



Minnesota Board of Water and Soil Resources.
Minutes.

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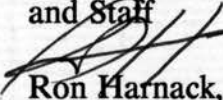
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St. Paul, Minnesota 55107
(612) 296-3767
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DATE: August 21, 1991

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

FROM:  Ron Harnack, Executive Director

SUBJECT: August 28, 1991 BWSR Meeting

Regional Offices

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

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

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

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

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

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

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

The BWSR meeting will be held in Room 112 (Senate Hearing Room) of the State Capitol. Parking is available on the orange level of the Centennial Building Ramp. The agenda for the meeting along with background information is attached for your review. General highlights relating to the agenda are as follows:

LEGISLATIVE INITIATIVES: Although it seems that it was only yesterday that the '91 legislative session was over, it's time again to prepare for the '92 session. Staff have developed a list of areas that will be discussed. We do need to submit brief summaries of potential initiatives prior to the September Board meeting, however we can adjust or amend during the process as the Board formalizes its position over the next couple months. Discussion topics include: comprehensive water plan implementation levy; watershed district levy; soil and water conservation district taxing authority and regulatory authority; watershed district law revisions; Board composition; dispute resolution committee composition; RIM program amendments and wetland law technical amendments. In a short legislative session the focus will be on policy initiatives not funding.

MINNESOTA FORESTRY IMPROVEMENT PROGRAM (MFIP) ALLOCATIONS: The legislature appropriated \$120,000 each year to the DNR to be allocated to BWSR for grants to SWCD's. Staff in consultation with DNR will present allocation recommendations for Board action.

SOIL LOSS LIMITS: The Board's Strategic Plan has a specific initiative addressing soil loss. A committee representing farm groups, state, federal and local agencies have been meeting to define a new comprehensive approach to more aggressively pursue and achieve T BY 2000 programs in each county by 2000. Status of initiative will be reviewed as well as where from here. A committee of the Board, soil loss committee, may be appropriate.

STUDY AREA II TECHNICAL OFFICE BUDGET: Review and approval of the office budget for Area II.

WELL SEALING & COST-SHARE PROGRAM - LCMR WORK PLANS: The legislature adjusted original appropriations from the environmental trust fund and allocated \$750,000 to well sealing and \$250,000 to sinkhole diversion and protection. Work plans will be reviewed with the Board before submission to LCMR for approval.

If you have any questions regarding the agenda or the attached informational material please feel free to call. See you on the 28th!

RDH:mja
Enclosures

P.S. Everyone is invited to stop by the BWSR booth at the State Fair. We're located in the southeast corner of the Education Building.

**BOARD OF WATER AND SOIL RESOURCES
ROOM 112
STATE CAPITOL
75 CONSTITUTION AVENUE
ST. PAUL, MINNESOTA
AUGUST 28, 1991**

PRELIMINARY AGENDA

- | | |
|------------|---|
| 9:00 a.m. | 1. Call to Order |
| | 2. Adopt Agenda |
| | 3. Approval of Minutes of July 24, 1991 |
| | 4. Recognition of Natalie Haas Steffen |
| | 5. Reports <ul style="list-style-type: none">- Chairman's Report - Jim Nielsen- Executive Director's Report - Ron Harnack- EQB/Water Resources Committee Report - Mel Sinn |
| 10:00 a.m. | 6. Legislative Initiatives - for discussion and decision |
| 11:00 a.m. | 7. Minnesota Forestry Improvement Program (MFIP) Allocations - Chuck Niska - for decision |
| | 8. Soil Loss Limits Update - Dave Behm |
| 12:00 p.m. | Lunch |
| 1:00 p.m. | 9. Advisor Comments <ul style="list-style-type: none">- John Sumption, MACDE- Franklin Denn, MAT- Gary Nordstrom, SCS- Danny Potter, MASWCD- Pat Wulff, LMF- Howard Peterson, MAWD |
| | 10. Approval of Meeker County Water Plan - Chris Hughes |
| | 11. Study Area II Technical Office Budget - Mel Sinn - for decision |
| | 12. Well Sealing and Cost-Share Program Work Plans - Eric Mohring - for information |
| | 13. Board Issues - discussion, comments, action needed |
| | Next meeting - September 25, 1991 |
| 2:00 p.m. | Adjourn |

LEGISLATIVE INITIATIVES

- ✓ • Add city membership to BWSR
- ✓ • DRC membership - two cities; one watershed district; one county; one SWCD
- ✓ • Agency voting membership
- DT • CLWP implementation levy
 - increase watershed district levy
 - county increase
- DT • SWCD's (103C)
 - regulatory authority
 - Accept delegation from county
 - taxing authority
- DT/BS • Plan review amendment timeframes
- Wetland act amendments
- ✓ • 103D watershed act amendments
- ✓ • Lake improvement district establish functions and authorities
- ✓ • RIM
 - noncropland riparian
 - eliminate protected waters cropland requirement

OVERVIEW OF THE MCLEOD COUNTY COMPREHENSIVE WATER PLAN

FOR THE AUGUST 28, 1991 BWSR MEETING

INTRODUCTION

McLeod County began Comprehensive Local Water Planning on February 6, 1991 as part of the Mid Minnesota Joint Powers Board which was formed to write comprehensive local water plans. The initial phase of planning involved five public meetings to identify issues and concerns of the citizens followed by formation of a Water Management Committee. The committee was responsible for the development of overall county objectives, policies and action items. The committee also reviewed and finalized the recommended management strategies. A public hearing was held on June 25 to receive comments on the water plan. The plan went through a preliminary state agency review during April, May, and June of 1991 as well as a local review during the same period. The final draft of the plan was submitted for review final State Agency review on August 1, 1991. This is an overview of that final draft.

PHYSICAL DESCRIPTION OF MCLEOD COUNTY

McLeod County is located in the east-central part of Minnesota bordered by Renville, Meeker, Wright, Carver and Sibley counties. The County seat is Glencoe with other cities being Lester Prairie, Winsted, Silver Lake. Hutchinson, Brownton and Stewart. Smaller communities in the county are Fernando, Sumter, Biscay and Plato.

Surficial deposits of undifferentiated drift exist throughout McLeod County except for the surficial outwash, of sand and gravel, located in the floodplains of the South Fork Crow River, High Island Creek and Buffalo Creeks. The depth of surficial deposits is anywhere from 200 feet at the Eastern and Southern borders of the County to 500 feet in the center of the County where a buried bedrock valley exists. Surficial aquifers generally produce 25 to 100 GPM with outwash in the Middle Fork Crow River producing 100 to 500 GPM.

The uppermost bedrock layer is 200 feet deep in the Southeast corner of the County. As one travels northwesterly you would encounter the Ironston Galesville and Franconia bedrock layers at greater than 200 feet in depth. Continuing on, the Eau Claire and Mount Simon Hinkley are found at a depth of approximately 500 feet near the center of the County. Traveling northwest undifferentiated igneous and metamorphic rock is found followed by cretaceous(sedimentary) rock extending West into adjacent counties. Several of the bedrock layers are water bearing.

Aquifer recharge occurs generally in the uplands as precipitation percolates through the upper till and into the aquifers. Aquifer discharge takes place in the major river basins and is evident by

continued flow during periods of drought. The major watersheds of Mcleod County are the North Fork Crow River(2.83 %), South Fork Crow River (84.33%) and the Minnesota River(Shakopee)[12.83%].

The severity of erosion and erosion potential increases from the south to the north, with high priority regions occurring primarily in the northern one-third of the County. Original vegetation included both upland prairie and deciduous forest. Prairie wetland and pothole lakes existed near present day Stewart and Fernando. Virgin upland prairie is virtually extinct with the exception of a Nature Conservancy project of less than 100 acres.

The City of Hutchinson has grown considerably since the 1969 land use survey was made. In that survey 82% of Mcleod County was Ag-land, followed by open pasture (8.5%), wetlands and lakes (4.6%) and residential(3,3%). The Department of Natural Resources owns and operates 8,720 acres (2.7%) of land including the Luce Line trail running from Winsted to Hutchinson. 96% of the County is privately owned. There are 201.5 miles of public ditches in the County. An average annual figure for maintenance is \$25,000. There are 6 Regional/County parks including Buffalo Creek, Swan Lake, William May, Stahl's Lake, Piepenburg and Lake Marion.

STAFF REVIEW

The communities of Biscay and Plato rely solely on private septic systems and have no operating storm sewer systems. An AGNPS study of Lake Winsted indicated several problem areas including high sedimentation, feedlot runoff and nutrients in runoff from the City of Winsted. The County is proposing to construct receiving ponds to filter out sediment, nutrients and other materials from storm runoff and to inspect feedlots for their impact on receiving waters. Buffalo Creek stream quality data, slightly east of Plato, indicates very high levels of phosphorous possibly because of municipal or industrial sources. The Buffalo Creek Watershed District performed the testing through a private engineer and will conduct future testing to delineate problems and sources of contamination of the Creek including several ditch/creek entry points. The Minnesota Department of Health maintains that the level of sodium in the Glencoe water supply may be of concern to citizens with low sodium or sodium free dietary requirements. The high sodium is a result of a Zeolite water softening procedure in the treatment of water.

