATER AREA PROTECTION

BACKGROUND

The Board of Water and Soil Resources (BWSR) is a Minnesota state agency that was created in 1987 by a legislative merger of the old Soil and Water Conservation Board, Water Resources Board, and Southern Minnesota River Basin Council. All three agencies had dealt with water, soil, and related land resources and had close ties to counties, soil and water conservation districts and watershed districts.

The BWSR is governed by a seventeen member board comprised of twelve voting and five nonvoting members. The voting members include three county commissioners, three soil and water conservation district supervisors, three watershed district representatives, and three unaffiliated public members. Voting members are appointed by the Governor to staggered four-year terms. The Governor designates the Chair from among the voting members. The five nonvoting members represent the Department of natural Resources, Pollution Control Agency, Department of Health, Department of Agriculture, and University of Minnesota.

The BWSR staff is headed by an Executive Director who serves at the pleasure of the Board. Central office staff are located in St. Paul, and field staff are located in regional offices in Bemidji, Brainerd, Duluth, Marshall, New Ulm, and Rochester.

The mission of the BWSR is to provide leadership enabling local governments to properly manage water and soil resources and to help all citizens be stewards of our irreplaceable resources.

This mission is accomplished through administrative and technical assistance provided to local government, administration of state grants, and plan approval authority of comprehensive local water management plans, watershed district overall plans, and comprehensive plans of soil and water conservation districts. The BWSR also develops information and education programs that stress early detection and prevention of natural resource problems, helping avoid costly environmental mistakes.

In Minnesota, the Board of Water and Soil Resources, watershed districts, watershed management organizations, soil and water conservation districts, and counties work together to conserve natural resources.

ROLE OF BWSR IN WELL HEAD PROTECTION & SENSITIVE GROUND WATER AREA PROTECTION

As with many other resource issues, it appears that the focus for planning and implementing well head protection and sensitive ground water area protection will be at the local level, involving counties, cities, townships, soil and water conservation districts and watershed districts. The BWSR provides direct financial, technical, and administrative assistance to local units of government for the protection and management of natural resources. Through development of resource management and application of conservation practices, these programs have the ability to respond to some of the problems, issues, and concerns associated with the management and protection of well head protection areas and sensitive ground water areas.

The BWSR also plays an important role in coordinating the activities of local government through its plan approval authorities and technical and administrative support services. This coordinating role may be an important function when dealing with well head protection and sensitive ground water areas that cross over one or more political boundaries.

PROGRAMS

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

103B.301 or the Comprehensive Local Water Management Act was passed in 1985 with Rules (M.R. Chapter 9300) developed in 1986. Local water planning is a voluntary program for counties outside the seven county metropolitan area. To date, 78 of the 80 Greater Minnesota Counties are involved in water planning.

The purposes of 103B.301 are to:

1. Collect and asses available state and local information on 55 data elements related to surface water quality and quantity, ground water quality and quantity, and related land resources such as fish and wildlife, surface water recreation and pollutant sources.

2. Identify existing and potential water or water-related problems and identify opportunities for the protection, management, and development of water and related land resources.

3. Develop goals and objectives for the future development, and use of water and related land resources and a description of actions necessary to achieve them.

4. Develop a program for implementation that is based on sound hydrologic management of water and related land resources, effective environmental protection, and efficient management.

The Act was amended in 1989. The amendment requires that all plans developed or revised after July 1, 1989 must include objectives for future use and development of sensitive groundwater areas and well head protection.

Local water plans are an important tool for protecting well head protection and sensitive ground water areas through their ability to direct county activities such as inventories of feedlots, abandoned wells, underground storage tanks, etc., establish policy for land use, provide technical assistance to contaminant source owners on instituting best management practices, educate private well owners, evaluate existing tools for groundwater protection, and determine what additional tools are necessary. Local water plans can also direct certain water related land use activities of municipalities and townships.

Also very important to well head protection and sensitive ground water area protection is the dispute resolution authority of the BWSR (M.S. 103B.345). This authority provides local government with the ability to resolve certain local water planning disputes outside of court.

METROPOLITAN GROUND WATER PLANS 103B.255 (formerly 473.8785)

Metropolitan ground water plans were authorized in 1987 by an amendment to the Metropolitan Watershed Management Act (103B.201). The ground water planning section of the amended Act (103B.255) is voluntary as compared to surface watershed plans which are mandatory. The other main difference between the two plans is that ground water plans are prepared at the county level while surface watershed plans are prepared by Water Management Organizations (WMOs) which are organized along watershed boundaries. Presently six counties are preparing ground water plans pursuant to 103B.255.

The purposes of 103B.255 are to:

1. Summarize available information about ground water and related land resources in the county, including where ground water is located, its availability, quality and how it is being used.

2. Identify the goals, objectives, and priorities of groundwater protection in the county.

3. Contain standards, criteria, and guidelines for the protection of ground water from pollution and land uses in environmentally sensitive areas, critical areas, and previously contaminated areas.

