



Minnesota Board of Water and Soil Resources.
Minutes.

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DATE: April 20, 1993

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: April 28th Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, April 28, 1993, beginning at 9:00 a.m. The meeting will be held at the Kelly Inn, Buffington Room (I-94 and Marion Street exit), 161 St. Anthony Street, St. Paul. The agenda and informational materials are enclosed for your review.

SUMMARY OF AGENDA

A - Richfield/Bloomington WMO Boundary Change

The Dispute Resolution Committee (DRC) has completed the hearing, findings, conclusions and recommendations relating to this petition for boundary change. In anticipation that the DRC will present a signed document outlining their findings and recommendations along with a recommended order approving the boundary change (draft enclosed). Final Board action to approve the recommendation is appropriate.

DECISION ITEM.

B - Snake River Joint Powers Agreement

The counties have met and agreed to a revised Joint Powers Agreement (JPA) that reflects the comments of the Board from the March meeting. Staff recommends that the Board endorse the JPA; require a one year review of the implementation of the JPA; and direct staff to work with the petitioners and interveners to have the petition dismissed. **DECISION ITEM.**

C - Assignment of Lands/Areas to Specific Water Planning Entities

On the fringes of the metro area some lands were exempt from inclusion in the metro water planning process. The law was changed to include these areas with existing local water planning entities as appropriate. Staff has been working with the WMO's to make this transition. In some instances it is reasonable for some of these areas to be included with the county outside the metro area. This is the case with Hanover and

Rockford. Most of their area is in Wright County and administratively it would be practical to include all of the city area under the Wright County plan. The impacted WMO's have been contacted and support this approach. This is a policy decision that may have application in other similar instances and would be brought before the Board on a case by case. **DECISION ITEM.**

D - Whitewater Watershed Project

The Board had previously approved the Whitewater watershed project that had several components addressing flooding, water quality, erosion, and resource enhancement. The Soil Conservation Service (SCS) did not approve the proposal as one project and suggested that the effort be divided into components. The local sponsors are requesting the Board's endorsement of the revised projects proposal. The projects require the state's endorsement which is assigned to BWSR. Staff recommends endorsement. **DECISION ITEM.**

E - Feedlot Cost-Share Policy Relating to Enforcement Actions

The Board requested the Feedlot Committee to review the options with respect to allowing cost-share for feedlots when enforcement action had been taken by the Department of Natural Resources (DNR) or Pollution Control Agency (PCA). The committee has met and will discuss their recommendation with the Board. The options previously discussed included: 1) landowners are ineligible if issued criminal citation or under administrative penalty; 2) landowners are eligible irrespective of enforcement action; 3) landowners are ineligible for cost-share unless the SWCD determines that unique circumstances exist that warrant funding and a variance to the eligibility is granted by the Board. **DECISION ITEM.**

F - Continuation of the BWSR/MES Education Position & Partnership

The one year pilot with Minnesota Extension Service (MES) is up for review. In order to have an orderly transition whether the relationship is continued or terminated a decision by the Board in April is appropriate. The Education Committee believes that the partnership has been a successful one and that the BWSR and local governments achieve a benefit that otherwise could not be achieved. The recommendation is to continue the relationship through June 30, 1994. The MES has also found the relationship to be beneficial and is supportive of the continuance. **DECISION ITEM.**

G - Tim Graham Conservation Easement

Approximately two years ago the Department of Agriculture released sale of land to Tim Graham with a conservation easement relating to highly erodible land. Tim Graham has requested release from the easement. The Department of Agriculture, Attorney General, BWSR, Tim Graham and Senator Berg met to discuss the issue. There was general support for a conditional release from the easement by the parties to the meeting. Issues to be considered include: 1) payment to the Department of Agriculture for the land; 2) compensation or mitigation for farming the easement area in violation of the easement; 3)

approval implementation of a conservation plan for the parcel by the SWCD; 4) sealing of the abandoned well; 5) comments of the county, SWCD, Department of Agriculture, and DNR. Under current law the state would not be required to take an easement as in the past, however the landowner would be subject to conducting the land activities under an approved conservation plan and would not be eligible for other state conservation easement programs. Due to the time of the year it is anticipated that the landowner may be tempted to again violate the conditions of the easement and plant planned crops. It is staff understanding that the SWCD will be taking the matter up at its May 11, 1993, Board meeting. BWSR could take conditional action to approve the release; hold for the May meeting; or deny the release. **DISCUSSION & DECISION ITEM.**

H - Local Water Planning Challenge Grants

The Board previously approved the process and criteria for the allocation of the challenge grants. Staff has completed review of the grant requests and recommends approval consistent with the criteria. **DECISION ITEM.**

I - Cost-Share Program Allocation Process/Request for Change

The Minnesota Association of Soil and Water Conservation Districts (MASWCD) has over the past year undertaken a review of the cost-share program allocation process and come up with some recommendations for consideration by the BWSR. In consideration of the request staff would take the opportunity to inform and educate the Board on the what the current grant programs are; how they are allocated; rule and statute limitations; and related policy issues. We have attempted to summarize some of the history and current way of doing business. The Board's strategic plan does give some guidance in where we should be going, but is not very clear on how we get there. In addition, as the Board continues to develop a specific strategy for soil loss, wind and water, further considerations for the cost-share program may evolve. It is suggested that over the next several months the Board review the policies, rules, statutes relating to the cost-share program with the intent of pursuing appropriate policy, rule, and as appropriate statute changes that will implement the Board's strategic plan. Until that time staff recommends that the Board operate under the current policies and procedures. **DISCUSSION ITEM.**

J - Legislative Update on Budget & Wetlands

Budget:	HOUSE	SENATE	GOV's
Wetlands	\$ 4,000,000	\$ 3,500,000	\$ 4,000,000
Mn River	\$ 1,200,000	\$ 900,000	\$ 1,200,000
RIM Reserve	\$ 500,000	\$ 1,377,000	\$ 5,000,000

Wetlands:

Wetlands legislation currently has passed both houses and is heading for floor action. Due to minor differences it is anticipated that a conference committee may be necessary to resolve the differences. Both bills extend the interim program for six months if locals governments choose to do so; both modify the roadway and aquaculture exemptions to permit some encroachment without replacement under the WCA; both change 2:1 to 1:1 in the counties or watersheds with 80% or more of presettlement wetlands remaining; both prohibit banking of created wetlands associated with impoundments on natural watercourses; and the senate increases the deminimus from 100 square feet to 400 square feet.

There has been substantial discussion relating to other changes however, these seem to be the bottom line for the legislature this year. Some consolation is taken in that the Wetland Heritage Advisory Committee will meet twice a year to review the progress of the program and make recommendations to the Board regarding rule and statute changes that will enhance implementation of the program.

K - Future Meetings

May:

- * Wetlands rules adoption with inclusion of the legislative changes.
- * Fridley/RCWD appeal
- * Non-point/319 program
- * Isanti County Water Plan

June:

- * cost-share allocations
- * general services grants
- * MFIP grants
- * Metro Area Tour

July:

No Meeting????

August:

September:

- * Tour/Meeting Itasca County and vicinity

October:

November/December Meeting:

- * Combine for December 15 or December 1

If you have any questions regarding agenda items or need additional clarification, please feel free to call. Travel safely, I look forward to seeing you on the 28th!



April 28, 1993

Sen. Lawrence Pogemiller
Room 235 State Capitol
St. Paul, MN 55155

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Dear Sen. Pogemiller:

On behalf of the Education Committee of the Board of Water and Soil Resources, I would like to express our support for continued funding of the environmental education effort for at least the next biennium.

As you know, the current Senate K-12 Education Funding bill contains no funding for the Office of Environmental Education beginning July 1, 1993. Although it's true that the environmental education plan is scheduled to be completed by that time, our committee has real concerns that without continued funding over the next few years, few of the plan's recommendations will be carried out.

I recognize that discontinuing funding for the office may in part reflect a desire of the Senate to reduce the number of mandates that school districts must obey. I would like to point out, however, that nothing in the Environmental Education Act--which establishes the office and assigns it the task for developing and implementing the plan--requires school districts to do anything. The act focuses instead on how the office can help districts and the Department of Education meet the state's environmental education goals.

I'm confident that we are in agreement on one key point--that the education of children and adults regarding our environment is one of the most important investments we can make in Minnesota's future. Keeping this in mind, please reconsider your stance on continued funding for the office over the next biennium. Thank you, in advance, for your consideration.

Sincerely,

Sharon Clark
chair, BWSR education committee

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OVERVIEW OF THE ISANTI COUNTY COMPREHENSIVE LOCAL WATER PLAN
FEBRUARY 26, 1993

On March 21, 1990, the Isanti County Board of Commissioners formally initiated the development of a 110B Comprehensive Water Management Plan. The Isanti Soil and Water Conservation District was designated the lead agency. The Commissioners appointed the Public Health Director as the Water Planning Coordinator.

On November 20, 1991, an alternative planning structure was adopted by the Board. This structure consisted of a water plan task force and technical committee with coordination provided by the local Soil and Water Conservation District. The task force members were approved by the County Board on October 6, 1991 and held its first meeting October 29, 1991. The first draft plan was approved by the task force on October 20, 1992.

County Description

Isanti County is located in East Central Minnesota. The County is bordered on the east by Chisago County, north by Kanabec, west by Mille Lacs and Sherburne County and on the south by Anoka County.

Most of Isanti County is in the Southern one-third of the Rum River Watershed (364.7 sq.mi.). Regional groundwater within the Rum River flows in a southeasterly direction. Nearly all the county is drained by the Rum River which enters the county from the north then continues south and joins the Mississippi in western Anoka County. The southeastern portion of Isanti County is included in the Lower St. Croix River Watershed (64.8 sq.mi.). The Snake River Watershed encompassing (21.1 sq.mi) is located in the extreme northern part of the county and flows north toward the Snake River. These three major watersheds are composed of 17 minor watersheds (10) in the Rum River, (4) in the Lower St. Croix, and (3) in the Snake River.

Isanti County varies from 1150 feet above sea level at its highest point to 875 feet above seas level at its lowest. Soils in the County are composed of glacial and postglacial deposits characterized by undulating and rolling morainic hills, outwash sandplains, old glacial lake bed, bogs lakes, dry stream channels and barbed streams.

60% of Isanti County overlays the anoka sand plain which was formed by the Mississippi River as it followed the Grantsburg Sublobe when the glacier melted. The sandplain has relatively smooth relief, fingerlike depressions many small isolated bogs and scattered dunelike knolls. Soils are loamy fine sand texture. The areas of highest pollution potential are in the southern part of the county

within this sand plain area.

Isanti County, an area which was once grassland, brushlands, pine and hardwood forests, bogs and swamps is now a predominantly agriculture, however only a small percentage of residence engage in agriculture as a profession. Approximately half of the working residents commute to the Twin Cities metropolitan area.

Isanti County has incorporated responses and changes indicated and recommended by all state agencies who responded to the preliminary plan review. Staff anticipates Plan action at the May 26, 1993 Board meeting.

BWSR Policy Options for Funding Manure Management Systems

Option 5 (Preferred by BWSR Feedlot Advisory Committee)

WHEREAS, the State of Minnesota has made available, through the Cost Share Program administered by the Board of Water and Soil Resources, funding for the purpose of sharing in the costs of installing manure management systems which will prevent or minimize the degradation of water and soil resources and protect the public health; and

WHEREAS, feedlot owners participating in the Cost Share Program are expected to act in good faith to comply with all applicable state and local government resource protection rules and ordinances; and

WHEREAS, the current Cost Share Program rules are silent regarding the eligibility of feedlot owners who knowingly violate these rules and ordinances.

NOW, THEREFORE, BE IT RESOLVED, that the BWSR will work with soil and water conservation districts, counties and appropriate state agencies to determine the eligibility of feedlot owners for Cost Share Program funding of manure management systems on a case-by-case basis where enforcement actions have been taken, considering the environmental and legal facts of the situation, as well as the feedlot owner's demonstration of good faith.

Formal

or operator

adopted

letter to District

BWSR Policy Options in Funding Manure Management Systems

Option 1

WHEREAS, the State of Minnesota has made available, through the Board of Water and Soil Resources' administered Cost Share Program, funding for the purpose of sharing in the cost of installation of manure management systems which will prevent or minimize the degradation of soil and water resources, as well as protecting the health and safety of the public; and

WHEREAS, landowners participating in the Cost Share Program are expected to act in good faith, complying with all state and local resource protection and conservation agencies' statutes and ordinances.

NOW, THEREFORE, BE IT RESOLVED, that the BWSR will work with state and local agencies, on a case-by-case basis, to ensure that only those landowners working in compliance with state and local agencies to install properly functioning manure management systems will be eligible to receive BWSR administered Cost Share Program funding.

Option 2

WHEREAS, the State of Minnesota has made available, through the Board of Water and Soil Resources' administered Cost Share Program, funding for the purpose of sharing in the cost of installation of manure management systems which will prevent or minimize the degradation of soil and water resources, as well as protecting the health and safety of the public; and

WHEREAS, the Minnesota Department of Natural Resources and Pollution Control Agency are required to enforce state statutes regarding improper disposal of animal manure; and

WHEREAS, landowners found to be in violation of manure management statutes are required to voluntarily comply with state and local ordinances regarding manure management, or be subject to civil and criminal penalties.

NOW, THEREFORE, BE IT RESOLVED, that the BWSR will consider landowners facing either civil or criminal action being taken by either the DNR or MPCA to be ineligible to receive Cost Share Program funding for the purpose of installing a manure management system.

~~Option 3 (BWSR Staff Preferred Option)~~

WHEREAS, the State of Minnesota has made available, through the Board of Water and Soil Resources' administered Cost Share Program, funding for the purpose of sharing in the cost of installation of manure management systems which will prevent or minimize the degradation of soil and water resources, as well as protecting the health and safety of the public; and

WHEREAS, the Minnesota Department of Natural Resources and Pollution Control Agency are required to enforce state statutes regarding improper disposal of animal manure; and

WHEREAS, landowners found to be in violation of manure management statutes are required to voluntarily comply with state and local ordinances regarding manure management, or be subject to civil and criminal penalties.

NOW, THEREFORE, BE IT RESOLVED, that the BWSR will work with the appropriate state agencies and the local soil and water conservation district to determine the eligibility of a landowner to receive State Cost Share Program funding to install a manure management system. This work will take into account the knowledge and intent of the landowner, as well as the severity of the violation of state and local statutes and ordinances related to manure management.



DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT

Farmington Professional Building
821 Third Street
P.O. Box 129
Farmington, MN 55024
Phone: (612) 460-8004
FAX: (612) 460-8401

Option 4

WHEREAS, the State of Minnesota has made available, through the Board of Water and Soil Resources' administered Cost Share Program, funding for the purpose of sharing in the cost of installation of manure management systems which will prevent or minimize the degradation of soil and water resources, as well as protecting the health and safety of the public; and

WHEREAS, landowners participating in the Cost Share Program are expected to act in good faith, complying with all state and local resource protection and conservation agencies' statutes and ordinances; and

WHEREAS, the Minnesota Department of Natural Resources and the MN Pollution Control Agency are required to enforce state statutes regarding improper disposal of animal manure.

NOW, THEREFORE, BE IT RESOLVED, that the BWSR will work with the appropriate state agencies and the local soil and water conservation district, to determine the eligibility of a landowner on a case-by-case basis, to ensure that only those landowners demonstrating good faith efforts to install properly functioning manure management systems, will be eligible for BWSR administered Cost Share Program funds.

Tim Graham Conservation Easement

In 1992, Mr. Graham purchased a parcel of loan-default land in Pope County from the State through the MDA. At the time, MDA was required by statute (MS103F.535, 1990) to place a conservation easement on approximately 15 acres of highly erodible soil (wind erosion) within the parcel (see attached copy of letter from Pope SWCD and associated aerial photo). Mr. Graham was reportedly well aware of the easement at the time of purchase. MDA estimates that the selling price of the total parcel was reduced by approximately \$9,000 - \$10,000 due to the easement ($\$187,000 / 290 \text{ tillable acres} = \$645/\text{tillable acre} \times 15 \text{ acres} = \$9,675$).

Mr. Graham wants to have the easement terminated to to permit cropping of the area and full rotation of a center-pivot irrigation system that he installed in the quarter section within which the easement is located. A circle has been drawn on the attached aerial photo to identify the approximate outer circumference of the land desired to be irrigated. Note that full rotation of the center-pivot irrigation system will require removal of the existing trees and structures at the former building site. Mr. Graham has not yet cleared this area, but intends to do so in the future. Mr. Graham indicated to Kim Krueger, Pope SWCD Technician on 4-15-93 that the existing abandoned well on the property was sealed by MDA prior to his purchasing the land.

BWSR
Mr. Graham raised soybeans on a portion of the easement area last year, in violation of the conservation easement which requires permanent vegetative cover, and wants (intends?) to crop the area again this year. Responsibility for enforcement of the easement was not addressed in MS103F.535 and is unclear at this time.

Based on an opinion by Jennifer Park, BWSR AG Rep., the BWSR has authority to alter, release or terminate this conservation easement as per RIM rule 8400.3610, copy attached.

On April 14, 1993, the following state employees met with Mr. Graham and Senator Charles Berg to discuss this situation, including the above mentioned facts and steps required for Mr. Graham to develop a proposal to bring before the BWSR.

Jennifer Park, BWSR AG Rep.
Al Kean, BWSR Ch. Engr. and Conservation Program Supervisor
Paul Strandberg, MDA AG Rep.

Mr. Graham had apparently previously offered to swap a different parcel of land containing trees, shrubs and an abandoned gravel pit for the easement area. At the above meeting, Senator Berg suggested swapping the unirrigated corners of the quarter section for the easement area. Staff referred Senator Berg and Mr. Graham to the SWCD and DNR regarding the desirability of this idea. Mr. Graham seemed open to the idea of additional payment to the state for the termination of the easement. Staff also suggested that Mr. Graham consider monetary restitution for violation of the easement.

BWSR staff believe that the following items should be included in Mr. Graham's proposal to the BWSR and/or considered by the Board.

1. A recorded conservation plan for the highly erodible soil that is acceptable to the SWCD, and which may include conservation tillage, as well as windbreaks along the west and south sides of the existing easement area.

2. Agreement not to disturb the existing small wetland along the south side of the easement area.

3. Additional payment of \$9,675 to the State for termination of the easement, and/or possibly the granting of a conservation easement on the unirrigated corners of the quarter section, if desirable to the SWCD and DNR (total = 34 acres).

4. Payment to the State equal to profit from cropping the easement area last year, as restitution for violation of the easement.

Consider table damages.

RECEIVED

APR 12 1993

POPE SOIL & WATER
CONSERVATION DISTRICT

BOARD OF
& SOIL RESOURCES

24 1ST AVE. SE.
GLENWOOD, MN. 56334
(612) 634-5326

DATE: April 8, 1993

TO: Mr. Al Kean
Board of Water & Soil Resources
St. Paul, Mn.

SUBJECT: Tim Gramm, Minnesota Department of Agriculture
Conservation Easement:

Dear Mr. Kean

First let me say I do not feel the State should have to bend over backwards to help Mr. Gramm. He bought this property knowing full well there was a Conservation Easement that restricted farming, on the property.

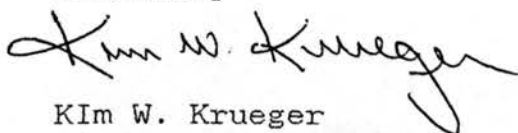
In the event the State lets Mr. Gramm farm the Easement area, which he is now doing then he should be required to meet the allowable soil loss. The Easement area consists of Hecla Loamy Sand 0 to 3 percent slope, allowable soil loss is 5 Tons/Ac. To meet this a minimum of 1,000 lbs per acre flat small grain residue or equivalent would have to be used, (Conservation Tillage). A rotation of corn & soybeans he would have to 30 percent residue cover.

There is also a small wetland in the easement area, that has been in existence since before 1951 he should not be allowed to drain this.

In addition there is a windmill next to the driveway going into the old building site. It would indicate an abandoned well on the property. If this is the case he should also be required to have this sealed.

In the event changes are made to the conservation easement on this property, I would recommend they be recorded on the title so they go with the land not the landowner. Enclosed is an aerial photo of section 29, showing approximate area of Hecla soil, also what Mr. Gramm is farming.

Sincerely



Kim W. Krueger
District Technician
Pope Soil & Water Conservation District

POPE COUNTY NOT TO SCALE NOV. 1991 L.2

2844
T3031

292.3

227

9-466
T2267
159.5

Administered
in Stevens
-1986-
DNR

(9)
29

EASEMENT AREA

FARMED

9-32
144.5

Administered
in Stevens Co.
-1981-
DNR

231

19

WETLAND

623

T1723 24

2065

T2606

RIM Rules

11 8400.3610 ALTERATION, RELEASE, OR TERMINATION OF EASEMENTS.

12 The board may alter, release, or terminate an easement after
13 consultation with the commissioners of agriculture and natural
14 resources. The board may alter, release, or terminate an easement
15 only if the board determines the public interests and general
16 welfare are better served by the alteration, release, or
17 termination.

18 The board must be provided the following information at least
19 30 days prior to a board meeting, before the board will consider
20 a request to alter, release, or terminate an easement:

21 A. a letter from the landowner justifying the change and
22 identifying how the public interest and general welfare will be
23 better served;

24 B. a letter from the district board recommending the
25 change;

26 C. a letter from the Department of Natural Resources
27 wildlife manager recommending the change; and

28 D. other supporting documents, including:

29 1. an aerial photo identifying the requested
30 change;

31 2. a soil survey map of the area;

32 3. cropping history information; and

33 4. other pertinent documentation that will support
34 the request.

1 The board reserves the right to require special provisions to
2 ensure at least equal resource value as a condition of approving
3 the request. The board must be compensated for all damages and
4 loss of benefits to the conservation easement as well as
5 administrative expenses and costs incurred in the alteration,
6 release, or termination of an easement. Priority must be given to
7 obtaining eligible replacement land rather than cash payment for
8 damage or loss of benefits.