A major concern of the citizens of Mcleod County is the Mcleod County Landfill. An existing monitoring well at the landfill site has measured the presence of several volatile organic hydrocarbons and inorganic compounds in shallow glacial deposit groundwater at a depth of 15 to 25 feet. These contaminants have not migrated off site as of December of 1990 and are being monitored closely. The County plans to support continued well testing at the site as well as throughout the County. and Feedlots in the County total approximately 1195 with 130 near a lake or stream and another 300 thought to be potentially polluting tile lines and county ditches.

Approximately 50% of the wetlands in Mcleod County have been lost through drainage for agricultural purposes. The plan focusses on wetland restoration while at the same time maintaining the existing drainage system and minimizing flood damages. The County shall cause to be adopted, through the County or Watershed Districts, policy and zoning regulations prohibiting future drainage of Types III through VIII wetlands and all undrained non-rowcropped Types I and II wetlands. Additionally the County plans to provide tax incentives to landowners to maintain existing wetlands of all types and provide immediate reassessment of tax capacity upon documentation of wetland conversion or maintenance.

Sources of nutrient sediment pollution in surface waters are failing septic systems, ag-runoff and livestock waste. The County plans a largely educational/incentive program to address ag-runoff concerns with a focus on shoreland zoning as a method of maintaining vegetative buffers to some surface waters. The County Environmentalist will maintain a surface water data base and manage the surface water quality program. The County plans to use an ordinance to require a minimum setback distance of feedlots from streambanks and shorelines with vegetative buffer strips between them. The County also plans to establish a program to upgrade nonconforming systems.

Leaky underground storage tanks are a concern in the County because of the VOC's identified in the Minnesota Department of Health's well sampling program. The County will request local units of government to provide information on potential and known contamination sites and will compile information on leaking underground storage tanks while testing those tanks suspected to be leaking. The County anticipates a slight increase in staff to assist with its water quality data base, ISTS program, Toxic and Hazardous Waste Program, landfill activities, educational program and abandoned well inventory. The County will appoint a County Environmentalist to be responsible for water plan implementation and will provide appropriate funding for plan implementation.

BWSR staff has and will continue to work with Mcleod County to address concerns related to plan content.

Submitted by Chris Hughes with information obtained from the Mcleod County Comprehensive Water Plan.

SUMMARY of PESTICIDE APPLICATOR EDUCATION and EXAMINATION REVIEW BOARD

May 23, 1991

Present: Don Warner, MN Board of Water and Soil Resources
Dan Gullicksen, MN Department of Transportation
Lisa Holmquist, MN Plant Food & Chemical Assn.
William Anderal, MN Department of Health
Judy Bellairs, Sierra Club
Terry Lahti, MN Department of Natural Resources
Terry Ambroz, MN Pest Information and Education Organization
Michael Laughlin, MN Pest Control Assn.

Minnesota Extension Service: Phil Harein
Richard Meronuck
Dean Herzfeld

Minnesota Department of Agriculture: Mike Fresvik
Wayne Dally
Rick Hansen
Steve Poncin

Absent: Gary Golla, MPFCA
Wayne Anderson, MPCA

The meeting of the Pesticide Applicator Education and Examination Review Board met May 23, 1991 at the Minnesota Department of Agriculture (MDA). The meeting was called to order by Rick Hansen, Supervisor of the newly organized information unit. Mr. Hansen will assume chairmanship of the board as part of his new duties.

The minutes of the last meeting were reviewed. An update on the proposed changes to FIFRA was called for. Dean Herzfeld reported that in the fall of the year we should find out which proposed changes will implemented. A copy of an article from Agri - Chemical was distributed. The article reviewed the changes being suggested and offered some discussion on the ramification.

Dean went on to expound on some of the proposed changes.

1. Elimination of verbal test - only two (2) have been given in Minnesota in last eight (8) years. Spanish language test and materials - may become more important in the future.
2. Levels of supervision would have no affect in Minnesota as currently all applicators are required to be certified.
3. Development of categories of private applicators for chemigation and fumigation. Would require some changes to be made in Minnesota.
4. Requiring of veterinarians and medical doctors to be certified. There is a great deal of opposition from these professions.

5. Establishment of recertification requirements for private and commercial applicators. Would standardize and make the trainings similar. The feeling was that in Minnesota they are similar now and would create little or no adjustment.

Additional discussion focused on fumigation for private applicators. There appears to be two options.

1. Private applicator with fumigation subcategory
2. All would need a commercial/non-commercial license

North Dakota has enacted a regulation requiring all private applicators to obtain a commercial license to purchase and apply grain fumigants. The regulation has created some controversy and the regulation maybe reviewed.

To implement the private applicator subcategory grain fumigation would provide two options. One option would be to include fumigation training at all private applicator workshops. The other option would be to have a separate training for those applicators. There was no idea of the number of private applicators that are currently fumigating their own grain.

A subcommittee was appointed to address the topic of private applicator/grain fumigation. Chair - Phil, committee, Wayne, Bill, Dean and Steve. The subcommittee is to report back at the next board meeting.

The consensus for the chemication category was that there is a great deal of educational material available, so to develop a program would not be difficult.

Phil Harein updated the group on his forth coming retirement. He will be ending his employment with the Minnesota Extension Service on June 30. He has contracted with the Minnesota Extension Service to continue to offer certification programs through March 1992. At present there are no plans to fill his position with the extension service.

A question was raised regarding credentials for trainers that conduct recertification workshop. Apparently the Department of Health certifies all their trainers. It was explained that the program outline and subject matter is reviewed and accepted or rejected by MDA and MES personnel. The curriculum needs approval and not the presenter. In addition EPA reviews all the states programs.

A review of past activities within the Pesticide Applicator training program was the next item of business. Steve Poncin presented a hand out and reported on a review conducted of category A - general ground and E- turf and ornamental. The review of 125 score sheets will be used as the basis for changing and updating the tests for 1992.

Wayne Dally distributed a hand out and presented a statistical review of the program. Currently there are 3,788 commercial applicators, 2,752 non-commercial applicators and 362 structural applicators. The trend has been for the applicator numbers to grow slightly each year. There were 614 new commercial applicator. Thirty one recertification workshops were held from October 90 through April 91. 4,557 people attended these workshops with a large majority recertifying.

All applicators categories require an annual recertification except for category C - herbicides and category D - fungicide and insecticide. Categories C and D were changed to an ever 3rd year certification about 8 years ago. The change was prompted by MES budget cuts and lack of personnel to adequately conduct the trainings. The 3 year certification fits within EPA guidelines which call for recertification on a five year basis.

Lisa Holmquist representing MPFC, indicated that on an annual basis that they conduct right to know training for their membership. Much of the information that they cover is duplication of the recertification workshop.

She posed the question, could the two programs be "piggy backed" or combined to create greater efficiency?

After considerable discussion the end result was Wayne Dally would review the programs from MPFA and see if the programs could be "piggy backed" or combined.

Lisa also raised the question of Continuing Education Units as a means of creating greater flexibility in the educational development of the applicators. Many applicators have expressed that their educational needs change as they obtain more experience and the current system is not meeting those needs.

Wayne Dally expressed that many states have attempted to use CEU's as part of the certification program and have had less than satisfactory results. He is very hesitant to implement such a system in Minnesota. No decision was made to implement a CEU program.

The board was polled as to there observations for the recertification trainings they had attended. Bill Andrell thought the program needed more hands on training. The audience desires practical information that they can implement right away. A suggestion would be to target vendors to a certain topics respirators. Don Warner felt a number of vendors with safety equipment didn't have experience with the equipment and questioned why they were there. Also, felt the program was good but pushed a lot of information into a short time period. Mike Laughlin - attended the structural pest control conference and felt it was good. He also indicated it has taken hard work to get the conference to the level it is now. Even with that, portions of the conference were repetitious for the "old timers".

Considerable discussion ensued. The consensus was that video tape usage would greatly enhance the recertification program and provide practical and useful training. The videos also presented the material in a efficient time saving manner on the program. It was the consensus of the board that MDA actively pursue the purchase of a video projector and it be available for use at the recertification training. Furthermore MDA should take a active role in the funding and development of videos to be used with the recertification training.

Dean indicated that the National Agriculture Library in Beltsville, MD has Pesticide Applicator Training materials from all states. He will try to access their system to find videos that may be useful to the Minnesota program.

Next item on the agenda was the legislative update. Mike Fresvik spoke briefly on the Agricultural Chemical Response and Reimbursement Account. The account has undergone some changes for the upcoming year.

A copy of a statute was distributed. The statute was based on the farm safety task force report of which Dean Herzfeld was a member. The statute created a farm safety specialist position at the University of Minnesota. Also, it created a center for occupational health, specifically farm workers.

The statute (section 27) requires the pesticide applicator education and training review board to perform an evaluation of the pesticide applicator training in Minnesota. Specifically to determine the impact the training have had on safer handling of pesticides.

There is no funding provided to under take this evaluation. The farm safety task force felt it would cost \$18-20,000 to conduct.

Another concern raised was there is no base data to use as a beginning point. However, some work was done 5 years ago that may be of some help. The deadline for completing the evaluation is April 1, 1992.

The board took a short break. Box lunches were served and the meeting continued.

Dean spoke on the federal farm bill. There is a requirement in the bill that farmers keep records of all restricted use applications. The records are to be kept for a period of two years. Unless changed the record keeping requirement will be implemented January, 1992.