4. Set forth standards and guidelines for the implementation of the plan by WMOs and local units of government.

Metropolitan ground water plans will be an important tool for protecting well head protection and sensitive ground water areas through their ability to direct county activities

such as inventories of feedlots, abandoned wells, underground storage tanks, etc., establish policy for land use, provide technical assistance to contaminant source owners on instituting best management practices, educate private well owners, evaluate existing tools for groundwater protection, and determine what additional tools are necessary. Ground water plans can also direct activities of municipalities and townships through required amendments of WMO plans, to ensure that they are consistent with the county ground water plan.

Also very important to well head protection and sensitive ground water area protection is the dispute resolution authority of the BWSR (M.S. 103B.345). This authority provides local government with the ability to resolve certain local ground water planning disputes outside of court.

ABANDONED WELL SEALING PROGRAM

The Abandoned Well Sealing Program began in 1989 with the passage of the Groundwater Protection Act. The program is designed to provide cost-share funding to counties for sealing high priority abandoned wells. Cost-share rates have been established at up to 75 per cent, not to exceed $2,000 per well. Principal clientele is counties. Current funding is $390,000 for the 1990-91 biennium.

The abandoned well sealing cost-share program can be an effective tool in well head protection and sensitive ground water areas through its ability to offset the cost of sealing abandoned wells within these areas. However, the effectiveness of this program should be cautioned due to the current level of funding and the estimated abundance of abandoned wells. Current estimates place the number of abandoned wells in the state at 800,000 to 1.5 million.

With adequate funding, the abandoned well sealing program could be one of a number of tools necessary to achieve an effective well head protection or sensitive ground water area protection program. Care does need to taken in any well sealing program so as not to eliminate wells which could be used as a monitoring well.

EROSION, SEDIMENT CONTROL AND WATER QUALITY MANAGEMENT PROGRAM (State Cost-Share)

The Erosion, Sediment Control and Water Quality Management Program has been in existence since 1978. The program is designed to provide cost-share funding to landowners and occupiers as an incentive to address high priority erosion, sedimentation, and water quality problems. It is administered by the BWSR through soil and water conservation districts. Current funding is 1.5 millon dollars annually. Cost-share rates are 75 per cent for high priority erosion and water quality problems, and 50 per cent for secondary priority erosion problems.

The cost-share program is an excellent incentive program offering both financial and technical assistance to private landowners. In identified high priority well head and sensitive ground water areas, it could provide assistance with the design and installation of land and water management practices.

The incentive nature of this program also makes it very useful as part of an overall program that incorporates the concept of education, incentives, and regulation.

LOCAL WATER RESOURCES PROTECTION AND MANAGEMENT PROGRAM

The Local Water Resources Protection and Management Program was created in 1989 with the passage of the Groundwater Protection Act. The program is designed to provide financial and technical assistance to counties to aid in the development and implementation of local water plans. Use of and eligibility for funding is dependent on the status of water planning efforts in an individual county. Eligible uses of funds include plan development, staffing, data acquisition, monitoring and program development. Plan development and implementation may be delegated to local units of government.

The program is administered by the BWSR at the state level. Counties administer the program locally. Other local units of government may be delegated the responsibility for water planning and implementation. Current funding is $2.3 million in 1991.

Grants through this program are divided into base and challenge grants for implementation activities. To be eligible for either grant, a county must have an approved and locally adopted water plan, and have enacted the special levy for water planning. Non-competitive state base grants will be up to $37,500, and are determined by subtracting a county's water plan implementation special levy amount from $37,500. Challenge grants are competitive, must be matched on a one-to-one basis with local resources, and have no limit on amount of the request.

This program was designed specifically to assist counties and watershed management organizations in implementing approved water plans. Funds can be used to implement activities identified as priorities in a local water plan.

REINVEST IN MINNESOTA RESERVE PROGRAM

The Reinvest in Minnesota (RIM) Reserve Program is an outgrowth of the recommendations of a 1984 governor-appointed citizen committee formed to study the future of our state's natural resources. The committee found that fish and wildlife resources could not withstand any additional recreational pressures without reinvestment.

The 1986 legislature created the RIM Act, to provide funds for programs designed to

improve wildlife habitat and maintain Minnesota's outdoor tourism industry. The RIM Reserve was one of these programs. The Reserve Program was originally designed to retire only marginal agricultural lands through the purchase of 20 year and perpetual easements by the state. Sensitive groundwater areas, riparian lands, and pastures hillsides were added to the list of eligible lands in 1989.

