

Minnesota Board of Water and Soil Resources. Minutes.

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Minnesota Board of Water & Soil Resources

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DATE: May 17, 1993

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: May 26th Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 26, 1993, beginning at 9:00 a.m. The meeting will be held in Room 112 (Senate Hearing Room) of the State Capitol. Parking is available in Lot Q (one block northeast of the State Capitol). The agenda and informational materials are enclosed for your review.

AGENDA SUMMARY

A - CASS SWCD EMERGENCY FUNDING REQUEST

The streambank project is a joint initiative by the Mississippi Headwater's Board, the Cass SWCD, and the landowner. Cass has requested that the BWSR authorize them to use $'s remaining from other projects for completing this priority project. The Board has authorized similar project allocations in the past. Greg's assessment is attached. Staff recommends approval. **DISCUSSION and DECISION.**

B - WETLAND RULE ADOPTION

The legislature has made a few changes that need to be incorporated into the provisionally adopted rules. The changes are summarized in the attached documents. Key elements include: extending the interim program for six months to allow BWSR to complete training and administrative manuals for local government, to move away from the summer construction season, and to allow local governments time to adapt the new rules to local controls; the 80% counties may replace at 1:1 rather than 2:1 and also may use created wetlands for wetland banking; wetland banking outside the 80% counties is limited to restoration and diked or impoundment created wetlands associated with ditch systems; increasing the deminimus from 100 square feet to 400 square feet; giving greater latitude to the local government on the appointment of their member to the Technical Evaluation Panel (TEP) and clarifying the road

and aquaculture amendments. We did not have the revised document back from the revisor's office for this mailing so we provided a summary of the anticipated changes for your review. I would recommend that the Board adopt the rule with the legislative changes and direct the Chair or the Executive Director to sign the final documents necessary for submission to the State Register and the Secretary of State's office. **DISCUSSION and DECISION.**

C - MINNEHAHA CREEK WATERSHED DISTRICT (MCWD) WATERSHED MANAGEMENT PLAN

The MCWD has submitted it's WMO plan for approval. Attached is a summary of the plan. All the agencies have provided comments and staff recommends approval of the plan. **DISCUSSION and DECISION.**

D - ISANTI COUNTY WATER PLAN

Last month you received a summary of the Isanti County Water Plan for review. **DISCUSSION and DECISION.**

E - COTTAGE GROVE RAVINE WATERSHED DISTRICT PETITION

The cities comprising the WMO have decided that a watershed district is the most appropriate approach for addressing the watershed management issues in the area. Therefore, they have filed a petition for such establishment. This request requires that the Board conduct a hearing in the area on the petition. It can be held by the Board itself, in full; by members appointed by the chair; or by referring to the Hearing Examiner's Office. Staff recommendation is for the Chair to appoint three to four members of the Board to conduct the hearing and to authorize staff to take appropriate steps to schedule the notice of the hearing. Some issues that are germain include adequacy of size; consideration for a larger St Croix River Watershed; interest of bordering local governments and the public in and around the area. **DISCUSSION and DECISION.**

F - WATERSHED DISTRICT MANAGEMENT PLANS & RED RIVER VALLEY ENVIRONMENTAL ASSESSMENT

Don Ogaard, at the last meeting, discussed with the Board the desire to review some of the key elements of watershed plans in his area and relate this to the environmental assessment being conducted in the valley. The Board will, over the next couple years, be reviewing about 30 - 35 watershed overall plans. This discussion will give a greater understanding of watershed districts and the importance of their water management plans in relation to the river basin, local government, state government, federal government and the local people that the district serves. **DISCUSSION.**

G - USDA REORGANIZATION

Last month we discussed the concern regarding the potential reorganization of the SCS,

ASCS, MES and other related elements of USDA. The reorganization relates to consolidation of all the farm related programs into one division, **FARM SERVICES ADMINISTRATION**. For the rural areas of Minnesota this may be an appropriate approach, however such an approach appears on the surface to significantly reduce the efforts in urban and forested areas of the state. Due to the significance of our partnership with the SCS, ASCS and Extension we should not take lightly these reorganization initiatives. To better understand the potential implications both positive and negative we have asked those organizations to review with the Board their thoughts and ideas. It is my intent to have a letter prepared to submit to Secretary Espy and our Congressional Delegation regarding our perspectives on this issue. **DISCUSSION.**

H - RIM RESERVE EASEMENT RELEASE, DAVID GEIS

Mr. Geis has requested release from a RIM reserve easement on 21.3 acres and in exchange offers 25 acres of highly erodible land. The Board has the discretion to make these types of decisions when in the best interests of the resource. The SWCD and the DNR Wildlife Manager in the area have provided letters of support for the request. Staff report is attached and recommends approval. **DISCUSSION and DECISION.**

I - TIM GRAMM EASEMENT RELEASE

The Board discussed this issue last month. The Board has full authority and responsibility to decide on this request. The legislative authority is included in your information with the background on this request. The Board may alter, release, or terminate a conservation **easement only if the Board determines that the public and general welfare are better served by the alteration, release, or termination.** The SWCD, the DNR and the Department of Agriculture will be providing comments and recommendations of consideration. Staff recommends consideration of exchange rather than release, some type of compensation for violation of the easement, and if exchange is not the option then consideration of payment to the state for full value of the property. **DISCUSSION and DECISION.**

J - MINNESOTA NON-POINT PLAN REVISIONS

The PCA has begun a major initiative that will be the driving force behind the state's effort in addressing non-point pollution for the next three to five years. In addition, the specific elements of the plan will define what is eligible for 319 non-point federal funding in the future. It should be recognized the this is a **STATE** non-point plan that is being fashioned. Each agency that has any role in water resources management is or should be part of the effort. Attached you can review some of the elements of the strategy. PCA will give a greater review for the Board and discuss the last round of the 319 funding authorizations by EPA. **DISCUSSION.**

If you have any questions or need additional clarification, please feel free to give me a call. Travel safely; I look forward to seeing you on the 26th!

BOARD OF WATER AND SOIL RESOURCES
ROOM 112 (SENATE HEARING ROOM) STATE CAPITOL
75 CONSTITUTION AVENUE
ST. PAUL, MINNESOTA 55155
MAY 26, 1993

PRELIMINARY AGENDA

9:00 a.m.	•	Call Meeting to Order
	•	Adopt Agenda
	•	Approve Minutes of April 28, 1993
	•	Reports • Chairman's Report - Jim Nielsen • Executive Director's Report - Ron Harnack
9:30 a.m.	A.	Emergency Funding Request from Cass SWCD - Greg Larson
	B.	Adoption of Wetland Rules - Greg Larson
10:30 a.m.	C.	Minnehaha Creek Watershed District Watershed Management Plan - Jim Haertel
10:45 a.m.	D.	Isanti County Water Plan - Keith Grow
	E.	Cottage Grove Ravine Watershed District Petition - Bruce Sandstrom
11:15 a.m.	F.	Watershed District Management Plans and Red river Valley Environmental Assessment - Donald Ogaard
Noon	Lunch	
1:00 p.m.	G.	U.S. Department of Agriculture Reorganization • Gary Nordstrom, Soil Conservation Service • U.S. Representative Tim Penny's Office • Dr. Pat Borich, Minnesota Extension Service • Wally Sparby, Agricultural Stabilization and Conservation Service
2:00 p.m.	H.	Landowner, David Geis, Request to Release Easement - Marybeth Block
	I.	Tim Gramm Easement - Al Kean

2:45 p.m.

J. State Non-Point Plan Revisions
- Committee Initiatives
- 319, EPA Nont-Point Funding

K. Advisor Comments
- Curt Borchert, MACDE
- Marlin Libbesmeier, MAT
- Gary Nordstrom, SCS
- Howard Peterson, MAWD
- Allan Oehlke, MASWCD
- Pat Wulff, MLA

L. Board Issues - discussion, comments, action needed

3:30 p.m. Adjourn

A

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May 16, 1993

TO : Ron Harnack

FROM : Greg Larson

RE : Emergency funding request from Cass SWCD

I have attached information concerning a request from John Sumption, District Manager, for emergency funding to complete a critical streambank project. The "emergency" is really a request to retain $1819.64 in cost-share funds from a 1992 project that cost less than estimated. Ordinarilly, they would return the funds to us for pooling with other returned funds. Those pooled funds would be used to fund "roll-over or special projects". Given the nature of the current batch of roll-over and special projects recommended for funding this June, this project would have been funded. So, I see no need to for them to return the money only to have it sent back to them. And given the urgency of this project, they cannot wait until this fall, the next funding cycle.

I had a few specific questions for John.
What was the source of the landowners share, which for streambank projects must be at least 50%? **He replied that county funds are being used for the entire landowners share. The BWSR rule for cost-sharing projects does not require that the landowner personally pay a portion of the total cost; the rule prohibits the combination of state and federal funds on any project to exceed -in this case- 50 percent. The rule is silent on county funds as they are not considered "state or federal" funds.** The "Green Shores" program referred to in John's letters is a $15,300 challenge grant project approved at the April, 1993 BWSR meeting. The county provided $19,575 to "match" the challenge grant. Part of the excess match will be used to pay the $3000 needed for this project.

I RECOMMEND APPROVAL OF THIS PROJECT! Although the challenge grant agreement prohibits obligation of state funds until the funds have been formally encumbered in the statewide accounting system, this should not pose a problem as the source of funds is excess county matching funds.

Contact me if you have questions.

CASS SOIL AND WATER CONSERVATION DISTRICT

Cass County Courthouse
300 Minnesota Avenue
Walker, MN 56484
Telephone (218) 547-3300
Ext. 212

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

May 12, 1993

RECEIVED
MAY 14 1993
BOARD
& SOIL

Greg Larson, Programs Chief
BWSR
155 South Wabasha Street, Suite 104
St. Paul, MN. 55107

RE: Green Shores Project Guidelines; Cost Breakdown

Dear Greg:

The Green Shores guidelines enclosed spell out the procedures for participation in cost-share projects. Item C.,4. on page 2 notes that the program will cover up to $100/acre of the landowner's share of the project. This river bank has been the watering facility for 40 acres of pasture, so the project should fit the criteria very well. Since the money will be administered by the County, I hope that the state-state match issue will not be a problem. You may want to discuss this further with Doug Thomas. *

The costs for the Jim Nelson project for which I requested emergency funding break down as follows:

Shaping and grading site	$2560
Seed-applied	240
Mulch blanket-applied (1200 yds^2)	1800
Rock riprap-applied (80 yds^2)	800
Fencing-300 ft.	600
TOTAL	$6000

3000 "Green Shores"
5.0% rate = $3000
FY 1993 1166.80
1992 1819.64
2986.44
13.56
3000.00

Mr. Nelson is an experienced heavy equipment operator, and will be doing the majority of the work himself. We will be on site to stake and supervise installation of the diversion, mulch, and riprap.

The total amount of the 1992 funding due to be returned as a result of slippage is $1819.64. We will make up the additional $13.56 needed from county funds.

Thank you, Greg, for your cooperation.

Sincerely,

John M. Sumption, District Manager
Cass SWCD

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BWSR request

* Headwaters Board received a BWSR challenge grant which was matched w/ county funds. The County matches will be applied to this project



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MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

RECEIVED
MAY 13 1993

May 10, 1993

Greg Larson, Programs Chief
BWSR
155 South Wabasha Street, Suite 104
St. Paul, MN. 55107

RE: Emergency Roll-over Funding

a challenge grant (1993) - approved in April

Dear Greg:

The enclosed letter to Molly MacGregor spells out the particulars of this project. This is the highest priority Cass County site on the Mississippi proper. "Green Shores" is funded by water planning money, and is administered by MHB.

At their 5/6 meeting, the Cass SWCD Board encumbered our remaining 1993 allocation, $1166.80, for this project. In order to fully fund this important project, they voted to make an emergency request for an additional $1833.20 from BWSR.

Please advise if there is any additional information I can provide.

Sincerely,

John M. Sumption, District Manager
Cass SWCD

May 10, 1993

Molly McGregor, Director
Mississippi Headwaters Board
Cass County Courthouse
Walker, MN. 56484

RE: Green Shores funding for Jim Nelson erosion control
Part of Govt. Lot 3, Sec. 11, Torrey Twp. (143-25)

Dear Molly:

I am writing to request $3000 from the Green Shores of the Mississippi Program for the above project.