**BOARD OF WATER AND SOIL RESOURCES
KELLY INN
161 ST. ANTHONY STREET
BUFFINGTON ROOM, FIRST FLOOR
ST. PAUL, MINNESOTA
APRIL 28, 1993**

PRELIMINARY AGENDA

- | | | |
|------------|----|--|
| 9:00 a.m. | ● | Call Meeting to Order |
| | ● | Adopt Agenda |
| | ● | Approve Minutes of March 24, 1993 |
| | ● | Reports |
| | | ● Chairman's Report - Jim Nielsen |
| | | ● Executive Director's Report - Ron Harnack |
| | | - Staff Report |
| 10:00 a.m. | A. | Richfield/Bloomington WMO Boundary Change - Dispute Resolution Committee and Jim Haertel |
| 10:45 a.m. | B. | Snake River Joint Powers Agreement - Doug Thomas |
| 11:00 a.m. | C. | Assignment of Lands/Areas to Specific Water Planning Entities - Jim Haertel |
| 11:30 a.m. | D. | Whitewater Watershed Project - Shelly Eckblad, Project Coordinator |
| Noon | | Lunch |
| 1:00 p.m. | E. | Feedlot Cost-Share Policy Relating to Enforcement Actions - Al Kean |
| 1:15 p.m. | F. | Continuation of the BWSR/MES Education Position and Partnership - Susan Tsakakis |
| 1:30 p.m. | G. | Tim Graham Conservation Easement - Al Kean |

- 1:45 p.m. H. Local Water Planning Challenge Grants - Chuck Niska
- I. Cost-Share Program Allocation Process/Request for Change -
 Chuck Niska
- 2:45 p.m. J. Legislative Update on Budget & Wetlands - Ron Harnack
- K. Future Meetings
- L. Advisor Comments
- John Sumption, MACDE
 - Marlin Libbesmeier, MAT
 - Gary Nordstrom, SCS
 - Howard Peterson, MAWD
 - Allan Oehlke, MASWCD
 - Pat Wulff, MLA
- M. Board Issues - discussion, comments, action needed
- 3:30 p.m. Adjourn

Local Water Resources Protection and Management Program

Challenge Grant Requests-Overview

Category I. Grants to Multi-County Applicants

East Central Minnesota multi-county group:	3 Counties
Mid-Minnesota Joint Powers Board:	4 Counties
Minnesota River Joint Powers Board:	5 Counties
Mississippi Headwaters Board:	9 Counties
Redwood-Cottonwood Rivers Control Area:	8 Counties
South Central Minnesota Counties:	13 Counties
The International Coalition Counties:	15 Counties
Zumbro/Root River Joint Powers Board:	9 Counties

TOTAL:	<u>66 Counties</u>
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66 Counties @ \$1,700 per County = \$112,200 in requests*

* Assuming all counties for which funds have been applied for actually participate in the Program. BWSR Field Staff have been asked to verify inclusion of their respective counties in the LWRPMP.

Category II. Grants to Individual Counties

County	Project	Request
Cass	Leech Lake Water Monitoring	\$10,000
Chippewa	Cost-share of living snowfences	\$ 6,000
Chisago	Drained wetland inventory	\$ 3,000
Fillmore/ Houston	Septic system installation demo	\$ 6,000
Hubbard	Water conservation demonstration	\$ 2,900
Kittson	Extension of river water monitoring	\$11,050
Lincoln	Improvement of county road drainages	\$41,000
Olmsted	Water conservation demonstration	\$ 7,756
Pennington	Abandoned well sealing	\$ 2,716
Polk	Lake-septic system study	\$ 8,500
St. Louis	Water plan implementation acceleration	\$25,000
Waseca	Soil survey updating	\$10,000
TOTAL		<u>\$130,726</u>

Available Funding:	\$246,122
Amount Requested:	\$246,122

Remaining Amount:	\$ 0
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1993 LOCAL WATER PLANNING CHALLENGE GRANT PROPOSAL SYNOPSES

Category I. Multi-County Grants Applicants

East Central Counties (3 Counties: Kanabec, Mille Lacs, and Pine)
Grant Request Total: \$5,100

Grant Activity: To conduct uniform water quality monitoring within the Snake River Watershed counties, looking at both natural and domestic runoff sources, with an emphasis on:

- * High priority sources identified within the CLWPs for these three counties and Aitkin County; and

- * Phosphorus loading from domestic sources.

Mid-Minnesota Joint Powers Board: 4 Counties (Kandiyohi, McLeod, Meeker, and Renville)

Grant Request Total: \$6,800

Proposed Activity: To conduct private well water testing, in the process raising both the awareness of local citizens and health officials about well water through various presentations. Also, this activity should expand the county groundwater data base. Additional testing information for previous well water testing will be obtained and examined.

Minnesota River Headwaters Joint Powers Board: 5 Counties (Big Stone, Chippewa, Lac qui Parle, Pope, and Swift)

Grant Request Total: \$8,500

Grant Recipient: Big Stone County

Proposed Activity: To develop an educational kit composed of 4-5 modules of information that can be used in public presentations to a variety of audiences. Potential module topics include the following information:

- A. Groundwater Movement: information on wells, septic systems, etc. (feedlots and ag waste?)

- B. Land Use Management: information on soil erosion, stormwater runoff, waste disposal, etc.

- C. Conservation Practices: information on buffer strips, grassed waterways, tree plantings, etc.

- D. Wetlands relationship and role related to water quality.

- E. Urban issues: water conservation, lawn care, stormwater, sewage treatment(s)

- F. Surface Water issues: Shoreline erosion and management, buffer strips, low impact development, construction site erosion control.

Mississippi Headwaters Board: 9 Counties (Aitkin, Beltrami, Carlton, Cass, Clearwater, Crow Wing, Hubbard, Itasca, Morrison)

Grant Request Total: \$15,300

Grant Recipient: MHB

Proposed Activity: To establish a Green Shores project in each county, to develop incentives to reduce erosion by maintaining shoreland vegetation, and by developing a public information campaign to recognize persons instituting such activities, so as to export them to other areas of the county, and the respective regions bordering the MHB.

Redwood-Cottonwood Rivers Control Area: 8 Counties (Lyon, Murray, Nobles, Redwood, Rock)

Grant Request: \$13,600

Grant Recipient: RCRCA

Proposed Activity: Establishing an electronic mail network/system within the RCRCA; providing additional EPPL7 training to RCRCA county water planning staff, and provision of additional workshops training and assistance to RCRCA counties.

South Central Minnesota Counties Comp Water Planning Project: 13 Counties (Blue Earth, Brown, Cottonwood, Faribault, Freeborn, Jackson, LeSeuer, Martin, Nicollet, Sibley, Steele, Waseca and Watonwan)

Grant Request: \$22,100

Grant Recipient: SCMCCWPP

Proposed Activity: To develop a compatible GIS base permitting information exchange between the 13 counties; to provide for the maintenance of existing Challenge Grant-purchased equipment; to provide technical training for Comp Local Water Planning coordinators, so they might access and use the Ground Water Data Base, the Lakes Data Base, and the MRAP Level III Data Base. Much of this will be conducted through the new Technology Exchange Center at Mankato State University.

Northwest Minnesota Comprehensive Local Water Planning Joint Powers Board (via The International Coalition (TIC)): 15 Counties (Becker, Clay, Clearwater, Grant, Kittson, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Stevens, Traverse and Wilkin)

Grant Request: \$25,500

Grant Recipient: TIC

Proposed Activity: To conduct bi-monthly JPB meetings for a variety of LGUs; to implement regional coordinative strategies regarding: legislative meetings and activities, establishing data and information activities, program coordination, regional communication, and other issues as they arise.

Zumbro/Root River Joint Powers Board: 9 Counties (Dodge, Fillmore, Goodhue, Houston, Mower, Olmsted, Rice, Wabasha, and Winona)

Grant Request: \$15,300

Grant Recipient: ZRR

Proposed Activity: To provide a forum for communications among ZRR counties; to provide technical training needs for local water planners, to provide specialized technical expertise where needed; to provide a wide base of support and public partnership.

Category II. Individual County Grant Applications

Cass County

Grant Request: \$10,000

Proposed Activity: To conduct an in-flow study of Leech Lake, to determine flow rates, stage elevations, and a variety of chemical levels. This is a partial follow-up to the Clean Water Partnership Phase I study of the Leech Lake Watershed, and will be conducted in cooperation with the Leech Lake Association, the Cass SWCD, Leech Lake Tribal Council, MN DNR, MPCA and SCS.

Chippewa County

Grant Request: \$6,000

Proposed Activity: To offer an incentive program to county landowners to establish a living snow fence (i.e., buffer strips with trees) to control soil erosion. Targeted areas will be land along drainage systems, or in agricultural fields. Landowner applications will be reviewed by a technical panel of SWCD, SCS and ASCS personnel.

Chisago County

Grant Request: \$3,000

Proposed Activity: To identify and restore drained wetlands on private land in the county. The overall goal of the project will be to improve and enhance wetland wildlife habitat, as well as water quality. This project will eventually be expanded over the entire Onanegozie RC&D Area counties.

Fillmore/Houston Counties

Grant Request: \$6,000

Proposed Activity: To provide cost-sharing to at least 2 landowners in each county, for the purpose of installing conforming septic systems on sites with currently non-conforming systems. Work will be done only by installers who have attended the MPCA-sponsored On-Site Sewage Treatment Certification workshop. These installations will be used as demonstration sites by each county.

Hubbard County

Grant Request: \$2,900

Proposed Activity: To focus on the promotion of water saving devices and water conservation methods for households, businesses and public facilities. This will include an information/education campaign.

Kittson County

Grant Request: \$11,050

Proposed Activity: A continuation of the 1991 Challenge Grant study monitoring the water quality of the Roseau, Joe and Two Rivers water quality, as well as pesticide levels within each river. Additional work will be done to identify land uses within the watershed, as well as monitoring inputs from potential non point source sites. Eventually best management practices will be developed, designed, and installed to prevent excess sediments and nutrient from entering each water body.

Lincoln County

Grant Request: \$41,000

Proposed Activity: To implement a portion of the 1991 Challenge Grant results, which showed that restrictive road crossing installation within the county could reduce peak flows, reduce flood potential, and have a positive impact on nutrient and sediment transport. Funds will be used to plan and design two of these installations, as well as acquiring land rights and enhancing two existing wetlands.

Olmsted County

Grant Request: \$7,756

Proposed Activity: To focus on the promotion of water saving devices and water conservation methods for households, businesses and public facilities. This will include an information/education campaign.

Pennington County

Grant Request: \$2,716

Proposed Activity: To provide 50% cost-sharing for the purpose of sealing 13 abandoned wells identified as priorities by the Pennington County SWCD.

Polk County

Grant Request: \$8,500

Proposed Activity: To conduct an inventory of the Maple Lake with and for property owners and their properties, so as to identify where improperly functioning systems are contributing non point source pollution to the lake. This will include an educational campaign, as well as a series of meetings with owners.

St. Louis County

Grant Request: \$25,000

Proposed Activity: To accelerate implementation of the County Comprehensive Local Water Management Plan. This includes work in 4 areas, including:

- 1) Participating in the regional water quality newsletter "Arrowhead Currents";
- 2) developing local materials to complement the shoreland BMPs;
- 3) organizing county water quality information centers, along with expansion of the DNR Lake Advocate Program; and
- 4) working with the MPCA to expand the citizen lake monitoring program throughout the county.

Waseca County

Grant Request: \$10,000

Proposed Activity: To financially assist in the updating of the Waseca County soil survey. Work over a six to 7 year period would consist of field data collection, then transferring this data to a map base.



MASWCD

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April 5, 1993

Mr. Ron Harnack
Executive Director
Minnesota Board of Water and Soil Resources
155 South Wabasha Street
St. Paul, Minnesota 55107

Dear Mr. Harnack,

The Minnesota Association of Soil and Water Conservation Districts (MASWCD) at the request of the Board of Water and Soil Resources convened a Cost Share Committee to study the allocation process used by BWSR. The Cost Share Committee recommendations were presented to the convention body at the annual convention held at the Radisson South on December 7-8, 1992. The convention body approved the committee recommendations.

It is requested that the attached recommendations be presented to the Board of Water and Soil Resources for their endorsement and implementation.

Sincerely,


D'Wayne D. De Ziel
Executive Director

costsha4

September 4, 1992

To: MASWCD Board of Directors
From: Russ Ruud Chair Cost Share Committee

Subj: Recommendation for Cost Share Allocations.

The cost share committee has had several meetings concerning cost share allocation and recommends that you the Board of Directors endorse the allocation plan and present it during the business meeting at the MASWCD annual convention. They recommend the following:

- Authorization to implement an Area Cost Share Committee.
 - Total current cost share dollars to be equally divided between the seven MASWCD administrative regions.
 - Each administrative area should have the authority to develop project priorities within their area
 - Area Cost Share Committee to develop area priorities within the BWSR guidelines.
 1. LWP and SWCD Annual Plans should be the basis for area priorities.
 - Funds to be distributed by an area committee composed of:
 1. Voting members on the committee will be the chair or delegated supervisor of each SWCD.
 2. MASWCD Area Director to be the non-voting chairperson of this committee.
 3. BWSR Board Conservationist will serve as advisors to the committee for the MASWCD administrative area that s/he is responsible for..
 4. MACDE Area Director to be an advisor to this committee.
 - The Area Cost Share Committee will distribute Technical and Administrative funds.
 - BWSR to provide administrative services to the Area Cost Share Committees.
- cc: Cost Share Committee
Ron Harnaack
Chuck Niska

September 4, 1992

To: MASWCD Board of Directors

Subj: Comments from the September 3, 1992 Cost share Committee meeting

An area cost share committee is in the best position to know the environmental concerns and needs in their area. For example; If the SWCD annual plans and Comprehensive Local Water plans indicate a particular need within that area it would be the decision of local elected officials to develop the priorities not some unknown bureaucrat.

Districts would have to meet as a group and determine how so spend cost share dollars throughout the area, this could result in some interesting discussions.

1. Why should the cost-share monies be divided equally between areas? Some areas will receive more funds while some areas receive less than before but only since the rollover of cost share dollars was uneven. Area that efficiently utilized cost share dollars and received additional rollover dollars on a regular basis may not like this proposal. However, the consensus is that this program will provide more dollars to the land occupier than the present program.

2. Each Area committee will determine priorities within their area. The area committee could develop priorities for their area and have districts submit projects for the committees approval. Some areas may choose to use the present BWSR system. This would be an easy way to disburse the funds to each districts and the area committee would be responsible for the rollover funds within their area.

A. The area committees may decide to disburse a base grant of \$2,000 to each district to develop projects and to ensure funds for the area cost share meetings. We must remember each area can do their own thing within BWSR guidelines.

3. The MASWCD area director will be the chair and facilitator of all committee meetings. The BWSR staff will provide administrative services such as meeting notices, minutes, and record keeping. The MACDE area director will be an advisor to the committee. In many cases the MACDE director is also a district manager and as such would have insight into day to day workings that the supervisors would not have.

BWSR would still maintain control and disbursement of all funds. BWSR would issue guidelines for the state and BWSR could make suggestions on targeting of funds in an emergency.

cc: Ron Harnack
Chuck Niska
Cost Share Committee

THE COST-SHARE PROGRAM

PURPOSE: To share in the cost of installing systems or individual practices for control of erosion or sedimentation causing a degradation of the water quality in a protected water. Practices are designed to protect and improve soil and water resources for a minimum period of at least 10 years.

LAW/AUTHORITY: MN Statutes Section 103C.501
Program Rules: Chapter 8400

STATUTE CONTENT OVERVIEW:

* Eligibility requirements: SWCDs requesting funds must annually submit a set of documents to the BWSR, meeting minimum content requirements. Documents include an Annual Plan of Work for the current year, and an Annual Report for the prior year of operation as well as a financial statement showing the income and liabilities of the SWCD. These are reviewed and approved by the Board Conservationists. In addition, every other [even numbered] year, each SWCD must revise a Comprehensive Plan covering future projected activities over a five year period of operation. These are due to the BWSR by August 15th of even numbered years.

* 70% of Program funds must be used for high priority erosion, sedimentation or water quality problems identified in SWCD Comprehensive and Annual Plans. Cost-share rates may not exceed 75% of project costs (many SWCDs cost share projects at a rate lower than the maximum rate, so as to work with more landowners in an individual program year).

*** Remaining funding may be used as follows:**

* No more than 20% of Program funds may be used for the technical & administrative provision of assistance to clients of the SWCDs, or for

* Secondary or "lower" priority needs for erosion, sedimentation and water quality problems as identified in the SWCD Comprehensive and Annual Plans. These cannot be cost-shared at a rate higher than 50% of total project costs.

* Ten per cent of Cost Share Program funding is currently combined with Roll Over returns to fund Special Projects, i.e., those projects a district cannot fund through their regular allocation due to its size, or projects displaying innovation or technology transfer.

WHAT PRACTICES ARE COST-SHARED?

- Erosion control structures
- Stripcropping
- Terraces
- Diversions
- Stormwater control systems
- Field windbreaks
- Animal waste control systems
- Critical area stabilization
- Streambank, lakeshore and roadside stabilization

AT ISSUE:

• Beginning in late 1989, BWSR undertook an effort to revise the existing (1985 era) Program Rules, so as to increase local flexibility in implementing this program, as well as improving the effectiveness and efficiency of the Program. This effort was frustrated, and eventually dropped by BWSR for a number of reasons, including:

- * the perceived loss of historically guaranteed tech & administrative funding by some SWCDs;
- * the SWCDs lack of capacity to do comprehensive planning for all land of an individual landowner;
- * the request by some non-agricultural SWCDs to revisit the annual allocation formula, so that any revised formula would take into account a greater number of urban or "other" factors to determine allocation amounts.

In 1991 the BWSR Board gave the combined MASWCD and MACDE the charge to revisit the issue of allocation formula, then report back to the Board with recommendations for revision. A committee of MASWCD/MACDE representatives put forth a list of recommendations which was reviewed and approved by the MASWCD Executive Committee in November 1992.

In December of 1992 at the MASWCD Convention, the list of recommended changes to the existing Cost Share Program was debated, then voted on by the Supervisors, with the recommendations being passed by a narrow margin. In the last month MASWCD has submitted a request to revisit the Cost Share allocation issue, using this list of recommended changes as a basis from which to effect other changes in the Program.

Once the policy and practices are redefined, then issues involving funding changes, including reallocation, as well as securing an increase in allocation funding should be addressed. This is because some of the changes in even the existing list of MASWCD allocation revisions may require changes to the existing administrative guidelines for the Program, changes to the Cost Share Rule (Chapter 8400), or changes to the existing legislation, § 103C.501. BWSR

staff will solicit input from all interested parties, providing them an opportunity to both originate, then respond to proposed changes.

In addition to the allocation issue, there are a number of other things to consider, including:

- * eligibility requirements for landowners;
- * practice priorities;
- * geographical priorities;
- * funding new feedlots vs. existing feedlots;
- * Minnesota River funding;
- * incentive criteria,

as well as a number of issues that need to be addressed to achieve the BWSR Strategic Plan. Therefore, it is suggested that staff lay out a schedule to conduct such a review and assessment, bringing recommendations back to the Board in May.

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* Ten per cent of Cost Share Program funding is currently combined with Roll Over returns to fund Special Projects, i.e., those projects a district cannot fund through their regular allocation due to its size, or projects displaying innovation or technology transfer.

BWSR has rule responsibility for the items listed in Statute 103C.501, subdivision 6, which includes:

- 1) Development of cost-share contract criteria;
- 2) contract standards and guidelines;
- 3) the scope and content of SWCD plans;
- 4) cost sharing priorities;
- 5) cost sharing percentages and eligible components of projects; and
- 6) other documentation requirements.

WHAT PRACTICES ARE COST-SHARED?

- Erosion control structures
- Stripcropping
- Terraces
- Diversions
- Stormwater control systems
- Field windbreaks
- Animal waste control systems
- Critical area stabilization
- Streambank, lakeshore and roadside stabilization

LEVELS OF FUNDING: 1991-1993: \$1,461,000 Annually
1978-1991: \$1,501,000 (funding level was reduced
by \$40,000 in FY91)

The most recent (1993) allocation has been divided in this way:

- \$1,022,700 Available for projects
- \$292,200 Available for tech/administrative use
- \$146,100 Available for Special Projects, which require separate application (this is combined with returned funding, amounting to \$200,000 to \$450,000, which is allocated in July of each year.

BRIEF HISTORY:

- State involvement in funding conservation practices first identified after the 1976 drought, due to a lack of federal funding to meet local needs
- In 1977 legislation creating the program passed without a dissenting vote.
- The first program with funding in 1978 was a "plain" set of traditional practices & concepts
- In 1982 legislative changes included:
 - *focusing on more aggressive landowner contacts/requirements
 - *tie-in of allocations to SWCD plans and a formula for allocation was developed based on:
 - 1) Excessive erosion from cropland, and
 - 2) implied water quality impacts within shoreland areas, and
 - 3) feedlots within shoreland areas, and
 - 4) land treatment cost factors.
- A 1984 legislative change allowed for the Soil and Water Conservation Board (SWCB) to retain funds until they were spent-the beginning of roll-over of funds
- the 1985 Rule revisions included:
 - *incorporation of the 1982 legislative changes (including targeting of funds and ID of priority areas)
 - *introduction of the concept of Special Projects
 - *providing a special emphasis on water quality
 - provision of flexibility for practices & projects-no more exclusivity of using only the Soil Conservation Service's Field Office Technical Guide-approved list of conservation

practices.

- Since 1985:

Local SWCD program goals and state priorities have not paralleled federal activities. SWCDs have become more involved in helping to solve locally identified problems through this program, keying on water quality related issues.