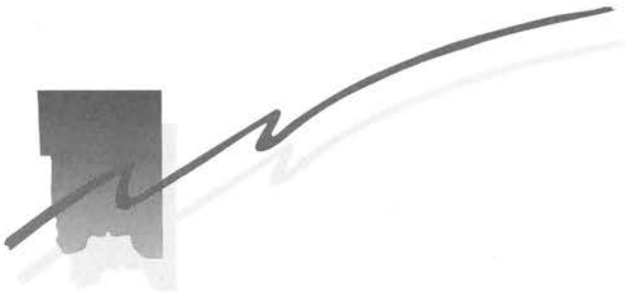
The addition of sensitive groundwater areas gives landowners and local government an additional tool in addressing land use and management within well head protection areas and sensitive groundwater areas. This is accomplished by providing an alternative land use to landowners who are unable to change agricultural practices because of agronomic, or financial reasons.

The program is administered at the state level by the BWSR and locally by soil and water conservation districts. Funding for the 1992-93 biennium is set a $1.0 million. In addition, a local unit of government or service organization can augment the payment rate established by the state, making the program more attractive locally.

For additional information on BWSR programs or activities please call (612) 296-3767.

a:wellhead.rol/djt

RAMSEY SOIL & WATER CONSERVATION DISTRICT



May 29, 1991

Mr. Donald H. Oggard, Chairman
Minnesota Board of Water and Soil Resources
155 South Wabasha, Suite 104
Saint Paul, Minnesota 55107

Dear Mr. Oggard:

The Ramsey SWCD Board of Supervisors requests an opportunity to address the BWSR during its discussion of Cost-Share allocation at the June 26th meeting. We wish to reaffirm our objection to the current, highly discriminatory, system for Cost-Share allocation.

Please respond to our District Manager, Tom Petersen as soon as possible so that the proper arrangements can be made.

Sincerely,

Robert Johnson

Robert Johnson, Chair, Ramsey SWCD

cost-sha.529/a1

2015 Rice Street
Roseville, Minnesota 55113
612/488-1476

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RAMSEY SOIL & WATER CONSERVATION DISTRICT

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MAY 3 0 1991

BOARD
& SOIL

MEMORANDUM

DATE: May 26, 1991

TO: Board of Water and Soil Resources
155 So. Wabasha, Suite 104
St. Paul, Minnesota 55107

FROM: William L. Downing, Supervisor,
Ramsey Conservation District.

SUBJECT: Cost Share Allocations.

It appears that the MASWCD Board of Directors has recommended that your Board leave the cost-share formula as is, rather than recommending for equity in the formula. I have heard it said that the Board of Water and Soil Resources intends to follow the recommendation of the Board of Directors in making its decision, but I believe that action would not be in the best interests of all people of Minnesota. I have written suggesting that the Board of Directors reconsider its action; but I am writing you as well, suggesting that you not follow it if it remains unchanged, but instead adopt a policy of equity in the cost-share allocation rules.

It is important to act in favor of the conservation of all the state's soils and waters, not just those affected by standard row-crop and farm-animal activities. Erosion of soil, and damage to water quality, by forested agriculture, and construction sites in suburban developments can be just as destructive. A formula that fails to take into consideration the soils of forests, suburbs, and recreational areas would probably not receive a favorable reaction from the majority of the voters of Minnesota, or from the Legislature that represents them.

As members of your Board have told me frequently, yours is a State agency with the obligation of serving all the citizens of the State, not a selected minority. I therefore urge that the Board modify the present cost-share allocation formula to reflect equity, and address the needs of forested, urban, and recreational soils and waters.

WLDowning

2015 Rice Street
Roseville, Minnesota 55113
612/488-1476

An Equal Opportunity Employer

FY 92 SLR & SPECIAL PROJECT
STAFF SCORING AND FUNDING RECOMMENDATIONS

SLR PROGRAM

DISTRICT	SCORE	AMOUNT	CUMULATIVE AMOUNT	
ANOKA	56	$ 32,325	$ 32,325	
CASS	55	$ 13,040	$ 45,365	
LAC QUI PARLE 3	51	$ 5,900	$ 51,265	
LAC QUI PARLE 2	51	$ 6,250	$ 57,515	
HENNEPIN	50	$ 18,375*	$ 57,515	
PINE	50	$ 17,500	$ 75,015	
WASHINGTON	50	$ 37,595	$ 112,610	
SIBLEY	48	$ 15,000	$ 127,610	
CARVER	47	$ 26,635	$ 154,245	
PENNINGTON 3	45	$ 22,750		
LAC QUI PARLE 1	44	$ 11,000		
PENNINGTON 2	40	$ 72,500		DO
PENNINGTON 1	40	$ 22,500		
NORMAN 3	40	$ 7,137		NOT
NORMAN 2	40	$ 3,025		
HUBBARD	40	$ 1,858*		FUND
WABASHA	40	$ 18,450		
NORMAN 1	37	$ 2,938		
NORMAN 4	37	$ 11,825		
SUMMARY:	10 PROJECTS FUNDED TOTALLING		$ 157,245	

* Recommendation that the Hennepin proposal be reconsidered after the inputs of the DNR Fisheries and Waters people be incorporated into this proposal.