Mr. Nelson contacted me concerning an erosion and pollution problem on his property at the confluence of the Vermillion and Mississippi Rivers. Streambank erosion on a river bend has been greatly accelerated by livestock as they have used the area as a watering facility. Concentrations of animals on the site are also a significant source of nutirents and coliform contamination.

I propose the following measures to correct these problems:

1. Grade the area to a 4:1 slope.

2. Install rock riprap to protect the toe of slope from fluctuating water levels, wave and current action.

3. Construct a clean water diversion to direct upland runoff away from the site.

4. Apply seed, mulch, and mulch anchor netting to establish vegetative cover on the slope.

5. Fence cattle away from the site to prevent future problems. Mr. Nelson will provide stock water from a well.

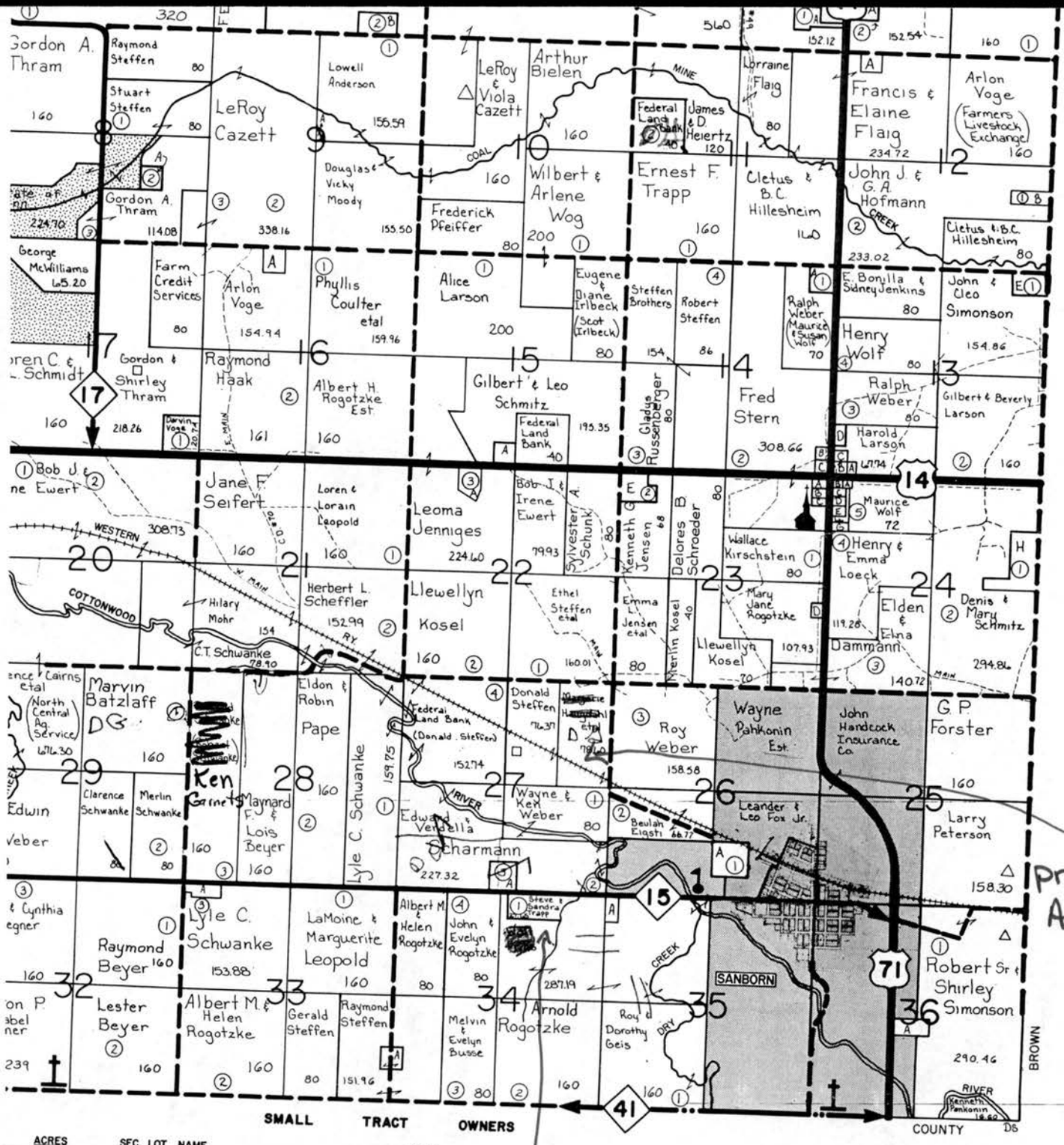
I estimate the total cost of the project at $6000. Our established SWCD cost-share rate for streambank erosion projects is 50%, leaving $3000 as Mr. Nelson's share eligible for Green Shores funding. Because of the priority of this site, I will be asking BWSR for some additional emergency funding, as we cannot cover our share with the cost share dollars we have left for this year.

This project warrants additional attention and funding. It is a high visibility site, easily seen from the main river channel. There is a direct pollution impact on the Mississippi that could be completely eliminated. This is probably the worst area in Cass County that is immediately adjacent to the river.

Thank you for your consideration. Please contact me with any questions.

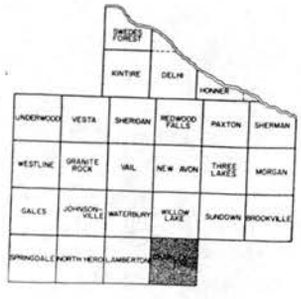
Sincerely,

John M. Sumption, District Manager
Cass SWCD



ACRES
7.46
7.88
7.44
6.12
8.11
3.62
4.41
5.28
6.98
1.25
2.01
5.00
4.00
5.14
10.00
.87
1.35
4.65
5.06
6.14

SEC	LOT	NAME	ACRES
23	A	Dan & Pat Raymond	
23	B	Gene Leopold	
23	C	Don & E. Hellickson	3.77
23	D	David Fox	2.54
23	E	Kriss Jensen	12.00
24	A	Clair Edgar (George McWilliams & Co.)	.29
24	B	Hilltop Auto (Steve Lyle & Doug DeCock)	.71
24	C	George Fox	.87
24	D	William & Marian Stern	.98
24	E	Sanborn State Bank	2.10
24	F	Albert Pabst	1.00
24	G	Richard Rogotzke	1.42
24	H	Stan McCone	25.19
26	A	Virgil Norcutt	11.00
27	A	Steven Reese	12.48
33	A	Schwanke Farms, Inc. (Bernel & Delores Schwanke)	5.50
34	A	Gerald Steffen	8.04
35	A	Duane & Gail Heuertz (Brian & Theresa Walker)	5.16
36	A	City of Sandborn	9.87



B

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May 14, 1993

TO : Board Members

FROM : Greg Larson

RE : Adoption of the wetland rule

Following your action in February to provisionally adopt the rule, the legislature amended the Wetland Conservation Act. Bill Clapp and I have revised the rule to reflect those changes. The attachment dated May 12th refers to the page and line numbers on the **3/10/93** version of the rule that must be changed. You should have received a copy of that rule. If not, let me know and I'll mail one to you.

The other attachment is the "Findings, Conclusions and Order Adopting Rule". This document in draft form will be revised after your action on May 26th and review of the adopted rule by the administrative law judge.

Your action adopting the rule should include an authorization for the Order Adopting Rule to be signed when completed.

May 17, 1993

To accommodate legislative changes, the rule dated 03/10/93 is revised as follows:

page 1, line 8, insert after 354: ~~.~~ ,as amended by Laws of Minnesota 1993, chapter 175. This ...

page 1, line 21: undelete "the effective date of this chapter"
line 24, add after value: ~~.~~ ,except that a local government unit may elect to operate under Article 7 of the Act, Minn. Stat. section 103G.2369, after July 1, 1993, but not beyond December 31, 1993.

page 2, line 35, insert after 354: ~~.~~ as amended by Laws of Minnesota 1993, chapter 175.

page 20, lines 25-29: (16) activities associated with routine maintenance or repair of existing public highways, roads, streets, and bridges, provided the activities do not result in additional intrusion into the wetland ~~and do not result in the draining or filling, wholly or partially, of a wetland~~ outside of the existing right-of-way;
line 32, insert after wetland: outside of the existing right-of-way

page 21, lines 23-25: (20) aquaculture activities~~, except building or altering of docks and activities involving the draining or filling, wholly or partially, of a wetland~~ including pond excavation and associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including buildings;

page 23, insert after line 19:
Subp. 25. Exemption (25). A replacement plan for wetlands is not required for:
(25) activities that result in the draining or filling of less than 400 square feet of wetlands.

~~E. the draining of filling will be minimal and not warrant replacement.~~ This item is applicable if the total wetland loss will be less than ~~100~~ 400 square feet per year per landowner, and the cumulative impact on a wetland over time without replacement after January 1, 1992, of draining and filling by all persons does not exceed five percent of the wetland's area.

(Discussion in the Senate and House committees was that 400 square feet would replace the 100 square feet as currently in the rule.)

page 26, line 6: add or at the end of the line and delete lines 12-19. Change semicolon on line 11 to a period.

page 29, line 1: ~~an engineer or a designee of the engineer~~ a technical professional with expertise in water resources management appointed by ~~for~~ the local...

page 32, second sentence lines 11 and 12: By ~~July 1, 1993~~ January 1, 1994, each local...

page 59, line 4, insert after period: Except for counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, for a wetland.....
line 7, insert after comma at end of line: or in counties or watersheds in which 80 percent or more or of the presettlement wetland acreage exists, the minimum.....
line 13, insert before Present: Except for counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, ~~Present~~ and.....

page 65, line 30, insert after first comma: or in counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, the minimal....
line 31, insert after period: Except for counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, for a wetland....

page 71, line 14, insert after land: or in counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, or 2:1.....
line 15, insert after lands: in counties where 50 percent or less of presettlement wetlands exist

page 72, line 33, insert after land: in a "less than 80 percent county or watershed" so.....

pages 81 and 82, delete everything after the first complete sentence of subpart 4 and replace with: Created wetlands are eligible for deposit in the wetland bank in counties in which 80 percent or more of the presettlement wetlands are intact. In other counties, created wetlands are eligible for deposit in the bank only if they are created by excavation in nonwetlands, by dikes or dams along public or private drainage ditches, or by dikes or dams associated with the restoration of previously drained or filled wetlands. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank.

page 83, line 34 and page 84, lines 1-12: delete everything after the first complete sentence in 8420.0740 A. (line 34) and replace with the underlined language noted above for pages 81 and 82.

page 84, line 25: C. After ~~the date that a statewide wetland banking system is established~~ July 1, 1993, wetlands.....

STATE OF MINNESOTA

BOARD OF WATER AND SOIL RESOURCES

DRAFT

In the Matter of the Proposed Rules to Implement the Wetland Conservation Act of 1991

FINDINGS, CONCLUSIONS, AND ORDER ADOPTING RULE

The Board of Water and Soil Resources has reviewed the proposed rule, the statement of need and reasonableness, the report of the administrative law judge, and the hearing record. The Board agrees with the changes to the rule recommended in the report, with the additions and changes explained in the following

FINDINGS OF FACT

1. Definition of agricultural land. Staff proposed, and the ALJ endorsed, addition of the phrase "and associated buildings" at the end of line 9 on page 3. The Wetland Heritage Advisory Committee suggests, and we agree, that language more accurately reflecting the testimony that led to this change (see ALJ Finding 25) is "and contiguous land and

buildings under the same ownership associated with the production of the above - for example, farmyards."

2. Definitions of Introduced Hayland and Introduced Pasture. We agree with the ALJ that claims that interseedings occurred between 1971 and 1981 are not easily proved up, and that the RIM definitions are better in that regard. Therefore on page 5, "once" should be changed to "twice" and "20-year" to "10- year" on lines 22 and 30, and "1981" changed to "1986" on lines 25 and 32. However, we are advised by the Wetland Heritage Advisory Committee that there are plant experts licensed by the Ecological Society of America, that can in fact determine by on-site inspection whether or not the interseeding was done in the applicable time period. Augmenting that with the more common kinds of proof of cropping activity, we insert the following sentence after "1991." on lines 23 and 31: "The 10 year period may be enlarged to the 20 year period before January 1, 1991 upon clear evidence of the qualifying practice in ASCS or other aerial photographs or records, or the affidavit of a plant ecologist certified by the Ecological Society of America."