Rick Hansen distributed a handout on the best management practices as developed by the Nitrogen Task Forth. The question surfaced as to if this information should be included in the private pesticide applicator training and if so how should it be done?

Currently anhydrous ammonia protective clothing is included in the program. Any additional components would squeeze something else out of the program or lengthen the program. Considerable time could be spent on Nitrogen information.

A sub committee was established to determine what direction Extension should pursue. The committee is Dick, Dean, Rick and Lisa. They are to meet with George Rehm and Mike Schmitt, MES. The committee is to report back at the next meeting.

Discussion was solicited regarding industry involvement in recertification programs. Dick Meronuck expressed that the University does not have expertise in all areas and we need to rely on industry to supply some of this expertise.

Industry speakers must realize that the trainings are not a forum for them to promote their products. The speakers need to be told that "up front".

When industry sponsors a program they should have time on the program to use as how they desire. However, it may be necessary to make a clear distinction between the recertification portion and the industry parts of the program.

Page 5

The next meeting will be held August 20 (Tuesday) at the Minnesota Department of Agriculture.

Meeting adjourned at 1:30pm.

A handwritten signature in cursive script, appearing to read "Steven Poncin".

Respectfully submitted,
Steven Poncin
Acting Secretary

**BOARD OF WATER AND SOIL RESOURCES
ROOM 112
STATE CAPITOL
75 CONSTITUTION AVENUE
ST. PAUL, MINNESOTA
AUGUST 28, 1991**

AGENDA

- | | |
|------------|---|
| 9:00 a.m. | 1. Call to Order |
| | 2. Adopt Agenda |
| | 3. Approval of Minutes of July 24, 1991 |
| | 4. Recognition of Natalie Haas Steffen |
| | 5. Reports <ul style="list-style-type: none">- Chairman's Report - Jim Nielsen- Executive Director's Report - Ron Harnack- EQB/Water Resources Committee Report - Mel Sinn |
| 10:00 a.m. | 6. Legislative Initiatives - Ron Harnack - for discussion and decision |
| 11:00 a.m. | 7. Minnesota Forestry Improvement Program (MFIP) Allocations - for decision and Cost-Share Program Work Plans - Chuck Niska |
| | 8. Soil Loss Limits Update - Dave Behm |
| 12:00 p.m. | Lunch |
| 1:00 p.m. | 9. Advisor Comments <ul style="list-style-type: none">- John Sumption, MACDE- Franklin Denn, MAT- Gary Nordstrom, SCS- Danny Potter, MASWCD- Pat Wulff, LMF- Howard Peterson, MAWD |
| | 10. Study Area II Technical Office Budget - Mel Sinn - for decision |
| | 11. Well Sealing Work Plans - Eric Mohring - for information |
| | 12. Board Issues - discussion, comments, action needed |
| | Next meeting - September 25, 1991 |
| 2:00 p.m. | Adjourn |

**BOARD OF WATER AND SOIL RESOURCES
ROOM 112 STATE CAPITOL
75 CONSTITUTION AVENUE
ST. PAUL, MINNESOTA
AUGUST 28, 1991**

Appointed Members in Attendance

Jim Nielsen
John Brooks, Jr.
Don Ogaard
Loren Harste
Howard Peterson
Warren Rodning
Don Warner
Dwain Otte
John Boulton
Jack Graba
Jim Rossman

Appointed Members Absent

Diane Jensen

Agency Members in Attendance

Fred Bergsrud, University of Minnesota/Extension Service
Wayne Anderson, Pollution Control Agency
Tom Lutgen, Department of Natural Resources
Kim Benson-Johnson, Department of Health
Paul Burns, Department of Agriculture

Others in Attendance

John Sumption, Minnesota Association of Conservation District Employees
Pat Wulff, Minnesota Lake Management Federation
D'Wayne DeZiel, Minnesota Association of Soil and Water Conservation Districts
Dave Benner, Soil Conservation Service

Staff in Attendance

Ron Harnack
Susan Tsakakis
Chuck Niska
Dave Behm
Mary Jo Anderson
Eric Mohring

Meeting Called to Order - Chairman Nielsen called the meeting to order at 9:10 a.m.

91-64 **Adopt Agenda** - Moved by Peterson, seconded by Ogaard, to adopt the agenda as presented. Affirmative: Nielsen, Ogaard, Boulton, Warner, Graba, Otte, Brooks, Jr., Harste, Rodning, and Peterson. Opposed: None. Carried.

91-65 **Approval of Minutes of July 24, 1991** - Moved by Warner, seconded by Rodning, to approve the minutes of July 24, 1991, as circulated. Don Warner stated that a correction needs to be made on page three regarding the motion to adopt the agenda. It should read, "moved by Warner, seconded by Peterson, to adopt the agenda as presented." Affirmative: Nielsen, Ogaard, Boulton, Warner, Graba, Otte, Brooks, Jr., Harste, Rodning, and Peterson. Opposed: None. Carried.

Recognition of Natalie Haas Steffen - Ron Harnack, on behalf of the Board of Water and Soil Resources, recognized charter BWSR member Natalie Haas Steffen by presenting her with a plaque. She also received a certificate of commendation from Governor Carlson. Ms. Steffen had resigned to accept an appointment as commissioner of the Department of Human Services.

Chairman's Report - Chairman Nielsen announced committee appointments. Chairman Nielsen asked that the chair of each committee make periodic reports at the BWSR meetings. A personnel committee will be developed as the need occurs. Specific appointments and staff assignments are attached.

EQB/Water Resources Committee Report - The WRC is drafting a strategic plan for comprehensive lake management with staff-level participation. The strategic plan will define what the role is of the EQB and where it is going in the future.

Executive Director's Report - Ron Harnack reported that staff is continuing to work on the wetlands initiative.

Ron explained that the first phase of soil loss initiatives has been finalized.

Ron reported that the meetings with the Department of Natural Resources (DNR), the Minnesota Association of Soil and Water Conservation Districts (MASWCD), and the Irrigators Association regarding DNR permits have been successful to date. It is now up to the MASWCD, DNR, and the Irrigators Association to carry on with the coordination and communication.

Doug Thomas has finalized the guidebooks on various Board programs. Ron reported that he is meeting with various interest groups and organizations regarding the wetlands initiative. Education and additional meetings are still needed to make the wetlands initiative successful.

Ron thanked Susan Tsakakis for her fine efforts on the BWSR state fair booth, which will be good exposure for the BWSR. The booth is located in the southeast corner of the Education Building. Ron invited everyone to stop by during the fair.

Ron reported that public meetings with citizen participation are being scheduled regarding the Metro Water Planning Act.

Ron updated the board on the Snake River Watershed District petition. He conducted a meeting on August 8 with the five counties involved, including petitioners. Pine County ^{Commissioners} ~~was~~ ^{were} not represented at the meeting. A stipulation agreement is being drafted which would direct local water plans to have a coordinated focus on the Snake River Watershed, identifying issues, solutions, and implementation priorities and responsibilities. Ron explained that the burden would then be placed on counties to decide what needs to be addressed and to make the commitment to meet those needs. Staff would not recommend approval of any of the county water plans if the Snake River issue was not addressed.

Legislative Initiatives - Ron Harnack explained that legislative initiatives for 1992 are to be submitted to the Legislative Relations Office by September 15. Staff have compiled recommended legislative initiatives for the board's review and decision. Ron explained the first legislative initiative, Comprehensive Watershed Act Amendments (M.S. Chapter 103D), could substantively amend many sections. Discussion followed. Moved by Harste, seconded by Ogaard, to approve and proceed with basic house-cleaning amendments in cooperation with MAWD. Affirmative: Nielsen, Ogaard, Boulton, Warner, Graba, Otte, Brooks, Jr., Harste, Rodning, and Peterson. Opposed: None. Carried.

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91-66

Ron explained the second legislative initiative which involves county authority to exceed levy limits to finance implementation of Comprehensive Local Water Management Plans (M.S. 103B.201 and 103B.301). Discussion followed. Moved by Rodning, seconded by Brooks, Jr., to approve and proceed with this legislative initiative. Affirmative: Nielsen, Ogaard, Boulton, Warner, Graba, Otte, Brooks, Jr., Harste, Rodning, and Peterson. Opposed: None. Carried.

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91-67

Jim Rossman entered the meeting at 10:45 a.m.

Ron explained the third legislative initiative, changes to BWSR composition and functions. This initiative is composed of four parts: 1) adding a city representative to the BWSR membership; 2) providing voting privileges to agency BWSR members; 3) amending the composition of the BWSR's Dispute Resolution Committee; and 4) transferring the function of establishing lake improvement districts from the DNR to the BWSR. Discussion followed. The BWSR decided that adding a city representative to the BWSR membership and providing voting privileges to agency BWSR members should not be part of the legislative initiative. Discussion followed. Moved by Rodning, seconded by Otte, to approve and proceed with amending the composition of the BWSR's Dispute Resolution Committee. Affirmative: Nielsen, Ogaard, Boulton, Warner, Graba, Otte, Brooks, Jr., Harste, Rodning,

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91-68

Peterson, and Rossman. Opposed: None. Carried.