The federally mandated 1985 Farm Bill provisions included implementation of the Food Security Act (FSA)-in Minnesota this took up much of the federal & local time as a priority work activity. With the FSA goal of completing farm conservation plans so as to keep landowners "in compliance" with federal program requirements, long term conservation practice installation using State Cost Share Program dollars suffered, as witnessed by the amounts of funding returned by SWCDs during this period.

The SWCDs' utilization of the Cost-Share Program was lowered up until the conclusion of the field work portion of the FSA at the end of 1990. Large amounts of State Cost Share Program funding were being recorded. These funds were being turned back to the state due to the lack of a human resource at the SWCD to properly implement the program. As SWCDs have again turned their focus toward installation of Cost-Share Program funded practices, as well as local water planning related activities (and the amount of returned funding has become less, demand for program dollars has increased. (Witness increases in demand for Roll-over, Special Project funding, etc., with less funding being returned to St. Paul.)

ISSUES OF INTEREST:

- \$1.5 million annually allocated was status quo funding. Increases in the Consumer Price Index (as a measure of inflation) since the start of the program have seen its buying power decrease to less than 1/2 of its original 1978 capacity. Funding will be increased for FY1994, as additional funding is supplied to the program that is intended to be used in the Minnesota River Basin. Also, the Streambank, Lakeshore and Roadside (SLR) Program is absorbed into the Cost Share allocation. Total funding appropriated should be about \$2.22 million dollars per year of the coming biennium.

- Beginning in late 1989, the BWSR undertook an effort to revise the existing Program Rules, so as to increase local flexibility in implementing this program, as well as improving the effectiveness and efficiency of the Program. This effort proved to be frustrated for a number of reasons, based on feedback from the SWCDs. These included: the perceived inability of the SWCDs to potentially lose their guaranteed tech & administrative funding, the SWCDs balking at doing comprehensive planning for all land of a single landowner, and the request by many non-agricultural SWCDs to revisit the allocation formula, so that any formula would take into account a greater number of factors to determine allocation amounts. In 1991 the BWSR Board gave the combined MASWCD and MACDE the charge to revisit the issue of allocation formula, then report back to the Board with a recommendation for formula revision.

In December of 1992 at the MASWCD Convention, a list of recommended changes to the existing Cost Share Program were voted on by the

Supervisors, with the recommendations being passed by a narrow margin. In the last weeks the BWSR has been contacted by the BWSR to revisit the Cost Share allocation issue once again, using this list of recommended changes as a basis from which to effect other changes in the Program.

- With the changes in Legislative appropriation of funding, the BWSR will have to address issues of allocation of the Cost Share Program funding to the programs and program areas for which newly appropriated funds (for FY94-95) will be appropriated. The SLR Program, which has annually received about \$159,000, will be maintained at that level for the coming year. Other funding relevant to the cost-sharing of projects will be allocated to the SWCDs in a manner which is consistent with the past allocations. Other funding options for the Minnesota River Basin area will be considered by staff in the coming weeks, with ultimate recommendations being given to the Board for consideration in the coming fiscal year.

ACCOUNTABILITY: SWCDs are allocated funding annually, after the beginning of the state fiscal year. This funding generally arrives at the local SWCD office no later than September each year. The SWCDs are given the ability to accept applications for assistance from landowners who desire cost-share funds on a year-round basis, but can only allocate through encumbrance after the first of July (i.e., once state funding is released and available for a district's use), and can encumber (i.e., tie up) only up to the amount they are notified they will receive. The SWCD must approve a landowner's application-it then becomes a valid contract for cost-sharing, and then the SWCD can encumber the amount of funds available/needed to complete a practice. The cost of a project must be determined by a qualified individual, whether with the SCS, SWCD or another appropriate firm or agency. Also, the cost-share rate, practices for cost-sharing project lifespan and a number of other items must be filled in on the contract. If there's a cost overrun on a project, an amendment to the original contract must be signed by both parties. The original cost-share percentage must be maintained, however, throughout the life of the project.

Once the SWCD approves the contract, the landowner has 18 months to start a project, and 24 months to complete it (with up to one year's amendment-extension possible). In each year, the SWCD may only cost-share those applications received on or before June 1, with encumbrance completed by June 30. All funds not encumbered by June 30 must be returned to the state by July 30. Any funds remaining unspent but encumbered on a particular project must be returned to the state within 30 days after the final project payment is approved by the local SWCD unless the project is completed within the same fiscal year the funds were allocated.

After the funds from a particular year are accounted for, the SWCD is to notify the Board Conservationist that a program audit is necessary. The Board Conservationist goes to the SWCD office and examines all records pertinent to the use of that year's program funding, so as to determine if proper procedure was used by the SWCD in dispensing their cost-sharing. If problems arise, the Board Conservationist outlines the nature of the violation, works with the SWCD and BWSR St. Paul staff to effect a solution, and

chronicles such in writing to the SWCD.

GUIDANCE MATERIALS: SWCD Operational Handbook, Sections E and L

AUDITING: As mentioned above, Program records are examined in an audit after a year's account has been closed by the SWCD, the district should then notify the Board Conservationist, who would schedule a day in the SWCD office. Report materials from such an audit are then retained by the Board Rep, with a copy also sent to the Central Office.

CALENDAR OF SIGNIFICANT DATES:

March 15: Due date for SWCD Annual Plans and Reports

April 1: Deadline for submitting Special Project & SLR applications. Special Project funding includes returned funds accumulated in the prior 6 months. Amounts available vary, from the \$146,100 to \$400,000 to \$500,000. The latter figure was realized during the height of the SCS-FSA period.

June 1: Last day for a district to accept an application for cost-sharing using a current year's funding.

June 30: All current year's Cost-Share Program funds should be encumbered by a district on or before this date-if they are not, they must be sent back to the State Treasurer via the BWSR within 30 days.

November/December: The BWSR solicits SWCDs for applications for use of Roll-over funding, in which Cost-Share Program funds returned for the last six months are dispensed.

REPORTING:

Annual Report Contents: (based on the previous calendar year of operation):

- Introductory statement
- Description of Services provided by the SWCD
- Listing of Supervisors
- Office Personnel
- Cooperating Agencies
- Narrative of Accomplishment
- Financial Report
- Any other documentation necessary to describe SWCD accomplishments

Comprehensive Plan Contents: (See Section R of the SWCD Operational Handbook)

(Comprehensive plans are required by both the state and the USDA-SCS, in order to receive state funding and federal technical assistance)

Comprehensive Plans cover a five year time frame, and are required to be updated biennially in even numbered years, covering the following:

- Statement of Purpose;
- Authorization/Jurisdiction of the SWCD;

- Organizational History;
- Soil Survey Information;
- Soil and Water Conservation Problems & Accomplishments to date;
- Effectiveness of Past Efforts;
- Nature & Extent of High Priority Problems & Conservation Measures to address stated problems;
- Future Strategy;
- Budget Forecast;
- Adjustments in SWCD Programs; and
- SWCD Policies.

Annual Plans are intended to provide a mechanism for implementing goals outlined in the Comprehensive Plan, outlining anticipated actions for the coming year. It is also a required document for the SWCD in order to receive state funds and federal technical assistance.

Annual Plan Contents: (Section R of the SWCD Operational Handbook)

- Introduction (purpose)
- Annual Objectives & Specific Actions
- Staffing needs
- Cost-Share Program Use, including:
 - High priority erosion & sedimentation problems
 - High priority feedlots
- Special Projects identification
- Budgetary Needs

SPECIAL PROJECTS

Definition: " A conservation project including, but not limited to, a demonstration project, accelerated watershed or water quality project, long-term conservation agreement, planning technique, or non-structural erosion or sediment control or water quality protection or improvement structure".

PAYMENT RATE: Fifty per cent of total project cost, with no local technical or administrative money available, unless the project is to include design or engineering not supplied by the SCS.

APPLICATION DATE: April 1 of each calendar year

SLR PROGRAM

LAW/AUTHORITY: MN Statutes Section 103C.401 & Appropriations language

PURPOSE: To provide funding to SWCDs & local units of government for the purpose of assisting them in solving sediment and erosion control problems. Grants must not exceed 50% of total project cost if local funds are used, or 50% of total project costs if federal funding is available. Priority must be given to projects designed to solve lakeshore, streambank and roadside erosion, and to projects eligible for matching money.

BRIEF HISTORY:

- First funded in 1976-77 as an Legislative Commission on Minnesota's Resources Project @ \$150,000/yr.
- 1978-1981 funded @ \$250,000/yr.
- 1982-83 funded @ \$246,000/yr.
- 1984 saw the amount available reduced to \$158,700

Originally set up to partially fund 1/2 of the local share of USDA-SCS-Resource Conservation & Development Area Program funded projects, including:

examples: The Red Clay Project in NE MN
Knife River Marina on Lake Superior

As the federal government made funding commitments to local governments, they were able to apply to the SWCDs for state funds through this program. In the early 1980's, as federal funding to Resource Conservation & Development Areas diminished, the local capability to fund projects also diminished. This resulted in two things happening:

- 1) SLR funding was returned to the state treasury; hence, program funds were reduced.
- 2) The SCS began to expect that state funding would backfill the loss in their program funding. In this regard, they were wrong, since the program funding has been reduced.

As mentioned above, this Program will (based on 1993 Minnesota Legislative action) no longer be a "stand alone" program. Rather, it will be funded through the Cost Share Program. In this coming year, allocation levels should be close to those of the past years.

CHECKLIST: The individual project screening checklist is contained in the SWCD Operational Handbook Section E; on-site review is conducted by the Board Conservationist.

ACCOUNTABILITY TO BWSR: Outlined in application materials, in Section E of the SWCD Operational Handbook.

GUIDANCE MATERIALS: Also in Section E.

PLANNING MATERIAL: SLR Projects should be identified in the Annual Plan of operations for the SWCD.

REPORTING: Duly noted in the Annual Report.

AUDITING: Audit as a portion of Cost-Share Program audit.

CURRENT ISSUES: Limited funding available.

CALENDAR OF SIGNIFICANT DATES: April 1 application deadline.

MINNESOTA FORESTRY IMPROVEMENT PROGRAM (MFIP)

LAW/AUTHORITY: MN State Statutes 103C.401 & 88.79, as well as appropriations bill language for allocations.

PURPOSE: To encourage forest management activities on non-

industrial private forest (NIPF) land, which will result in the increased production of forest products and protection of the environment.

BRIEF HISTORY:

In the late '70's MFIP began as another LCMR funded demonstration project in SE MN. The original intent of the program was to bolster federal cost sharing for activities such as tree planting.

In 1984 the BWSR began acting in concert with the DNR to grant funding to SWCDs, which were given the responsibility to solicit landowners to sign up for funding. Given the vehicle of the Cost-Share Program, DNR Forestry recognized the capability of the SWCDs to deliver cost share funding to private landowners and in working with the SWCB, set up a three-way relationship allowing for transfer of MFIP funding to the SWCDs.

Allocations were given to SWCDs based on decisions made by the DNR. SWCDs had until the end of each fiscal year in which to solicit landowners and sign them up for cost sharing. The DNR Private Forest Management (PFM) Forester will then conduct a field check of the project site to verify the cost of a project, then do a follow-up check after the project work is completed, so as to determine how much unit work to cost share.

Due to a lack of responsiveness in reporting the status of these cost-share funds, and an appearance that the funding allocated was not being used in a timely fashion, the DNR & BWSR revamped this program in 1989, so that SWCDs were given a set time period in which to solicit and sign up landowners wishing to participate in this program. Currently, 6 or more practices exist for landowners who wish to participate in this program. Currently, about 40 SWCDs statewide are actively participating in MFIP.

CHECKLIST: Refer to administrative guidelines for the program.

ACCOUNTABILITY TO BWSR: DNR Forestry has technical responsibility for each project.

GUIDANCE MATERIALS: Administrative Guidelines established for the Program give the details for each practice, as well as state and local policy.

REPORTING: To date, none required, but may be in the future.

AUDITING: May need to be done by BWSR staff in the future.

CURRENT ISSUES: Limited funding and the tie-in to other federal, state programs such as the Forestry Incentives Program (FIP), Stewardship Incentives Program (SIP), and the ASCS' Ag Conservation Program (ACP).

- How much of a program demand will be experienced in the coming years? Like the Cost Share Program, this program's funding is stable while demand continues to grow.
- Should the practices or payment rates paid be changed?

- Should greater emphasis be placed on "special projects"?

CALENDAR OF SIGNIFICANT DATES: Annual sign-up dates have varied due to changes in administrative policy and funding availability. In calendar year 1993, funding will not be available until after the beginning of the 1994 fiscal year, July 1. However, SWCDs will be encouraged to hold a landowner sign-up in the spring of the year.

HF/SF	TITLE	ID*	AUTHOR	STATUS	COMMENTS
SF 1	Reorganizing Gov't.	Ron H.	Pogemiller	Gov. Ops. amended - referred to Environment	BWSR Supports with changes
SF 171	Exemption from Wetland Replacement	Greg	Bertram	In committee - waiting for hearing to be scheduled	BWSR Supports with changes
SF 245 HF 325	Appropriations Env. & Natural Resources	Ron H.	Laidig Sviggum	In committee - waiting for hearing to be scheduled	BWSR Supports
HF 921	Omnibus Local GOvernment Financing Provisions - Property Tax Rates	Doug	Neary		
HF 1405 SF 1304	Wetlands: Extending Dates for Rule Adoption; Prohibition on Draining	Greg	Bertram Winter	Committee on Environment and Natural Resources	
SF 1362	Administrative Rulemaking; Transferring rule review to Attorney General's Office	Greg	Hottinger, Moe, Pogemiller, D. Benson, Runbeck	Committee on Gov. Ops. and Reform	
SF 1340	Environmental Education	Susan	J. Johnson, Mondale, Merriam, Krentz	Committee on Education	
SF 604 HF 1060	Filing of Soil and Water Conservation Plan	Greg	Sams Mosel	In committee - waiting for hearing to be scheduled	BWSR Supports with fiscal changes
SF 1275	Protection for Lenders and Property Owners from Liability for Releases of Hazardous Substances		Mondale, Chandler, Anderson, Morse, Merriam	Committee on Environment and Natural Resources	
HF 1402	Amending Requirements to Mitigate Wetlands; Adding Exemptions, Extending Interim Rules	Greg	I. Anderson, Battaglia, Sparby, V. Johnson	Committee on Environment and Natural Resources	

* 1 (Governor's Initiative) 2 (Budget Initiative) 3 (Agency Initiative) 4 (Other) 5 (Red Flags)

HF/SF	TITLE	ID*	AUTHOR	STATUS	COMMENTS
HF 1394	Taxation, Allowing Cities and Towns to Appeal to the County for Review of Certain County Levies	Doug	Beard, Stanius, Pelowski, Workman, Orenstein	Committee on Taxes	
HF 1381	Appropriating Money for the Southern Minnesota Rivers Basin Area II Program	Al	Steensma, Girard, Winter, Vickerman, Peterson	Committee on Capitol Investment	
SF 701 HF 824	Ag Drainage Tile Installation	Bruce	Novak Jacobs	In committe - waiting for hearing to be scheduled	BWSR Supports with changes
SF 703 HF 355	Amend the Definition of "Repair" as Used in 103E.701, Ditch Law	Bruce	Vickerman Girard	Just introduced	BWSR Supports
SF 707	Wetlands 1:1 Replacement Ratio - Extend Interim Rules	Greg	Dille	In committee - waiting for hearing to be scheduled	BWSR Opposes
HF 443	Abolishing Certain Local Government Levy Limitations	Doug	E. Olson	Hearing scheduled for March 9, 8:00 a.m., Room 5 SOB	BWSR Neutral
HF 686	Drainage Authorities	Bruce	Klinzing	In committee - waiting for hearing to be scheduled	BWSR Supports
HF 837	Wildlife Area Protection and Stewardship	Dave B.	Stanius	In committee - waiting for hearing to be scheduled	
HF 1450	Authorizing Expenditure of RIM Funds for Restoration of Fish and Wildlife Habitat	Al	Trimble	Committee on Environment and Natural Resources	
SF 1350	Permitting Soil and Water Conservation Districts to Levy Taxes	Ron	Chmielewski, J. Johnson	Committee on Environment and Natural Resources	
SF 1252	Creating the Department of Environmental Protection, transferring powers and duties; abolishing BWSR	Ron	Morse, Riveness, Chandler, Price, Dille	Committee on Gov. Ops. & Reform	

* 1 (Governor's Initiative) 2 (Budget Initiative) 3 (Agency Initiative) 4 (Other) 5 (Red Flags)

HF/SF	TITLE	ID*	AUTHOR	STATUS	COMMENTS
SF 774	Mississippi Headwaters Board - MNDOT Notices, Special Projects	Doug	Lessard	In committee - waiting for hearing to be scheduled	
HF 1053	Creating Twin Cities Metro as a public corporation and political subdivision, eliminating Met Council	Bruce	Carruthers, Long, I. Anderson, Mariani, Weaver	Committee on Local Government and Metro Affairs	
SF 1127	Strengthening the Met Council's role in metro area transportation	Bruce	Flynn, Mondale, Adkins	Committee on Metro & Local Government	
SF 890	Wetlands Act - Clarify Aquaculture Exemption	Greg	Hanson		BWSR Supports with changes
SF 929	Uniform Local Government Election Procedures	Jim B.	Runbeck		
SF 931	Providing for an Elected Met Council	Bruce	Mondale, Flynn, Pappas, Novak	Committee on Metro & Local Government	
HF/SF	TITLE	ID*	AUTHOR	STATUS	COMMENTS
SF 1053	Establishing Minnesota Information Network	Doug	Mondale, Moe, Luther, Chandler, Laidig	Committee on Gov. Ops. & Reform	
HF 850 SF 363	Eliminates the Municipal Board	Doug	Osthoff Kelly		
HF 1164	Water Law; amendments	Doug	Trimble	Committee on Environment & Natural Resources	
HF 890	Department of Environmental Management	Ron H.	Stanis		BWSR Opposes
SF 1026	Metropolitan Core Redevelopment Grant Program	Bruce	Mondale, Pappas, Reichgott, Berglin	Committee on Metro & Local Government	
SF 1218	Eliminating the Use of Reorganization Orders to Transfer Appropriations, Powers, Duties	Ron	Lessard, Merriam	Committee on Gov. Ops. & Reform	

* 1 (Governor's Initiative) 2 (Budget Initiative) 3 (Agency Initiative) 4 (Other) 5 (Red Flags)

HF/SF	TITLE	ID*	AUTHOR	STATUS	COMMENTS

* 1 (Governor's Initiative) 2 (Budget Initiative) 3 (Agency Initiative) 4 (Other) 5 (Red Flags)

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AG-FO-6131-B
1993



BEST MANAGEMENT PRACTICES FOR NITROGEN USE ON IRRIGATED, COARSE-TEXTURED SOILS

by M. A. Schmitt, Extension Specialist; Dept. of Soil Science; G.W. Randall, Soil Scientist, Southern Experiment Station; and G. L. Malzer, Soil Scientist, Dept. of Soil Science; University of Minnesota

Summary

Nitrogen (N) is an essential plant nutrient that contributes greatly to the agricultural economy of Minnesota crop producers. Unfortunately, the nitrate form of nitrogen can leach into surface- and groundwaters if nitrogen management is not practiced carefully. The public will not tolerate contamination of water resources by agricultural production systems; laws regulating use of nitrogen fertilizers could be adopted if contamination from agricultural activities is not minimized.

The research-based Best Management Practices (BMPs) outlined in this bulletin are economically and environmentally sound. It is strongly suggested that farmers adopt them voluntarily. By following these recommendations, agriculture can avoid the threat of fertilizer regulations and enjoy a more profitable and better community.

These nitrogen BMPs were assembled by the University of Minnesota and the Minnesota Department of Agriculture (MDA) as part of the Nitrogen Fertilizer Management Plan developed by the Nitrogen Fertilizer Task Force coordinated by the MDA.

MINNESOTA EXTENSION SERVICE

UNIVERSITY OF MINNESOTA

Introduction

Nitrogen (N) is an essential plant nutrient that is applied to Minnesota crops in greater quantity than any other fertilizer. In addition, vast quantities of nitrogen are contained in the ecosystem, including in soil organic matter. Biological processes that convert nitrogen to its mobile form, nitrate (NO_3), occur continuously in the soil system. (For greater detail see *Understanding Nitrogen in Soils* AG-FO-3770.) Unfortunately, nitrates can be leached from the rooting part of the soil. To minimize losses to surface- and groundwater, management guidelines have been developed.

Best Management Practices (BMPs) for nitrogen are broadly defined as “economically sound, voluntary practices that are capable of minimizing nutrient contamination of surface- and groundwater.” The BMPs recommended here are based upon research, particularly at the University of Minnesota and other land-grant universities, and upon practical considerations.

The BMPs are based, in part, upon the concept of total nitrogen management, which accounts for all forms of on-farm nitrogen in the development of crop management plans. BMPs were developed for statewide, regional, and special situation conditions. The special-situation BMPs developed for the unique soil, climatic, and management conditions associated with irrigated agriculture throughout the state refine the prescriptions of the statewide and regional BMPs.

Statewide Nitrogen BMPs

Statewide BMPs are applicable to all crops and farming practices. They are based upon the concept that accurate determination of crop nitrogen needs is essential for profitable and environmentally sound nitrogen management decisions. The statewide BMPs shown below are described in greater detail in *Best Management Practices for Nitrogen Use Statewide in Minnesota* AG-FO-6125.

- Set realistic yield goals.
- Develop and use a comprehensive record-keeping system for field-specific information.
- Adjust nitrogen rate according to soil organic matter content, previous crop, and manure applications.
- Use a soil nitrate test where appropriate.
- Use prudent manure management to optimize nitrogen credit.
 - Test manure for nutrient content.
 - Calibrate manure application equipment.
 - Apply manure uniformly throughout a field.
 - Injection of manure is preferable, especially on strongly sloping soils.
 - Avoid manure application to sloping, frozen soils.
 - Incorporate broadcast applications whenever possible.