3. Exemptions 1, 2, 4, 7, 8, and 23. Rather than repeating the same recording language recommended by the ALJ in each of these six agricultural exemptions, we find it better form to state them once up front, adding the following paragraph after line 26 on page 10:

"Present and future owners of wetlands drained or filled without replacement under an exemption in part 8420.0120, subparts 1, 2, 4, 7, 8, or 23, can make no use of the wetland

area after it is drained or filled, other than as agricultural land, for 10 years after the draining or filling, unless it is first replaced under the requirements of Minnesota Statutes section 103G.222, paragraph (g). Also, for 10 years the wetland may not be restored for replacement credit. At the time of draining or filling, the landowner shall record a notice of these restrictions in the office of the county recorder for the county in which the project is located. At a minimum, the recorded document must contain the name or names of the landowners, a legal description of the property to which the restrictions apply, a statement of the restrictions, the date on which the 10-year period expires, the name of the local government which certified the exemption (if such occurred). the signatures of all owners, and an acknowledgement."

4. Replacement plan notice requirements. There is considerable testimony in the record that the notice requirements in the Wetlands Act for replacement plan applications and decisions, are onerous for the LGU and time-consuming for the applicant. Accordingly, after the hearing our staff recommended to the ALJ a three tier breakdown of drain and fill activities, with some of the act's notice requirements waived for smaller projects. The administrative law judge concludes that the rule cannot waive what the law requires, and we accept that. We believe, however, that staff was on the right track, and that the following language will provide some of the simplification sought without evading the notice requirements of the act. In essence, it gives LGUs the option, on small and common projects, of publishing a general statement in the EQB Monitor annually, rather than specific notices of each application and decision. Insert on page 25 after line 31:

"Publication in the the Environmental Quality Board Monitor of replacement plan applications and decisions is required. Except that for fill activities described in the next paragraph, the local government may publish a general notice in the Monitor that it will not be publishing notice of such individual activities, but will instead provide mailed notice of each project to anyone asking to be put on the local government unit's mailing list for such projects. This notice must be published not less often than once every year. The notice must advise how persons may submit their names and addresses to be put on the mailing list.

Projects eligible for this form of Environmental Quality Board Monitor notice are all those which will fill less than one-tenth acre of wetland; and all those which will fill less than one-quarter acre of wetland and result from a private road fill or the construction or expansion of a single family dwelling unit or a farm building when the project cannot be modified so as to avoid the fill."

As part of this change, insert "when required" after "monitor" on line 23 and after "publication" on line 27.

5. Appeal of local government unit decisions. The ALJ recommended adoption of the staff's proposed changes to this section, and additionally suggested language to add to specify how the Board will decide whether to grant petitions to hear appeals of exemption and no-loss determinations. We accept the recommendations, adjusting the way they are fit into the rule so as to improve readability:

--On page 27 add at the beginning of line 33 "Subpart 1. Appeal of replacement plan decisions." On line 33, add a comma after "approve", and strike "deny a certificate of exemption or no loss". On page 28, strike lines 4 through 13.

--On page 28, after line 22 insert a new subpart:

"Subp. 2. Appeal of exemption and no-loss determinations.

A. an exemption or no-loss determination may be appealed to the board by the landowner after first exhausting all local administrative appeal options.

B. Those required to receive notice of replacement plan decisions as provided for in part 8420.0230 may petition the board to hear an appeal from an exemption of no-loss determination. The board shall grant the petition if it finds that the appeal is meritless, trivial, or brought solely for the purposes of delay. In determining whether to grant the appeal, the board shall also give consideration to the size of the wetland, other factors in controversy, any patterns of similar acts by the local government unit or landowner or petitioner, and the consequences of the delay.

C. The determination of the local government unit on the exemption or no-loss application is final unless an appeal or petition is mailed to the board within 30 days after the decision is mailed to the landowner. The appeal or petition must be accompanied by an affidavit that a copy has been sent to the local government unit, and to the landowner if it is a petition."

--At the beginning of line 23, insert "Subp. 3. Board appeal procedures." On line 24, insert "or granting the petition" after "affidavit". On line 25, insert "in the case of replacement plan appeals," after "and".

5. Banking Created wetlands. The ALJ found that it is a reasonable response to the testimony to modify the proposed rule so as to allow created wetlands into the wetland bank, but with a maximum size of 10 acres on banked wetlands created by impoundment. The 10 acre limit has a two-fold purpose: it avoids the maintenance costs associated with the dikes necessary to support large impoundments, and it holds down the "clumping" effect of replacing many small wetland losses with one big wetland. We find that impoundments larger than 10 acres can be allowed into the bank under conditions which will provide assurance of a financially-reliable entity responsible for maintenance, and will not allow any more clumping than the ALJ's recommendation. Therefore we add the following language to subpart 4 on page 74, after the ALJ's recommended language for inclusion of impoundments that are less than 10 acres in size:

"The 10 acre limit does not apply to an impoundment the maintenance of which is the responsibility of a governmental entity. Once 10 acres of a deposited impoundment have been used for replacement credits, a subsequent withdrawal for an individual wetland impact cannot be less than 10 acres or the remaining balance, whichever is less. The 10 acre withdrawal limit does not apply to impoundments deposited in the wetland bank under procedures established in part 8420.0740, subp. 1, item B."

The last sentnce enables MnDOT to obtain a return on its investment in existing created wetland impoundments which are grandfathered into the new bank.

6. A number of miscellaneous nonsubstantive editorial cleanups need to be made that were not picked up during the course of the hearing.

--The definition of "Wetlands on agricultural land" (page 9) needs to be updated to correspond with the changes made during the process to the definition of agricultural land. Insert "agricultural" after "abuts" on line 17, and strike all after "land" on lines 17-19.

--On page 14, line 3, change "when the activity is part of" to "to".

--On prage 17, line 27, change "replacement" to placement".

--On page 24, line 14, insert "if the landowner requests and" after "certificate".

--Change all references in the rule to the "technical panel" to "technical evaluation panel" to match its name in the act, and change all references to its work as "scientific" to "technical".

--On page 26, line 31, the staff-recommends ALJ-endorsed insertion of "or their designee" after "insertion" should be "or a designee of the engineer".

--On page 29, line 29, change "asking" to "directing".

--On page 48, line 33, replace "or" with a comma, and after "photograph" change the staff-recommended addition "or list" to "or written description".

--In the staff-recommended table 1 to replace item B beginning on page 57, change the heading of the middle column to read "Table 2 (part 8420.0540, item D, subitem (1), and Table 4 (part 8420.0550, subp. 3) Row and Column Headings". Renumber the other tables to allow for the new table 1 and change references to the other tables accordingly.

--On page 73, line 33 change "tenths" to "parts".

--On page 75, line 30 change "such as" in the recommended addition to "including".

--On page 79, line 21, change "UTM" to "public land survey". On page 83, line 3 insert "by" at the end of the line, and on line 4 change "UTM to "public land survey" and strike "section, townshipo, and range". On page 83, line 10, change "UTM" to "public land survey", and on line 11, strike "section, township9, ands range".

Based on the report of the administrative law judge and on the above findings, the Board of Water and Soil Resources makes the following

CONCLUSIONS

1. All procedural requirements for adopting the rule have ben met.

2. The rule as proposed, with the changes recommended by the administrative law judge and with the further changes identified in the above findings, is needed and reasonable.

3. The Office of Administrative Hearings has certified that none of the changes are substantial. The Revisor of Statutes has approved the form of the final rule.

Therefore the Minnesota Board of Water and Soil Resources adopts the attached Rules Relating to Wetland Conservation.

Dated May , 1993

D. James Neilsen, Chair

Board of Water and Soil Reources

For May mtg agenda D

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.

E

Cottage Grove Ravine Watershed District

Establishment Petition

Background

- The Cottage Grove Ravine watershed, located entirely within Washington County, consists of parts of the cities of Afton, Cottage Grove, Lake Elmo, Oakdale and Woodbury.

- Cottage Grove Ravine Watershed Management Organization (CGRWMO), formed by JPA in 1984, was dissolved through resolution at the December 17, 1992 meeting of the CGRWMO board. The main cause for the dissolution was the failure of the CGRWMO to come to agreement on the issue of 4/5ths vote. Afton and Lake Elmo, the rural communities of the five, wanted to maintain 4/5ths votes for protection, while Cottage Grove, Oakdale and Woodbury refused to be constrained by it.

- Upon dissolution of the CGRWMO, member cities began compiling an establishment petition for the formation of the Cottage Grove Watershed District. The same cities are named in the petition.

- The Establishment Petition was received by BWSR staff on May 5, 1993, signed by all cities except the City of Afton. Afton would like to annex the 480 acres that lie within the Cottage Grove Ravine watershed into the Lower St. Croix WMO. The remaining parties to the Establishment Petition do not want to allow this.

- The Petition proposes a five member board of managers, and the Petition names eleven (11) nominees for the board; seven (7) from Woodbury, three (3) from Cottage Grove, one (1) from Oakdale, and none (0) from Lake Elmo. Language in M.S. 103D.225, Subd. 4 (b) allows the BWSR to select from this list of nominees for the first board of managers.

- The Establishment Petition has the requisite number of petitioner signatures, with four of the five cities signing.

Staff Recommendation

- BWSR staff recommends that the BWSR, by order according the statute, set a time and location for a hearing within 35 days. The recommendation for the time is the evening before the next BWSR meeting (Thursday, June 24). In addition, the hearing must be held within the limits of the proposed watershed district, unless the BWSR determines a suitable place is not located within the proposed watershed district and selects a place within the limits of the county affected by the proposed watershed district. Staff is currently searching for a suitable, handicapped-accessible, site within the proposed watershed district.

G

NASCA NETWORK

A Publication of the National Association of State Conservation Agencies

Volume 5, Number 2 | North Dakota | April 12, 1993

USDA
REORG

STATEMENT ON H.R. 1440

The following is the NASCA testimony Mr. Roland Geddes, NASCA Washington Representative, will present on H.R. 1440, the Site-Specific Agricultural Resource Management Act of 1993, before the Committee on Agriculture - Subcommittee on Environment, Credit and Rural Development.

Good morning Chairman English and members of the Subcommittee. I am Roland B. Geddes, Washington Representative of the National Association of State Conservation Agencies. We appreciate the opportunity to comment on this proposed legislation.

Our organization strongly supports the concept of a single, site-specific resource management plan to meet the various conservation or environmental plans required by the U.S. Department of Agriculture for agricultural land. We also agree with the concept of authorizing other federal agencies to enter into agreements with the Secretary of Agriculture to incorporate any conservation and environmental requirements of that agency with respect to agricultural land into the single site-specific plan.

We appreciate the provisions authorizing the Secretary to enter into agreements with any state whereby state or local government conservation and environmental requirements for agricultural land may be incorporated into the site-specific plan. This is especially important as states have adopted agricultural requirements to meet state priorities and comply with Sec. 319 of the Clean Water Act (nonpoint source water pollution) requirements. Recent amendments to the Coastal Zone Management Act require coastal states to adopt "enforceable measures" to address nonpoint source pollution. In many cases, these state "enforceable measures" will include new requirements for agricultural management plans.

Farmers are now complaining about the number of plans required by federal, state and local government. It is important that these required plans be consistent and where possible consolidated into the single site-specific plan.

We believe USDA, SCS is the appropriate agency to develop criteria, standards, specifications and regulations for the agricultural plans required by federal law and regulations; however, the priorities, criteria and specifications should be developed with full participation of federal and state agencies including state FSA technical committees. We are not sure the words "consult with federal and state agencies" are strong enough.

Although the SCS is the appropriate agency for establishing plan criteria and standards, individual plans may be written by the agricultural producer themself, agricultural consultants, agri-business employees, or employees of state or local governments including

local soil and water conservation districts.