- **
91-69 Moved by Ogaard, seconded by Warner, to approve and proceed with the legislative initiative regarding transferring the function of establishing lake improvement districts from the DNR to the BWSR. Affirmative: Nielsen, Ogaard, Boulton, Warner, Graba, Otte, Brooks, Jr., Harste, Rodning, Peterson, and Rossman. Opposed: None. Carried.

Chairman Nielsen introduced Jim Rossman, newly appointed BWSR member. Mr. Rossman briefly commented on his appointment.

Chairman Nielsen called for a break in the meeting at 11:05 a.m. The meeting reconvened at 11:15 a.m.

- **
91-70 Ron explained the fourth legislative initiative, which involves the Reinvest In Minnesota (RIM) Reserve Resources Law. This initiative would provide minor amendments to remove some outdated eligibility criteria which have recently proven to be administratively cumbersome to address; and allow for greater administrative ability to address local soil and water management priorities. Discussion followed. Moved by Graba, seconded by Warner, to approve and proceed with this legislative initiative regarding RIM reserve resources law. Affirmative: Nielsen, Ogaard, Boulton, Warner, Graba, Otte, Brooks, Jr., Harste, Rodning, Peterson, and Rossman. Opposed: None. Carried.

- **
91-71 Ron explained the fifth legislative initiative, SWCD authority to assume regulatory programs from counties through delegation. Some local water planning counties desire to delegate programs, including regulation, to SWCDs. M.S. 103C currently does not allow SWCDs to assume delegation of regulatory authority. Legislation is necessary which would allow SWCDs to assume county programs, including regulatory authority, through delegation agreements. Discussion followed. Moved by Rodning, seconded by Otte, to approve and proceed with this legislative initiative. Affirmative: Nielsen, Ogaard, Boulton, Warner, Graba, Otte, Brooks, Jr., Harste, Rodning, Peterson, and Rossman. Opposed: None. Carried.

- **
91-72 Minnesota Forestry Improvement Program (MFIP) Allocations - Chuck Niska briefly explained the tentative MFIP allocations for FY92. Discussion followed. Sign-up for MFIP funding is scheduled for the first part of September through mid-September. The BWSR will take final action on the MFIP allocations at the September meeting. Moved by Otte, seconded by Warner, to approve the tentative MFIP allocations as recommended by staff. Affirmative: Nielsen, Ogaard, Boulton, Warner, Graba, Otte, Brooks, Jr., Harste, Rodning, Peterson, and Rossman. Opposed: None. Carried.

Cost-Share Program Work Plans - Chuck Niska briefly explained that LCMR has appropriated \$250,000 for erosion control cost-share grants for sinkhole protection. This project will be used to demonstrate how proper land use practices installed adjacent to sinkholes can protect the water resources of southwestern ^{eastern} Minnesota. SWCDs will have a

sign-up period in the spring of 1992 to apply for cost-share funding for this project.

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

Soil Loss Limits Update - Dave Behm briefly updated the BWSR and distributed information on the advisory committee to create a model soil management component for a Soil and Water Resource Protection Ordinance for greater Minnesota counties.

Advisor Comments

- Minnesota Association of Soil and Water Conservation Districts (MASWCD): D'Wayne DeZiel reported that area meetings are being held statewide. He reported that 35 resolutions will be acted on during the MASWCD Annual Convention this year. He invited everyone to attend the MASWCD Annual Convention, December 1-3, at the Holiday Inn in Duluth.

- Minnesota Association of Conservation District Employees (MACDE): John Sumption, on behalf of the MACDE, welcomed the newly appointed BWSR members. John reported that an area training session was held August 19-20 at McGuire's Piney Ridge Lodge in Pine River. He commended Ron Shelito and Chris Hofstede for their efforts on the successful session.

- Soil Conservation Service (SCS): Dave Benner reported that SCS has a 60-day review period for the revisions for delineations of wetlands under the Federal Register. Dave reported that it's unknown at this time how the determinations will effect the Food Security Act and the Wetlands Act. Dave encourages everyone to look at this.

- Minnesota Lake Management Federation (MLMF): Pat Wulff welcomed the newly appointed BWSR members and briefly explained the Lake Management Federation to them. Pat reported that the LMF annual conference is scheduled for October 27-29 at the Arrowwood Lodge in Alexandria and everyone is invited to attend.

- Minnesota Association of Watershed Districts (MAWD): Howard Peterson reported that the MAWD Board of Directors ^{will hold} ~~held~~ their quarterly meeting in Moorhead. MAWD will hold their annual conference December 6-7.

Study Area II Technical Office Budget - Ron Harnack and John Boulton briefly explained the Study Area II technical office budget. Discussion followed. Moved by Boulton, seconded by Rodning, to approve the Study Area II technical office budget. Affirmative: Nielsen, Ogaard, Boulton, Warner, Graba, Otte, Brooks, Jr., Harste, Rodning, Peterson, and Rossman. Opposed: None. Carried.

Well Sealing Work Plans - Eric Mohring briefly explained the proposed work plan for LCMR Well-Sealing Cost-Share Program and distributed informational materials on the

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91-73

abandoned well program for the BWSR's review. Eric proposed to the BWSR that grants be made to counties for sealing wells. Discussion followed.

Chairman Nielsen stated that at the September meeting the BWSR will discuss the November and December meeting dates as they are near the holidays.

91-74 Moved by Graba, seconded by Warner, to adjourn the meeting at 2:50 p.m. Affirmative: Nielsen, Ogaard, Boulton, Warner, Graba, Otte, Brooks, Jr., Harste, Rodning, Peterson, and Rossman. Opposed: None. Carried.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D. James Nielsen", written in a cursive style.

D. James Nielsen
Chairman

BWSR TENTATIVE COMMITTEE ASSIGNMENTS

VICE-CHAIRMAN - Appointed by chair (has no delegated authority but serves in the absence of the chair at Board meetings) [case by case or formal at your pleasure]

- John Brooks, Jr. 218-487-5752

DISPUTE RESOLUTION COMMITTEE - (3 citizen members by law plus two others appointed by chair)

- Jack Graba, chair 218-472-3222
- Diane Jensen, citizen 612-729-2924
- John Boulton, SWCD 507-296-4668
- Howard Peterson, WD 612-934-2050
- Jim Nielsen, citizen 612-343-2806
- Staff: Mel Sinn 612-297-2622

ENVIRONMENTAL QUALITY BOARD (EOB) - (Required by statute to be the chair)
Meets every third Thursday of the month)

- Staff: Mel Sinn 612-297-2622

EOB/WATER RESOURCES COMMITTEE -

- Ron Harnack 612-296-0878
- Mel Sinn, alternate 612-297-2622

ENVIRONMENTAL EDUCATION ADVISORY BOARD -

- Don Ogaard 218-784-4156
- Diane Jensen, alternate 612-729-2924
- Staff: Susan Tsakakis 612-297-1893

EDUCATION COMMITTEE -

- Don Ogaard, chair 218-784-4156
- Diane Jensen 612-729-2924
- Don Warner 218-226-4858
- Warren Rodning 507-246-5291
- Staff: Susan Tsakakis 612-297-1893
- Staff: Mark Nelson 612-297-1894

ADVISORY COUNCIL ON WELLS AND BORINGS -

- Warren Rodning 507-246-5291
- Staff: Eric Mohring 612-297-7360

FEEDLOT ADVISORY COMMITTEE -

- Jim Rossman 507-282-2890
- Staff: Brad Matlack 508-537-6067

PESTICIDE ADVISORY COMMITTEE -

- Don Warner 218-226-4858
- Staff: to be assigned

RIM STRATEGIC PLAN COMMITTEE -

- Loren Harste 612-596-2318
- John Brooks, Jr. 218-487-5752
- John Boulton 507-296-4668
- Staff: Dave Behm 612-296-0880

SOIL LOSS STRATEGIC COMMITTEE -

- Jim Rossman 507-282-2890
- Dwain Otte 507-645-4370
- Staff: to be assigned

PESTICIDE ADVISORY COMMITTEE -

- Don Warner 218-226-4858
- Staff: to be assigned

RIM STRATEGIC PLAN COMMITTEE -

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- Jim Rossman 507-282-2890
- Dwain Otte 507-645-4370
- Staff: to be assigned

PILOT ABANDONED WELL INVENTORY PROJECT

Need for inventories

There will never be sufficient state funding to seal all abandoned wells on demand. To make the best use of limited funds, substantial prioritizing will need to be done. However, counties are finding it difficult to set priorities for sealing wells without the benefit of adequate inventory data.

This program will provide assistance to selected counties to conduct inventories of abandoned wells and to determine priorities for well sealing.

Objectives

- Select counties representative of different geographic and geologic areas of the state.
- Look for creative ideas and new approaches.
- Inventories should include prioritization for sealing.
- County inventories should be set up to drive future well-sealing efforts and future well-sealing cost-share funding requests.
- Grants matched 1/1 with local in-kind or cash.
- Include a strong training component.

Criteria for selection of counties

- Representation of different areas.
- County on schedule with water planning.
- Original & innovative ideas.
- Ability to do job.
- Strength, feasibility of proposal.