- Credit second-year nitrogen contributions from alfalfa and manure.
- Do not apply nitrogen above recommended rates.
- Plan nitrogen application timing to achieve high efficiency of nitrogen use.

BMPs for Irrigated Soils

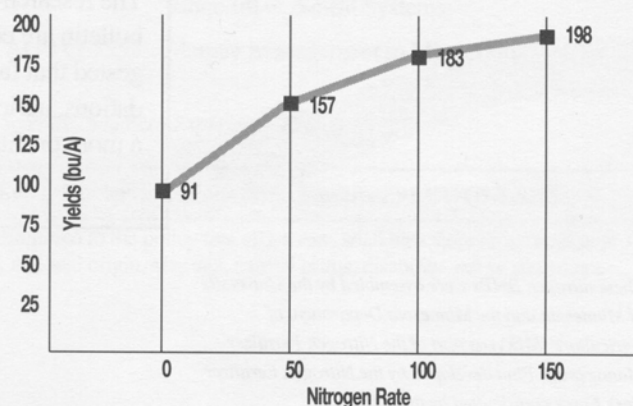
Irrigation, especially on coarse-textured (sandy) soils and with shallow-rooted crops, increases the chances that applied nitrogen will leach (wash away) before it can be absorbed. Irrigated soils in Minnesota were typically formed in outwash plains or alluvium and are, consequently, of coarse texture. Sandy loams typically contain one-third to one-half of the available water that the silt loam soils contain. Thus, irrigation scheduling on these soils, with their low capacity for holding water, is critical because of the potential that excess water could be applied to the soil and leach mobile nutrients such as nitrate. Areas of irrigation occur throughout the state, with the volume of water use varying depending on soil and geologic conditions and average annual precipitation. Commonly, irrigated crops include field corn, potatoes, and sweet corn.

The nitrogen BMPs for irrigated soils in Minnesota include:

- **Do not fall-apply fertilizer nitrogen to soils in the textural classes of sandy loam, loamy sand, and sand.**

Fall applications create a great risk of nitrogen loss from leaching, primarily because of the length of time between application and subsequent plant use. During the late fall, winter, and spring months, nitrate-N ($\text{NO}_3\text{-N}$) can leach downward. This happens no matter what fertilizer product was used, and the use of nitrification inhibitors does not minimize this risk appreciably. **Figure 1** depicts a typical nitrogen response on an irrigated, coarse-textured soil, reemphasizing the dramatic effect less-than-optimum nitrogen rates can have on grain yields.

Figure 1
Corn grain yields for several nitrogen rates averaged for several methods of application on a Dakota County irrigated soil in 1990.^{1/}



^{1/} Schmitt, 1991

■ **Follow proven water-management strategies to provide effective irrigation and minimize leaching.**

This is probably the most important practice irrigators can follow to control nitrogen losses. Sound irrigation management requires a careful balance between water inputs (rainfall and irrigation) and water outputs (crop use and evaporation) to minimize leaching losses. Thus, the nitrogen fertilizer management program and the water management program need to be combined for an effective crop management program. More details regarding nitrogen management in the context of water management strategies are given in *Managing Nitrogen for Corn Production on Irrigated Sandy Soils* AG-FO-2932.

■ **Test irrigation water for nitrogen content and adjust nitrogen fertilizer rates accordingly.**

Fertilizer nitrogen rates are based on what the crop will need and the appropriate amounts of nitrogen credits from other sources. Those sources include soil organic matter, previous legume crops, manures, and possible residual nitrogen from the previous year. An additional source of nitrogen, commonly overlooked, comes from irrigation water. All of these nitrogen credits should be subtracted from what the crop needs—resulting in lower and more appropriate fertilizer nitrogen rates.

Relatively small concentrations of $\text{NO}_3\text{-N}$ in irrigation water can add up because of the volumes of water applied. For example, if an irrigator applies an acre-inch of water on six dates in June and July, and the water has 18 parts per million (ppm) $\text{NO}_3\text{-N}$, how much nitrogen is being applied? A simple calculation is to divide the $\text{NO}_3\text{-N}$ concentration by 4.4, and this value will be the pounds of nitrogen applied per acre-inch of water. In this example, 18 ppm divided by 4.4 equals 4.1 lb per acre-inch, multiplied by 6 acre-inches, equaling 24.6 pounds of nitrogen per acre (lb N/A) to credit. Nitrogen credit should not be taken from nitrogen in water applied after corn silking.

■ **Use sidedress or split applications of nitrogen on irrigated soils. Do not rely on fertigation to deliver more than one-third of the required nitrogen.**

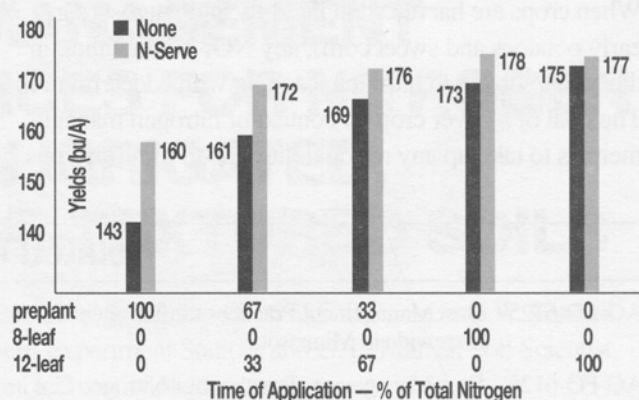
On irrigated soils, the goal of a nitrogen management program is to apply it as close as is practically possible to when the crop takes up nitrogen. Remember that the risk of nitrogen leaching loss is high in irrigated soils, especially when nitrogen is applied before the plant can use it. Split applications are more likely to place nitrogen in the soil when the plant needs it.

Figure 2 illustrates this concept. Average yields were significantly lower when all of the nitrogen was applied before planting. Yields improved as an increasing percentage of nitrogen was applied at the later dates. Highest yields in this study were measured when all the nitrogen

(starter nitrogen was used) was applied at the 8- to 12-leaf stages of corn, which is the stage when the maximum nitrogen-uptake period begins.

Split applications also avoid some of the other risks associated with a single application. Extremely wet weather and/or mechanical breakdown of application equipment could be disastrous if one relied on applying all the nitrogen as a late sidedressing. Wet weather can also be a problem if one was planning to apply significant amounts of nitrogen with fertigation. Not only is the irrigation unnecessary, but the excess water in the easily saturated soils will allow even more rapid leaching of nitrogen.

Figure 2
Three-year average irrigated corn grain yields as affected by time of application and a nitrification inhibitor.^{1/} Yields are averages of 75, 150, and 225 lb N/A rate treatments.



^{1/} Malzer et al., 1981-83

■ **Use a nitrification inhibitor on labeled crops when the majority of the nitrogen is applied in a single preplant or early sidedress application. For corn, nitrogen treated with a nitrification inhibitor should be applied before the plant is 12 inches tall.**

A nitrification inhibitor (NI) can be part of a recommended nitrogen management program on irrigated soils. With preplant and early sidedress applications, nitrogen rates applied with a NI are better than similar rates without a NI (Figure 2). Note, however, the yield response to NIs diminishes with later application times. A NI allows for more management options on irrigated soils.

While NIs are most commonly associated with anhydrous ammonia and sometimes urea, they can be used with solution UAN. Because the NI only delays conversion of ammonium to nitrate, it will have no effect on the 25 percent of the nitrogen that is nitrate in UAN. Use of a NI with UAN should still only be considered when early sidedress applications are necessary.

■ **Include a small amount of nitrogen in starter fertilizer in most situations (10-20 lb N/A).**

For most irrigated crops, the primary nitrogen uptake period does not occur until several weeks after planting. How-

ever, some nitrogen is needed for early season growth and establishment. Including 10 to 20 lb N/A in a starter fertilizer can provide sufficient nitrogen for early plant growth.

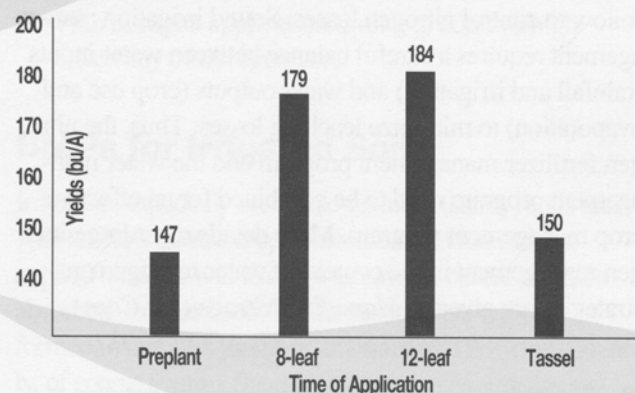
■ **Do not delay nitrogen applications past optimum uptake period.**

Nitrogen applied after the target crop's active nitrogen uptake period is unlikely to be used efficiently by the crop. Significant portions of such late-applied nitrogen will be lost to leaching, and lower yields will result due to limited nitrogen uptake. With corn, waiting until tasseling results in yields similar to when all of the nitrogen had been applied preplant (**Figure 3**). Optimum uptake periods vary depending on the crop and sometimes with specific crop varieties (e.g. short- versus long-season maturities).

■ **Establish a cover crop following early harvests.**

When crops are harvested in late July and August (e.g., early potatoes and sweet corn), any $\text{NO}_3\text{-N}$ remaining in the soil is subject to nitrogen leaching with added rainfall. The goal of a cover crop, in context of nitrogen management, is to take up any residual nitrogen to minimize this

Figure 3
Three-year average irrigated corn grain yields as affected by time of nitrogen application.^{1/} Nitrogen applied as urea at 150 lb N/A.



^{1/} Malzer et al. 1981-83

loss potential. A cover crop also curbs wind erosion. After the cover crop is killed, the nitrogen will be released from the vegetation the following spring/early summer. The success of cover crop establishment and growth is related to the length of time available between harvest and freeze-up.

Related Publications

AG-FO-6125	Best Management Practices for Nitrogen Use Statewide in Minnesota	AG-FO-3790	Fertilizing Corn in Minnesota
AG-FO-6126	Best Management Practices for Nitrogen Use in Southeastern Minnesota	AG-FO-3813	Fertilizing Soybeans in Minnesota
AG-FO-6127	Best Management Practices for Nitrogen Use in South-Central Minnesota	AG-FO-3814	Fertilizing Alfalfa in Minnesota
AG-FO-6128	Best Management Practices for Nitrogen Use in Southwestern and West-Central Minnesota	AG-FO-3773	Fertilizing Barley in Minnesota
AG-FO-6129	Best Management Practices for Nitrogen Use in East-Central and Central Minnesota	AG-FO-3772	Fertilizing Wheat in Minnesota
AG-FO-6130	Best Management Practices for Nitrogen Use in Northwestern Minnesota	AG-FO-3770	Understanding Nitrogen in Soils
AG-FO-5880	Fertilizing Cropland With Dairy Manure	AG-FO-3774	Nitrification Inhibitors and Use in Minnesota
AG-FO-5879	Fertilizing Cropland With Swine Manure	AG-FO-3769	Providing Proper N Credit for Legumes
AG-FO-5881	Fertilizing Cropland With Poultry Manure	AG-FO-2274	Using the Soil Nitrate Test for Corn in Minnesota
AG-FO-5882	Fertilizing Cropland With Beef Manure	AG-FO-2392	Managing Nitrogen for Corn Production on Irrigated Sandy Soils
AG-FO-5883	Self-assessment Worksheets for Manure Management Plans	AG-FO-0636	Fertilizer Urea
		AG-FO-3073	Using Anhydrous Ammonia in Minnesota
		AG-FO-6074	Fertilizer Management for Corn Planted in Ridge-till or No-till Systems
		AG-FO-3553	Manure Management in Minnesota

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Working Group On Water Quality



U.S. Department of Agriculture

Waterfax 156

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Minnesota

Anoka Sand Plain Demonstration Project

(Anoka, Benton, Chisago, Hennepin, Isanti, Mille Lacs, Ramsey, Sherburne, Stearns, Washington, Wright Counties)

The Anoka Sand Plain area extends through portions of eleven counties in east-central Minnesota. It covers approximately 1700 square miles and encompasses a great diversity of agricultural crop production. It stretches some 100 miles (E-W) from the St. Croix River to St. Cloud and nearly 80 miles (N-S) bordered on the south by the Minneapolis-St. Paul urban development. The northern border is close to the climatic northern limit of the Midwest corn belt.

The aquifer is hydro-geologically vulnerable, due to the coarse texture soils overlying the sand and gravel aquifer materials, and the shallow depth of groundwater. This vulnerability is important, since the aquifer recharges the twin cities' water supply, and provides base flow to both local streams and to the Mississippi River.

Annual water loss to streamflow is about 4.5 inches, mostly due to groundwater flow into streams. The annual recharge to the aquifer is estimated to be 8 inches. An estimated 15 to 20 percent of irrigation water returns to the aquifer.

A study by the U.S. Geological Survey on the impact of agriculture on water quality in sand plain aquifers sampled 56 wells to characterize differences in nitrate - nitrogen for three major land uses. Mean $\text{NO}_3\text{-N}$ concentrations were 4.3 mg/l for natural areas; 5.4 mg/l for non-irrigated cropland; and 17 mg/l for irrigated cropland. For a reference level, 10 mg/l is the EPA's Maximum Contaminant Level for drinking water.

There are some 330,000 acres of field crops in the area: One-third of the acreage produces corn; one-third is in hay crops; and one-third produces soybeans, corn silage, oats, potatoes, sweet corn and small grains. There are some 100,000 cattle and calves, 100,000 hogs and a million chickens in the area. Livestock wastes are often land-applied, as a disposal method.

The use of agricultural chemicals is widespread, especially on crops such as sweet corn and potatoes.

This is one of a series of descriptions of U.S. Department of Agriculture water quality projects that were established in 1990 and 1991. They include non-point source hydrologic unit area projects, demonstration projects, and Mid-west management system evaluation area projects.

In normal years, rainfall is inadequate for high value crops on these sandy soils. Irrigation, the widespread use of agricultural chemicals, the land disposal of animal manures and the coarse texture and drouthy nature of the soils cause concerns about water quality.

PROJECT GOAL

To encourage farmers on the Anoka Sand Plain to adopt best management practices, developed

through research, that will reduce the potential for groundwater contamination while maintaining farm profitability.

Project Objectives and Impacts

To assist producers in adopting nitrogen management practices that will reduce the amount of fertilizer nitrogen used in crop production without lowering farm profitability.

In 1991, 30 producers reduced nitrogen use on 3,972 acres by an average of 43.3 lbs. per acre, for a reduction of 170 thousand lbs. (85 tons)

In 1992, 70 producers reduced nitrogen use on 8,776 acres by an average of 25.1 lbs. per acre, for a reduction of 220 thousand pounds (110 tons).

To increase farmer use of more efficient irrigation management practices

Twenty farmers implemented irrigation scheduling on 3,200 acres in 1991. This increased to 21 farmers and 3,700 acres in 1992.

Irrigation scheduling is a science based program to help farmers to determine when to irrigate, and how much water to apply. Its use greatly reduces the likelihood of leaching nitrates or pesticides below the root zone or into the groundwater.

To develop and test an integrated Best Management Practice (BMP) approach to select pest control practices, including pesticide use based on need, economic benefit and water quality concerns.

In 1991, crop pest scouting was conducted on 4,054 acres for 28 farmers; yield checks were done on 28 fields; tissue tests were performed on 99 samples for 22 farms; manure tests were done on 40 samples from 15 farms; seven producers switched from unlabelled herbicides to proper ones or to mechanical control strategies. Twenty (20) producers changed pesticides to reduce the threat of leaching into the groundwater.

In 1992, crop pest scouting was done on 3,245 acres on 40 farms; pest management plans were

implemented on 8,892 acres on 73 farms; tissue tests were done on 88 samples from 27 farms; manure tests were done on 66 samples from 29 farms; nutrient management plans were developed for 70 farms and 8,726 acres; soil testing was done for 3,620 acres; atrazine applications were reduced on 102 fields, and eliminated on an additional 42 fields.

In 1992, pesticide use was reduced on 7100 cropland acres, by an aggregate of 3500 lbs (a.i.).

Data are being collected to enhance all of the project objectives. Wells are being tested for $\text{NO}_3\text{-N}$; real-time weather data are being incorporated into irrigation scheduling programs; and soil-water samples are being analyzed to demonstrate the immediate effects of reduced nitrogen fertilization.

The project is working with the Northern Cornbelt Management System Evaluation Area (MSEA) on conducting educational programs for residents of the Anoka Sand Plain. In September 1992, 40 local decision-makers from five counties participated in a special day-long water quality tour on "Groundwater Issues in East-Central Minnesota" that featured field stops at both the Princeton research site and a project demonstration farm in Isanti County.

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SCS: Jon DeGroot (612) 290-3677

ASCS: Greg Anderson (612) 290-3659

NEED FOR REVISION OF COST-SHARE PROGRAM RULES

- Board initiated a rules revision process in 1991, largely due to acknowledgement that many changes (i.e., 1985 Farm Bill passage, cross-compliance, CRP) had occurred since 1985 (date of last rule revision)
- 1991 rule revision emphasis was to be on reviewing the eligible practices and "use" of the dollars allocated to each SWCD
- SWCDs, particularly in the metropolitan area, raised the issue of re-allocation of existing program funds and placed greater emphasis on that aspect
- As a result, the "use" of dollars and review of eligible practices was not discussed and attention turned to allocation; the Board then requested MASWCD to review the allocation process and report back to the Board with a recommendation
- MASWCD passed a resolution at its 1992 annual convention regarding an allocation recommendation and has recently forwarded that recommendation to the Board
- Consequently, it seems appropriate to revisit the need for revising the program administrative rules:
 - (a) an opportunity to assess and consider the allocation recommendation from MASWCD;
 - (b) an opportunity to review which conservation practices should be eligible and what "uses" of allocated dollars should be considered to accelerate land treatment for the control of erosion and the improvement and protection of water quality; and
 - (c) an opportunity to acknowledge and assess the significance of recent policy and technical developments regarding water and soil resources management (e.g., Governor Carlson's Minnesota River watershed initiative, "future of CRP lands," innovations in soil loss estimation technology, some counties recent adoption of erosion control ordinances).
- Staff recommend that the administrative rules for the state cost-share program be revised
- Staff further recommend that the revision process begin with a series of information-gathering meetings with SWCDs and land users to ascertain their perspectives of items in need of revision and inclusion into the program
- Staff further recommend that, at a future Board meeting following these initial information-gathering sessions, the Board discuss and define the parameters of the policy issues to be considered during the rule revision process
- Staff further recommend that the revised rule be ready for full implementation on July 1, 1994 (Fiscal Year 1995)

Typical calls received/responded to Dec-Mar, 1993; B. Liukkonen, BWSR-MES WREC

Mark Johnson, St. Louis Co CLWP
Andrew Stone, Am. Groundwater Trust, NH
Eileen Anderson, St. Louis Co Extension
Mary McKay, No St. Louis SWCD
Janelle Klinke, NW MES District
Dave McAllister, MES EDS, St. Paul
Tracy Thomas, MES St. Paul

Jim Huber, UMD
Amy Loiselle, DNR Waters
Julie Goehring, TIC, Moorhead
Leann Buck, MASWCD
Vince Crary, W. Polk Co Extension
Robert Heller, UMD Geo prof
Mary Ann Scharf, Stevens Co Ext

Glen Kreag, Sea Grant
John Spurrier, DNR Fisheries
Otto Lee, LOW Extension
Sharon Knutson, Norman Co Extension
Tammy Dunrud, MES 4-H

Jon Roeschlein, Bois de Sioux W.D.
Jim Gears, Duluth science coordinator

Mary Kroll, MINNAQUA

Catherine Huebner, MES WQ
Mark Aaneson, Mahnomen SWCD/CLWp
Howard Person, Pennington Co Extension

Judy Zomerfelt, NE District Sec'ry
Susan Tsakakis, BWSR
Lynn Gordon, Grant Co Extension

Marilyn Lundberg, MN Planning
Carolyn Dindorf, Hennepin Conserv. Distr
Terry Salmela, Kanabec Co Extension
Del Wright, UMC media resources
Ray Olson, MDH
Dick Osgood, Freshwater Foundation

Margaret Yzaquirre, MES personnel
Jim Framstad, Todd SWCD/Clwp
Rick Dahlmann, DNR Forestry

Georgia Follis, MN Rural Futures

re Shoreland BMPs fact sheet
re teaching a Feb session, grant monies available
re Shoreland BMPs fact sheet
re EPA EE proposal review
re my role at District conference
re revising my lead in drinking water fact sheet
re notebooks of all MES WQ pubs ready for my pickup
re Sigma Xi meeting, water research
re Shoreland BMP fact sheets
re Leadership seminar/my role at TIC conference
re training sessions
re client's private well problem, iron
re Sugarloaf Cove, harbor issue
re MN Rural Futures WQ packet and Stevens co CLWP
re community resources & planning in Silver Bay
re Shoreland BMP fact sheets
re client's private well problem, bacteria
re community water testing program
re incorporating one of my activities into statewide EFNEP program
re CWP grant for Lake Traverse
re me offering EE/WQ activities for science teachers in the school district
re do I have ideas for wetlands projects for grant preproposals
re mtg with Susan T for leadership seminar
re water testing kits, lead
re water testing for wells in real estate transactions/road ditch cultivation video
re 1992 performance evaluation materials
re Enviro-thon, etc.
re getting copies of the shoreland BMP fact sheets for their cluster
re statewide NPS strategy
re NPS stencilling and storm water runoff
re private well problem, iron
re proofs for storm drain stencilling
re survey for water treatment operators
re Lake Management Forum and MS R proposal to McKnight
re payroll question
re lake conference he's planning, speakers
re non-industry private forest landowners workshop and \$ for BMP fact sheets
re reviewing WQ packet they'll be distributing