* Recommendation that $3,000 in funds be added to the Itasca SWCD Special Project to complete a lakeshore erosion project being done in conjuction with the U.S. Army Corps of Engineers on Lake Winnibigoshish.

Recommendation that the Hubbard proposal be funded using FY92 Cost-Share funding.

FY 92 SLR & SPECIAL PROJECT
STAFF SCORING AND FUNDING RECOMMENDATIONS

SPECIAL PROJECTS

DISTRICT	SCORE		AMOUNT	CUMULATIVE AMOUNT
BELTRAMI	85		$ 49,500	$ 49,500
ITASCA	85	(+$ 3,000 SLR)	$ 13,000	$ 62,500
WINONA	82		$ 30,000	$ 92,500
WEST POLK	80		$ 20,400	$ 112,900
KANDIYOHI	80		$ 22,980	$ 135,880
WILKIN	80		$ 31,604	$ 167,484
KANABEC	80		$ 7,500	$ 174,984
NO. ST. LOUIS	75		$ 18,369	$ 193,353
SO. ST. LOUIS	75		$ 12,416	$ 205,769
WEST POLK	70		$ 29,863	DO
SO. ST. LOUIS	65		$ 29,288	NOT
ANOKA	57		$ 59,875*	FUND
COOK	55		$ 12,919	

SUMMARY: 9 PROJECTS FUNDED TOTALLING $ 205,769

* Late submittal of a $ 241,000 application; recommend reapplication in 1992, after going through the prescribed application format not originally followed.

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Preliminary Version

FY92 Grant Allocations to Soil and Water Conservation Districts

District	Cost-Share Regular Allocation	Special Projects	Roll Over	General Services	Streambank Lakeshore & Roadside	Total Service Grants
Aitkin	$ 4,460			$ 9,094		$13,789
Anoka	$ 6,013			$ 8,841	$32,325	$47,202
Becker	$28,971			$ 8,888		$38,300
Beltrami	$10,244	$49,500		$ 8,961		$69,073
Benton	$ 9,816			$ 8,925		$19,145
Big Stone	$15,777			$ 8,867		$25,106
Blue Earth	$23,009			$ 8,969		$32,338
Brown	$13,651			$ 8,888		$22,980
Carlton	$ 4,287			$ 8,969		$13,616
Carver	$21,829			$ 8,991	$26,635	$57,793
Cass	$ 7,011			$ 9,130	$13,040	$29,380
Chippewa	$11,519			$ 8,867		$20,848
Chisago	$12,201			$ 8,576		$21,530
Clay	$21,311			$ 8,925		$30,640
Clearwater	$ 8,541			$ 8,903		$17,870
Cook	$ 1,822			$ 8,881		$11,151
Cottonwood	$16,883			$ 8,881		$26,212
Crow Wing	$ 5,223			$ 9,145		$14,552
Dakota	$26,411			$ 9,086		$35,740
Dodge	$11,947			$ 8,867		$21,276
Douglas	$19,862			$ 9,174		$29,191
Faribault	$14,926			$ 8,888		$24,255
Fillmore	$28,284			$ 8,903		$37,613
Freeborn	$19,692			$ 8,852		$29,021
Goodhue	$30,241			$ 8,917		$39,570
Grant	$11,726			$ 7,353		$20,349
Hennepin	$12,286			$ 10,002		$21,615
Hubbard	$ 5,906			$ 8,888		$15,235
Isanti	$ 7,265			$ 8,896		$16,594
Itasca	$ 4,885	$13,000		$ 9,123	$ 3,000	$30,214
Jackson	$18,332			$ 8,896		$27,661
Kanabec	$ 6,075	$ 7,500		$ 8,925		$22,904
Kandiyohi	$16,883	$22,515		$ 8,903		$48,727
Kittson	$ 5,990			$ 8,888		$15,319
Koochiching	$ 1,991			$ 8,940		$11,320
Lac Qui Parle	$25,649			$ 8,896	$12,150	$47,128
Lake	$ 4,034			$ 8,947		$13,363
Lake of the Woods	$ 2,929			$ 8,969		$12,258
Le Sueur	$19,692			$ 8,947		$29,021
Lincoln	$13,820			$ 8,859		$23,149
Lyon	$17,820			$ 8,961		$27,149
Mahnomen	$ 7,780			$ 8,837		$17,110
Marshall-Beltrami	$ 4,891			$ 8,940		$14,220
Marshall	$ 9,815			$ 8,867		$19,144
Martin	$25,564			$ 8,888		$34,893
Mc Leod	$16,116			$ 8,932		$25,445
Meeker	$20,454			$ 8,940		$29,783
Mille Lacs	$ 8,969			$ 9,021		$18,298
Morrison	$25,390			$ 9,050		$34,719
Mower	$ 9,650			$ 8,852		$18,979
Murray	$14,243			$ 8,940		$23,572
Nicollet	$ 9,990			$ 8,903		$19,319
Nobles	$27,680			$ 8,969		$37,010