We recommend that provision be made in the law for local soil and water conservation district boards to, upon request, assume plan approval authority subject to SCS oversight to insure compliance with established criteria and specifications. We believe this provision makes regulation more palatable to our farmers.

We wish to emphasize that the concept we support applies only to those plans required or which may be required by other legislation and does not establish a requirement for a site-specific plan for all agricultural land in the country. While this is a worthwhile goal, such a requirement would be impractical and would not be the best use of resources.

We also believe the priority time frame of January 1, 1994 through December 31, 1994 is overly optimistic and should be extended.

Mr. Chairman, again we appreciate this opportunity and look forward to working with you, the committee staff and USDA in implementing this concept.

DISTRICT PARTNERSHIPS

The following articles are examples of partnerships districts have formed with a private nonprofit organization and a trust fund.

DUCKS UNLIMITED

Ducks Unlimited, Inc. (DU) is a private conservation organization that is looking for win-win situations for farmers and the ducks. DU believes it is important to assist with those land treatments that will enable a farmer to make a profitable and sustainable living while providing benefits for wetland and waterfowl resources. DU has found some of those opportunities by working with Soil Conservation Districts to help provide undercutter tillage equipment, no-till drills and by enlisting SCD help in locating landowners interested in rotation grazing systems and livestock watering ponds.

DU has now purchased or cost-shared in acquisition of 8 undercutters with Soil Conservation Districts in North Dakota. Locating these tillage implements with local SCDs has enabled the equipment to be demonstrated and used without a large investment to the district or the landowner. The undercutter is used to control weeds on summer fallow fields and some of the implements are fitted with granular applicators so a herbicide can be applied at the same time. When properly operated this equipment leaves residue on top of the soil to reduce erosion while providing cover for nesting waterfowl. DU has also cooperated with one North Dakota SCD to acquire a no-till grain drill. This implement is used to seed winter wheat into standing stubble, and for the production of no-till spring seeded small grains. Soil, water and wildlife resources benefit from these agriculture production methods.

DU also has an active program to locate landowners in the prairie pothole country that are interested in a rotation grazing system for their livestock. DU has been providing fencing materials and water developments that will enable the landowner to better manage the grass resource. Properly managed grazing systems provide additional cover for nesting waterfowl and more forage for livestock. Soil Conservation Districts have been instrumental in locating

PRESENTATION

THE NEXT GENERATION OF U.S. AGRICULTURAL CONSERVATION POLICY

March 16, 1993
Kansas City, Missouri

Blake Vander Vorst, President
National Association of State Conservation Agencies

Perspectives on Policy Futures

Thank you, Jim. It is indeed a great honor and pleasure to represent the National Association of State Conservation Agencies at this Conference. We are living at a time in history with unprecedented environmental awareness. This conference will impact the future of conservation policy. It behooves all to listen closely and dissect each and every thought with care.

For the United States, for California and Texas, for Mississippi, for Iowa and Missouri, and yes even for North Dakota, the questions are these - What is the best course that future policy making should take to achieve agricultural conservation goals? Should conservation programs be regulatory or a voluntary and incentive approach? And, Should they be administered by federal or state agencies or even private industry?

NASCA and I believe the most effective and longest enduring conservation will come from the following voluntary components:

1) a strong conservation/environmental research base,
2) an education or "technology transfer" component,
3) a technical assistance component, and
4) financial incentives, and

only where necessary, a regulatory backup.

Agricultural regulatory programs can be conducted at the state or local level. It is my opinion that federal regulation of agriculture would be a disaster. All we have to do is look at wetlands for an early example. Provisions need to be included in legislation to allow federally mandated programs to be developed and administered by the states under federal approval. An individual federal conservation program will not be applicable to each and every state. Just as each parcel of land has its own particular conservation needs, so does each state. Federal conservation policies of the future need to reflect flexibility to allow states to make these policies workable.

It is appropriate to require farmers who receive commodity payments or other subsidies from the federal government to farm in an environmentally sound manner. However, the question arises, Are commodity programs incentives or disincentives to conservation ? Believe it or not, they are both. Let's look at examples of each.

They are incentives to conservation in that they require land classified as highly erodible to have an approved conservation plan. They also provide much needed income which is required to install or accomplish conservation practices.

The commodity programs can be a disincentive in that the focus of payments is on a small number of crops. This can encourage practices that are not environmentally sound because of monoculture-type cropping systems.

The commodity programs should discourage idle - unprotected land. They should encourage diversity and not specialization. Flexibility and profitability are a must if our conservation goals are to be achieved.

As I leave this subject, let me personally challenge the thinking of this conference in regards to the commodity programs in an environmental sense. Are commodity programs as administered today in total harmony with the environment? If you conclude they are not, Is there another method that could be used to distribute income support to our nation's farmers to ensure a safe, abundant and low-cost food supply to the American public? For example, Could payments be based on the level of conservation applied to a particular parcel of land? Could this be the ultimate conservation incentive program?

If I may, I would like to diverge from the future of conservation policy substance to the delivery system. NASCA believes that in the future a single agency under USDA should administer all USDA conservation and environmental programs for nonfederal lands. We believe this would eliminate inefficient and duplicative programs, inconsistent and conflicting policies and lack of coordination.

NASCA again believes that this new single USDA conservation agency must also utilize the resources and authorities of state agencies and local conservation districts, as well as private sector partners, to provide conservation assistance to land managers. Future conservation policy stands to benefit immensely from the consistency to be gained from this type of structural change.

This nation's vision of future conservation policy needs to be just that - a vision of the future. It needs to be a vision of long term sustainability and not one of year to

year survival. Just as a farmer should view his profitability from a series of years from a given crop rotation versus the individual results of one crop in a given year.

Our vision of the future should not allow status-quo to be an acceptable vision for our natural resources, but enhancement of these resources should be our future vision and goal.

This enhancement should not only include the natural resources, but also the human resources that manage them and are their stewards. For if we fail to meet the human needs of the land owners and managers, we will surely fail the resource needs as well.

A holistic approach is a must if federal conservation policy is expected to succeed in the future. The human element needs to be a more visible player in future conservation policies and their implementation.

In summary, NASCA believes:

1) conservation will be best served in a voluntary / incentive system and only where necessary, utilize a regulatory backup;

2) provisions need to be included in future conservation legislation to allow federally mandated programs to be developed and administered by the states;

3) commodity programs need to have appropriate oversite to assure those receiving benefits are good stewards of their resources;

4) future conservation programs should be administered by a single USDA conservation agency; and

5) our future vision needs to be one for the long term, of a holistic nature, and one of enhancing the human and natural resource bases.

Thank you!

REMARKS
presented to

NACD SPRING BOARD MEETING
Sunday, March 28, 1993

by: Blake Vander Vorst
NASCA President

THE IMPORTANCE OF THE CONSERVATION PARTNERSHIP

Ernie asked me to make some brief comments on the importance of the conservation partnership - the districts / state agencies / and SCS. Allow me to attempt to do that by asking several questions.

1. How important is it to SCS to receive state and local technical assistance in administering federal conservation programs?
2. How important is it to districts for states to provide funding for technical assistance, training, cost share and operating?
3. How important is it to SCS budgets and maybe even their existence to have state and local support?
4. How important is SCS technical expertise in assisting state agencies to provide training for district employees and, How important is that training to districts?
5. How important is SCS technical assistance to districts and state agencies in accomplishing our statutory responsibility to protect our natural resources?

I believe these questions reflect the importance of our partnership. As the partnership agreement states:

"As partners, we are interdependent, have independent responsibilities, yet are dependent on each other for successful delivery of programs."

The agreement is in simple "A Classic," but is it being practiced? In fact, some have questioned whether it has been fully practiced since the Chicago meeting. Let me revisit several of the items on the agreement. I quote:

We share a commitment to:

-Listen, anticipate and respond to our customer's needs
-Decision-making at the lowest appropriate level
-Maintain and enhance our grass roots delivery system

We pledge to work together by:	*-Advancing and practicing teamwork* *-Involving each partner in the decision-making process* *-Communicating, coordinating and cooperating* *-Promoting mutual respect, support, trust and honesty* *-Sharing the leadership and ownership, the credit and the responsibility*
We will improve our efficiency and effectiveness by:	*-Empowering people to make decisions*

In evaluating the flurry of activity on restructuring from the perspective of these principles - several concerns arise. Has input been sought at the lowest level and do we have ownership at all levels? I believe we do not at this time. In saying this, I also fully recognize that circumstances can force leadership to have to deal with issues on a timely basis. I also understand that is why NASCA has a board of directors to address these issues between meetings and we did.

However, all partners at the national level need to inform and involve their state and local partnerships in every situation that is possible. Careful judgement needs to be used in determining the expediency of these types of actions. We all, we all need to study our information and delivery network to determine the best way to get state and local ownership, support and leadership in these types of actions.

This is not to take away from the restructuring position paper - for NASCA and I believe it is a good paper and fully support it. However, everything can be improved, and that, is the attitude with which I hope we can approach this issue.

I also believe the day is past where rubber stamping is acceptable, not only to the conservation partners, but also to the public as a whole.

The old saying goes "The proof is in the pudding." Is the partnership ready to act as a partnership? Is it ready to function by involving every partner in the early stages of all activities?

NASCA extends its readiness to participate as a full partner - Ready - Willing and Hopefully Able.

In closing, let us not forget - conservation happens on the land and with that in mind - let us focus and concentrate our resources at the field level - and let us not lose site of our responsibility to protect and enhance our natural resources and meet the needs of our people.

Not much new in Clinton's detailed FY '94 ag budget...follows along lines of proposed package already being worked on by the Congress.

Some brief highlights: More money for meat & poultry inspection.

Less for low-interest rural electric loans...to be made at cost of funds to U.S. Treasury instead. Also less for federal crop insurance.

New or increased user fees for services performed by the USDA... grain inspection, meat & poultry inspection, other marketing, co-op jobs.

Congress is already raking over the commodity program proposals.

$100,000 "means test" will be deep-sixed. The farm committees will find other savings...save benefits to farmers with off-farm income.

Best bet: Scaled-up triple-base program. Lawmakers are likely to boost unpaid acreage from current 15% to 20% for '95 crop year, jump to 25% in '96. Plus higher assessments on sugar, dairy, soybeans.

Note how much commodity program costs will zoom this year... will leap from under $10 billion in FY '92 to about $17 billion in FY '93. Reflects the costs of gov't deficiency payments on much larger crops.

Gov't tab will shrink again in FY '94...dip to about $12 billion, with more normal yields and weather patterns for the coming crop year.

About Sec. Espy's plan for reorganizing USDA, creating a new FSA, Farm Services Agency, combining parts of Extension Svc. with Farmers Home, the Soil Conservation Svc. plus Ag Stabilization and Conservation Svc.:

There's a sticky problem with ASCS employment that must be licked.

ASCS county workers are not employees of the federal gov't. They have the same status as federal workers as far as pensions, benefits and so on...but aren't hired, fired or paid by USDA. They're employed by individual county offices, hired by county ASCS executive directors. The latter are selected by each county's farmer-elected ASC committee.

USDA Reorg.

So melding the various USDA agencies will appear to ADD employees. ASCS now has about 13,000 full-time permanent employees on its rolls plus another 5000-6000 temporary jobholders. Thus if the county staffs are brought under the federal system...would appear to swell the ranks of federal jobholders, despite Espy's plan to shrink the Dept's size.

But USDA's payroll costs wouldn't grow. Taxpayers foot the bill for county employee salaries, even though they're not federal workers.

No such problem for SCS and FmHA employees. They're considered to be federal gov't employees no matter where their offices are located.

To move ahead with Espy's plan to consolidate the agencies...

Will probably require changing status of one group or the other, most likely eventually drawing the 13,000-plus ASCS workers into the fold.

Will be a tough nut to crack. Presents a perception problem... boosting numbers of federal employees. A legal one...requiring Congress to change current law. And a political one...the present county system has been around for over a half-century. Has a long-entrenched history of political patronage plus widespread support from American farmers.

Yours very truly,

The Kiplinger Editors

THE KIPLINGER WASHINGTON EDITORS

April 16, 1993

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Get ready for an avalanche of new gov't regulation that's coming over the next few years. Some new rules for business initiated by Bush. Others required by Congress. And some started by new Clinton watchdogs. In general...a reflection of a more activist gov't, a tougher attitude.