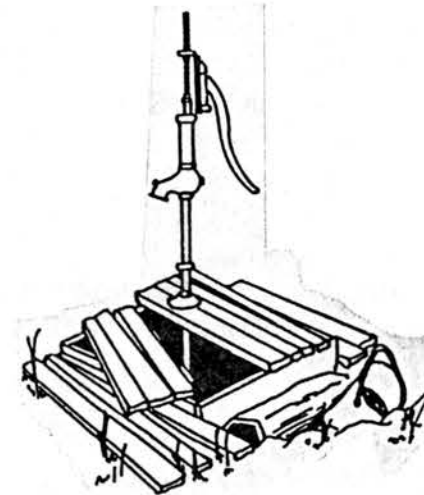
Training needs - training in the following areas:

- locating wells
- well construction
- reporting and data compatibility requirements

The training will be provided in the form of workshops with attendance required to receive grant funds.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

ABANDONED WELL PROGRAMS JULY 1991 - JUNE 1993



For further information contact:

Eric Mohring
Board of Water and Soil Resources
155 S. Wabasha, suite 104
St. Paul, MN 55107
(612) 297-7360

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 grant program to seal abandoned wells. Using this funding, the Board of Water and Soil Resources (BWSR) administered a pilot well-sealing cost-share grant program during the '90-91 biennium. After an application and selection process, grants ranging from \$1,200 to \$35,000 were awarded to 18 counties to share the cost of sealing high priority abandoned wells.

The selected counties could 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 was 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.

During the last session, the legislature increased the funding for well-sealing activities:

- \$750,000 was appropriated from the environmental trust fund for **well-sealing cost-share grants** under the existing statute.
- \$200,000 was authorized for a **pilot abandoned well inventory project**. BWSR is to select counties for participation representative of different geographic, hydrologic, geologic, and demographic areas of the state. Funded projects will include efforts to identify abandoned wells in the county and an evaluation of costs and need for a statewide inventory.

WELL-SEALING COST-SHARE GRANTS

- BWSR will make grants to counties to share the costs with landowners of sealing high-priority abandoned wells.
- grant applications will be accepted under 2 options:

"Well Criteria"

- Counties apply with list of wells or specific project.
- Funding decision based on wells meeting criteria for being high priority.
- 10% administrative costs allowed to encourage this option.

"County Criteria"

- no list of wells for sealing required.
 - Selection on strength of proposal, ability of the county to administer the program, and extent of planning and inventory efforts.
 - no administrative funds - all funds will go toward well sealing costs.
 - all wells sealed must be high priority.
 - counties may use grant to set up local revolving fund to pay costs of well sealing and recover costs through liens or property tax assessments.
- There will be up to 3 selection periods. Applications will be accepted continuously, but there will be a deadline for each selection period.
 - If enough qualified applications received, all funds may be awarded in the first or second period.
 - Proposals will be evaluated by an interagency advisory group with representation from BWSR, Minnesota Pollution Control Agency, Department of Natural Resources, Minnesota Department of Health, and the Minnesota Geological Survey.

**Advisory Committee to create a
MODEL Soil Management Component for a
"Soil & Water Resource Protection Ordinance"
for Greater Minnesota Counties
(STATUS UPDATE: 8/28/91)**

Additional follow-up activities to 8/14/91 meeting:

- * Prepared and mailed the following on 8/23/91 to members:
 - (a) Preliminary Report of the Advisory Committee
 - (b) Summary of the Preliminary Report
- * Staff prepared an Executive Summary for BWSR members
(see following pages of this STATUS UPDATE)
- * Staff will prepare a news release on status of advisory committee's activities and future direction
- * Staff will prepare an article for the next issue of The Mentor
- * Staff will seek opportunities to present information to member organizations during their respective review processes

EXECUTIVE SUMMARY of the Preliminary Report of the Advisory Committee:

I. THE SOIL EROSION PROBLEM IN MINNESOTA

A. Why is soil erosion a problem?

- Eroded soil carries nutrients and pollutants that degrade water quality and reduce productivity of soils
- Eroded soil also results in off-site impacts to lakes, waterways, wetlands and roadside ditches

B. Where is soil erosion a problem?

- Total soil erosion is in excess of 150 million tons per year with over 96% attributed to cropland
- Soil disturbing activities also take place on 13 million acres of public and private commercial forests
- Intensive land development and rapid urbanization is occurring in the Twin Cities Metropolitan Area, Rochester, St. Cloud, and in areas between these cities

Advisory Committee STATUS UPDATE

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II. WHAT IS BEING DONE TO CONTROL SOIL EROSION IN MINNESOTA?

A. Federal activities

- Soil Conservation Service (SCS) is principal provider of technical assistance to land occupiers
- Agricultural Stabilization and Conservation Service (ASCS) is principal provider of financial assistance to land occupiers through (1) Agricultural Conservation Program and (2) Conservation Reserve Program

B. State activities

- BWSR is principal state agency for implementing soil conservation programs through (1) Erosion and Sediment Control and Water Quality Management Program; (2) Streambank, Lakeshore, and Roadside Erosion Control Program; (3) Reinvest in Minnesota Reserve Program; and (4) Excessive Soil Loss Control Program

C. Local activities

- Soil and Water Conservation District (SWCD) is the principal local governmental unit for implementing soil conservation programs; SWCDs locally administer BWSR programs
- Local governmental units with statutory planning and zoning authority can adopt ordinances requiring landowners/occupiers to control soil erosion
 - * only 3 counties have done so as of August 1991
 - * 37 of 53 approved county water plans refer to the need for either the adoption or revision of local erosion or sediment control regulations

D. Private activities

- Numerous soil conservation plans and conservation compliance plans presently on file in local SWCD and SCS field offices; however, not all landowners/occupiers are adequately protecting the soil resources of the State

-MORE-

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III. WHAT ARE THE INADEQUACIES OF THESE CURRENT ACTIVITIES?

A. Lack of comprehensive program

- Existing activities are too fragmented and disassociated to adequately resolve Minnesota's soil erosion problem in a comprehensive sense

B. Inadequate availability of technical assistance

- SCS has seen reductions in available staff-hours at the field office level to provide technical assistance directly to land occupiers, due to (in part):
 - (a) substantial increases in administrative responsibilities of field office staff which has resulted in less actual direct technical assistance to individual land occupiers; and
 - (b) federal budget reductions directly affecting ability of SCS to increase staff positions to address accelerated conservation compliance planning requirements pursuant to 1985 Food Security Act and accelerated conservation compliance application pursuant to the Food, Agriculture, Conservation and Trade Act of 1990
- SWCDs have increased staff years by 14% since 1982, yet have been unable to meet gaps in available technical assistance which SCS field office staff can no longer provide
- National Association of Conservation Districts (NACD) nationwide workload analysis survey in 1990 concluded that an additional 166 staff years of available technical assistance were needed to fulfill needs of land occupiers

C. Inadequate availability of financial assistance

- ASCS cost-sharing funds have been generally declining during recent years [NOTE: Specific information were not available to be included in PRELIMINARY REPORT]
- BWSR programs have also been reduced:
 - (a) Erosion and Sediment Control and Water Quality Management Program: 1978-79 biennium funding was \$3

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million, as is 1992-93 biennium funding; however, inflation itself has reduced the current actual dollar value to 50% of the FY78 actual dollar value

- (b) Streambank, Lakeshore, and Roadside Erosion Control Program: 1980-81 biennium funding was \$500,000; 1992-93 biennium funding is \$318,000, which, after inflation and the actual reductions observed, amounts to an actual reduction exceeding 75% since FY80

- (c) Reinvest in Minnesota Reserve Program: 1986-87 biennium funding was \$9.4 million; total 1992-93 biennium funding is \$9 million which includes \$6.5 million specifically for wetland restoration easements which will not directly contribute to soil erosion control

D. Inadequate partnerships

- Existing soil conservation program infrastructure of federal/state/local agencies is too fragmented, and, at times, contradictory to erosion control goals

IV. WHAT IS NEEDED TO CREATE A COMPREHENSIVE PROGRAM IN MINNESOTA?

A. Renew commitment to controlling soil erosion

- Successful implementation of comprehensive erosion control program in Minnesota will require use of several management strategies with emphasis on a private/local/state/federal partnership and interlocal governmental cooperation
- Necessary management strategies include:
 - (a) education: providing information, guidance, technical assistance and support
 - * should be principal component of any such program
 - (b) incentives: used to accelerate acceptance of desired values and attitudes
 - * must reward desired behavior as well as discourage undesirable behavior

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(c) regulation: locally-adopted official controls to regulate land use activities which may result in soil erosion or its associated impacts

* must encompass urban as well as rural activities, the sources as well as the effects of resource problems, and a philosophy of progressive as well as ultimate penalties

- BWSR positions on soil conservation are emphasized

B. Renew commitment to partnerships

- Opportunities must be sought to renew or enhance existing partnerships or to create new partnerships among federal, state, local and private interests to achieve a more comprehensive erosion control program in Minnesota

C. Local implementation

- BWSR will encourage joint efforts among local governmental units to protect and manage resources within watershed basins via an integrated resource management approach
- Should be assisted by federal, state, and private partners to ensure success

V. THE RECOMMENDATIONS OF THE ADVISORY COMMITTEE

A. Review DRAFT "model ordinance" (PHASE 1)

- Advisory committee members will review DRAFT (dated 8/14/91) and notify BWSR of respective review comments by January 1992