Clarine Northey, Lake Co Health
 Paul Sandstrom, SCS
 Mike Howe, Pope SWCD/CLWP
 Lisa, UMD continuing ed
 Judy Zomerfelt, NE Dist Sec'r
 Kathleen Preece, editor Arrowhead Currents
 Karen Burke, MES EDS
 Roberta Olson, MDH
 Karen Schaffer, Kanabec Co Extension
 Steven Carlson, MES 4-H/NR
 Donna Raedeke, MN Well Drillers Ed Comm
 Heidi Bauman, MPCA
 Lowell Busman, MES WQ south central MN
 Keith Anderson, MN Assn Farm Mutual Ins

Kim Benson-Johnson, MDH
 Myron Falcon, MDH
 Eva Mattison, LOW seasonal resident
 Jackie Bolen, Isanti Co. homeowner
 Toni Meierhoff, RNP, Duluth
 Tim Tosh, Crookston
 Jody Hornvelt, LoW Extension agent

Stephen Carlson, MES NR-4H
 Carl Wegner, Itasca Extension agent,
 Molly MacGregor, MHB
 Dave McAllister, MES EDS
 Mary Ann Scharf, Stevens extension agent
 Rich Harms, So St Louis SCWD
 Steve Johnson, WLSSD
 Dick Osgood, Freshwater Foundation
 Kim Benson-Johnson, MDH

Andrew Stone, American GW Trust

Barb Sheedy, CSC
 Art Norton, Itasca SWCD
 Jennifer Gregory, UMD MPIRG
 Brent ?, Red Lake Wshed District

Henry Hanka, ARDC Director
 Terry Salmela, Kanabec Extension Agent
 Dale Krystosek, BWSR
 Erik Evenson, CLWP Dakota
 Nancy Larson, Clay Co health
 John Thomas, MPCA Duluth
 Jim Framstad, CLWP Todd

re septs & water use
 re shoreland BMP fact sheets
 re Lake Emily controversy
 re budget CUFS problem
 re solution to CUFS problem
 re articles for upcoming issue
 re safe drinking water publication
 re forum on nitrates for health professionals
 re safe drinking water concern
 re great lakes basin preproposal suggestions?
 re educational materials available
 re funds available for EE guide printing
 re ed materials
 re I was recommended to speak at mtg, unavailable,
 would I suggest someone?
 re private well question
 re fluoride in Drinking water fact sheet
 re private well problem, bacteria & iron
 re private well problem, nitrate
 re nitrate in private wells for pregnant women
 re private well problem, iron & bacteria
 re water filters - confirming what she had told
 individual was correct (using her notes from the
 last time we talked - training the trainer - she had
 passed along the correct msg and no longer
 needs to check with me on it
 re stewardship committee, my input
 re Arrowhead Currents newsletter
 re volunteer monitoring network mtg
 re lead in drinking water pub
 re NPS conference in LaCrosse
 re leadership training
 re Leadership Duluth training on environ
 re McKnight proposal & Lake Mgmt Forum
 re turning more calls over to regional MDH contacts;
 training at MDH well drillers wkshp
 re teaching at public education on gw workshop;
 review of wetlands book
 re AWIS board mtg
 re shoreland BMPs stabilizing fact sheet
 re info on adopting rivers and water quality
 re availability of video on surface water quality -
 routed to Molly Mac.
 re get together for BWSR staff & him
 re chlorinating private well
 re Region 5 EE committee meeting
 re elements for county water education
 re NPS stencilling project, from Billboard
 re NPS stencilling project
 re lake conference flyer, NPS flyer

Steve Hughes, Big Sandy WD
Mary Kroll, MES 4-H NR
Susan Tsakakis

Judy Zomerfelt, NE Dist Sec'y
Fred Bergsrud, MES WQ
Harvey Hoven, WI Sea Grant
Don Haynes, UMD

Robin Payne, So St. Louis SWCD
Matt Stokes, Midwest Analytical Lab
Dorothy Stainbrook, MPCA
Waynes Seidel, Lake Co SWCD/MES
Joe Courneya, Crow Wing Extension

Joel Peterson, Fond Du Lac reservation
Ann Conrad, Freshwater Foundation
Jennifer Pultz, New York Sea Grant

Jory Peterson, UMD CEE
Ray Olson, MDH

Howard Person, Pennington Co Extension

Jean Small-Johnson, Harmful Substances
Compensation Board, St. Paul

Dennis Slayton, Crow Wing Water Plan
Robley Johnson,
Julie Despot, Crow Wing Extension

Dean Hertzfeld, MES PPAT
Jean Anderson, Isanti Co Extension
Bruce Poppel, Wilkin CLWP
Bob Enos, Cambridge Contractor
Marty Moen, MES EDS

Jon Roschlein, Bois de Sioux WD
Mary Ann Scharf, Stevens Co Extension
Julie Simmons, PACE Inc, Mpls
Jim Anderson, MES - Soils

Linda Schroeder, NPS Conference
Rae Montgomery, EDS
Deb, Midwest Analytical Lab
Susan Tsakakis
Mark Johnson, St. Louis CLWP coord
Gene Bromenshenkl, St. Louis Extension
Andrew Stone, Ground Water Trust
Dale Krystosek, BWSR Bemidji

re Big Sandy
re wetlands
re BWSR Ethical Leadership seminars, exec comm
mtg Feb 18
re invoice for BMP fact sheets, Feb 18 mtg
re invoice and Feb 18 mtg
re River Stewardship for St Louis RAP
re me possibly hosting a Community Health Intern
during spring quarter
re storm drain stenciling project
re info brkfst for medical professionals
re NPS conference in LaCrosse
re 4-H stewardship project
re storm drain stenciling, wants to do Brainerd this
spring
re erosion & sedimentation
re impact of snowmobile exhaust on WQ
re environmental stewardship award, NY storm
drain stenciling materials
re teaching an Elderhostel course in Oct 93
re survey of municipal water users - my suggestions
for a community to survey?
re Thief River as a community for MHD survey, could
he facilitate it?

re ability of carbon filters to remove organic
contaminants, about Lake Elmo site
re publication on using fertilizers near shore
re contaminated water - source on farm
re reviewing materials for homeowners on using
fertilizer in shoreland areas
re ethical leadership training
re nitrate & health seminar
re water testing clinic for Wilkin
re water quality in deep wells for homes he's building
re materials for safe drinking water week, scripts, fact
sheets, etc.
re Lake Traverse receiving CWP grant
re borrowing slides for presentation
re analysis for phyto- and zooplankton
re materials for proper construction of septic to
protect drinking water wells
re presentation for LaCrosse conference
re slides for NPS conference
re nitrates and infant health seminar
re shoreland BMP fact sheets
re presentation to S.L. Health on BMPs
re shoreland BMP fact sheets
re partnership with MES, BWSR for gw education
re shoreland BMP fact sheet - how soon ready?

Teacher from North Shore School
 Terry Whittnebel, Lac Qui Parle SWCD
 Amy Ragar, Chippewa Co Extension
 Julie Goehring, International Coalition
 Bonnie Thompson, Clearwater Co Extension
 Mary Kroll, MES 4-H-NR
 Mary McKay, No. St. Louis SWCD
 John Gilbertson, MN Well Drillers Assn
 Janelle Klinke, NW District Sec'y
 Kathy Cinquanta, Hinckley resident
 Dennis Slayton, Crow Wing CLWP
 Theresa Eclov, Miss Headwaters Bd
 Scott Sparlin, SCCMR, New Ulm
 Jill Jacoby, Riverwatch, St. Louis R
 Sue Stroschein, MDH
 Bill Maucker, Crow Wing
 Germaine Beyl, Dakota County 4-H
 Brian Frederickson, MPCA
 Blake Cozier, Duluth
 Pat Wulff, MLA
 Kip Sundlee
 Muriel Townsend, Cambridge
 Laura Jung, DNR Waters
 Sandra Wagner, citizen
 Dave Gustafson, MES
 Mary Kroll, MES 4-H
 Ted Smith, WIS DNR
 Diane Larson, St. Cloud homeowner
 Mark Aarneson, Mahnommen CLWP
 Paul Nordell, DNR Trails & Waterways
 Dan Helweg, MPCD
 Chris Ridgewell, Duluth citizen

re women to serve as judges for science fair
 re women landowners seminar
 re storm drain painting
 re wetlands video, shoreland BMPs,
 re bacteria in a private well problem
 re storm drain painting project
 re shoreland BMPs
 re water info hot line
 re NW District conference
 re water quality problem, iron & bacteria
 re public survey on surface and g. water
 re shoreland BMPs for zoning mtg May 7
 re storm drain painting project
 re article for newsletter, Keepers of the Waters
 re nitrates and infant health
 re Shoreland BMPs for lake associations
 re storm drain painting, recycling
 re St. Louis RAP
 re adopt a river program, drain painting
 re shoreland BMPs
 re water filtration systems
 re nitrate in private well, 26 ppm
 re shoreland BMPs
 re wetlands question
 re slides for septic systems
 re storm drain painting
 re St. Louis RAP
 re coliform in private well
 re preliminary tests from water testing kits
 re storm drain painting
 re St. Louis RAP
 re environmental fair at Merritt Elem Sch

10210 LCCM 9/18/73

Ethics and Leadership Evaluation

What I like most about the workshop:

Group participation and small group work.

Katherine very good. I enjoyed listening to her. Thanks. Also, you look nice ☺. Keep on smiling. God loves you. P.S. Keep up the good work. Thanks.

I found the course interesting.

Common sense approach. The Golden Rule - is in the material now. You are on the right track.

Framing of ethics in context of personal values and how different they are among people - it is one key in keeping leadership from getting bogged down in style and non-issues.

I think the entire workshop was very good. This should be mandatory for all SWCD supervisors and staff to attend.

Handout. 3 presenters - good cooperation and lead-ins. Participation. Good session!

The open discussion. First time I've been to a session on ethics. Practical application.

I liked the discussion group cases and their answers because it answers some of my question. The leaders were great!

Speakers were interesting and informative.

The three speakers did a very good job of organizing and presenting the information. Ethics and leadership applies to every day life, not just "on the job." It's a chance to "look-inward" to better ourselves.

Involvement under an ethical leadership.

The participation of all of the people here. Everyone had something to offer. The gals were great.

Opportunity to re-evaluate the ethics question. We probably try, many of us in our own way, to be both fair and ethical but this added new insight to it.

Did excellent job of keeping focused on the ethics issue and how it relates to our public jobs.

Excellent training - good interaction. Topic well known by all three. I liked the examples given for each topic, real life situations (examples).

Fun workshop with a lot of enthusiasm and information.

The emphasis on each of us acting ethically as individuals. More than one presenter. Copies of overheads in hand (could have used others).

Case studies done toward last part of session.

All the examples of things they threw out and the time we had to think about it.

Could relate a lot of what was talked about in personal life and work.

Energized presenter.

The good instructors. Really kept our attention.

Ethics are much more broad based than I had perceived.

Excellent workshop. I had a good time.

That I could identify good ethical leadership and also utilize it in my daily life.

Ethical dilemma case study worksheets.

Excellent presenters. Excellent information. Useful tools given that can hopefully be applied.

The chance to work out some examples after having had some introduction to "how to do it", - the seven step process.

Catherine is a wonderful presenter!! You don't need to do so many case studies! Have more people in a group and less studies.

Ethics and Leadership Evaluation

Some things I learned:

Too numerous to list.

Listen to the situation. Find out all details before responding to situation.

We are not always right!

Seven step method. (How about some information of responsibilities of followers to keep ethical standards high?)

The seven step problem solving method.

Seven steps to solving - good handouts. How one thinks about themselves regarding ethics being different than the way others do. We all have somewhat different values, but many that are similar.

Practical application of ethical leadership.

I learned different things on leadership and the ethics on them. I hope I got some right answers now.

Ethical decisions are not B/W - they aren't easy and practical application will sometimes be challenging.

Several of the above statements apply. (The three speakers did a very good job.....)

Take time to listen. Act as you would be acted upon. Lead if you can live with your own ethic.

To listen - to really know what others are saying.

We all probably think we are better than we are!

We do have many problems that could be ethical and legal problems for SWCDs.

I feel the 7 steps will help in decision making.

Learned that other people are out there that feel that ethics are very important to them but not always easy to do. In the long run I hope I will be a more ethical person because a little tension at one moment will give me more restful evenings later on. Thank you.

New Udon
4/8/93

How difficult it is for us to really look at a scenario from our real, true, personal perspective rather than giving "the right answer" for public consumption. We're concerned with doing the right thing, but not always with honestly dealing with the reality of the dilemmas that exist in the real world.

Everything, this was my first session. Thank you.

To look at the overall picture from all angles.

How to try to be a better ethical decision maker.

Be more open-minded - don't jump to conclusions. This topic needs to be kept closer to the surface of everyone's mind.

Many ways of doing things ethically. Always listen to the other individual.

I don't know as much about ethics as I thought I did!

Some things about how I view other people and I am not as right as I think all the time. (almost)

Give and take. Listen!!

Steps for making ethical decisions in future. Listening.

Tools and traits of ethical leadership. The importance of mission in decision making.

Ethical decisions are difficult and complex (not new, but rather reinforced).

The issue of ethics is not an easy issue! The bad thing about all of this is, it is difficult to remember all of this and to practice what we learned.

54 Cloud
4/1/93

ETHICS AND LEADERSHIP EVALUATION

What I like most about the workshop:

Case studies were very practical and helpful - too bad they are so time consuming.

Interactions by all participants. Subject was well preserved.

The way you broke it up between three people, the time went fast - it didn't get boring.

Fast morning, well organized, excellent interaction with instructor/audience.

Case studies - they related to real examples an SWCD encounter.

Well informed presenter.

The case studies relating to water quality issues.

Teachers were excellent, did a good job.

Sharing the information with one another about other experiences and ideas.

Open discussion - it helps to hear different "reporters" during the case studies - spreads the ownership. Appreciated the fact that the case studies were based on watershed/SWCD type of problems.

The case studies - they helped me to understand the much too "in depth" lecture time. Need to use less "highly technical language". Some terminology was over my head. I figured out what was being discussed by the afternoon and really did enjoy the session.

It was very lively - at no time did it seem that I or anyone else was "wandering". The presenters all are very interested in seeing that the group is "with them" throughout - always pausing when necessary and making sure that the intent was understood. Overall, just an excellent presentation. One of the best I've attended in sometime.

The way it was presented was very good and tactful. Very well spoken, easy to listen to.

Excellent - the format and progression was logical, easy to follow and fun.

Good presenters. Liked the multiple presentation approach - made it interesting. Case studies were good way to try writing principles.

Small groups - open discussion. Helps make decision makers feel more important.

What I like most about the workshop: (Con't.)

Case studies brought out good discussion. Good program.

The cross section of all different ideas and opinions. The speakers were great.

Understanding what is involved in ethical decision making and more specifically what ethical means in different circumstances. Good workshop.

I think the instructors did a good job with a difficult subject. Ethical actions are so based in our different value.

High energy - lots of +'s and very few -'s. Keep up the good work.

Catherine Huebner was very good. I've listened to many MN Extension specialists and have been bored to tears. Her style and presentation was great. Good content - good discussion. Barb & Susan - nice to see the BWSR ladies conducting a session - great job.

Good material, good speakers, so, so jokes.☺. I feel this has been one of the better training sessions I have attended over the years.

Thought provoking.

Knowledge and expertise of presenters.

Generic case studies brought out many interesting comments and ideas.

What is my mission? Don't be judgmental? 7 critical steps. All of you gals did a super job!

Reenforcing the fact that everyone is different and may have a different ethical perspective.

Presenters were competent, friendly and articulate.

It was a very open meeting and I like the input coming from people attending.

The problem solving case studies.

St Cloud
4/1/93

ETHICS AND LEADERSHIP EVALUATION

Some things I learned:

Try to approach the individual on many ethics problems instead of going above or public.

New Methods for problem solving and addressing sticky situations.

How much there is to learn about ethical leadership.

The session created an awareness in ethical behavior and leadership for me.

Listen. Identify all facts.

Stop to reason through making an "ethical decision."

To be honest, work hard, good judgement, work together.

Share with others what I have learned at this session. Thanks.

Help supervisors to realize their potential/leadership abilities as elected officials. Helped me to realize that I have to look "into" myself and not always wonder what others will think.

I learned to have more confidence in myself because I generally have been "doing the right things" professionally and personally. My "Code of Ethics" is right on track. I do make mistakes but am glad to know it is o.k. to make them, so long as you react and learn!

It's important to look in to my own thoughts and values - and not judge what someone else is doing! Thanks.

Discussion was among the highest to state your feelings. Don't let others put words in your mouth - to be leadership, not follower.

The learning was more from the renewal and centering. Thanks.

Liked the seven step process for decision making. I'll practice. Thanks.

Making major decisions - get needed background information. Treat others with respect as you would like.

Gave me some thoughtful insight to different issues.

I learned a lot in how to approach other people. Thanks a lot.

That all people have some good ethical characteristics, if we look hard enough!

The concept of judging ourselves on our best qualities and others

on their worst was enlightening.

Just be a better listener and a bit slower to answer. Be more deliberate to exercise my every day approach to be honest and understanding.

Tools to assist in decision making. Understanding that we cannot impose our own ethical standards on others but operating in a conscientious manner is a worthwhile and hopefully influential life style.

Good information on ethical leadership.

Struggles of ethics.

That everyone has his own ethical opinion.

Everyone has different ethnic values and prioritize them differently.

Characteristics very important. I learned how to use the steps in making decisions and problem solving.

That I need to be more conscientious about the ethical decision that I make and the consequences associated with my decisions. I know a lot more about ethics than I realized, I just needed to be reminded.

To handle a problem like we would like someone to treat us if we were causing a problem.

I learned to question. I learned to listen I saw my judgmental side.

Exploring Ethical Leadership Seminar
Red River Valley Leaders
January 11, 1993

EVALUATION

What I liked most about the workshop:

- open discussion was encouraged
- examples helped add realism
- leaders readily related to audience
- showed me the error of my ways in many areas; I'm not usually as ethical as I should be
- the group's interaction on issues
- would like same program for all public employees, but more in depth
- well organized
- graphics were good
- small group participation was good
- organization and informality
- informal setting created a good environment for open discussion
- open discussion
- informal presentation
- case study examples
- review of value of thinking process
- well organized and distributed to different ethical areas; interesting
- identification of gray areas; many possibilities for unethical behavior
- learning experience
- open discussion on ethical issues
- good reminder of issues and considerations we should be aware of every day, but often forget or take for granted
- openness of topics and subjects
- learning how to handle tough problems in an ethical manner
- informed; good overheads; equipment needs work
- openness/willingness of participants to discuss real life issues in context of values and tough decisions
- presentation well presented, interesting and informative
- very interesting to say the least; well presented by all three

Exploring Ethical Leadership Seminar
Red River Valley Leaders
January 11, 1993

EVALUATION

Some things I learned:

- it is possible to have a constructive meeting of individuals of diverse backgrounds when the leaders are positive, well prepared individuals
- maybe I should not be in the position I am!
- many others here share the same beliefs/thoughts/concerns
- items that define an ethical person do necessarily create one
- to be ethical at all times
- take first impressions with a grain of salt; study problems thoroughly before making a decision
- definition and concepts of ethical parameters
- some points to follow in making ethical decisions as a leader
- seven steps in problem solving
- a reminder that we all need to be accountable in an ethical fashion as public officials/leaders
- things to consider when making ethical decisions; know all the facts
- basic procedure to handle ethical situations
- don't jump to conclusions; get all the facts
- definition of being ethical and how to be ethical in my job as commissioner
- importance of ethical person expressing his/her ideas; one list of characteristics of ethical leader had several "express" in statement - good point for a silent person like me
- to tell the truth; to tell the truth all the time; to tell the truth with candor
- that we should make this a K-12 school program
- continue on
- that I am right?

Bemidje 3/26/93

ETHICAL LEADERSHIP WORKSHOP
EVALUATION SUMMARY

What I like most about the workshop:

Great Speakers - 15
Difficult subject presented in an interesting way - 1
Structured so people felt comfortable speaking up - 2
Good Discussion and Interaction - 17
Need to have more of this - 1
Good materials - 3
Case Studies good - 6
Opportunity to look at situations objectively - 1
Mini Sessions available? - 1
Very interesting, informative and thought provoking - 3
Very enjoyable and I learned a lot - 1
All the different ways to resolve & look at problems - 1
When divided into groups of three - 1
Time went rapidly - 1
Useful information - 1
Very worthwhile workshop - 2
Lunch - 1

Some things I learned:

Discuss with others - 1
Don't rush to conclusion or confrontation - 4
Search every avenue for pertinent information - 2
How much we do can be viewed from ethical perspective - 1
How judgemental I am - 1
Work through problems/lots of discussion - 2
What ethics are/understanding of ethical dilemma's - 7
The power within/more belief in myself - 2
Look at things objectively/put yourself in other persons shoes - 3
Seven steps - 4
People think a lot alike in dealing with ethics - 1
Information presented will aid in future - 3
How to get along with people - 2
People in ethical situation often times get away with things - 1
Will be a more ethical leader/better person - 2
There is a lot of grey area in ethics - 1
Think creatively - 1
Lots of discussion & exchange of ideas; my behavior will not be changed; therefore, did I learn anything??? - 1
Ethics are difficult to define; are in the eye of the beholder 1
Use common sense - 1
I'm not ethical - 1
Each person must respond in way that reflects their character and values - 1
Sharper listening skills - 1



Board member Update

April 1993

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

Northern Region

When the northern staff wasn't out looking for new office space at the Department of Natural Resources (DNR), the Pollution Control Agency (PCA), or the Minnesota Department of Agriculture (MDA), they were busy doing real work to promote the goals of BWSR and local governments. A few examples:

- **Bemidji Board Conservationist (BC)**
Dale Krystosek met with his eight water planning counties in Wadena on March 3, 1993. Many exciting water planning implementation projects are now happening as a result of BWSR base and challenge grant monies to counties. Dale also met with Grant SWCD regarding the Niemachl Lakes Project, a multi-county effort to restore, enhance, and protect wetlands in a 35,000 acre watershed. Dale also gave a presentation at the Rural Non-Point Conference held in La-Crosse, Wisconsin.
- **Bemidji BC Brian Dwight** has been busy on the committee to retool the Reinvest in Minnesota (RIM) Reserve program. Brian and Bemidji BC Keith Grow both agree that steady progress is being made and that a more "user friendly" RIM program will result from the committee's work. Brian has also been busy putting together a technical training session for soil and water conservation districts (SWCDs), Extension, and Soil Conservation Service (SCS) folks on waste utilization. Brian reports that the Wetland Conservation Act (WCA) is alive and well in the northwest. He's been involved with the Grygla Airport project and a private project for "Shotgun Red," a Nashville T.V. star. Some people will do anything to make a name for themselves.
- **Brainerd BC Dan Steward** finally saw his (and Keith's) work with the Snake River group approach a conclusion. Eleventh

hour discussions with the Mille Lacs county attorney led to a seventh draft of the joint powers agreement that staff believe addresses the 13 criteria previously identified. Dan also worked with four SWCDs to apply for special project or Streambank, Lakeshore and Roadside funds.