Norman	$17,053		$ 8,852		$26,382
Olmsted	$37,892		$ 8,925		$47,221
East Otter Tail	$23,522		$ 9,013		$32,851
West Otter Tail	$24,713		$ 9,013		$34,042
Pennington	$ 9,232		$ 8,852		$18,561
Pine	$10,244		$ 8,976	$17,500	$37,073
Pipestone	$15,349		$ 8,888		$24,678
East Polk	$11,604		$ 8,877		$20,933
West Polk	$18,925	$20,400	$ 8,877		$48,654
Pope	$24,543		$ 8,881		$33,872
Ramsey	$ 9,144		$ 9,138		$18,473
Red Lake	$ 5,990		$ 8,852		$15,319
Redwood	$11,011		$ 8,903		$20,340
Renville	$10,752		$ 8,852		$20,081
Rice	$17,894		$ 8,888		$27,223
Rock	$15,934		$ 8,874		$25,263
Root River	$22,494		$ 8,837		$31,825
Roseau	$11,350		$ 8,881		$20,679
North St. Louis	$ 3,100	$18,369	$ 9,130		$30,798
South St. Louis	$ 6,837	$12,416	$ 9,277		$28,582
Scott	$20,284		$ 9,511		$29,614
Sherburne	$ 3,781		$ 9,028		$13,110
Sibley	$12,240		$ 8,583	$15,000	$36,117
Stearns	$46,837		$ 9,188		$56,166
Steele	$ 9,821		$ 8,903		$19,150
Stevens	$22,586		$ 8,903		$31,915
Swift	$11,096		$ 8,402		$20,425
Todd	$21,988		$ 9,021		$31,317
Traverse	$ 6,419		$ 8,888		$15,748
Wabasha	$21,468		$ 8,925		$30,797
Wadena	$ 5,309		$ 8,867		$14,638
Waseca	$ 9,738		$ 8,932		$19,067
Washington	$12,542		$ 9,115	$37,595	$59,466
Watonwan	$ 8,288		$ 8,932		$17,617
Wilkin	$10,842	$31,604	$ 8,852		$51,775
Winona	$17,391	$30,000	$ 8,976		$56,720
Wright	$18,318		$ 9,255		$27,647
Yellow Medicine	$16,799		$ 8,947		$26,128

SUBTOTAL	$1,313,181	$205,304	$812,929	$157,245	$2,488,659
PROGRAM TOTAL	$1,520,169		$849,000	$159,000	
ALLOCATED TOTAL	$1,518,495		$812,929	$157,245	
BALANCE	$2,184		$36,071	$1,755	

LOCAL WATER RESOURCES PROTECTION AND MANAGEMENT PROGRAM (LWRPMP)

PROJECTED FUNDING USE DURING THE FY92-93 BIENNIUM*

FY 91 Summary (Actual)
Fifty-two counties levied $311,684, receiving LWRPMP Base Grant funds totalling $1,638,375. The remainder of the $2.37 million of LWRPMP funding was made available for Challenge Grants. While Otter Tail County was eligible to levy, they chose not to do so. Also, three counties (Anoka, Cook and Wadena) eligible to receive planning grant funds have yet to do so. Whether or not they will do so in the future remains uncertain, but we assume these counties will take advantage of this opportunity to receive state funding. Due to the length of the local water planning process, most counties receiving planning grants in FY92 probalbly won't be eligible to receive a Base Grant until FY94.

FY92 Summary (estimated)
Assumptions for FY92 include: that 16 additional counties will have their Water Plans approved, and that these counties will implement a local levy for water planning. This will allow them to recive a Base Grant. Also, we assume that Otter Tail County will proceed to implement a local levy, and lastly, the three counties eligible for water planning grants will participate in such a process, using state funds. The addition of the planning counties, plus 16 counties and Otter Tail to the list already receiving Base Grant funding will increase the LWRPMP Base and planning Grant total demand to $2,196,170. With $2,435,000 available in FY92, $238,830 will be available for Challenge Grant applications.

FY93 Summary (estimated)
Eleven additional counties (above the FY92 total) are projected to have their Comprehensive Local Water Plans approved, bringing to 80 the number of counties eligible to receive Base Grant funding. Assuming the number of existing participating counties remains unchanged, a total amount of $2,456,715 in LWRPMP will be given to counties for Base Grant funding. This will leave $ 78,285 for Challenge Grants, leaving a two year LWRPMP total of $317,056 available for Challenge Grants.

*These estimates are based on the figures of county equalized net tax capacity for 1990 from the Department of Revenue, and our best estimate of the numbers of counties eligible to participate in this program (i.e., levying, with an approved Water Plan). Individual county levy and Base Grant figures may be altered in the 1991 net tax capacity totals, which will be available from the Department of Revenue in September.