B. Continue deliberations of needs to create "comprehensive erosion control program" for Minnesota (PHASE 2)

- Advisory committee desires to reconvene in early 1992
- Committee may address following topics in future:
 - (a) review comments from advisory committee members;
 - (b) revise and finalize "model ordinance";
 - (c) seek additional cooperative opportunities to promote its adoption by counties;

-MORE-

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(d) identify legislative initiatives necessary for a comprehensive erosion control program for Minnesota; some preliminary suggestions include:

(1) increase funding to SWCDs for technical and financial assistance to recover past budgetary reductions as well as inflationary reductions since FY78 (approximately \$1 million increase in next biennium);

(2) increase funding to SWCDs for accelerated availability of technical and financial assistance to meet anticipated increase in requests (undetermined at this time);

(3) provide administrative/implementation funding to counties, townships or cities which adopt the "model ordinance" (undetermined at this time);

(4) develop policy legislation to:

(i) create a comprehensive statewide voluntary program emphasizing adequate incentives to land occupiers to apply practices to achieve "T" and to prevent water quality degradation;

(ii) repeal existing "excessive soil loss control program" (M.S. Statutes 103F.401 - 103F.455); and

(e) review federal farm program policy implications on Minnesota's federal/state/local/private partnership opportunities to successfully implement a comprehensive erosion control program

C. Joint effort to achieve necessary legislative policy and funding changes for soil erosion control programs (PHASE 3; TO BE DETERMINED)

LEGISLATIVE INITIATIVES

- ✓ • Add city membership to BWSR *citizens*
- ✓ • DRC membership - two ~~cities~~ one watershed district; one county; one SWCD
- ✓ • Agency voting membership
- DT • CLWP implementation levy
 - increase watershed district levy
 - county increase
- DT • SWCD's (103C)
 - regulatory authority
 - Accept delegation from county
 - taxing authority
- DT/BS • Plan review amendment timeframes
- Wetland act amendments
- ✓ • 103D watershed act amendments
- ✓ • Lake improvement district establish functions and authorities
- ✓ • RIM
 - noncropland riparian
 - eliminate protected waters cropland requirement

APPROACH TO BWSR WELL SEALING PROGRAMS FOR FY '92-93 BIENNIUM

I. BACKGROUND

The Board of Water and Soil Resources (BWSR) administered a pilot well-sealing cost-share grant program during the '90-91 biennium. The funding for this program was provided by the Ground Water Protection Act of 1989. After an application and selection process, grants ranging from \$1,200 to \$35,000 were awarded to 18 counties to share the cost of sealing high priority wells.

During the last session, the legislature increased the funding for well-sealing activities:

- 1) \$200,000 from State general funds was authorized for a pilot project for conducting abandoned well inventories. BWSR is to select counties for participation representative of different geographic, hydrologic, geologic, and demographic areas of the state. Funded projects will include efforts to identify abandoned wells in the county and an evaluation of costs and need for a statewide inventory.
- 2) \$750,000 was appropriated from the environmental trust fund for well-sealing cost-share grants under the existing statute.

The following is a proposal for how these funds will be administered by BWSR.

II. PILOT ABANDONED WELL INVENTORY PROJECT

A. Need for inventories. There will never be sufficient state funding to seal all abandoned wells on demand. To make the best use of limited funds, substantial prioritizing will need to be done, but counties are finding it difficult to prioritize wells for sealing without the benefit of adequate inventory data. This program will provide assistance to selected counties to conduct local inventories of abandoned wells and to determine priorities for well sealing.

B. Objectives

- Select counties representative of different geographic, demographic, and geologic areas.
- Look for innovative ideas and new approaches to conducting abandoned well inventories.
- Inventories should include prioritization for sealing.
- County inventories should be set up to drive future well-sealing efforts and future well-sealing cost-share funding requests.
- Provide funding as a part of local water planning base grants
- Grants should be matched 1/1 with local funds or in-kind services.
- Provide training to counties on locating wells, well construction, and data compatibility requirements.

C. Plan

1. Application

- Brief applications will be requested stating purpose, scope, lead agency, cooperators, methods, measures of success.
- Single application period.
- Schedule:
 - Sept 91: send out information on grant program.
 - Nov 91 : deadline for application.
 - Dec 91: application review and funding allocation.

- A more detailed work plan (part of local water planning work plan) will be required after proposal selection.

2. Criteria for selection of counties

- Representation of different geographic, geologic, and demographic areas of the state.
- On schedule with water planning.
- Original & innovative ideas.
- Capability to do job.
- Strength, feasibility of proposal.

3. Evaluation of proposals - by an interagency advisory group with representation from BWSR, MPCA, DNR, MDH, and MGS.

4. Grants

- Grants will be included, where applicable, as a part of local water planning base grants.
- Work plans and budgets submitted for local water planning base grants must include the well inventory activities.
- matched 1/1 with local funds or in-kind services.

5. Training needs - there will need to be training in the following areas:

- locating wells
- well construction
- reporting and data compatibility requirements

This will be in the form of workshops with attendance required to receive grant funds.

III. WELL-SEALING COST-SHARE GRANTS

A. Past work

The BWSR initiated the well-sealing cost-share program during the 1990-91 biennium. In 1990, an inter-agency advisory group developed a procedure for selecting counties and for prioritizing wells for sealing.

Two types of grants went to counties:

- 1) "County criteria" Grants in which no specific wells were specified for sealing. Counties were given up-front funding. After receiving the funding, these counties located abandoned wells, usually by soliciting applications from landowners. The wells were then prioritized for sealing. Selection of these counties was based largely on the strength of the county's proposal, the perceived ability of the county to administer the program, and the county's planning and inventory efforts.
- 2) "Well Criteria" Grants to seal specific wells or for specific projects. Counties located high-priority wells for sealing and applied for funds to seal the specifically identified wells. Selection and funding was based on priority well criteria.

There were advantages and disadvantages to both approaches. The "county criteria" approach gave the most flexibility to counties. It gave the opportunity for the county to locate wells with the guarantee that there were funds available to seal at least some of them. This provided an incentive to landowners to step forward and identify wells for sealing. A disadvantage is that the selection process depended more on judgement of the county's capability and on the county's grant-writing skills than on well-sealing priorities.

An advantage of the "well criteria" approach are that it directly targets high-priority wells and makes the selection process much more fair and dependent on priority well criteria. The disadvantage is that most counties are only starting abandoned well inventories, which limits participation.

B. Program goals

- Use cost-share funds to seal only high-priority wells.
- Encourage the "well criteria" approach. Make it advantageous for counties to apply with lists of identified wells. Set aside most of the available funds for this approach.
- Reserve some of the available funds for the "county criteria" approach to encourage more counties to initiate needed inventories.
- Select counties in different hydrogeologic settings around the state•
- Take maximum advantage of training, educational, and demonstration opportunities afforded by the well-sealing work.

C. Plan

Applications will be accepted under 2 options:

Option #1 - "Well Criteria" ($\pm$ 75% of available funds)

Under this option, counties would apply to BWSR with a list of wells identified for sealing. Funds would be requested to seal these specifically identified wells. The funding decision would be based on the wells being high priority for sealing. This option is preferable, because it will targets specific high priority wells for sealing. To encourage this option, 10% administrative costs would be allowed.

Option #2 - "County Criteria" ($\pm$ 25% of available funds)

Under this option, a county would apply to BWSR for an up-front grant to carry out a well-sealing program. No list of identified wells would be required for this option. After receiving the grant, the county would identify and prioritize wells for sealing. Selection of the counties would be based on strength of the proposals, capability of the county to administer the program, and extent of planning and inventory efforts. No administrative funds will be allowed under this option - all funds must go towards actual well-sealing costs. All wells sealed must be high priority. Counties may use the grant to set up local revolving fund to pay costs of well sealing and recover costs through liens or property tax assessments.

- There will be one initial application period for the "County criteria" option. Applications will be accepted continuously for the "well criteria" option. There will be up to 3 selection periods, with a deadline for application review in each period.
- Evaluation of proposals will be by an interagency advisory group with representation from BWSR, MPCA, DNR, MDH, and MGS.
- Cost sharing is limited to 75% of the total cost, not to exceed \$2,000 per well.
- Grants will be included with local water planning base grants (where applicable).

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

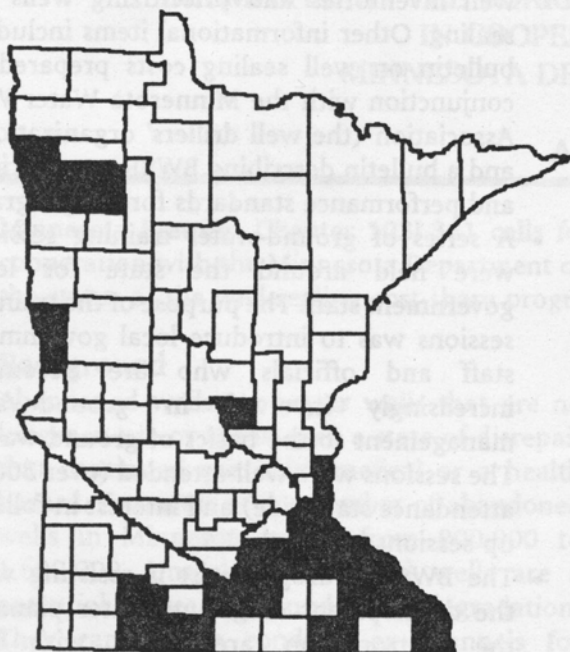
The grants range from \$1,200 to \$35,000 per county. County proposals ranged from smaller demonstration-scale projects in which one or several high-priority wells are specifically identified for sealing, to larger-scale projects involving many wells.