Many will hit agrifood industry...from producer through retailer.

Labor Dep't will step up job-safety actions. Maximum fines for violators. Faster notice to gov't overseers of any serious accidents. And new rules to help protect workers from repetitive-motion injuries.

More-vigorous antidiscrimination enforcement by the EEOC, Equal Employment Opportunity Comm. Cracking down on employment biases... disabilities, race, age, etc. Also on sexual harassment in the workplace.

A closer look at pensions. Feds will keep a tighter rein on them.

And at franchising. Increased scrutiny by the Federal Trade Comm.

EPA will demand cleaner-burning engines. One target...tractors.

Also stricter water standards. New programs aimed at cleaning up, curbing pollution of entire watersheds...modeled on the Great Lakes plan.

At USDA: Tougher soil conservation compliance enforcement. Dep't has recently come in for harsh criticism from environmental groups for lax administration of conservation compliance plus the swampbuster and sodbuster laws. Expect that to tighten up under the Clinton reign.

And more-rigorous regulation of meat and livestock industry... in large part a reaction to this winter's E. Coli contamination problems.

Specifically...tighter control over animal slaughter procedures. Slower line speeds, other measures to help prevent breaking open the gut.

Closer checking of cow-kill operations. Tend to be more prone to E coli contamination since animals are older and the meat is ground.

Microbiological testing for campylobacter, listeria, salmonella as well as E coli. Likely to mean more delays in moving out product.

Eventually...mandatory animal IDs. A way to trace back origin of every animal, identifying problem feedlots and livestock producers.

Don't jump the gun celebrating federal grazing fee victory.

Clinton still wants higher fees, despite White House concession to Western lawmakers about removing the proposal from the budget package.

And fee-hike advocates in Congress won't let go of issue either.

Look for renewed efforts to find a compromise. A fair bet: A modest increase in the basic fee plus additional credits to ranchers for improving and maintaining land. Total would equal average rental fees on private land...gives Clinton what he wants without breaking ranchers.

Coming tax law changes won't be finished till Labor Day or so.

Congress will monkey around with Clinton's proposals...succeed in modifying some, fail at other attempts. Best bets for key provisions:

Minor tinkering with Btu tax, but for the most part it will stick.

The investment tax credit will fly for smalls, including farms. But big businesses...gross sales over about $5 million...won't qualify. An alternative...raising cap on expenses that are written off immediately.

A capital gains break for smalls. Only for investments held for at least five years and in firms capitalized up to about $50 million.

Will farmers be included? Very iffy. Lawmakers will make a run at broadening coverage but will hit a brick wall...cost will be too high.

Farmers are edgy about "green" support of total resource plans. Fear exactly what environmentalists see as a plus...that lumping programs into one plan will make USDA programs too easy a target for opponents.

To some...they smack of gov't land-use planning, giving Uncle Sam the right to control when and how landowners can use private property.

But they have their own long-range reasons for giving it a try.

Figure it will bolster USDA role in future environmental matters. A sort of preemptive strike...if USDA gains an early lead in developing the expertise, staffing to draft complex conservation plans, the Dep't will have an edge in later decisions about environmental rules. Thus...

SCS conservation plans may become the vehicle for all regulation. A farmer's total resource management plan might incorporate EPA limits on pesticide use to protect endangered species, mitigating actions taken to filling of wetlands, sludge-application permit rules and much more. All in addition to any USDA conservation requirements in original plan.

That could be a big plus for agriculture in future years as volume of environmental regulation grows...at state, local AND federal levels.

Means a receptive ear for agriculture's concerns. Gov't agency putting together the plans, figuring out what's needed to comply with regs would be experienced in agricultural matters. Thus, might be more willing than other regulators to find compromises, financially sound alternatives.

And rules could be tailored to specific sites. Conservation plans would take into account type of soil, topography and mitigating actions... not just a blanket regulation for all farmers, all farms no matter what.

Bottom line is the proposal is attractive but a bit risky.
Nearly everyone figures it's a good idea...at least in theory.
But all have very different plans for what would come next.

Prospects of higher soybean acreage will sap market strength... continued cold wet weather will heighten likelihood. Keep an eye out for a chance to price some new crop on any price gains of a dime or more.

Corn market...up but edgy. The outlook for planting delays, more price gains is tantalizing, but memories of last year's late start, record yields are disconcerting. For now...no further old-crop sales.

Uncertainty is plaguing wheat market. Good new-crop prospects are pressuring prices, while good news on the export front is evaporating. Chinese stocks may be MUCH higher than thought, imports lower. And weeks may pass before transportation problems for Russian sales are resolved. Stand pat on new-crop sales for the moment...a wait-and-see position.

Cattle strength will wane next month...make sure you are current on marketings by then. In the meantime, prices should hold in low $80s.

Look for seasonal gains in hog market, but don't expect too much. USDA-estimated herd-size increase has yet to materialize in kill figures, but there's every likelihood it will. If so...will weaken any upticks.

Check out this helpful booklet: "On-Farm Composting Handbook." Put out by a consortium of Northeastern ag schools. This 186-page book is intended to help farmers figure out if composting will work for them, details how to plan and implement large-scale operation. Plus how-tos on producing, using and marketing compost. Available for $15 from NRAES, 152 Riley-Robb Hall, Cooperative Extension, Ithaca, N.Y. 14853-5701.

The KIPLINGER AGRICULTURE LETTER

THE KIPLINGER WASHINGTON EDITORS INC. 1729 H ST., N.W., WASHINGTON, D.C. 20006-3938 CIRCULATED BI-WEEKLY VOL. 64, NO. 8

Dear Client: Washington, April 16, 1993

Here's an idea that's catching on with agricultural policymakers: Total resource management. Stands a fair chance of becoming law. Means an integrated agricultural production & conservation system. A comprehensive approach geared to the specific topography of a farm.

Concept is getting a nudge from Congress. Rep. English (D-OK), chairman of House Environment, Credit & Rural Development subcommittee, has a proposal he wants to see passed into law this year. In brief... Rep. English wants to consolidate on-farm conservation plans required by gov't programs into single site-specific blueprints for farms.

Initially, would affect USDA programs...the Wetlands Reserve, Conservation Reserve, conservation compliance and about a dozen others that make participating producers have a gov't-approved conservation plan. Under English's proposal, USDA's Soil Conservation Svc. would be required to draw up an integrated plan for any farm with more than one plan now. Down the road, other gov't agencies might be drawn in as well. EPA. The Army Corps of Engineers. Fish and Wildlife Svc. Plus state and local natural resource arms. Farmers across the country are affected by at least a dozen non-USDA programs specifying such plans be in place.

Idea of total resource management plans is earning broad praise. Farm and commodity groups have long asked for a single plan... argued that farmers shouldn't have to juggle two, three or more plans each with different conservation goals and requirements. In fact... they point out that plans sometimes call for contradictory actions. An erosion control plan might require leaving crop residue in place, while the same farm's sludge-use plan might stipulate plowing the land.

Environmentalists are also generally for the idea. They figure that integrated plans would encourage environmental protection by farmers by eliminating confusion, thus making it easier to comply. Also... point out that multiple plans might not take into consideration the costs of complying with each...taken together could be prohibitively burdensome. And single-plan approach fits with Sec. Espy's scheme for USDA. It's "farmer friendly" and helps streamline paperwork and bureaucracy... English bill gives SCS the lead in developing and approving on-farm plans.

But supporters also each have their own longer-term agendas... other ends they hope to advance through a one-conservation-plan approach. "Greens" hope to pave the way for new gov't stewardship programs. Want Uncle Sam to offer incentives to farmers for environmental efforts rather than current system of income support and production controls. Their thinking: Total resource plan will make an easier target. Simpler to link gov't benefits to compliance with a comprehensive document than with a variety of gov't program requirements. More on page two.

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May 14, 1993

TO: **Board of Water and Soil Resource Members**

FROM: **Marybeth Block, Easement Coordinator** MB

RE: **Landowner Request to Release Easement #64-09-91-01**

Mr. David Geis has petitioned the Redwood Soil and Water Conservation District to release a 21.3 acre perpetual RIM Reserve easement located in section 34 of Charlestown Township. Mr. Geis is making this request because he has purchased land which will now provide access to the previously inaccessible parcel. In his March 31, 1993 letter of request he has offered to enroll a 25 acre highly erodible parcel in section 27 under a RIM easement, for which he will not receive compensation. In addition, he has offered to place a restrictive covenant on the parcel being released that would only permit haying and grazing of the land.

The Redwood SWCD and DNR Area Wildlife Manager have forwarded correspondence to the BWSR in support of Mr. Geis request. BWSR staff (Tabor Hoek, Jennifer Park and myself) concur that Mr. Geis request should be granted if the following recommendations are implemented:

1) In lieu of releasing the parcel from the easement, or placing a restrictive covenant on the parcel deed, we propose that the restriction preventing haying and grazing be removed from the easement language. The perpetual easement would stay in place, preventing the conversion of the area to row-crop production and insuring that the area be maintained in permanent cover. In addition, retaining the existing easement will facilitate regular monitoring by the SWCD and preserve BWSR's authority to enforce easement compliance.

2) The conservation plan for the existing easement should be amended to reflect sound resource management of pasture and hayland, including but not limited to:

a. Establishment buffer zones adjacent to the intermittent stream channel and exclusion of livestock from those areas.

b. Rotational grazing and other pasture management techniques that prevent overgrazing and subsequent erosion and nutrient run-off.

c. Strategic placement of watering and mineral sites.

d. Other practices identified by the Redwood SWCD in consultation with the Soil Conservation Service.

13) Removing the existing easement restrictions of grazing and cropping occur after the 25 acre marginal ag land easement in section 27 is recorded.

4) No changes in easement area will be allowed.

5) Mr. Geis pay all associated cost incurred by this transaction (title insurance for the new easement and legal costs).

For further information and documentation I encourage you to review the following enclosures:

- Mr. Geis letter of request
- Redwood SWCD's letter in support of the request
- DNR Area Wildlife Manager's letter in support of the request (but contingent upon protecting the intermittent stream channel)
- Tabor Hoek's comments regarding the release
- Aerial photographs of the existing easement site and proposed easement site

Please feel free to call me at (297-7965) if you would like to discuss this request prior to the May Board Meeting.

enclosures

cc: Tabor Hoek, Board Conservationist
Marilyn Tabor, Redwood SWCD District Manager
Al Kean, Chief Engineer

Rural Route 2 Box 61
Sanborn, Minnesota 56083
March 31, 1993

Marilyn Bernhardson
Redwood Soil & Water Conservation District
1241 East Bridge Street, Suite C.
Redwood Falls, Minnesota 56283

Dear Marilyn:

I request that 21.3 acres in Section 34 of Charlestown be taken out of the RIM program. The 21.3 acres are completely landlocked by a gully. Prior to enrolling the 21.3 acres into the RIM program, I asked the owners of the abutting land if they would sell their parcel of gully; ownership would have allowed me to fence around the combined parcels of 51 acres. Because the adjoining owners stated they would never sell the gully parcel, I enrolled the 21.3 acre piece into the RIM program. Recently, however, the adjoining owners approached me with willingness and intent to sell the gully. I have since purchased the landlocking parcel. Having a herd of buffalo, the landlocked and adjoining parcels would create ideal pasture.

If allowed to withdraw the 21.3 acres from the RIM program, I would voluntarily sign a restricted covenant agreement stipulating that the 21.3 acres would be used for haying and pasture.

For permitting me to take this 21.3 acres in Section 34 out of the RIM program, I would submit approximately 25 acres from Section 27; the exchanged land is highly erodable and within a few hundred feet of the Cottonwood River. Should the proposed "switch" be accepted, I would pay all legal fees incurred.

Although this is an unusual request, this is an unusual circumstance. Agricultural conservation and preservation is my primary directive. I have: enrolled several parcels in the RIM and CRP programs, planted trees along fence lines to minimize wind erosion, and installed dikes to prevent water from washing gullies. In addition, the acres enrolled in the CRP program will not be farmed but rather pastured upon their release in 1995. If I would have owned the gully that landlocks the 21.3 acres in Section 34, the adjoining parcel would have been planted to grass and hayed rather than submitted to the RIM program. Please release the 21.3 acre parcel in Section 34 in exchange for a comparable parcel in Section 27. Thank you for any consideration given this matter.