LOCAL WATER RESOURCES PROTECTION AND MANAGEMENT PROGRAM (LWRPMP)

SUMMARY OF PROJECTED FUNDING USE DURING THE FY92-93 BIENNIUM

FY91 (Actual):

52 Counties receiving Base Grants of	$1,638,375
22 Challenge Grants to Counties for	$ 728,370
Printing of LWRPMP Inventory Booklets	$ 3,255
Total	$2,370,000

FY92 (Estimated):

Total Appropriation available:	$2,435,000
Subtract	
69 Counties receiving Base Grants of	$2,150,029
3 Counties receiving Planning Grants	$ 46,200
Total Remaining in the LWRPMP for Challenge Grants	$ 238,771

FY93 (Estimated):

Total Appropriation available:	$2,535,000
Subtract	
80 Counties receiving Base Grants of	$2,456,715
Total Remaining in the LWRPMP for Challenge Grants	$ 78,285
Challenge Grant Available for FY92-93	$ 317,056

STREAMBANK, LAKESHORE & ROADSIDE
PROPOSED CRITERIA

PURPOSE: Grants are available to SWCDs and other local units of government to solve sediment and erosion control problems that are located on streambank, lakeshore and roadside sites.

Cost-share payments (now given out up-front) must not exceed 50 per cent of the project costs, or 50 per cent of the local share if federal funds are used.

The desire to no longer prioritize federally funded projects was expressed, based on the fact that an original objective of the SLR Program, to be able to bring revenue to a local economy through a SWCD, is not as significant as it once was. However, the aim of the program to assist local units of government was upheld.

1. Degree of Public Benefit: 0 to 20 points
   Public Benefits include:
   - *Public safety considerations
   - *Public education
   - *Water quality impacts (including proximity to protected waters, wetland protection, etc.)
   - *Wildlife & Fisheries benefits
   - *Recreational benefits, including accessibility

2. Cause & Effect: 0 to 15 points
   Will an identified problem be adequately treated, providing a long-term solution to satisfactorily address the causes of subsequent erosion, sedimentation & water quality degradation?
   Considerations include:
   * Is the cause within the applicants control?
   * Will the problem be adequately treated?
   * Is the treatment to a provide long-term solution?

3. Are Least-Cost Methods employed to control an identified problem? 0 to 10 points

4. Tie-in and identification of the project as it relates to local plans and controls, such as: 0 to 10 points
   - SWCD Annual Plans
   - Comp Local Water Plans
   - Local Ordinances or Official Controls
   - Other local cooperative efforts
5. Is this a continuation or completion of an on-going project? 0 or 5 points

6. Could this project be completed through the regular Cost-Share Program? 0 or 5 points

SPECIAL PROJECT
PROPOSED CRITERIA

PURPOSE: To use 10 per cent of Cost-Share Program to fund special projects which address erosion or sediment control, or water quality problems using the procedures set forth in the Cost-Share Program. Special Project funding provides an opportunity for requests of a larger scale to be funded, thus reducing demands on regular cost-share funding, and it also provides a funding mechanism for the installation of innovative methods & approaches for erosion and sediment control and water quality problems.

1. Degree of Public Benefit: 0 to 20 points
   Public Benefits include:
   - *Public safety considerations
   - *Public education
   - *Water quality impacts (including proximity to protected waters, wetland protection, etc.)
   - *Wildlife & Fisheries benefits
   - *Recreational benefits, including accessibility

2. Innovativeness of the project, based on: 0 to 20 points
   - *New or transferred technology implementation
   - *New methodologies employed
   - *New opportunities identified
   - *The identified/projected life of the project
   - *Multi-agency efforts
   - *Multi-county efforts

3. Tie-in and identification of the project as it relates to local plans and controls, such as: 0 to 10 points
   - SWCD Annual Plans
   - Comp Local Water Plans
   - Local Ordinances or Official Controls
   - Other local cooperative efforts

4. Cause & Effect: 0 to 10 points

5. Are Least-Cost Methods employed to control an identified problem? 0 to 10 points

6. Are Cost-Share funds still available locally? 0 to 5 points

7. Could the project be funded through the regular Cost-Share Program? 0 or 5 points

8. Documented or projected effectiveness of the project: (0 to 10 points) based on the data available from
   - * site investigation
   - * other documentation
   - * post-project reporting & accomplishment

FY 92 SLR & SPECIAL PROJECT
STAFF SCORING AND FUNDING RECOMMENDATIONS

SLR PROGRAM

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SUMMARY:	10 PROJECTS FUNDED TOTALLING		$ 157,245	

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Recommendation that the Hubbard proposal be funded using FY92 Cost-Share funding.

FY 92 SLR & SPECIAL PROJECT
STAFF SCORING AND FUNDING RECOMMENDATIONS

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KANDIYOHI	80		$ 22,515	$ 135,415
WILKIN	80		$ 31,604	$ 167,019
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WEST POLK	70		$ 29,863	DO
SO. ST. LOUIS	65		$ 29,288	NOT
ANOKA	57		$ 59,875*	FUND
COOK	55		$ 12,919	

SUMMARY: 9 PROJECTS FUNDED TOTALLING $ 205,304

* Late submittal of a $ 241,000 application; recommend reapplication in 1992, after going through the prescribed application format not originally followed.