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.

Erosion Control Cost-Share Grants for Sinkhole Protection: \$250,000

Purpose: This project will be used to demonstrate how proper land use practices installed adjacent to sinkholes can protect the water resources of southeastern Minnesota.

Procedure:

* SWCDs will solicit landowners with sinkholes to apply for cost-share funding during a set period in the spring of 1992. Landowners will be encouraged to enroll land adjacent to sinkholes in the RIM Reserve Program.

*The BWSR will convene a committee of hydrogeologists who will assist the BWSR in preparing program criteria, as well as providing the SWCDs with information enabling them to locally prioritize their applications for funding. The experts will assist staff in screening and ranking the applications, in order to make a funding recommendation to the BWSR.

*Administrative Guidelines currently in effect for the BWSR administered Cost-Share Program will apply in the application and administration of this program. This means:

seventy per cent of the program funds will be made available for currently available practices;
twenty per cent will be available for program administration; and
ten per cent of the funding will be available for installation of "special practices", i.e., innovative techniques that are transferred from other areas of the U.S.

In addition, the cost of sinkhole clean-out will be considered as a part of site preparation, currently cost-shareable as a part of practice installation.

***Benefits:** This project will result in the installation of a number of structures adjacent to those sinkholes that are known to directly conduit pollutants to surface and ground water aquifers. Through the demonstration of these installations, local landowners can be educated about the proper care of these sites.

*Proposed program activities will consider both typical and innovative engineering practices being installed to prevent surface runoff from directly entering treated sinkholes.

* A scientific evaluation to determine treatment effects will be accomplished conducting dye tracing tests to determine subsurface water flow direction. Subsequent water quality monitoring will be done to determine whether sediment and/or nutrient inputs are being reduced through the installation of surface structures at sinkhole sites.

***Cooperators:** Cooperation will be at two levels: at the agency level, representatives of the Minnesota DNR, MPCA, Minnesota Geological Survey, University of Minnesota and other applicable agencies will be contacted to participate in creating program criteria, and in screening applications. At the local level, support will be obtained through the SWCDs operating in Dakota, Dodge, Fillmore, Goodhue, Houston, Mower, Wabasha, Washington and Winona Counties. The Soil Conservation Service, local county agencies and departments and others such as consulting engineers will also contribute to the implementation of this program.

A. Southeastern Minnesota's karst topography features limestone and dolomite bedrock formations that are subject to solution weathering as a result of physical exposure and chemical reaction with water. This solution weathering has produced a number of small depressions or "sinkholes". These sinkholes occur both within the vicinity of river basins, and in upland areas with relatively shallow topsoils. Sinkholes are natural conduits to both surface and ground water, and many have also been used by landowners as trash and debris receptacles. This program provides an opportunity for soil and water conservation districts (SWCDs) to assist landowners with sinkhole treatment through the installation of cost-shared practices that will protect the quality of both the surface and groundwater flowing through sinkholes in the karst topography region.

B. Because sinkholes vary in size, depth, and occurrence relating to both rock and water sources, each must be considered as being unique. An actual number of sinkholes is inestimable, in part because a thorough and complete inventory of these geologic formations has not been done. A larger problem in trying to give a "best estimate" of the number of sinkholes is the fact that new holes regularly form due to the erosion of the thin mantle of overlying silt loam soils, or due to the enlarging of crevices in the limestone formations by solution.

C. Since 1978 the state of Minnesota has provided funding to soil and water conservation districts (SWCDs) in a cost-sharing program geared to prevent erosion, reduce sedimentation and maintain or improve water quality. To date, a minimal amount of funding has been used to address the diversion of over land flow waters entering sinkholes. This program will provide that funding to 10 SWCDs in the karst region of southeastern Minnesota. Due to the relatively large and widespread natural problem of sinkholes funneling pollutants, this program will serve as a demonstration project. Landowners will work with the

SWCDs to install demonstration practices showing how proper land use can minimize pollutant inputs through sinkholes. These sites can then be used to educate local citizens about the proper use and maintenance of sinkhole sites.

D. Many of the southeastern Minnesota counties that will participate in this program have identified sinkhole sites as priority problems to be dealt with in their comprehensive local water management plans. The SWCDs in these counties will work in conjunction with local water planners and a BWSR convened panel of hydrogeologic experts, to select priority sinkholes that can be treated. After the SWCDs apply for funding to treat priority sinkholes, the panel of hydrogeologic experts will screen the applications so that the most critical sinkhole problem sites can be treated using the program funds. Landowners chosen to participate in this program will also be encouraged to participate in other programs, such as the RIM Reserve Conservation Easement Program, which will ensure that proper land use treatment is conducted adjacent to a sinkhole on their land.

FY 1992
Minnesota Forestry Improvement Program (MFIP)
Tentative Allocations

<u>SWCD</u>	<u>Allocation</u>
Aitkin	\$ 2,000
Becker	2,000
Beltrami	2,000
Carlton	2,000
Cass	2,000
Chisago	2,000
Clay	2,000
Clearwater	2,000
Cook	2,000
Crow Wing	2,000
Douglas	2,000
Fillmore	2,000
Goodhue	2,000
Hubbard	2,000
Isanti	2,000
Itasca	2,000
Koochiching	2,000
Lake	2,000
Lake-of-the Woods	2,000
Marshall-Beltrami	2,000
Mille Lacs	2,000
Morrison	2,000
North St. Louis	2,000
Olmsted	2,000
Ottertail (West)	2,000
Ottertail (East)	2,000
Pine	2,000
Pope	2,000
Root River (Houston)	2,000
Roseau	2,000
Scott	2,000
South St. Louis	2,000
Todd	2,000
Wabasha	2,000
Wadena	2,000
Winona	2,000
-----	-----
TOTAL	\$72,000

<u>Funding Summary:</u>	Transferred from DNR	\$120,000
	BWSR administration	6,000
	SWCD base allocation	72,000
	-----	-----
	Total Unallocated	\$ 42,000

#1

1992 DEPARTMENTAL LEGISLATIVE INITIATIVE - FORM A

CHECK:

Technical _____
Housekeeping _____
Policy Impact X _____
Fiscal Impact _____

SUBMITTING AGENCY: Board of Water and Soil Resources (BWSR) DATE: August 27, 1991

DESCRIPTIVE TITLE: Comprehensive Watershed Act Amendments

SUMMARY:

(Be as specific as possible; cite statute to be amended, attach language already prepared, etc.)
This initiative would substantively amend many sections of Minnesota Statutes, Chapter 103D.
(See attached for detail)

(Please use additional sheets if necessary)

REGULATORY PROVISIONS

YES _____ NO X (If yes, provide justification.)

BACKGROUND: Include need for action in 1992 as well as any recent attempts to deal with the issue.)

(SEE ATTACHED)

FISCAL IMPACT: Does this initiative affect other agencies or governmental units?

(SEE ATTACHED)

AGENCY IMPACT: Does this initiative affect other agencies or governmental units?

YES X NO _____ (If yes, list them and detail potential impact.)

SUPPORTERS/OPPONENTS: (SEE ATTACHED)

POSSIBLE CONTROVERSIES: (Specify source of potential controversy; specific legislators, interest groups, government agencies, etc.)

(SEE ATTACHED)

CONTACT: _____ PHONE # _____

COMMISSIONER'S APPROVAL _____

Approved for drafting by Governor's Office _____

Name

Date

Deliver to: Legislative Relations Office
121 Capitol

August 1991

SUMMARY: This initiative would substantively amend various sections of Minnesota Statutes, Chapter 103D, the "Watershed Law". The major amendments would include:

1. raising the dollar limit on the administrative (general) fund to \$200,000;
2. requiring counties to use an open appointments process in appointing watershed district managers;
3. incorporating a mediation process to resolve disputes, and clarifying and streamlining the process for appealing watershed district decisions to the BWSR Dispute Resolution Committee;
4. establishing clear standards for the content of watershed district management plans;
5. clarifying provisions regarding "repairs" versus "improvements"; and
6. authorizing counties to initiate proceedings for watershed district termination.

BACKGROUND: Comprehensive amendments to the Watershed Law were last made in 1982. Since that time, numerous policy changes and clarifications have been suggested by watershed district managers, local officials, agencies, and citizens. In 1990, the Watershed Law was recodified as part of a major water law recodification. Although the format of the Watershed Law was improved, no substantive changes were accomplished by the 1990 recodification. The Watershed Law needs updating to remain an effective tool for local watershed management.

FISCAL IMPACT: No significant impact on the state budget. Local property taxes could potentially increase in about ten watershed districts that have a tax base capable of generating more than \$125,000 at the current tax rate limit of 0.02418 percent.

AGENCY IMPACT: Would directly impact watershed districts and their operation. Would clarify and streamline the functions of the BWSR Dispute Resolution Committee.

SUPPORTERS/OPPONENTS: The BWSR would work closely with the Minnesota Association of Watershed Districts to ensure their support. Some individual watershed districts may still oppose specific provisions.