Sincerely,

David A. Geis

REDWOOD SOIL AND WATER CONSERVATION DISTRICT

1241 EAST BRIDGE STREET - SUITE C
REDWOOD FALLS, MINNESOTA 56283
PHONE 507-637-2427

April 30, 1993

Mr. Jim Nielsen, Chairman
Board of Water and Soil Resources
Southbridge Office Building
155 South Wabasha, Suite #104
St. Paul, MN 55107

Dear Mr. Nielsen:

Redwood SWCD has received a request from David Geis to release 21.3 acres of land currently enrolled in the RIM Reserve Program.

At our April board meeting the Redwood Board of Supervisors voted unanimously to support the release of the acreage as long as Mr. Geis will follow through with his proposal as outlined in his letter. He has indicated the 21.3 acres would be placed under a restrictive covenant so it will remain in permanent pasture or used only for hayland. At the same time he is willing to place 25 acres of highly erodible land in the RIM program with no additional payments.

Enclosed is a copy of Mr. Geis' letter as well as a letter from Don Schultz, Wildlife Manager from the Department of Natural Resources.

If you have any questions please don't hesitate to get in touch with the district staff.

Sincerely,

Ralph Weber

Ralph Weber
Chairman

RW/sv

RALPH WEBER Sanborn, MN 56083 648-3346
DANIEL POTTER Redwood Falls, MN 56283 644-3337
TOM DAUB Wabasso, MN 56293 342-5493
DENNIS ZWACH Walnut Grove, MN 56180 336-2330
BRUCE BERGER Redwood Falls, MN 56283 637-3334

EQUAL OPPORTUNITY EMPLOYER

STATE OF
MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

PHONE NO. (507) 637-2320

FILE NO.

4/19/93

Marilyn Bernhardson
Redwood Soil and Water Conservation District
1241 East Bridge Street
Redwood Falls, Minnesota 56283

Dear Marilyn:

This letter is in regard to Mr. David Geist's request to remove 21.3 acres enrolled in RIM Reserve in Section 34 of Charleston Township in exchange for enrolling 25 acres in Section 27. Generally, this appears to be a good exchange provided Mr. Geis signs the restricted covenant referred to in his 3/31/93 letter to you limiting the use of the land removed from RIM to haying and grazing. I also understand that he plans on planting the subject property to native grasses and subdividing the pasture and using rotational grazing to prevent overgrazing. The land he plans on putting into RIM Reserve in exchange is highly erodible and in need of protection. All these factors would make this a favorable exchange. The one concern I have is that the "gully" he refers to in Section 34 contains an intermittent stream that runs directly into the Cottonwood River. Does Mr. Geis have any plans for protecting this stream from his livestock if this exchange proceeds as planned? Would there be buffer stips around the stream, for example? Provided this potential water quality problem is addressed, I believe the exchange should proceed as proposed.

Sincerely,

Don Schultz
Area Wildlife Manager
1241 East Bridge Street
Redwood Falls, Minnesota 56283

AN EQUAL OPPORTUNITY EMPLOYER

Minnesota Board of Water & Soil Resources

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

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

RECEIVED
MAY 06 1993
BOARD OF WATER & SOIL RESOURCES

DATE: 5-3-93

TO: MARYBETH BLOCK

FROM: TABOR HOEK Tabor

SUBJ.: REDWOOD RIM EASEMENT RELEASE

In reference to the request to release RIM Easement #64-09-91-1 in Redwood Co. for David Geis, I would offer the following comments:

1. I support the proposal of the local resourse managers in Redwood Co. to release a 21.3 ac. easement in trade for a 25 ac. easement nearby. I understand the current easement of 21.3 will remain in vegetative cover and be used for grazing of livestock. A restrictive covenant will be placed upon the title to assure perpetual land use as pasture or hayland. The proposed 25 ac. easment site has been identified as high priority by the SWCD.

2. How and Who will enforce the restrictive covenant in the future? Mr. Geis has mentioned haying as well as grazing, will he be allowed management of the hayland that may entail crop rotation or reseeding of some sort. I would suggest a restrictive covenant that will keep the SWCD out of a legal battle in the future.

3. How detailed does the restrictive covenant need to be? Very specific items such as land use should be identified in the restrictive covenant. However, management guidelines should be left up to the SWCD conservation plan which can be modified to suit future landowners needs. Things to be considered would be protecting water quality by fencing of livestock from the stream. This would reduce streambank erosion and nutrient loading. A rotational grazing plan should be developed to prevent over-grazing. What types of grasses will be maintained on the site. Will reseeding or stand improvement measures be allowed.

I hope someone is prepared to do alot of monitoring in the future to assure compliance with the covenant. I

Regional Offices

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

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

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

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

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

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

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

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Opportunity Employer

know Mr. Geis personally and believe his intentions are good. I am concerned however about compliance by future landowners who will fall under this perpetual agreement.

The temporary SCS District Conservationist in Redwood Co., Gary Moreau, is very capable of writting these types of plans. I feel confident in a management plan that he would approve from a technical standpoint.

Please contact me if you would like any further input on this easment transfer.

cc: Redwood SWCD

1-2-92 21.3

Redwood County Not to scale A-12

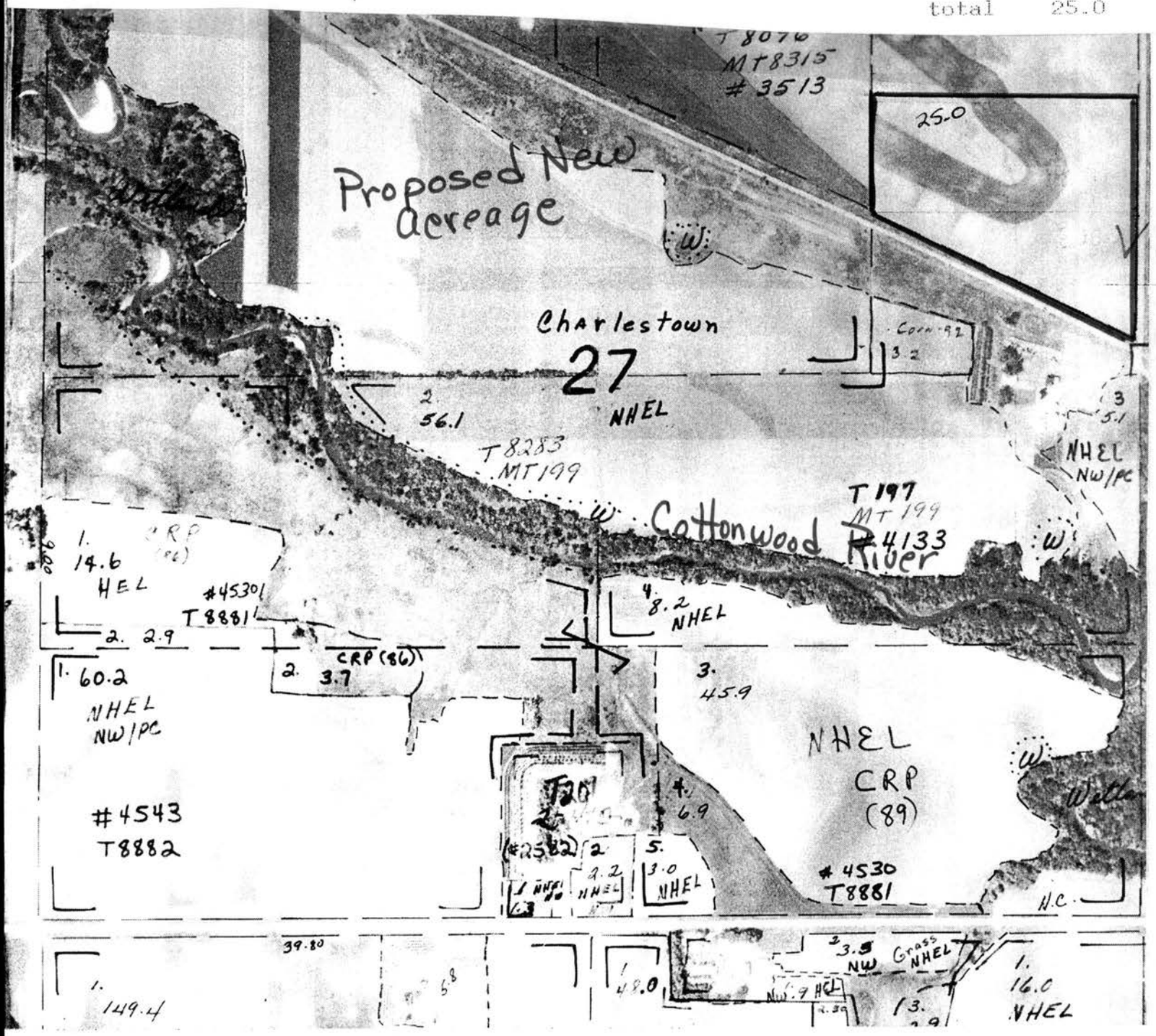


40.42 acres

| T = TRACT NUMBER | MT = MULTIPLE TRACT NUMBER | HEL = HIGHLY ERODIBLE LAND | MW = MINIMAL EFFECT WETLAND (EXEMPT)
| W = WETLAND | CW = CONVERTED WETLAND | NHEL = NON-HIGHLY ERODIBLE | MWC, MWM, MWR = SPECIAL COND. (SEE SCS)
| FW = FARMED WETLAND | NA = NON-AGRICULTURAL | PC = PRIOR CONVERTED WETLAND | NC = NON-CROPLAND | PHOTO NO.
| NW = NON-WETLAND | AW = ARTIFICIAL WETLAND | ECW = EXEMPT (COMMENCED) CONVERTED WETLAND

SOIL SYMBOL LEGEND

Soil Symbol	Soil Name Description	Acreage
113	Webster clay loam	3.4
421B	Ves loam; 1 to 4 percent slopes	4.2
446	Normania loam	1.0
954C2	Storden-Ves loams; 6% to 12% slopes; eroded	16.3
	total	25.0



Tim Gramm Conservation Easement

Summary and Staff Recommendations
5-17-93

Background

In March 1992, Mr. Gramm 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, Reservation of Marginal Land and Wetlands) to place a conservation easement on approximately 15 acres of marginal land within the parcel. The easement area included a small wetland, apparently coincidentally. A copy of the conservation easement is attached, including the "Exhibit A" drawing of the easement area. The price of the total parcel was reduced by approximately $9,225 due to the easement ($187,000 / 304 tillable acres = $615 per tillable acre x 15 acres = $9,225). (MS103F.535 was amended in April 1992, removing the requirement for placing a conservation easement on marginal land or wetlands sold by the state.)

Mr. Gramm wants to have the conservation easement terminated to permit cropping of the area and full rotation of a center-pivot irrigation system that exists in the quarter section within which the easement is located. The associated irrigation water appropriation permit was transferred to Mr. Gramm in February 1993, as per communication with DNR staff. A circle has been drawn on the attached aerial photo to identify the approximate outer circumference of the path of the center-pivot irrigator. Note that full rotation of the center-pivot irrigator will require removal of the existing trees and structures at the former building site, some of which are within the easement area. Mr. Gramm has not yet cleared any of the trees. An abandoned well on the property was sealed by the MDA prior to sale of the land, as per communication with MDA staff. The soils in the area are generally quite light and the land quite flat.

Mr. Gramm raised soybeans on a portion of the easement area (he estimates approximately 10 acres) last year, in violation of the terms of the conservation easement which prohibits cropping of the easement area.

BWSR Authority

Jennifer Park, Attorney General's Office representative to the BWSR, has reviewed the applicable statutes and rules to determine the authorities and responsibilities of the Board in this matter. (Ron should also take credit for uncovering a key uncodified section of the 1992 session law, copy attached.) A copy of a memo from Jennifer outlining BWSR authorities and the basis for them is also attached. The bottom line is that the Reinvest in Minnesota Reserve program permanent rules apply. Copies of the pertinent

rules are also attached.