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SLR PROJECTS
SCORESHEET

District: _____

Project:_____

Streambank, lakeshore & roadside

1. Degree of Public Benefit: 0 to 20 points _____

Comments:

2. Cause & Effect: 0 to 15 points _____

Comments:

3. Least-Cost Methods: 0 to 10 points _____

Comments:

4. Local Plans and Controls: 0 to 10 points _____

Comments:

5. Continuation of an on-going project: 0 or 5 points _____

Comments:

6. Completion through regular Cost-Share funding: 0 or 5 points __

Comments:

SUM TOTAL: _____

RANK: _____

SPECIAL PROJECT
SCORESHEET

District: _____

Project: _____

1. Degree of Public Benefit: 0 to 20 points _____

Comments:

2. Innovativeness of the project: 0 to 20 points _____

Comments:

3. Local Plans & Controls: 0 to 10 points _____

Comments:

4. Cause & Effect: 0 to 10 points _____

Comments:

5. Least-Cost Methods: 0 to 10 points _____

Comments:

6. Cost-Share funds available? 0 to 5 points _____

Comments:

7. Completion through regular Cost-Share Program: 0 or 5 points

Comments:

8. Project effectiveness: 0 to 10 points _____

Comments:

SUM TOTAL: _____

RANK: _____

FY1992 ALLOCATIONS TO SOIL AND WATER CONSERVATION DISTRICTS

FINAL VERSION (JUNE 26,1991)

	COST	SHARE		GENERAL			TOTAL 0.00
DISTRICT	REGULAR ALLOCATION	SPECIAL PROJECTS	ROLL-OVER	SERVICES	SLR		SERVICE GRANTS
AITKIN	$ 4,460			$ 9,321			13,781.00
ANOKA	$ 6,013			$ 9,061	$ 32,325		47,399.00
BECKER	$ 28,971			$ 9,110			38,081.00
BELTRAMI	$ 10,244	$ 49,500		$ 9,185			68,929.00
BENTON	$ 9,816			$ 9,148			18,964.00
BIG STONE	$ 15,777			$ 9,088			24,865.00
BLUE EARTH	$ 23,009			$ 9,193			32,202.00
BROWN	$ 13,651			$ 9,110			22,761.00
CARLTON	$ 4,287			$ 9,185			13,472.00
CARVER	$ 21,829			$ 9,215	$ 26,635		57,679.00
CASS	$ 7,011			$ 9,358	$ 13,040		29,409.00
CHIPPEWA	$ 11,519			$ 9,088			20,607.00
CHISAGO	$ 12,201			$ 9,253			21,454.00
CLAY	$ 21,311			$ 9,148			30,459.00
CLEARWATER	$ 8,541			$ 9,125			17,666.00
COOK	$ 1,822			$ 9,103			10,925.00
COTTONWOOD	$ 16,883			$ 9,103			25,986.00
CROW WING	$ 5,223			$ 9,373			14,596.00
DAKOTA	$ 26,411			$ 9,313			35,724.00
DODGE	$ 11,947			$ 9,088			21,035.00
DOUGLAS	$ 19,862			$ 9,403			29,265.00
FARIBAULT	$ 14,926			$ 9,110			24,036.00
FILLMORE	$ 28,284			$ 9,125			37,409.00
FREEBORN	$ 19,622			$ 9,073			28,695.00
GOODHUE	$ 30,241			$ 9,140			39,381.00
GRANT	$ 11,726			$ 8,352			20,078.00
HENNEPIN	$ 12,286			$ 10,253			22,539.00
HUBBARD	$ 5,906			$ 9,110			15,016.00
ISANTI	$ 7,265			$ 9,118			16,383.00
ITASCA	$ 4,885	$ 13,000		$ 9,351	$ 3,000		30,236.00
JACKSON	$ 18,332			$ 9,118			27,450.00
KANABEC	$ 6,075	$ 7,500		$ 9,148			22,723.00
KANDIYOHI	$ 16,883	22,515		$ 9,125			48,523.00
KITTSON	$ 5,990			$ 9,110			15,100.00