- **Keith Grow** continues to cement his ongoing relationship with legislators and attorneys in the Stearns County area. It seems to be more of a rule than a coincidence that legislators, attorneys, contractors (basically everyone) contest many of the WCA projects in Stearns County. Keith, of course, gets dragged into the middle of all this. Keith and I agree that BWSR needs to continue to support the concept that LGU decisions are final in all but extenuating circumstances. Keith has been asked to help Sherburne and Benton counties formulate a joint powers agreement. This action is the result of local lake association pressure. Keith performed a cost-share audit in Wright County and uncovered program violations. The District plans to appeal, so stay tuned.
- **Water Resources Education Coordinator Barbara Liukkonen (Duluth)** worked with Communications Director Susan Tsakakis and Extension staff person Catherine Huebner to conduct three workshops on "Exploring Ethical Leadership" in Bemidji, St. Cloud, and New Ulm. The sessions were well attended and received good reviews. Barbara presented the Shoreland BMPs fact sheet series to the St. Louis County Health Department field inspectors. Barbara and County Extension also held a media "event" to introduce the BMP series to Arrowhead residents.
- **Duluth Shoreline Engineer Jack Salmela** reports that he gave a presentation to the Two Harbors City Council. They voted

to apply for cost-share on four different shoreland projects.

- Duluth BC Mark Nelson held a New Supervisor/Employee Orientation on March 29 in Duluth. Mark also reports that the Erosion Control Conference held on March 5, 1993, in Brooklyn Center, attracted 220 people. BWSR was instrumental in planning this conference.
- Forester Jim Lemmerman attended the annual meeting of the Department of Natural Resources Private Forest Management Personnel. This was a good opportunity for Jim to interact with DNR foresters. Jim did a presentation on SWCD tree programs. He says they were surprised at the size and sales volume of the district programs. Jim is also working with the SCS forester to coordinate a windbreak technology training in Marshall, July 1993.
- Dan Steward and Northern Supervisor Ron Shelito were invited to participate in a bilateral Russian/American environmental summit April 3-8, 1993, at Cragun. Eighteen Russians, including top level government officials and scientists, made the trip. The Russians want to implement environmental clean-up and ongoing environmental management programs. The summit was organized by A.W. Research Labs of Brainerd for the purpose of discussing American environmental programs and transfer of American technologies to Russia. Dan and Ron participated in a group consisting of two Russians, DNR, PCA and local watershed district representatives. Their charge was to set up an ongoing model government structure to manage water in a selected watershed. The Russians seemed very impressed and appreciative of the assistance offered.
- Eight of the southern BWSR staff attended the Non-Point Source (NPS) Pollution Conference held March 17-19, 1993, in LaCrosse, Wisconsin. Presenters from Wisconsin, Iowa and Minnesota provided many different perspectives with regard to NPS problems. In addition to various agency staff, several presenters were landusers/farmers. To many of those attending this conference, the landuser presentations were the highlight of the session, giving an actual hands-on perspective. Hopefully landuser presentations will continue to be a part of these types of conferences so that agencies hear directly from the landuser.
- Three orientation sessions for new SWCD supervisors and employees were conducted in Rochester, Marshall and New Ulm. Twenty-three supervisors and six recently employed staff members attended. BWSR staff hosted these sessions, with additional presentations made by the Minnesota Association of Soil and Water Conservation Districts, the Soil Conservation Service and the Minnesota Association of Conservation District Employees (MACDE).
- The Marshall board conservationists sponsored a one-day session on watershed district overall management plan updates. With about half of the watershed districts in this state operating without an updated plan, they felt it necessary to make an effort to get all of their districts thinking about updating their plans. Doug Thomas was the session speaker. The BCs are very confident that the districts in their area that need to update their plans will start the process in the near future.
- The southwest region water plan coordinators sponsored a one-day Water Plan Implementation Workshop for members of their county local water plan task forces. About seventy-five task force members attended this workshop. Round table discussions were used to facilitate idea-sharing between counties with topics such as feedlot issues, on-site sewage treatment, water testing, task force roles and EPPL 7.
- The Brown-Nicollet-Cottonwood Clean Water Partnership Project offered a workshop for elected officials from within the three counties. This workshop, held in New Ulm on March 1, 1993, gave a brief summary of past project activities and future workplan items for 1993-1994. Elected officials at-

Southern Region

- The month of March brought about several types of activities for the BWSR staff in southern Minnesota. Board conservationists were busy reviewing, commenting on and approving SWCD annual plans of work and annual reports. Also, their review of RIM and Permanent Wetland Preserves (PWP) agreement packages increased greatly, especially in the south central region, which continues to lead the way in RIM/PWP acceptance by landowners.

tending included county commissioners, SWCD supervisors and township officials. This year's project goals are to establish acceptance of nitrogen best management practices (BMPs) and other water quality BMPs through education and demonstration.

- Brown SWCD is developing Permanent Wetland Preserve easements at a pace which will soon place 282 acres of wetland into perpetual easement.
- Feedlots were the subject of a very informative March 25 meeting of nine DNR conservation officers (COs) and the local water plan coordinators of south central Minnesota. The COs plan to discuss the history of individual cases with county officials as they enforce water quality laws jointly with the PCA. Enforcement action and information meetings continue to take place throughout the area because PCA and DNR officials are stepping up their efforts to investigate blatant cases of manure pollution.
- Dave Peterson, board conservationist in Rochester, worked on Water Bank conversions to PWP easements on approximately 270 acres. Dave also serves on the RIM program subcommittee which continues to deal with the application process, emphasizing on decentralization of this process.
- The new Rochester BC, Pete Waller, began working on February 24th. Pete was previously employed by the Pelican River Watershed District and the Upper Minnesota River Watershed District. He is busy developing a working relationship with staff and board members of the local government units; learning the BWSR's services and programs; and becoming familiar with the resources of southeast Minnesota.
- The Cannon River Watershed Partnership (CRWP) is completing its work on the Legislative Commission on Minnesota Resources (LCMR) grant provided through the BWSR and is now increasing its activities in the watershed as it adds staff and takes on new initiatives. CRWP served as the Minnesota host for the "Watershed '93" national conference in Washington, D.C., through an inter-active satellite downlink.
- Considerable time has been spent on the Snake River Joint Powers Agreement as an alternative to establishment of a watershed district. Staff expects to continue to work closely with the counties and the lake associations on the development of the first workplan and budget.
- Hydrogeologist Eric Mohring, along with BC Bill Best of the Bemidji office, were part of a set of groundwater meetings held in Marshall County in northwestern Minnesota. Over 200 local area residents attended the informational meetings.
- Planner Dave Behm has been active with the continuing revision to the RIM/PWP handbook. Dave has also represented the BWSR at recent Agricultural Environment Forum meetings.
- Doug Thomas, along with Susan Tsakakis, is working with the Association of Watershed Districts on a manager handbook.
- Bryan Alpaugh, computer specialist, has rewritten the BWSR RIM database and has completed an EPPL7 training course. Many of the colored status maps are a result of Bryan's recent efforts.
- Eric Mohring assisted the Okabena-Ocheda Watershed District and Nobles County on an investigation regarding the potential for groundwater contamination from a proposed feedlot just across the border into Iowa. The feedlot is located in the vicinity of the city of Worthington's municipal well field.

Metro Region

This past month has been quite busy as usual for Metro Region staff. The work effort has centered around continued implementation of the WCA, 509 plan review and dispute resolution.

- During the first three weeks of April staff were out in the field on 16 separate technical evaluation panels (TEPs) for WCA. Five involved plats containing approximately 13, 23, 40, 45 and 60 lots. The other 11 TEPs involved projects on 11 separate land parcels. Enforcement of the WCA has been successful to varying degrees. For example, during March and April, two Anoka county DNR Conservation Officers issued a total of nine cease

Land & Water Section

and desist orders. No CDOs have yet resulted in a summons and complaint.

- With respect to 509 plan review (metro watershed management organization plan review), meetings have been held with the Lower Minnesota River Watershed District (WD) and Minnehaha Creek WD to discuss final revisions to their plans. Minnehaha Creek WD has requested that the BWSR approve its plan at the May board meeting. Staff has also recently contacted the LGUs containing areas that were formerly exempt from 509 planning, and consequently, there has been good progress made towards consolidation of these areas with existing WMOs.
- With regard to dispute resolution, staff worked with the Dispute Resolution Committee (DRC) towards resolution of the city of Richfield's petition for boundary change. This item will be a decision item on the board's April meeting agenda. Staff also held a joint meeting with the city of Fridley and Rice Creek WD to discuss the staff report prepared pursuant to Chapter 8410.0180. At the meeting, the Rice Creek WD agreed to schedule a hearing on the Locke Lake project and the City agreed to withdraw its appeal without prejudice upon the WD's scheduling of the hearing.
- Staff members have also been working with WCA staff and the DNR as to how shoreland and WCA grant funds should be best allocated to get the most bang for the buck in terms of the shoreland and wetland management issues facing the Metro Region. In the last decade over 100 percent of the growth in the state's population (299,395) has occurred in the Metro Region. This should be taken into account, along with the large number of LGUs administering the shoreland and WCA programs, in conjunction with the fact that most of this growth has occurred in the developing ring of suburbs. Any thoughts that board members might have on this issue should be forwarded to Bruce Sandstrom.

Engineering and Technical Services Section

RIM/PWP Conservation Easement Programs

- Earlier this calendar year, the conservation easement programs (RIM and PWP) staff began a major retooling of the ease-

ment acquisition process and associated program handbook. Four guiding principles were identified by the Conservation Easement Team:

- develop a more user-friendly process and handbook
 - achieve stability in the easement acquisition process
 - streamline the process
 - strive for a locally-driven program
- Seven subteams, composed of field and central office staff, were established to work on individual pieces of the process and handbook. Team members have worked this effort into their schedules during and after business hours. Substantial momentum was generated in March and April, with commensurate progress. The team held a meeting with Barb Cobb and John Boulton of the RIM Strategic Plan Committee on April 16 to bring them up to date on the progress of this effort. An all-subteams meeting will be held at the end of April to review our collective draft products, including their completeness and compatibility.
 - We plan to expand the involvement of MACDE in May, have the new program handbook ready by mid to late summer, provide training to SWCDs in late summer and conduct the next sign-up in late fall. (The most recent sign-up was held in February.) We are confident that this retooling effort will result in substantial improvements in program efficiency.

Feedlots

- The Interagency Feedlot Enforcement Task force, led by the PCA, has developed a list of questions and answers concerning feedlot regulations and the recent emphasis on enforcement. The purpose is to provide a basis for consistent responses from all state and local agencies involved in this issue. At this writing, the PCA is making a few additions to this list. When the latest version is received by BWSR staff, a copy will be sent to all BCs and SWCDs, as well as BWSR Feedlot Advisory Committee members.
- Brad Matlack, BWSR feedlot specialist, has worked with New Ulm BC Chris Hughes to set up an introductory feedlot training session for five counties within the Blue Earth River basin on May 20, 1993. This session will involve BWSR, SCS, PCA and Gopher State One-Call staff members, who will explain the feed-

lot regulations, cost share programs and technical assistance provided by these state and federal organizations. Brad is planning a follow-up classroom and on-site training session regarding the use of the Feedlot Evaluation Model (FLEVAL) in early June.

- BWSR Engineer Al Kean met with Jim Rossman and Ted Lovdahl of the Feedlot Advisory Committee on April 13 to finalize a recommended board resolution regarding cost sharing with feedlot owners where enforcement actions have been taken by the PCA, DNR and/or county attorneys. This recommended resolution will be presented to the full board at the April meeting.
- Brad Matlack and Al Kean also initiated discussions with the Feedlot Advisory Committee on April 13 regarding the need for revising the cost share program rules related to feedlots, and presented some ideas for revisions. We intend to continue to develop these needed rule revisions, which have been identified through Brad's manure management system design and training work.
- Brad continues to coordinate with Extension, SCS, MDA and PCA to provide training to SWCDs staff for the Manure Application Planner (MAP) software developed by Extension.

Area II

- Al Kean continues to work with the Area II board of directors to separate administrative and technical functions currently performed by Darrell Apelgrain, BWSR Area II staff engineer. The objective is to refocus Darrell's work on technical assistance and have administrative functions performed by the Area II board or an administrator employed by Area II.

Wetlands

- Wetland Specialist John Jaschke and Greg Larson assisted field staff in wetland jurisdiction in several Counties; most cases involve jurisdiction by a number of agencies. In a Polk County situation, problems could have been avoided if the landowner would have asked before ditching.
- Staff has spent considerable time tracking the amendments to the Wetland Conservation Act; as the legislative process is

nearing completion, attention turns to incorporating the changes into the rule so that legislative intent is met.

- With construction season comes the flurry of phone calls from project proposers and concerned citizens alike; wetlands are certainly sites where different philosophies meet and do not usually agree
- Planning is underway for wetland delineation training for local government staff; the assistance from the Army Corps of Engineers, DNR, Fish and Wildlife Service, SCS, and the U of M Soil Science Department is greatly appreciated; two four-day sessions are planned this summer in the Brainerd area.
- The Soil and Water Conservation Society will showcase the Minnesota RIM and WCA programs at their annual meeting in Fort Worth Texas this August; this presentation features state efforts that demonstrate integrated resource management.



MEMORANDUM

April 16, 1993

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

TO: Board Members

FR: *Jim* Jim Haertel, Board Conservationist

**RE: WATERSHED MANAGEMENT PLANNING FOR FORMERLY EXEMPT
METRO AREAS**

Field Offices

Northern Region:

394 S. Lake Avenue
Room 403
Duluth, MN 55802
(218) 723-4752
Fax (218) 723-4794

3217 Bemidji Avenue N.
Bemidji, MN 56601
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Southern Region:

Highway 15 S.
Box 756
New Ulm, MN 56073
(507) 359-6074
Fax (507) 359-6018

1200 S. Broadway
Room 144
Rochester, MN 55904
(507) 285-7458

Box 267
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Marshall, MN 56258
(507) 537-6060
Fax (507) 537-6368

Metro Region:

Southbridge Office Building
155 S. Wabasha Street
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St. Paul, MN 55107
(612) 296-3767
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The Metropolitan Watershed Management Act (Act) was amended in 1990 to require watershed management plans for areas that were formerly exempt from planning in the seven-county metro area (MS 103B.205 to 103B.255). We have been assisting local governmental units to come into compliance with the Act.

A policy determination should be made pursuant to MS 103B.231, Subd. 1 (b) in regards to whether two small metro areas on the fringe of the seven-county metro area should be allowed to meet the watershed management planning requirement by being included in an adjacent non-metro county's local water plan (LWP) or be required to plan under the Act.

The areas presently of concern are the cities of Rockford and Hanover where a portion of each city is in Wright County and a portion is in Hennepin County. The areas of each city in Wright County are presently included in the Wright County LWP. It is each city's desire to include their entire city in the Wright County LWP. If not allowed, other options would be for each city to prepare a plan under the Act for at least the area in Hennepin County, otherwise join a neighboring WMO.

I have polled the various WMO's that could include these areas of Rockford and Hanover. These WMO's do not perceive a need to include Rockford and Hanover in their organizations. These WMO's do not feel there are any special hydrologic, development or other problems that would necessitate inclusion of these areas into their organizations.

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Board Members
April 16, 1993
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I have consulted with other BWSR staff and Bill Clapp on this issue and the interpretation of MS 103B.231, Subd. 1 (b). It is our opinion the statute clearly allows the Board to make the policy determination.

The recommendation of BWSR staff for Rockford and Hanover is to allow watershed management planning under the Wright County LWP.

c: Bruce Sandstrom
Ron Harnack

AGREEMENT ESTABLISHING JOINT POWERS
SNAKE RIVER WATERSHED MANAGEMENT BOARD

THIS AGREEMENT, is made by and between the counties which contain the Snake River Watershed, namely: Aitkin County, Kanabec County, Mille Lacs County and Pine County, Minnesota; each of the parties hereto being authorized to enter into this agreement by the action of the Commissioners of the respective counties.

WHEREAS, each of the counties hereto has developed a county water plan pursuant to Section 103B.301 through Section 103B.355 Minnesota Statutes 1990 in which the water planning needs of the Snake River Watershed within said county are addressed; and

WHEREAS, there is a need to coordinate and implement actions to be undertaken within said plans;

NOW, THEREFORE, the parties hereto hereby enter into this Joint Powers Agreement pursuant to Section 471.59 Minnesota Statutes for the purposes and with the powers and other provisions as set forth in this agreement.

I. NAME

The name of this joint powers board shall be Snake River Watershed Management Board (SRWMB). Its address shall be c/o County Auditor, Kanabec County Courthouse, 18 North Vine Street, Mora, MN 55051.

II. PURPOSE

The purpose of this joint powers agreement shall be for the joint powers to:

A. Coordinate the comprehensive county water plans and actions relating thereto as existing in the water plans of the several counties that are signatories to this agreement and to provide for the implementation of the actions as set forth in said plans. For the purposes of this agreement, the Snake River Watershed is delineated by Exhibit A annexed hereto.

B. Provide for the joint and cooperative management of county water plans and other actions necessary to protect and enhance the water and land resources within the Snake River Watershed.

C. Identify existing and potential problems and opportunities for the protection, management and development of water and related land resources.

D. Develop objectives and carry out a plan of action to promote sound hydrologic management of water and related land resources, effective environmental protection and efficient management.

E. Develop a watershed management plan for the Snake River Watershed.

III. ORGANIZATION

A. To carry out the plans of this joint powers agreement, there is hereby established a joint powers board to be known as the Snake River Watershed Management Board (SRWMB). The appointments to the SRWMB shall be made by the county boards of the counties to which each particular seat is attributed.

B. The SRWMB shall be four (4) in number, which shall be a County Commissioner from each of the counties of Aitkin, Kanabec, Mille Lacs and Pine. Each member county shall have one (1) vote. Each member county may designate an alternate for its appointed County Commissioner. All votes of member counties must be cast by the appointed County Commissioner or designated alternate County Commissioner of the member county at a meeting of the SRWMB.

C. Each member shall be appointed to the joint powers board by its county board and shall hold office until that member's successor has been appointed and qualified. Any vacancy arising during the term shall also be filled by the county board to which that particular seat is attributed.

D. Any member who is more than sixty (60) days in default in paying its share of administrative expenses shall have the vote of its board member suspended pending such payment.

E. A favorable vote of a majority of all of the eligible then existing board members shall be required for the SRWMB to take action, unless otherwise provided in this Agreement.

IV. POWERS

The Snake River Watershed Management Board shall have the following powers:

A. The Snake River Watershed Management Board may:

1. Coordinate and implement the comprehensive county water plans of the respective counties as they relate to the Snake River Watershed as a single entity.

2. Create a single water plan for the Snake River Watershed from the comprehensive water plans of the member counties.
3. Contract for space and materials and may also contract for goods and services that are required and are necessary for the implementation of the water plans relative to the Snake River Watershed.
4. Employ such persons as it deems necessary to accomplish its duties and purposes.
5. The SRWMB may accumulate reserve funds for the purposes herein mentioned and may invest funds of the SRWMB not currently needed for its operations, in the manner and subject to the laws of Minnesota applicable to counties.
6. Recommend changes in this Agreement to its members.
7. Protect and improve water quality in the watershed as this is one of the main purposes set forth in the Surface Water Management Act.
8. Contract for or purchase such insurance as the SRWMB deems necessary for the protection of the SRWMB.
9. Accept and disburse funds and to apply for state and federal funds necessary to prepare and implement its plan.
10. Pay citizen advisory committee members per diem and expenses at a rate established by the SRWMB.

B. The Snake River Watershed Management Board shall:

1. Appoint a citizen advisory committee and may appoint other advisory committees as it deems necessary to advise the SRWMB about various matters pertinent to development of plans, projects and improvements within the Watershed.
2. Cause to be made an annual audit of the books and accounts of the SRWMB and shall make and file a report to its members at least once each year including the following information:
 - (1) The financial condition of the SRWMB, and
 - (2) The business transacted by the SRWMB and other matters which affect the interests of the

SRWMB. Copies of the report shall be transmitted to the Clerk of each member governmental unit.

3. Adopt by-laws addressing, among other matters, rules of order and procedure, which unless otherwise adopted, shall be that of Roberts Rules of Order.

4. Provide for monthly meetings during the first six months of operation and then at least quarterly thereafter. Times and locations will be set at the annual meeting of the SRWMB which shall be in January of each year at the Kanabec County Board Room unless action is taken for alternative times and places. Notice of all meetings shall be by publication in accordance with Minnesota Statutes.

V. OFFICERS

A. The SRWMB shall elect its officers from its members which shall consist of a Chairperson, Vice Chairperson and Secretary at the annual meeting.

(1) The Chairperson shall preside at the meetings of the Joint Powers Board and shall have powers to call meetings at reasonable times and with reasonable notice as deemed necessary.

(2) The Vice Chairperson shall preside over the meetings of the Joint Powers Board in the absence of the Chairperson. The Vice Chairperson shall have the power, with two other members of the Board, to call meetings.