Conservation Easement Elements and Issues

There are three primary elements or issues associated with the release, alteration or termination of this easement:

1. The primary purpose of the conservation easement was to prevent wind erosion of the marginal land within the parcel.

2. The conservation easement prohibition of cropping, grazing, chemical application or altering of wildlife habitat resulted in associated, but limited, wildlife habitat benefits and water quality protection.

3. The terms of the easement were violated last year by cropping of a portion of the easement area.

Discussion

The conservation requirements and benefits associated with elements 1 and 2, were obtained through a required conservation easement which reduced the purchase price of the total parcel in which the easement is located by an estimated $9,225.

RIM Reserve Rule 8400.3610, Alteration, Release, or Termination of Easements indicates that the required information be provided to the board at least 30 days prior to a board meeting. This requirement was at least partially fulfilled by the discussions of this easement at the April board meeting.

RIM Reserve Rule 8400.3610 further states: "Priority must be given to obtaining eligible replacement land rather than cash payment for damage or loss of benefits." Mr. Gramm has indicated that he does not own any similar lands in the area that he is able or willing to offer as acre-for-acre replacement of the easement area. A basic intent (element 1 above) of the existing easement was the prevention of wind erosion of the associated marginal lands. Replacement of the easement area without other conservation practices being applied to the existing easement area would not protect these marginal lands. Mr. Gramm has indicated a willingness to utilize windbreaks (cost sharable) and conservation tillage to control wind erosion of the subject marginal lands. A letter from the Pope SWCD recommending and detailing these conservation practices is attached. The recommended limits of windbreaks along the west and south sides of the southeast quarter of Section 29 are indicated on the attached aerial photo. The recommendations of the SWCD include maintaining the existing small wetland that is identified on the attached aerial photo.

Element 2 of the existing conservation easement is the associated wildlife benefits. The attached letter from the DNR area wildlife

manager recommends the replacement of wildlife benefits by creating and maintaining permanent cover for nesting habitat within the unirrigated southwest corner of the southeast quarter of Section 29. Mr. Gramm has indicated willingness to agree to this recommendation.

RIM Reserve Rule 8400.3830, Violations, indicates that a landowner who knowingly violates the terms of a conservation easement is liable to the state for treble damages. It further states: "The amount of damages is the amount needed to make the state whole or the amount the landowner has gained due to the violation, whichever is greater". Mr. Gramm has indicated that he lost money on his farming operation within the southeast quarter of Section 29 last year. The amount needed to make the state whole associated with the violation is difficult to define. The primary benefits of the easement were soil loss prevention and the potential for limited wildlife habitat and water quality protection. However, it should be noted that the easement did not require the establishment of permanent vegetative cover, and that the easement area had reportedly been cropped in corn the year previous to Mr. Gramm purchasing the property. BWSR staff feel strongly that Mr. Gramm's proposal include an element of restitution for the violation, in order to protect the integrity of the conservation easement programs. This restitution could be in the form of cash or conservation practice guarantees provided to the state. Because Mr. Gramm apparently lost money on the portion of the easement area farmed last year, the latter form of restitution seems most applicable.

RIM Reserve Rule 8400.3610 also indicates that the Board must be compensated for "administrative expenses and costs incurred in the alteration, release or termination of an easement". These costs are obviously difficult to determine. It seems prudent to consider acquisition of rights by the state in permanent conservation measures in lieu of cash compensation.

A memo from the commissioner of the department of agriculture is attached, in response to the requirement for consultation with the commissioner of agriculture stated in MS 103F.535.

A letter from Tim Gramm presenting his proposal for termination of the conservation easement is also attached, as per the requirement of RIM Reserve Rule 8400.3610.

Staff Recommendations

It is recommended that the rule requirement of providing information to the board 30 days prior to a board meeting be waived or considered to be adequately fulfilled by the discussions of this conservation easement at the April board meeting.

It is further recommended that the following elements be included in Mr. Gramm's proposal to the Board for termination of the

existing conservation easement.

a. Cash payment to the state in the sum of $9,225 to purchase the right to use the existing easement area as tillable land.

b. Implementation and recording of the conservation plan recommended by the Pope SWCD to control soil erosion and maintain wetland values, including windbreaks, conservation tillage and protection of the existing small wetland identified on the attached aerial photo.

c. Inclusion in a recorded conservation plan the establishment and maintenance of wildlife nesting habitat within the approximately 7 acres of unirrigated land in the southwest corner of the southeast quarter of Section 29, T123N, R40W, as discussed in the attached letter from the DNR area wildlife manager and indicated on the attached aerial photo.

Element a. is for the purchase of a land right previously retained by the state.

Elements b. and c. would provide resource protection guarantees as compensation for administrative expenses incurred in the termination of the easement and restitution for the violation.

ATTACHMENT 1

PERPETUAL CONSERVATION EASEMENT

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

COUNTY: Pope

SIZE (ACRES): Approximately 15 acres

LEGAL DESCRIPTION: That part of the Southwest Quarter of the Southeast Quarter (SW¼ of SE¼), Section 29, T123N, R40W.

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

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

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

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

3) grazing of livestock;

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

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

6) draining, filling, or altering wetlands.

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

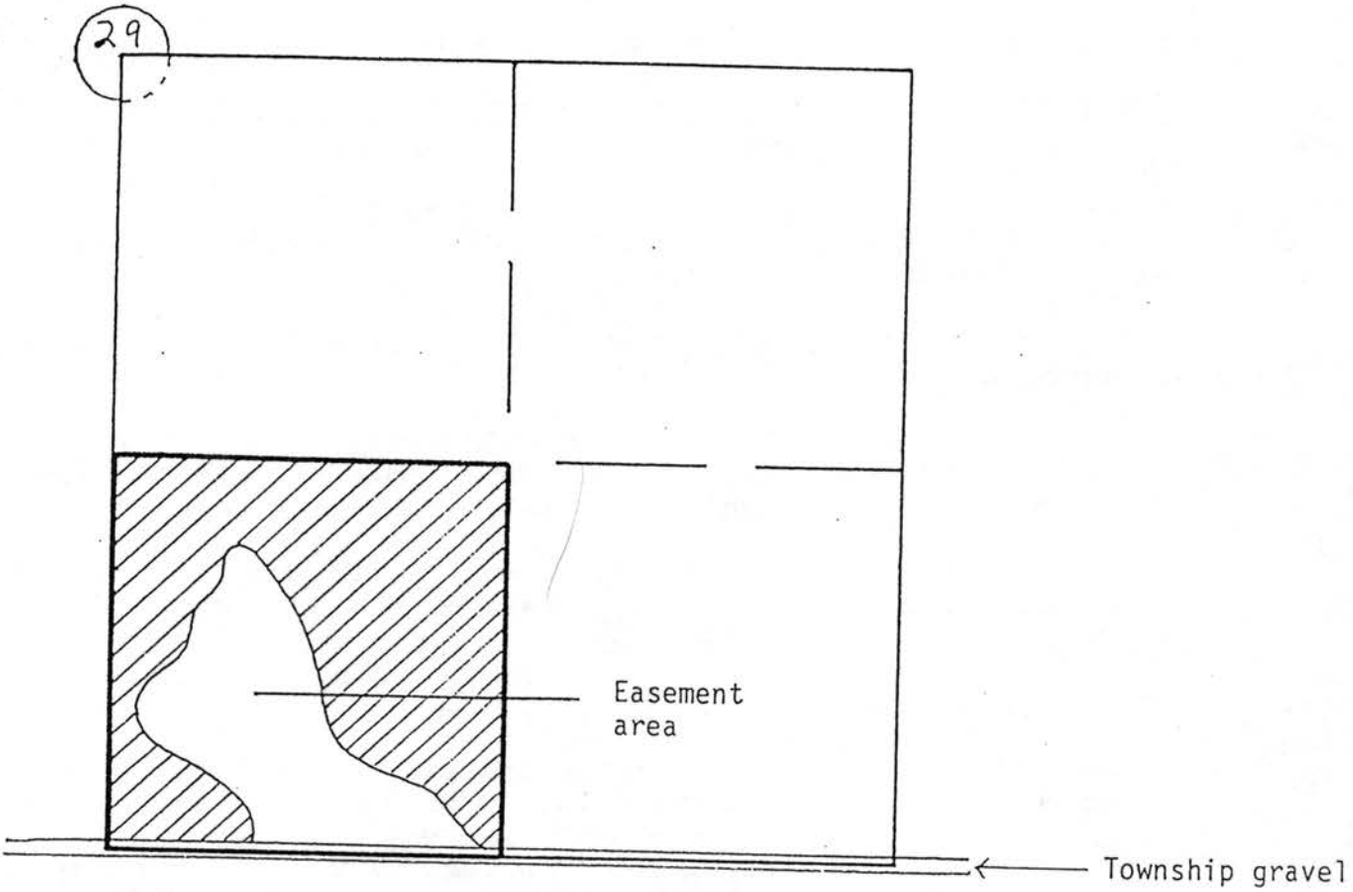
GRANTOR Minnesota Department of Agriculture MAP 1 OF 1

GRANTEE _____

STATE OF MINNESOTA
CONSERVATION EASEMENT
EXHIBIT "A"

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

SW¼ of SE¼ SECTION 29, T. 123 N., R. 40 W., Pope COUNTY



Scale: 8 inches = 1 mile

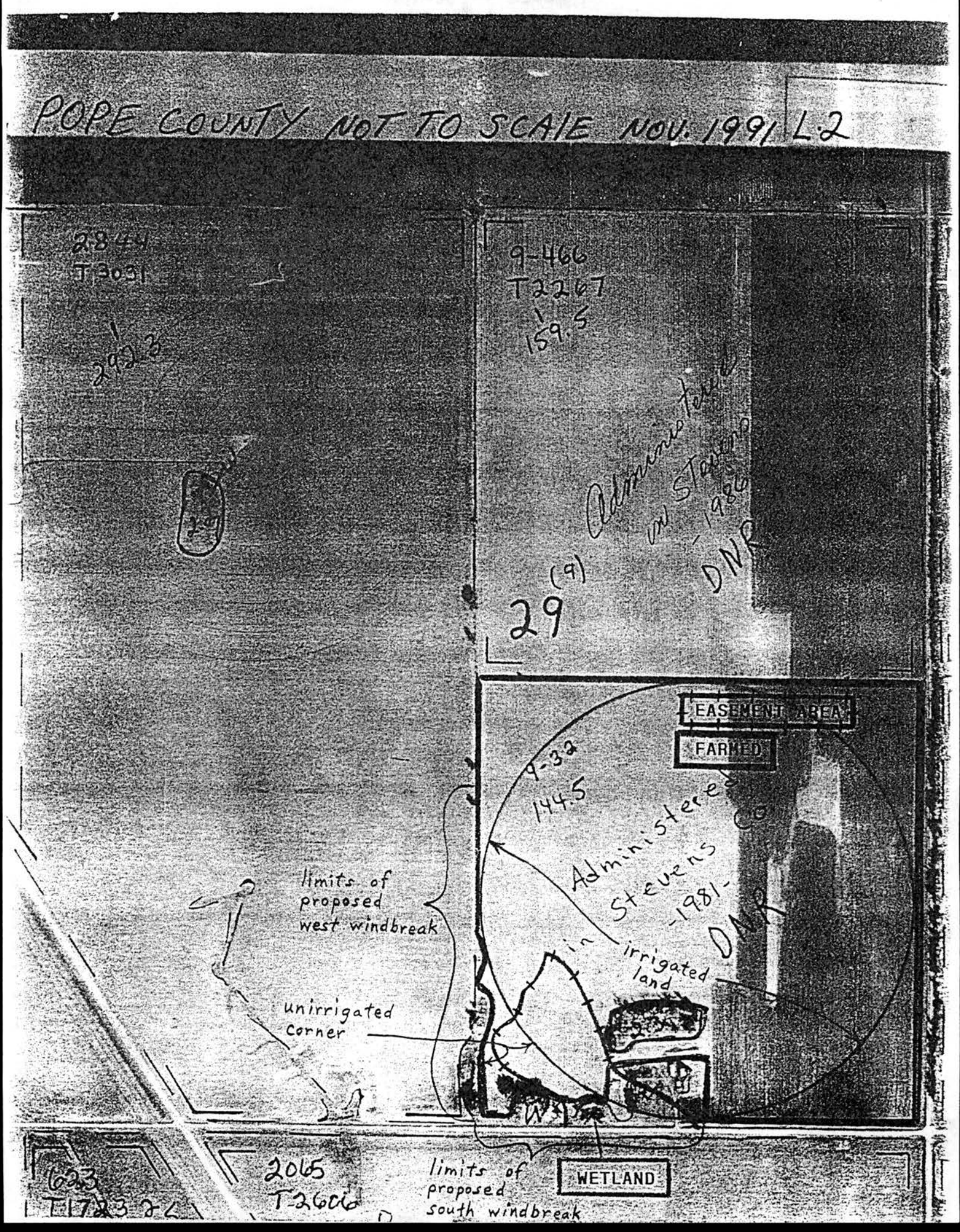
LEGEND:

Boundary of Described Lands

Easement Area — Lands Covered by Easement

Lands Not Included in Easement

Center of Section


POPE COUNTY NOT TO SCALE NOV. 1991 L.2
2844
T3031
292.3
9-466
T2267
159.5
Administered by Steuens - 1980 - DNR
29
(9)
EASEMENT AREA
FARMED
9-32
144.5
Administered by Steuens Co - 1981 - DNR
limits of proposed west windbreak
irrigated land
unirrigated corner
limits of proposed south windbreak
WETLAND
2065
T2600
6233
T1723

general for a consideration of its fair mar-
rovide an accurate legal description of the

ated in St. Louis county, consists of about
d as: five acres bordering land owned by
heast Quarter of the Southwest Quarter of
e 20 West of the Fourth Principal Merid-

X-FORFEITED LAND; SCARLETT.