	COST	SHARE		GENERAL			TOTAL 0.00
DISTRICT	REGULAR ALLOCATION	SPECIAL PROJECTS	ROLL-OVER	SERVICES	SLR		SERVICE GRANTS
KOOCHICHING	$ 1,991			$ 9,163			11,154.00
LAC QUI PARLE	$ 25,649			$ 9,118	$ 12,150		46,917.00
LAKE	$ 4,034			$ 9,170			13,204.00
LAKE OF THE WOODS	$ 2,929			$ 9,193			12,122.00
LE SUEUR	$ 19,692			$ 9,170			28,862.00
LINCOLN	$ 13,820			$ 9,080			22,900.00
LYON	$ 17,820			$ 9,185			27,005.00
MAHNOMEN	$ 7,780			$ 9,058			16,838.00
MARSHALL-BELTRAMI	$ 4,891			$ 9,163			14,054.00
MARSHALL	$ 9,815			$ 9,088			18,903.00
MARTIN	$ 25,564			$ 9,110			34,674.00
MC LEOD	$ 16,116			$ 9,155			25,271.00
MEEKER	$ 20,454			$ 9,163			29,617.00
MILLE LACS	$ 8,969			$ 9,246			18,215.00
MORRISON	$ 25,390			$ 9,276			34,666.00
MOWER	$ 9,650			$ 9,073			18,723.00
MURRAY	$ 14,243			$ 9,163			23,406.00
NICOLLET	$ 9,990			$ 9,125			19,115.00
NOBLES	$ 27,680			$ 9,193			36,873.00
NORMAN	$ 17,053			$ 9,073			26,126.00
OLMSTED	$ 37,892			$ 9,148			47,040.00
EAST OTTER TAIL	$ 23,522			$ 9,238			32,760.00
WEST OTTERTAIL	$ 24,713			$ 9,238			33,951.00
PENNINGTON	$ 9,232			$ 9,073			18,305.00
PINE	$ 10,244			$ 9,200	$ 17,500		36,944.00
PIPESTONE	$ 15,349			$ 9,110			24,459.00
EAST POLK	$ 11,604			$ 9,099			20,703.00
WEST POLK	$ 18,925	$ 20,400		$ 9,099			48,424.00
POPE	$ 24,543			$ 9,103			33,646.00
RAMSEY	$ 9,144			$ 9,366			18,510.00
RED LAKE	$ 5,990			$ 9,073			15,063.00
REDWOOD	$ 11,011			$ 9,125			20,136.00
RENVILLE	$ 10,752			$ 9,073			19,825.00
RICE	$ 17,894			$ 9,110			27,004.00
ROCK	$ 15,934			$ 9,095			25,029.00
ROOT RIVER	$ 22,494			$ 9,058			31,552.00
ROSEAU	$ 11,350			$ 9,103			20,453.00

	COST	SHARE		GENERAL			TOTAL 0.00
DISTRICT	REGULAR ALLOCATION	SPECIAL PROJECTS	ROLL-OVER	SERVICES	SLR		SERVICE GRANTS
NORTH ST. LOUIS	$ 3,100	$ 18,368		$ 9,358			30,827.00
SOUTH ST. LOUIS	$ 6,837	$ 12,416		$ 9,509			28,762.00
SCOTT	$ 20,284			$ 9,749			30,033.00
SHERBURNE	$ 3,781			$ 9,253			13,034.00
SIBLEY	$ 12,240			$ 8,797	$ 15,000		36,037.00
STEARNS	$ 46,837			$ 9,418			56,255.00
STEELE	$ 9,821			$ 9,125			18,946.00
STEVENS	$ 22,586			$ 9,118			31,704.00
SWIFT	$ 11,096			$ 9,065			20,161.00
TODD	$ 21,988			$ 9,246			31,234.00
TRAVERSE	$ 6,419			$ 9,110			15,529.00
WABASHA	$ 21,468			$ 9,148			30,616.00
WADENA	$ 5,309			$ 9,088			14,397.00
WASECA	$ 9,738			$ 9,155			18,893.00
WASHINGTON	$ 12,542			$ 9,343	$ 37,595		59,480.00
WATONWAN	$ 8,288			$ 9,155			17,443.00
WILKIN	$ 10,842	$ 31,604		$ 9,073			51,519.00
WINONA	$ 17,391	$ 30,000		$ 9,200			56,591.00
WRIGHT	$ 18,318			$ 9,486			27,804.00
YELLOW MEDICINE	$ 16,799			$ 9,170			25,969.00
SUBTOTAL	$1,313,084	$205,304		$ 834,946	$ 157,245		2,510,579.00
PROGRAM TOTAL	$1,520,169			$ 849,000	$ 159,000		
ALLOCATED TOTAL	$1,518,388			$ 834,946	$ 157,245		
BALANCE	$ 1,781			$ 14,054	$ 1,755		

Notes:

Grant's Cost-Share and General Services allocations have been reduced by $724 and $ 796 respectively as final payment for program violations.

Anoka's Cost-Share and General Services allocations have been reduced 5 per cent ($781) as a result of late submission of the SWCD's Annual Plan and Annual Report.

Sibley's Cost-Share and General Services allocations have been reduced by 5 per cent ($1,096) as a result of late submission of the SWCD's Annual Plan and Annual Report.

Balance funding in the Cost-Share Program will become part of the Roll-Over allocation to SWCDs at the end of calendar year 1991.

Balance funding in General Services will be used to match the EPA/MPCA funding of the Feedlot position in Marshall.