POSSIBLE CONTROVERSIES: Those opposed to any increase in property taxes would oppose raising the administrative fund cap in the Watershed Law. Some watershed district managers may oppose authorizing affected counties to petition the BWSR for termination of a watershed district.

1992 DEPARTMENTAL LEGISLATIVE INITIATIVE - FORM A

CHECK:

Technical _____
Housekeeping _____
Policy Impact _____
Fiscal Impact X

SUBMITTING AGENCY: Board of Water and Soil Resources (BWSR) DATE: August 27, 1991

DESCRIPTIVE TITLE: County authority to exceed levy limits to finance implementation of Comprehensive Local Water Management Plans (103B.201 and 103B.301).

SUMMARY:

(Be as specific as possible; cite statute to be amended, attach language already prepared, etc.)

(SEE ATTACHED)

(Please use additional sheets if necessary)

REGULATORY PROVISIONS

YES _____ NO X (If yes, provide justification.)

BACKGROUND: Include need for action in 1992 as well as any recent attempts to deal with the issue.)

(SEE ATTACHED)

FISCAL IMPACT: Does this initiative affect other agencies or governmental units?

Use of levy exemption is optional. County boards would have discretion to use it or not. Where it is utilized it will raise local taxes. This action will not increase state spending.

AGENCY IMPACT: Does this initiative affect other agencies or governmental units?

YES X NO _____ (If yes, list them and detail potential impact.)

SUPPORTERS/OPPONENTS: Association of Minnesota Counties (AMC), Minnesota Association of Soil and Water Conservation Districts (MASWCD), Minnesota Association of Watershed Districts (MAWD).

POSSIBLE CONTROVERSIES: (Specify source of potential controversy; specific legislators, interest groups, government agencies, etc.)

CONTACT: Ron Harnack PHONE # (612) 296-0878

COMMISSIONER'S APPROVAL _____

Approved for drafting by Governor's Office _____
Name Date

Deliver to: Legislative Relations Office
121 Capitol

August 1991

1992 DEPARTMENTAL LEGISLATIVE INITIATIVE - FORM A

CHECK:

Technical _____
Housekeeping _____
Policy Impact X
Fiscal Impact _____

SUBMITTING AGENCY: Board of Water and Soil Resources (BWSR) DATE: August 27, 1991

DESCRIPTIVE TITLE: Changes to BWSR Composition and Functions

SUMMARY:

(Be as specific as possible; cite statute to be amended, attach language already prepared, etc.)

This initiative is composed of four parts: 1) ~~adding a city representative to the BWSR membership;~~
2) ~~providing voting privileges to agency BWSR members;~~ 3) amending the composition of the BWSR's Dispute
Resolution Committee; and 4) ~~transferring the function of establishing lake improvement districts from~~
(Please use additional sheets if necessary) the DNR to the BWSR.

REGULATORY PROVISIONS

YES _____ NO X (If yes, provide justification.)

BACKGROUND: Include need for action in 1992 as well as any recent attempts to deal with the issue.)

(SEE ATTACHED)

FISCAL IMPACT: Does this initiative affect other agencies or governmental units?

(SEE ATTACHED)

AGENCY IMPACT: Does this initiative affect other agencies or governmental units?

YES X NO _____ (If yes, list them and detail potential impact.)

(SEE ATTACHED)

SUPPORTERS/OPPONENTS: (SEE ATTACHED) _____

POSSIBLE CONTROVERSIES: (Specify source of potential controversy; specific legislators, interest groups, government agencies, etc.)

(SEE ATTACHED)

CONTACT: _____ PHONE # _____

COMMISSIONER'S APPROVAL _____

Approved for drafting by Governor's Office _____

Name

Date

Deliver to: Legislative Relations Office
121 Capitol

August 1991

DEPARTMENTAL LEGISLATIVE INITIATIVE -- FORM A

#4

Check:

☐ Technical
☒ Hskpg.
☐ Policy Imp.
☐ Fiscal Imp.

Board of Water & Soil Resources

August 26, 1991

David H. Behm, RIM Reserve Program Coordinator

612-296-0880

Amendments to "Reinvest in Minnesota Resources Law"

Summary:

Bill will provide minor amendments to (1) remove some outdated and arbitrary eligibility criteria which have recently proven to be administratively cumbersome to address and (2) allow for greater administrative ability to address local soil and water management priorities.

Regulatory Provisions:

NONE

Background:

M.S. Sections 103F.501 - 103F.531 initially passed as Laws 1986, Chapter 383, and amended in 1987, 1988, 1989, 1990, and 1991. None of the past amendments have specifically addressed the needs for revision described herein: (1) to broaden the intent of "riparian" lands to include those adjacent to any "high priority waters" designated in a comprehensive local water plan; (2) to delete unnecessary eligibility language regarding ownership on January 1, 1985; and (3) to redefine the requisite "two-of-five" years reference period for determining a cropping history of eligible lands from 1981-1985 to "at least two out of the past five years".

Fiscal Policy Impact:

No fiscal impact anticipated since amendments proposed would not increase the fiscal obligations of the State.

Agency Impact:

No impacts to any state agency are anticipated.

Local governmental units, particularly counties and soil and water conservation districts, could be positively impacted in their attempt to address locally-designated resource protection priorities. This would be facilitated by the amendments proposed because riparian lands adjacent to locally-designated "high priority waters" would also be eligible for enrollment into the RIM Reserve Program, rather than simply limiting those lands riparian to only "public waters", as currently defined in statute.

Local offices of the federal Agricultural Stabilization and Conservation Service would likely be positively impacted since requests from local soil and water conservation districts regarding RIM Reserve Program applicants' farm program participation records needed to certify "cropping history" would be for the most recent five-year period of time rather than possibly dating back a decade or more. This will help maintain a more positive and cooperative interagency relationship locally.

Supporters/Opponents:

Supporters of the proposed amendments would likely include the Association of Minnesota Counties, Minnesota Association of Soil and Water Conservation Districts, Minnesota Association of Conservation District Employees, Association of Minnesota Water Resource Administrators and Planners, and the RIM Coalition.

Possible Controversies:

Should be noncontroversial.

#5

1992 DEPARTMENTAL LEGISLATIVE INITIATIVE - FORM A

CHECK:

Technical _____
Housekeeping _____
Policy Impact X
Fiscal Impact _____

SUBMITTING AGENCY: Board of Water and Soil Resources DATE: _____

DESCRIPTIVE TITLE: SWCD authority to assume regulatory programs from counties through delegation.

SUMMARY:

(Be as specific as possible; cite statute to be amended, attach language already prepared, etc.)
Local water planning counties desire to delegate programs including regulation to SWCD. 103C currently does not allow SWCDs to assume regulatory authority. Legislation is necessary which would allow SWCD to assume county programs including regulatory authority through delegation agreements.
(Please use additional sheets if necessary)

(See back)

REGULATORY PROVISIONS

YES _____ NO X (If yes, provide justification.)
The initiative only addresses transfer of existing authority.

BACKGROUND: Include need for action in 1992 as well as any recent attempts to deal with the issue.)
(See back)

FISCAL IMPACT: Does this initiative affect other agencies or governmental units?
This action may increase local taxes and permit fees. This action does not increase state spending.

AGENCY IMPACT: Does this initiative affect other agencies or governmental units?
YES _____ NO X (If yes, list them and detail potential impact.)

SUPPORTERS/OPPONENTS: _____
This action will be coordinated with the Association of Minnesota Counties (AMC) and MASWCD.

POSSIBLE CONTROVERSIES: (Specify source of potential controversy; specific legislators, interest groups, government agencies, etc.)

CONTACT: Ron Harnack PHONE # 296-3767

COMMISSIONER'S APPROVAL _____

Approved for drafting by Governor's Office _____
Name Date

Deliver to: Legislative Relations Office
121 Capitol

August 1991

TITLE

Legislative authority for Soil and Water Conservation Districts (SWCD) allowing assumption of County programs including regulatory authority through delegation.

SUMMARY

As a result of local water planning counties have begun looking to local SWCD's as a means of administering and enforcing mandatory programs such as soil loss limits and feedlot control. Currently 1990 Minnesota Statutes, Chapter 103C does not give SWCD's direct authority to regulate land or water uses. This restriction prevents an SWCD from administering and implementing those portions of county adopted programs that are regulatory in nature. Counties and SWCD's need a mechanism in M.S. 103C which would allow for an SWCD to assume programs, including regulatory authority, from counties through a delegation agreement.

REGULATORY PROVISIONS

This initiative does not create new regulatory provisions. Instead it would allow for delegation of existing regulatory programs and authorities to another special purpose local unit of government.

BACKGROUND

Through local water planning, counties and SWCD's are coordinating their programs and activities to achieve the most cost-effective and efficient management of natural resources possible. One very important part of implementation programs has been recognition for the need to better enforce existing land use regulations and the adoption of new land use regulations to adequately protect land and water resources.

Because SWCD's are a source of technical expertise, in soil and water management, and have available staff it is reasonable for counties to look to SWCD's to assist in implementation of county programs.

The intent of this initiative is not to give SWCD's regulatory but to allow them to assume regulatory authority, if they choose, from counties wishing to delegate that authority to them.

FISCAL IMPACT

This action may increase local taxes and permit fees. This action will not increase state spending.

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