(3) The Secretary shall keep, or designate a person to assist in keeping, a record of all proceedings of the Joint Powers Board and to perform all other duties normally assigned to the secretary of a deliberative body. The term of office of the secretary shall run concurrently with the Chairperson.

B. The Kanabec County Auditor shall be the fiscal agent for the SRWMB. Disbursements shall be made by the fiscal agent upon action of the SRWMB.

VI. CITIZENS ADVISORY COMMITTEE

A. There shall be established a citizen advisory committee consisting of one (1) Soil & Water Conservation District Supervisor from each county and two (2) citizens from each county, at least one of which would be a lake association member from a lake association within the Watershed if one exists within that county. Each county's representatives on said Citizens

Advisory Committee shall be appointed by the county board. In the case of the Soil & Water Conservation District and the lake association, that member shall be appointed from a list of at least three (3) provided by the Soil & Water Conservation District and the lake association if one exists. The term of office shall be for three (3) calendar years except that the initial term shall be for one (1) for one calendar year; one (1) for two calendar years; and one (1) for three calendar years. Any vacancy shall be filled by the county board to which that particular seat is attributed and shall be for the remainder of the term. No single person may be a member of this board for more than three (3) consecutive full or partial terms. The above rotation schedule shall be applicable unless this agreement is not renewed after the initial two (2) year term of the agreement.

B. The duties of the Citizens Advisory Committee shall be to aid the SRWMB in identifying and prioritizing action item projects of the comprehensive water management plans of the SRWMB and the member counties which would be best addressed on a multi-county basis, to identify and recommend projects or activities for consideration by the SRWMB that have been requested by citizens or municipalities in the watershed and for such other matters for which the SRWMB requests its assistance.

C. Each county shall be responsible for paying for any expenses afforded to its delegate and for the citizens advisory committee members from that county unless otherwise agreed upon by the SRWMB.

VII. BUDGET

A. Administrative Expenses:

(1) Administrative expense shall be those expenses administrative in nature and distinct from project expenses. Administrative expenses shall include but are not limited to, insurance, supplies, salaries and rent.

(2) On or before May first of each year, the SRWMB shall prepare and adopt an administrative budget for the forthcoming calendar year upon a favorable vote of a majority of all of the eligible then existing board members. Said administrative budget shall then be forwarded to the boards of the member counties. The secretary of the SRWMB shall certify the budget on or before May 15 to the clerk of each member's county board together with a statement of the proportion of the budget to be provided by each member. The county board of each member county agrees to review the budget within thirty (30) days of the date of certification. The SRWMB shall then hear all timely objections to the budget, and may, upon notice to all member counties and after a hearing, modify or amend the budget, but shall then

give notice to the member counties of any and all modifications or amendments. Further review shall be pursuant to Article IX B.

(3) To the extent that administrative expenses of the SRWMB are to be borne by the counties, the contribution by the member counties shall be in accordance with the following formula:

Aitkin County	20.8
Kanabec County	49.5
Mille Lacs County	9.2
Pine County	20.5

Portions of the obligation may be by in kind contribution upon approval of the SRWMB.

(4) Expenses for action item projects fully funded by grants shall be considered administrative expenses.

B. Project Expenses:

(1) On or before March first of each year each of the member county boards shall preliminarily determine and notify the SRWMB of action item projects of that county's water plan related to the Watershed including the means and extent of funding which it intends to implement in each of the two forthcoming calendar years. An action item project may be any proposed project. Action item project expenses include costs for feasibility studies and other measures preparatory to a decision to implement any project.

(2) On or before May first of each year, the SRWMB, with the assistance of the Citizens Advisory Committee, shall from the action item projects submitted by the member counties, and from the action item projects submitted by the Citizens Advisory Committee, identify those action item projects from the water plans of the individual counties and from the Citizens Advisory Board which would be best addressed on a multi-county basis. The SRWMB shall then from the list of action item projects so identified for each year, prioritize the same and determine which of those projects should be addressed in each calendar year. The member counties shall then pursue the action items on the revised list cooperatively through the SRWMB.

(3) On or before May first of each year, the SRWMB shall prepare and forward to each member county the budget for the multi-county comprehensive water management plan action items which are to be addressed by the SRWMB on a multi-county basis in the forthcoming calendar year, consistent with the determinations of the SRWMB in (2) above.

(4) The SRWMB shall, after considering input from the affected member counties, also determine and apportion the projected expenses to be borne by each of the member counties for each multi-county undertaking. The allocation among the member counties shall be projected based upon one or more of the following methods:

(a) The ratio of real property valuation of each member county within the boundaries of the benefited area to the total real property valuation within the entire benefited area.

(b) The ratio of quantity and/or quality of the stormwater produced by each member county within the boundaries of the benefited area to the total quantity of stormwater produced by the entire benefited area.

(c) The ratio of benefit received by each member county to the total benefit received by the entire area of the project.

(d) The SRWMB may use any such other suitable criteria as shall be agreed upon by all the member counties.

Prior to implementing an action item project the SRWMB shall secure from its engineers or other competent persons a preliminary report advising it whether the proposed improvement is feasible and as to whether it shall best be made as proposed or in connection with some other improvement and the estimated cost of the improvement as recommended. Any feasibility study shall examine, among other things, the costs of, and potential funding sources available for the proposed improvement and all options available to implement the improvement including but not limited to low cost options. The SRWMB shall then hold a public hearing on the proposed action item project after mailed notice to each member county and published notice in the SRWMB's official newspaper. The notice shall be mailed not less than forty-five (45) days before the hearing, shall state the time and place of the hearing, the general nature of the improvement, the estimated total cost and the estimated cost to each member county.

To order an action item project, a resolution setting forth the order shall require a favorable vote of three-fourths of all of the eligible then existing board members. The SRWMB, in considering whether to order any action item project, may consider the factors of costs and funding as those factors are detailed in the feasibility study. The order shall describe the improvement, shall allocate in percentages the cost allocation between the member counties, shall designate the engineers to prepare plans and specifications, and shall designate who will contract for the improvement.

After the SRWMB has ordered an action item project, it shall forward the preliminary report to all member counties with an estimated time schedule of the implementation of the action item project. The SRWMB shall allow an adequate amount of time, and in no event, less than ninety (90) days for each member county to conduct hearings in accordance with the provisions of Chapter 429 or the charter requirements of any city, or to ascertain the method of financing which the member counties will use to pay their proportionate share of the costs of the action item project.

If the SRWMB proposed to use the counties' bonding authority, or if the SRWMB proposes to certify all or any part of an action item project to the counties for payment, then and in that event all proceedings shall be carried out in accordance with Minnesota Statute 103B.251.

The SRWMB shall not order and no engineer shall prepare plans and specifications before the SRWMB has adopted a resolution ordering the action item project. The SRWMB may order the advertising for bids upon receipt of notice from each member county who will be assessed that it has completed its hearing or determined its method of payment, or upon expiration of ninety (90) days after the mailing of the preliminary report to the member counties, whichever occurs first.

C. Preliminary Fund

(1) The SRWMB shall establish a preliminary fund in the amount of \$10,000 dollars for the purpose of paying administrative expenses and other related costs during the first year of operation.

(2) Each county shall contribute its share on the same basis as defined in Section VII.A.(3) of this agreement.

(3) If funds remain in the preliminary fund after the first year it shall be transferred to the administrative account of the SRWMB.

VIII. AMENDMENTS

Amendments to this agreement shall be the agreement in writing of all parties hereto with the authority of the County Board of each member county.

IX. REVIEW

A. A member county can demand a review from any action taken by the SRWMB by filing an appeal to the SRWMB within thirty (30) days of the action taken by the SRWMB about which the member county desires review. Thereupon the SRWMB shall hold a hearing

and reconsider its action in light of the testimony or other evidence introduced at the hearing.

B. Any member county or local unit of government with territory within the Snake River Watershed may request the Minnesota Board of Water and Soil Resources to resolve disputes pursuant to 1990 M.S. Section 103B.345.

X. DURATION

A. Each member county agrees to be bound by the terms of this agreement until two (2) years from and after its effective date unless the member county withdraws from the agreement pursuant to X C or the SRWMB is dissolved pursuant to X B. The Agreement may be continued thereafter upon the agreement of all the parties.

B. Any member may petition the SRWMB to dissolve the agreement. The SRWMB shall give the Minnesota Board of Water & Soil Resources written notification of the receipt by the SRWMB of any petition to dissolve the agreement. Upon ninety (90) days notice in writing to the clerk of each member governmental unit and to the SRWMB, the SRWMB shall hold a hearing and upon a favorable vote by a majority of all eligible votes of then existing board members, the SRWMB may by resolution recommend that the SRWMB be dissolved. The resolution shall be submitted to each member governmental unit and each county within sixty (60) days. The SRWMB shall dissolve the SRWMB allowing a reasonable time to complete work in progress and to dispose of personal property owned by the SRWMB.

C. Any member county may withdraw from this agreement at the end of any calendar year by providing written notice to the SRWMB and each of the member county boards of their intention to do so ninety (90) days in advance of the end of that calendar year providing that county shall have met any outstanding obligations by virtue of its membership in the joint powers agreement until the date of the withdrawal. The SRWMB shall give the Minnesota Board of Water & Soil Resources written notification of the receipt by the SRWMB of any written notice by a member county to withdraw from the agreement.

XI. DISSOLUTION

Upon dissolution, the personal property shall be returned to the member county contributing the same. In the event the source of the property is not identifiable, it shall be distributed in accordance with the formula set forth in Article VII A(3).

XII. EFFECTIVE DATE

The effective date of this agreement will be the ____ day of April, 1993, the dates of the signatures of the parties notwithstanding.

AITKIN COUNTY BOARD

By _____
Chairman

By _____
Auditor

Date _____

MILLE LACS COUNTY BOARD

By Paul A. Zeman Jr.
Chairman

By Elmer W. Naolin
Auditor

Date 4-20-93

KANABEC COUNTY BOARD

By _____
Chairman

By _____
Auditor

Date _____

PINE COUNTY BOARD

By _____
Chairman

By _____
Auditor

Date _____

Snake River Joint Powers Agreement

MN Board of Water & Soil Resources Recommended Changes & Modifications

BWSR staff attended a Snake River JPA meeting on April 8, 1993. The purpose of the meeting was to present recommended changes to the agreement based on Board member input since the March 24, 1993 board meeting. Staff also during this time requested a review of the JPA by Bill Clapp, Special Assistant Attorney General.

The following numbered items show the BWSR recommended changes and the Snake River Counties decision. Additions are shown as underlined text, deletions are shown as strikeout text.

#1 Page 1, Sect. II. B. Purpose

B. Provide for the joint and cooperative management of county water plans and other actions necessary to protect and enhance the water and land resources within the Snake River Watershed.

County action - approved change

#2 Page 2, Sect. II. New item E. Purpose

E. Develop a watershed management plan for the Snake River Watershed.

County action - approved new item

#3 Page 3, Sect. IV. F. Powers

F. The SRWMB shall ~~have the authority to~~ appoint a citizen or other advisory committee and may appoint other advisory committees as it deems necessary to advise the SRWMB about various matters pertinent to development of plans, projects and improvements within the Watershed.

County action - approved changes

#4 Page 3, Sect. IV. M. Powers

M. Provide for monthly meetings during the first six months of operation and then at least quarterly thereafter. Times and locations of meetings will be set at the annual meeting of the SRWMB which shall be in January of each year at the Kanabec County Board Room unless action is taken for alternative times and places. Notice of all meetings shall be by publication in accordance with Minnesota Statutes.

County action - approved changes

#5 Page 2, Sect. IV. Powers - Recommendation for new item

N. The SRWMB may pay citizen advisory committee members per-diem and expenses at a rate established by the SRWMB.

County action - approved changes

#6 Page 2, Sect. IV. General Comment

There was a general comment that the section on "Powers" should be separated into two parts one being those items which the SRWMB shall do, and the second part being those items which the SRWMB may do.

County action - separated may and shall into two sections in final JPA.

#7 Page 4, Sect. V. A. Officers

A. The SRWMB shall ~~appoint~~ elect its officers from amongst the then members which shall consist of a Chairperson, Vice Chairperson and Secretary.

County action - approved changes

#8 Page 4, Sect VI. A. Citizen Advisory Committee

A. There shall be established a citizen advisory committee consisting of one (1) Soil & Water Conservation District Supervisor from each county and two (2) citizens from each county, at least one of which would be a lake association member from a lake association within the Watershed if one exists within that county. Each county's representatives on said Citizen Advisory Committee shall be appointed by the county board. In the case of the Soil & Water Conservation District and the lake association that member shall be appointed from a list of at least three (3) provided by the Soil & Water Conservation District and the lake association if one exists. The term of office shall be for three (3) calendar years except that the initial term shall be for one (1) for one calendar year; one (1) for two calendar years; and one (1) for three calendar years. Any vacancy shall be filled by the county board to which that seat is attributed and shall be for the remainder of the term. No single-person may be a member of this board for more than three (3) consecutive full or partial terms. The above rotation schedule shall be applicable unless this agreement is not renewed after the initial two (2) year term of this agreement.

County action - approved change

#9 Page 5, Sect. VII. Budget

The Board members which commented on the agreement recommended that the agreement provide for the establishment of a preliminary fund for the purpose of carrying out the

activities of the SRWMB during the initial year of operation and establishment of the first budget.

Recommended language:

C. Preliminary Fund

(1) The SRWMB shall establish a preliminary fund in the amount of \$10,000 dollars for the purpose of paying administrative expenses and other related costs during the first year of operation.

(2) Each county shall contribute its share on the same basis as defined in Section VII. A. (3) of this agreement.

(3) If funds remain in the preliminary fund after the first year it shall be transferred to the administrative account of the SRWMB.

County action - approved addition

#10 Page 7, Second Paragraph

Change two-thirds to three-fourths

County action - approved change

#11 Page 8, Sect. IX. Review

Members of the Board requested that the counties consider mediation or use of the BWSR dispute resolution committee as an intermediary step before District Court.

County action - B. Any member county or local unit of government with territory within the Snake River Watershed may request the Minnesota Board of Water and Soil Resources to resolve disputes pursuant to 1990 M.S. Section 103B.345.

Based on the agreed to changes listed above staff will be presenting the JPA to the Board at its April 28, 1993 meeting for acceptance. At the meeting we will basically be asking the Board to do two things;

1. Accept the Joint Powers Agreement as adequate and instruct staff to work with the Petitioners to withdraw the petition for establishment of the Snake River Watershed District; and,
2. Direct staff to establish an annual review of the Snake River Joint Powers Board, with the first report to be done in January of 1994.

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

**In the Matter of the review of the City of
Richfield Petition for a Boundary Change**
relating to Minnehaha Creek Watershed District,
Nine Mile Creek Watershed District and Richfield-
Bloomington Watershed Management Organization
pursuant to Minnesota Statutes Section 103D.251.

**ORDER
APPROVING
BOUNDARY
CHANGE**

Whereas, the Board of Water and Soil Resources (Board) received a petition from the City of Richfield dated December 7, 1992 that requests changes to the boundaries of the Minnehaha Creek and Nine Mile Creek Watershed Districts that would effectively transfer approximately 1225 acres and 173 acres, respectively, from said Districts to the Richfield-Bloomington Watershed Management Organization as further described in Exhibit 1 attached and made a part hereof, and;

Whereas, a public hearing was held on January 26, 1993 at the Wood Lake Nature Center, 735 Lakeshore Drive, Richfield, Minnesota and continued on March 23, 1993 at the same location before the Dispute Resolution Committee, and;

Whereas, the Dispute Resolution Committee approved the attached Findings of Fact, Conclusions and Recommendations dated April 5, 1993 which the Board duly adopts by reference herein;

Now Therefore, the Board hereby makes the following Order:

ORDER

The Board hereby approves the boundary change requested by the petition from the City of Richfield, all in accordance with the Findings of Fact, Conclusions and Recommendations of the Dispute Resolution Committee dated April 5, 1993.

Dated at Saint Paul, Minnesota, this __ day of April, 1993.

Minnesota Board of Water and Soil Resources

BY: D. James Nielson, Chairman

**Hearing Minutes for City of Richfield Petition
for a Boundary Change relating to
Minnehaha Creek Watershed District and
Nine Mile Creek Watershed District
January 26, 1993**

Attendance List

<u>Name</u>	<u>Affiliation</u>	<u>Phone</u>
Dispute Resolution Committee		
Howard Peterson, Chair	BWSR	934-2050
Jim Neilson	BWSR	343-2806
Kathleen Roer	BWSR	475-0789
Jim Rossman	BWSR	507-282-2890
John Boulton (substituting for Ted Lovdahl)	BWSR	507-297-7360
Others in attendance		
Bruce Sandstrom	BWSR	297-4598
Augustus William Clapp III	Attorney General Office	296-0686
Mike Eastling	City of Richfield	861-9792
Pete Willenbring	OSM & Associates	595-5767
Susan P. Rani	MNDOT	593-8504
James Spensley	MCWD	829-9988
Ceil Strauss	DNR-Waters	772-7910
Tom Maple, Jr.	MCWD	474-4514
Tom Labounty	MCWD	475-2226
Clarkson Lindley	MCWD	473-0848
Ed Schlampp	LMRWD	941-9576
Russ Susay	City of Richfield	866-0373
Louis Smith	MCWD	333-4800
Ellen Klanderman	MCWD	939-8320
Minutes:		
Jim Haertel	BWSR	297-2906

Chairman Peterson convened the hearing at 7:11 PM and read a prepared statement which covered such items as Chairman Peterson presiding, the order people would be allowed to testify in, the process of testifying such as coming forward to the table and microphone and stating name and who representing. Then Chairman Peterson requested Bruce Sandstrom to introduce the jurisdictional documents.

Mr. Sandstrom was sworn in by Mr. Clapp and Mr. Sandstrom introduced the following:

Richfield Hearing Minutes
January 26, 1993
Page 2

- BWSR Exhibit 1 - Petition for boundary change
- BWSR Exhibit 2 - Notice and Order of Hearing
- BWSR Exhibit 3 - Affidavit of Mailing of Notice of Hearing
- BWSR Exhibit 4 - Three Affidavits of Publication of Notice of Hearing
- BWSR Exhibit 5 - Copy of 1/15/93 letter from Nine Mile Creek Watershed District stating no objection to proposed boundary change
- BWSR Exhibit 6 - 1/15/93 letter from the Sierra Club opposed to the proposed boundary change
- BWSR Exhibit 7 - 1/15/93 letter from the Lower Minnesota River Watershed District requesting the record of Hearing remain open for 30 days after the Hearing
- BWSR Exhibit 8 - 1/13/93 letter from the City of Bloomington stating a resolution supporting the proposed boundary change

The aforesated exhibits were entered and everyone present was given the opportunity to review said exhibits. *spelling corrected* 

The City of Richfield testified next. Mr. Clapp swore in Mike Eastling and Pete Willenbring together.

Summary of Mr. Eastling's testimony:

The City of Richfield recognizes the LMWD and MCWD need more time for analysis to be completed and that a 60 day continuance is in accord with the City of Richfield's needs. The City of Richfield has coordinated with the City of Bloomington and Bloomington is in agreement with the proposed boundary change. The City of Richfield has coordinated with the Metropolitan Airports Commission (MAC) and MAC has given their approval to the general concept. The City of Richfield has had a series of meetings with the MCWD since 11/5/92. The following exhibit was entered as a chronology of those meetings.

Petitioners Exhibit 9 - Chronology of Events relating to MCWD review of 77th Street Project

Petitioners Exhibit 10 - Resolution by the Richfield Community Services Commission in support of proposed boundary change

Mr. Eastling pointed out that there is still some information lacking with respect to the issues concerning MCWD.

Mr. Willenbring entered an exhibit:

Petitioners Exhibit 11 - Memo to Mr. Eastling dated 1/26/93 from Mr. Willenbring listing five items in support of the boundary change

Mr. Willenbring stated the five items and summarized the content of Exhibit 11.

Mr. Eastling entered an exhibit:

Petitioners Exhibit 12 - bound document entitled "Addendum to Richfield - Bloomington Watershed Management Plan" dated January 1993 by OSM & Associates

Mr. Eastling entered an exhibit:

Petitioners Exhibit 13 - Resolution 93.1 supporting the proposed boundary change by the RBWMO which is unsigned but supposedly adopted, a signed copy will be forwarded soon

Mr. Willenbring advised the Board that the City of Richfield has also discussed with the MCWD the discharge of Richfield Lake to an uncertain destination but towards the Mississippi River and that it would have a limited bearing on the Wood Lake discharge. However, the Wood Lake discharge could be merged with the Richfield Lake outlet and it looks feasible from an engineering perspective. The results of that study will be entered in the near future.

Chairman Peterson then addressed the Committee and Mr. Clapp and questioned the process of continuing the hearing. Mr. Clapp stated that it merely meant that in about 60 days we would all meet again.

Mr. Clapp then questioned if the continuance would also include the study of the Richfield Lake outlet.

Mr. Willenbring stated yes, it could involve both lakes.

Mr. Eastling wondered if this matter could be continued back to a regular BWSR board meeting to minimize time and effort. The general consensus was no, the process would involve another public hearing.

Chairman Peterson requested a map depicting the area so the Committee could understand the situation better. Mr. Eastling displayed a map, then Mr. Willenbring presented a map to the Committee for review and education. Mr. Willenbring showed major

landscape features including Wood Lake and the proposed outlet along the I-494 drainage system along with other incidental features. Mr. Willenbring explained two phases to the project. Presently the I-494 inlet is too high and a lift station would be needed until I-494 was reconstructed, then gravity feed would work. The I-494 reconstruction plans have received preliminary approval according to Mr. Willenbring. Mr. Willenbring showed another map which depicted the District boundaries and proposed boundary change. Mr. Willenbring entered these two maps as exhibits:

Petitioners Exhibit 14 - Map with green line showing existing watershed boundaries

Petitioners Exhibit 15 - Map with orange line showing proposed boundary change

Mr. Eastling spoke of the impacts of high water on the Wood Lake Nature Center. The City of Richfield has had to pump out water at times, but the proposed outlet would alleviate the need for pumping. Mr. Eastling spoke of the need for an outlet at Richfield Lake. The high water is devastating to homes in that area. The water stayed high in 1987 for over one week and caused a lot of damage. Outlets are needed for both lakes and Mr. Eastling stated the City of Richfield cannot pass this opportunity up.

Mr. Sandstrom asked if Richfield Lake was higher than Wood Lake.

Mr. Willenbring stated that presently Richfield Lake is about five feet higher than Wood Lake. At Wood Lake the water level would have to rise about 15 feet in order to overflow now and it could overflow to I-35W and/or to MCWD. Mr. Willenbring felt the overflow could go either way or both ways and it was very difficult to determine at this time. One foot of fill in a ditch could be the determining factor according to Mr. Willenbring.

Mr. Eastling pressed that the City of Richfield would still prefer a continuance.

Mr. Willenbring said the DNR OHWM is 820.7 FT MSL.

Ms. Roer asked how would Wood Lake change with the new outlet.

Mr. Eastling said it would only change in conjunction with high rainfall events. The water would run out of Wood Lake sooner.

wording changed

Ms. Roer questioned if the water levels of Wood Lake fluctuate greatly now.

Mr. Eastling stated that the City of Richfield wants to regulate that fluctuation.

Mr. Willenbring said that a DNR protected waters permit has been applied for to change the outlet elevation.

Mr. Rossman asked if the continuance request was a separate item.

Mr. Clapp responded that the continuance could be granted or denied at this time.

Mr. Willenbring pointed out that the LMRWD requested more time for review.

Mr. Nielson moved to grant the continuance request and accept testimony later.

Mr. Boulton seconded the motion.

Mr. Willenbring stressed that they had hoped to hear testimony now so there would be no surprises later.

Mr. Eastling submitted an exhibit:

Petitioners Exhibit 16 - bound document entitled "Final Design Report for 77th Street Storm Drainage System Improvements" dated December 1992 by OSM & Associates

Mr. Nielson withdrew his motion and asked what the purpose of testimony was now since it was such an early stage and analyses and data were outstanding yet.

Mr. Spensley testified, summary follows:

Much progress has been made considering the pro's and con's of the proposed project. Much data is not yet available for the outlet. The DNR has determined the OHWM. Wetlands could be impacted with the proposed project and those impacts must be considered. However, the studies have not been done yet. MCWD hopes the action of the Board would be to deny the petition and later, when data and studies were available, the petition could be made again. MCWD feels there is enough evidence to deny the petition at this time.

A short postponement would not be correct. MCWD wants the petition denied tonight without prejudice. If the outlet plan stays the same later as what is proposed now, the petition could be reentered.

Mr. Nielson asked why the hearing process should be gone through twice, then.

Mr. Spensley stated he hoped there would be an opportunity to decide the petition based on present studies. It seems simplest to deny the petition now based on the evidence at hand.

Chairman Peterson stated the purpose of the hearing was to gather information and evidence. Mr. Spensley and others have the opportunity to present such. A decision will be made later.

Mr. Spensley stated he wants to present more information to allow the Board to understand the District's position.

Ms. Roer stated she wants to hear the MCWD position and the support of that position. *Spelling corrected*

Mr. Spensley stated he believes a continuance is not necessary and is unlawful. Mr. Spensley will present more testimony to support denial of the petition.

Chairman Peterson asked Mr. Clapp about continuing the hearing.

Mr. Clapp said the Committee can decide on the continuance at this time.

Mr. Nielson reentered his motion for continuance.

Mr. Sandstrom noted that Petitioners Exhibits 15 and 16 had not been officially entered into the record. They were officially entered at this time.

Mr. Boulton seconded the motion by Mr. Nielson.

Chairman Peterson asked Mr. Clapp if the Dispute Resolution Committee's position would be prejudiced by continuance.

Mr. Clapp said no. *wording added*

Mr. Nielson stated the Committee should set a date for the continued hearing at not more than 60 days from now. March 23 was set as the date at 7 pm at the Wood Lake Nature Center or such other place as mutually agreed upon.

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January 26, 1993
Page 7

Mr. Boulton seconded the motion.

Mr. Rossman asked what was expected at this time.

Mr. Clapp responded that we don't know.

Mr. Rossman wondered if there was any direction to be given to the issues to be resolved.

Mr. Spensley stated there was enough evidence now to support denying the petition. There may be other parties that should or would like to present arguments. MCWD would like to present their position. This information would address Mr. Rossman's concern.

Mr. Eastling said they would like to hear all the issues now so they could address them by the next hearing.

Mr. Nielson stated that reasonable people will act in good faith.

A roll call vote was made on Mr. Nielson's motion as follows:

Boulton: Aye
Rossman: Nay
Peterson: Aye
Roer: Aye
Nielson: Aye

Motion Carried.

Chairman Peterson stated this portion of the hearing will be continued until March 23 when it is reconvened here.

Hearing adjourned at 8:12 PM.

Respectfully submitted:

Jim Haertel
Board Conservationist

Approved by the Dispute Resolution Committee:

BY: Howard Peterson, Chairman date



MEMORANDUM

April 5, 1993

Southbridge Office Building
155 S. Wabasha Street
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St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

Field Offices

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Fax (218) 723-4794

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Rochester, MN 55904
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TO: Dispute Resolution Committee
Howard Peterson, Chair
Jim Nielsen
Jim Rossman
Kathleen Roer
Ted Lovdahl

FR: *Jim* Jim Haertel, Board Conservationist

PH: (612) 297-2906

RE: CITY OF RICHFIELD PETITION - BOUNDARY CHANGE

After the meeting today I redrafted the hearing minutes from January 26 and the Findings, Conclusions and Recommendations. However, the hearing minutes from March 23 have NOT been redrafted since the person who typed them is on vacation this week.

Please find enclosed the redrafted items mentioned above plus the minutes from today's meeting. I have annotated all the changes made subsequent to today's meeting. Also enclosed is a copy of the March 23 hearing minutes with the changes annotated.

I will make sure Howard receives final copies of all of these items including the draft Order, whether ultimately changed from what you are receiving now or not, before the beginning of the Board meeting on April 28.

Additionally, I have requested copies of the approved minutes from Minnehaha Creek Watershed District and Nine Mile Creek Watershed District as we discussed.

Please contact me with any corrections, comments or questions.

Enclosures

c: Bruce Sandstrom
Bill Clapp

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

**In the Matter of the review of the City of
Richfield Petition for a Boundary Change**
relating to Minnehaha Creek Watershed District,
Nine Mile Creek Watershed District and Richfield-
Bloomington Watershed Management Organization
pursuant to Minnesota Statutes Section 103D.251.

Whereas, the Board of Water and Soil Resources (Board) received a petition from the City of Richfield dated December 7, 1992 that requests changes to the boundaries of the Minnehaha Creek and Nine Mile Creek Watershed Districts that would effectively transfer approximately 1225 acres and 173 acres, respectively, from said Districts to the Richfield-Bloomington Watershed Management Organization, and;

Whereas, at its December 16, 1992 meeting the Board found that the petition meets the requirements of Minnesota Statutes Section 103D.251, and;

Whereas, at its December 16, 1992 meeting the Board heard testimony as to the merits of the petition and ordered that a public hearing be held on the matter before the Board's Dispute Resolution Committee, and;

Whereas, the public hearing was scheduled and notice of such hearing was given pursuant to Minnesota Statutes Section 103D.221, Subd. 2 and 103D.251, Subd. 6, and;

Whereas, the public hearing was held on January 26, 1993 at the Wood Lake Nature Center, 735 Lakeshore Drive, Richfield, Minnesota and continued on March 23, 1993 at the same location, and;

Whereas, the Dispute Resolution Committee met on April 5, 1993 to consider the testimony, exhibits and letters pertaining to this matter,

Now Therefore, the Dispute Resolution Committee hereby makes the following Findings of Fact, Conclusions and Recommendations:

FINDINGS OF FACT

1. The Order For and Notice Of Hearing was published per Exhibit 4 on January 13, 1993 in the St. Louis Park Sun-Sailor; on January 6 and 13, 1993 in the Richfield Sun-Current; and on January 13, 1993 in the Minnetonka Sun-Sailor.
2. The Minnehaha Creek Watershed District, the Nine Mile Creek Watershed District and the Richfield-Bloomington Watershed Management Organization would have their boundaries changed, as depicted in Exhibits 1, 14, 15 and 26, if this petition is approved. The property affected by the proposed boundary change includes areas tributary to Wood Lake and a limited area along 77th Street within the City of Richfield that would be directed to drain into Wood Lake instead of Nine Mile Creek as part of the 77th Street improvement project. An outlet to Wood Lake would also be constructed as part of said improvement project. In the interim the outlet would flow into a sump and be pumped into the Nine Mile Creek Watershed District. In the future the City of Richfield plans to provide for a gravity outflow.
3. A major portion of the drainage area tributary to Wood Lake lies within the boundaries of the Minnehaha Creek Watershed District. The drainage area is approximately 2 square miles and Wood Lake is approximately 120 acres per Exhibit 12. During past high water events the City of Richfield has laid pipe overland and pumped water from Wood Lake to lessen flooding problems in the area. Wood Lake does not have an outlet to Minnehaha Creek and has never contributed surface water runoff to Minnehaha Creek either by gravity or pumping.
4. The area tributary to Wood Lake has not received any benefits from the operation of the Minnehahah Creek Watershed District that cannot be provided in the future by the Richfield-Bloomington Watershed Management Organization.
5. If the proposed project does not proceed as part of the 77th Street improvement project, future costs to replicate the project would be high since the reconditioned streets would have to be torn up. There is additional benefit to the watershed districts and the City since some of the cost will be defrayed due to federal highway funding presently available.
6. The Department of Natural Resources issued Protected Waters Permit 93-6106 for construction of an outlet and inlet outfall for Wood Lake per Exhibit 24. The permit authorizes an initial

outlet control structure elevation of 819.2 FT MSL which is 1.5 feet below the Ordinary High Water Mark of Wood Lake. The permit contains numerous provisions to limit adverse impacts on Wood Lake.

7. The Richfield-Bloomington Watershed Management Organization has approved the proposed 77th Street project per Exhibit 23.
8. The proposed boundary change will benefit the Richfield-Bloomington Watershed Management Organization by making its legal boundary consistent with both the actual existing watershed boundary and the actual watershed boundary which will exist after construction of the planned drainage improvement projects. The proposed boundary change will benefit the Minnehaha Creek Watershed District and the Nine Mile Creek Watershed District for the same reasons.
9. The Minnehaha Creek Watershed District and the Nine Mile Creek Watershed District can perform the functions for which they were established without the inclusion of the affected area that would be included in the Richfield-Bloomington Watershed Management Organization.
10. The Minnehaha Creek Watershed District passed a resolution in support of the proposed boundary change per Exhibits 20 and 21.
11. The Nine Mile Creek Watershed District has no objection to the proposed boundary change per Exhibit 17. Further, the Nine Mile Creek Watershed District has issued a permit to the City of Richfield for the 77th Street improvement project per Exhibit 18.
12. The Lower Minnesota River Watershed District has no objection to the proposed boundary change per Exhibit 22.
13. The Richfield-Bloomington Watershed Management Organization passed a resolution in support of the proposed boundary change per Exhibit 23.
14. The Richfield Community Services Commission passed a resolution in support of the proposed boundary change per Exhibit 10.
15. The City of Bloomington passed a resolution in support of the proposed boundary change per Exhibit 8.
16. The Richfield-Bloomington Watershed Management Organization passed a resolution per Exhibit 27 to reimburse the Minnehaha Creek Watershed District for engineering and legal costs

incurred which benefit the City of Richfield and the Richfield-Bloomington Watershed Management Organization, to continue the joint feasibility study for the Wood Lake subwatershed, and to accept full legal responsibility for the 77th Street improvement project.

17. Mr. Pete Willenbring, P.E., outlined several issues in Exhibit 11 that support the proposed boundary change.

a) The Wood Lake basin is landlocked and has never drained to Minnehaha Creek. Wood Lake elevations would have to rise several feet before runout would occur. Both Minnehaha Creek Watershed District and Richfield-Bloomington Watershed Management Organization agree on this per Exhibit

25

- b) The City of Richfield is committed to pump Wood Lake if water elevations exceed 819.2 FT MSL.
c) An outlet from Wood Lake to Minnehaha Creek cannot meet Minnehaha Creek Watershed District Rules since it would increase the discharge rate of water flowing into Minnehaha Creek and the District has gone on record that the creek cannot accept more water due to existing flooding problems.
d) The proposed outfall to I-494 is adequate to accommodate the proposed discharge.
e) The final design report for the 77th Street improvement project demonstrates it is technically and financially feasible to construct a future gravity outlet from Wood Lake to the south into the I-494 drainage system.

18. The Sierra Club, North Star Chapter, Minneapolis Group objected to the proposed boundary change per Exhibit 6 due to the controversial nature of the petition, that the current watershed boundaries are based on sound hydrologic principles and should remain as established, and that the rules should not be changed to fit the situation.

- completely changed* 19. Mr. James Spensely testified at the January 26 hearing as the President of the Minnehaha Creek Watershed District and as a private citizen at the March 23 hearing continuance since he was no longer on the Minnehaha Creek Watershed District Board.

- completely changed* 20. Mr. Spensely challenged the wisdom of the proposed 77th Street improvement project per Exhibit 28, but the record indicates that the project has or will receive the required permits.

- completely changed* 21. The objections to the boundary change by the Sierra Club and Mr. Spensely are based on unwarranted concerns about the proposed 77th Street improvement project.

a) Even if the gravity project is not ultimately constructed, the project using a sump and pump will be better than in

(from Old IV + IV in conclusions)

Change

the past when overland pipe had to be laid to provide for the pumping into Nine Mile Creek Watershed District.

- b) The boundary change increases the amount of watershed currently tributary to Wood Lake by approximately 115 acres. This represents less than a 10% increase in watershed area. Any adverse effects will be ameliorated by the fact that the lake will have an outlet and there will be provisions for the treatment of stormwater reaching Wood Lake, neither of which exists at present.
- c) There was no testimony to demonstrate which watershed district or watershed management organization has the more restrictive rules. The Board should not speculate as to whether this is or should be an issue, nor is there any factual basis for making this an issue.
- d) Potential wetland impacts of the outlet project will be mitigated by the DNR permit and the Wetland Conservation Act. The Wood Lake Nature Center is owned by the City of Richfield and is nationally recognized, consequently the City will take great care not to adversely impact the pride of their community.
- e) Even if the project floods Type 6 wetland, the potential for longer duration flooding is greater without the project than with the project.
- f) The project represents a window of opportunity to cost-effectively provide an outlet for Wood Lake.

22. In addition to previously cited exhibits, the following exhibits were also entered into the record.

- a) Exhibit 1 - Petition for boundary change
- b) Exhibit 2 - Notice and Order of Hearing
- c) Exhibit 3 - Affidavit of Mailing of Notice of Hearing
- d) Exhibit 5 - Copy of 1/15/93 letter from Nine Mile Creek Watershed District
- e) Exhibit 7 - Copy of 1/15/93 letter from Lower Minnesota River Watershed District
- f) Exhibit 9 - City of Richfield chronology of events relating to 77th Street project
- g) Exhibit 13 - unsigned Exhibit 23
- h) Exhibit 16 - bound document entitled "Final Design Report for 77th Street Storm Drainage System Improvements" December, 1992
- i) Exhibit 19 - bound document entitled "Feasibility Study for providing an outlet to Richfield Lake and Wood Lake" March, 1993
- j) Exhibit 25 - City of Richfield written statement dated March 23, 1993

CONCLUSIONS

- I. All relevant substantive and procedural requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a boundary change relating to Minnehaha Creek Watershed District, Nine Mile Creek Watershed District and Richfield-Bloomington Watershed Management Organization pursuant to Minnesota Statutes Section 103D.251.
- II. Findings state that Wood Lake has never flowed by gravity to either Minnehaha Creek Watershed District or Richfield-Bloomington Watershed Management Organization. Testimony indicates it would be a toss up as to what direction the water would flow should the water raise several feet. Both Minnehaha Creek Watershed District and Richfield-Bloomington Water Management Organization agree on this.
- III. No guidance in law states when a boundary change should be made or allowed when there is a landlocked basin involved or when it is not clear where the water naturally flows. *
- IV. The proposed 77th Street Improvement Project will drain the Wood Lake area to the jurisdiction of the Richfield-Bloomington Watershed Management Organization. NEW
- V. Exhibits 1, 14, 15 and 26 are maps that depict boundaries of the watershed districts and the watershed management organization, however Exhibit 1 shows the proposed boundary change most clearly.
- VI. In consideration of Conclusions I through V, approval of the petition would benefit the public welfare and public interest and advance the purpose of Minnesota Statutes Section 103D as directed by Minnesota Statutes Section 103D.251, Subd. 7.

old IV + V
moved
to
Finding
21

RECOMMENDATIONS

In consideration of the above Findings of Fact and Conclusions, the Dispute Resolution Committee hereby recommends that the Board establish the boundary change as requested by the City of Richfield.

Approved by the Dispute Resolution Committee:

Howard Peterson, Chairman

date

SNAKE RIVER JOINT POWERS AGREEMENT
MN BOARD OF WATER & SOIL RESOURCES
RECOMMENDED CHANGES & MODIFICATIONS

BWSR staff attended a Snake River JPA meeting on April 8, 1993. The purpose of the meeting was to present recommended changes to the agreement based on Board member input since the March 24, 1993 board meeting. Staff also during this time requested a review of the JPA by Bill Clapp, Special Assistant Attorney General.

The following numbered items show the BWSR recommended changes and the Snake River Counties decision. Additions are shown as underlined text, deletions are shown as strikethrough text.

#1 Page 1, Sect. II. B. Purpose

B. Provide for the joint and cooperative management of county water plans and other actions necessary to protect and enhance the water and land resources within the Snake River Watershed.

County action - approved change

#2 Page 2, Sect. II. New item E. Purpose

E. Develop a watershed management plan for the Snake River Watershed.

County action - approved new item

#3 Page 3, Sect. IV. F. Powers

F. The SRWMB shall ~~have the authority to~~ appoint a citizen or other advisory committee and may appoint other advisory committees as it deems necessary to advise the SRWMB about various matters pertinent to development of plans, projects and improvements within the Watershed.

County action - approved changes

#4 Page 3, Sect. IV. M. Powers

M. Provide for monthly meetings during the first six months of operation and then at least quarterly thereafter. Times and locations of meetings will be set at the annual meeting of the SRWMB which shall be in January of each year at the Kanabec County Board Room unless action is taken for alternative times and places. Notice of all meetings shall be by publication in accordance with Minnesota Statutes.

County action - approved changes

#5 Page 2, Sect. IV. Powers - Recommendation for new item

N. The SRWMB may pay citizen advisory committee members per-diem and expenses at a rate established by the SRWMB.

County action - approved changes

#6 Page 2, Sect. IV. General Comment

There was a general comment that the section on "Powers" should be separated into two parts one being those items which the SRWMB shall do, and the second part being those items which the SRWMB may do.

County action - separated may and shall into two sections in final JPA.

#7 Page 4, Sect. V. A. Officers

A. The SRWMB shall ~~appoint~~ elect its officers from amongst the then members which shall consist of a Chairperson, Vice Chairperson and Secretary.

County action - approved changes

#8 Page 4, Sect VI. A. Citizen Advisory Committee

A. There shall be established a citizen advisory committee consisting of one (1) Soil & Water Conservation District Supervisor from each county and two (2) citizens from each county, at least one of which would be a lake association member from a lake association within the Watershed if one exists within that county. Each county's representatives on said Citizen Advisory Committee shall be appointed by the county board. In the case of the Soil & Water Conservation District and the lake association that member shall be appointed from a list of at least three (3) provided by the Soil & Water Conservation District and the lake association if one exists. The term of office shall be for three (3) calendar years except that the initial term shall be for one (1) for one calendar year; one (1) for two calendar years; and one (1) for three calendar years. Any vacancy shall be filled by the county board to which that seat is attributed and shall be for the remainder of the term. No ~~single~~ person may be a member of this board for more than three (3) consecutive full or partial terms. The above rotation schedule shall be applicable unless this agreement is not renewed after the initial two (2) year term of this agreement.

County action - approved change

#9 Page 5, Sect. VII. Budget

The Board members which commented on the agreement recommended that the agreement provide for the establishment of a preliminary fund for the purpose of carrying out the

activities of the SRWMB during the initial year of operation and establishment of the first budget.

Recommended language:

C. Preliminary Fund

(1) The SRWMB shall establish a preliminary fund in the amount of \$10,000 dollars for the purpose of paying administrative expenses and other related costs during the first year of operation.

(2) Each county shall contribute its share on the same basis as defined in Section VII. A. (3) of this agreement.

(3) If funds remain in the preliminary fund after the first year it shall be transferred to the administrative account of the SRWMB.

County action - approved addition

#10 Page 7, Second Paragraph

Change two-thirds to three-fourths

County action - approved change

#11 Page 8, Sect. IX. Review

Members of the Board requested that the counties consider mediation or use of the BWSR dispute resolution committee as an intermediary step before District Court.

County action - B. Any member county or local unit of government with territory within the Snake River Watershed may request the Minnesota Board of Water and Soil Resources to resolve disputes pursuant to 1990 M.S. Section 103B.345.

Based on the agreed to changes listed above staff will be presenting the JPA to the Board at its April 28, 1993 meeting for acceptance. At the meeting we will basically be asking the Board to do two things;

1. Accept the Joint Powers Agreement as adequate and instruct staff to work with the Petitioners to withdraw the petition for establishment of the Snake River Watershed District; and,

2. Direct staff to establish an annual review of the Snake River Joint Powers Board, with the first report to be done in January of 1994.