Statutes, section 282.018, the public sale
pter 282, St. Louis county may convey by
cribed in paragraph (c).

ph (c) may be sold by private sale to Ray-
nue, Duluth, Minnesota. The conveyance
orney general for a consideration equal to
assessments computed under Minnesota
h any penalties, interest, and costs that
roperty had not forfeited to the state.

l is located in St. Louis county, is desig-
consists of Lot 7, Block 19, Glen Avon
innesota.

to pay the taxes. The county has deter-
to better use if returned to the former

TED LAND IN CHISAGO COUNTY.

atutes, section 282.018, subdivision 1,
d land bordering public water described
ovisions of Minnesota Statutes, chapter

orm approved by the attorney general.

ocated in the city of Lindstrom, Chisago
rgs Beach.

t the county's land management interests
old as provided under this section.

AX-FORFEITED LAND; ST. LOUIS

eprovisions of Minnesota Statutes, chap-
convey to Tom Schlotec by private sale
graph (c).

nderline, deletions by ~~strikeout~~.

(b) The conveyance must be in a form approved by the attorney general for a consideration equal to the fair market value of the property.

(c) The property to be sold consists of approximately 100 acres, and is described as:

(1) the SE 1/4 of the SW 1/4 and the SW 1/4 of the SE 1/4 of section 2;

(2) the N 1/2 of the N 1/2 of the NE 1/4 of the NW 1/4 of section 11; and

(3) the N 1/2 of the N 1/2 of the NW 1/4 of the NE 1/4 of section 11;

all located in township 52 N of range 17 W in St. Louis county.

(d) The county finds that the property is suitable for use as an industrial demolition landfill and recycling center and that the property would be put to better use if returned to private ownership.

Sec. 9. RELEASE AND ALTERATION OF CONSERVATION EASEMENTS.

Conservation easements existing under Minnesota Statutes, section 103F.535, as of the effective date of this act may be altered, released, or terminated by the board of water and soil resources after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate a conservation easement only if the board determines that the public interest and general welfare are better served by the alteration, release, or termination.

Grams

Sec. 10. REPEALER.

Minnesota Statutes 1990, section 103F.535, subdivisions 2, 3, and 4, are repealed.

Sec. 11. EFFECTIVE DATE.

Sections 1 to 10 are effective the day following final enactment.

Presented to the governor April 17, 1992

Signed by the governor April 29, 1992, 8:12 a.m.

CHAPTER 562—S.F.No. 735

VETOED

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL

TO: Ron Harnack and Al Kean

FROM: Jennifer K. Park
Special Assistant Attorney General
Phone 297-4393

RE: Tim Gramm Conservation Easement

DATE: May 18, 1993

ISSUES

The issues you asked me to address are:

1. Does BWSR have the authority to alter, release or terminate a non-RIM conservation easement such as the one on Tim Gramm's land?

2. Does BWSR have the authority to enforce Tim Gramm's non-RIM conservation easement?

DISCUSSION

1. **Alteration, Release or Termination of non-RIM Conservation Easements.**

A. Statutory Authority

In 1992, the Legislature amended Minn. Stat. § 103F.535, subd. 1, which had previously prohibited state-owned land containing marginal land or wetlands from being sold (with certain exceptions) unless a conservation easement was placed on the land. The Legislature amended this statute to parallel an earlier amendment that was made regarding tax-forfeited land. As a result of the 1992 amendment, § 103F.535, subd. 1 now only requires that (1) notice be given to the prospective purchaser of the existence of non-forested marginal land or wetlands; and (2) the deed conveying the property from the state contain a restrictive covenant that precludes enrollment of the land in a state-funded program for conservation of marginal land or wetlands (e.g., RIM or cost-share).

The statute authorizing BWSR to alter, release or terminate non-RIM conservation easements is found in Minn. Stat. § 103F.535, subd. 4 (1990). When the 1992 Legislature abolished the requirement for non-RIM conservation easements on state-owned land, it repealed the old § 103F.535, subd. 4 and added a new provision which is essentially identical to the former 103F.535, subd. 4, except that it contains language to deal with past conservation easements. Laws of Minnesota 1992, chapter 561, section 9. However, the provision regarding the alternation,

release or termination of non-RIM easements was not codified in the 1992 Minnesota Statutes.

Based on my discussions with Paul Rohde at the Revisor's Office and with other attorneys at the Attorney General's Office, the Session Law is good law even though it was not codified. As a result, there is statutory authority for BWSR to alter, release or terminate these non-RIM conservation easements like Tim Gramm's, even though that authority is not found in the 1992 Minnesota Statutes.

The other separate statutory authority for BWSR to alter terminate or release these non-RIM easements is found in § 84C.02, which provides that conservation easements may be created, modified, terminated or released in the same manner as any other type of easement.

B. Rule Authority

The rules for alteration, release and termination of non-RIM conservation easements are found in Minnesota Rules 8400.3610. This rule cites as its statutory authority Minn. Stat. § 40.45, which was repealed in 1990 and which gave BWSR the authority to adopt rules to implement the RIM program. The apparent reason that the rule does not cite § 103F.535 as its statutory authority is that § 103F.535 was not part of the original RIM legislation. However, Minn. Rules part 8400.3000 provides that the rules from parts 8400.3000 to 8400.3930 are to be applied to Minn. Stat. § 40.40 to 40.46. Section 40.46 was renumbered to § 103F. 535, subds. 1 and 2 in 1990. In addition, Wayne Edgerton of the DNR, who participated in drafting the Emergency RIM Rules in 1987, the Regular RIM rules in 1988 and the Revised Rules in 1990 stated that it was clearly the intent of the legislature to have the RIM rules apply to non-RIM conservation easements under § 103F.535.

As a result, BWSR is required to use Minnesota Rule 8400.3610 in acting upon Tim Gramm's request to alter, release or terminate the non-RIM conservation easement.

2. Enforcement of non-RIM Conservation Easements

A. Statutory Authority

There is no separate statutory authority for BWSR to enforce non-RIM conservation easements under § 103F.535. However, there is specific authority for BWSR to enforce RIM easements under § 103F.515, subd. 9, which provides that the state is entitled to treble damages for willful violations of RIM easements, and double damages for non-willful violations. The amount of damages is the amount needed to make the state whole or the amount the landowner has gained due to the violation, whichever

is greater. Upon BWSR's request, the attorney general may commence an action in district court to enforce RIM easements.

The only other statutory authority for enforcement is § 84C.03, which deals with conservation easements in general. This statute gives the holder of a conservation easement the right to bring a judicial action to enforce the terms of the easement. In Tim Gramm's case, the MN Department of Agriculture ("MDA") was the original grantor of the property that was subject to the conservation easement. That easement does not specify that BWSR has enforcement authority; rather, it simply states that the "State of Minnesota reserves the right to enter upon the easement area for the purposes of inspection and enforcement of this easement ...." (emphasis added). As a result, MDA would have primary but not exclusive enforcement authority. Since BWSR has the specific statutory authority to alter, release or terminate these non-RIM conservation easements, BWSR is the next most appropriate state agency to enforce Tim Gramm's conservation easement.

B. Rule Authority

As stated above, the RIM rules extend to non-RIM conservation easements under Minnesota Rules Part 8400.3000. As a result, Minnesota Rules Part 8400.3830 should be used in enforcing the terms of Tim Gramm's easement.

CONCLUSION

BWSR has the authority to alter, release or terminate non-RIM conservation easements under the Laws of Minnesota 1992, chapter 561, section 9 and under Minnesota Rules part 8400.3610. BWSR also has the authority to enforce non-RIM easements under Minn. Stat. § 84C.03 and Minnesota Rules part 8400.3830.

JKP/jkp

Board of Water and Soil Resources

Adopted Permanent Rules Relating to Reinvest in Minnesota Conservation Reserve Program

Rules as Adopted

8400.3000 AUTHORITY.

Minnesota Statutes, sections 40.40 to 40.46 and 84.95, authorize the board, in cooperation with districts, state and local private groups, and state and federal agencies to implement a program of retiring certain agricultural land from crop production and establishing on that land permanent vegetative cover, restoring drained wetlands, establishing windbreaks adjacent to highways, or enhancing and protecting other private lands. Parts 8400.3000 to 8400.3930 provide procedures and criteria to be followed by the board and district boards in implementing Minnesota Statutes, sections 40.40 to 40.46. — previous version of MS 103F.535

8400.3830 VIOLATIONS.

The board may enforce the easement and agreement by the legal action in items A and B.

A. A landowner who violated the terms of a conservation easement or agreement under this chapter, or induces, assists, or allows another to do so, is liable to the state for treble damages if the trespass is willful, but liable for double damages only if the trespass is not willful. The amount of damages is the amount needed to make the state whole or the amount the landowner has gained due to the violation, whichever is greater.

B. Upon the request of the board, the attorney general may commence an action for specific performances, injunctive relief, damages, including attorney fees, and any other appropriate relief to enforce Minnesota Statutes, sections 40.41 to 40.46 in district court in the county where all or part of the violation is alleged to have been committed, or where the landowner resides or has a principal place of business.

The district board may recommend to the board appropriate measures to be taken to correct violations. Easements remain in effect even if maintenance violations have occurred.

8400.3610 ALTERATION, RELEASE, OR TERMINATION OF EASEMENTS.

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

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

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

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

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

D. other supporting documents, including:

1. an aerial photo identifying the requested change;

2. a soil survey map of the area;

3. cropping history information; and

4. other pertinent documentation that will support the request.

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

?~

POPE SOIL & WATER CONSERVATION DISTRICT
24 FIRST AVE SE
GLENWOOD MN 56334

RECEIVED
MAY 14 1993
BOARD OF WATER & SOIL RESOURCES

DATE: MAY 11, 1993

TO: BWSR
SOUTHBRIDGE OFFICE BUILDING
155 S WABASHA STE 104
ST PAUL MN 55107

SUBJECT: TIM GRAMM, MN DEPART OF AGRI CONS EASEMENT

Dear Sirs:

The Pope SWCD recommends the following conservation practices be installed on the Tim Gramm property, in the event he is allowed to farm the area.

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 pounds per acre flat small grain residue or equivalent would have to be used, (Conservation Tillage). With a rotation of corn and soybeans, he would have to have a 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.

We also recommend installing a field windbreak along the west property line for a distance of 2,000 feet from the township road. And also along the south property line - at a distance of 1300 feet from the west property line.

In the event changes are made to the conservation easement on this property, we would recommend they be recorded on the title so they go with the land and not the landowner.

Sincerely,

Wayne Knutson

Wayne Knutson, Chair
Pope Soil & Water Conservation District

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

@♦@♦ PHONE NO.

FILE NO.

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 1

To Al Kean	From Jerry Larson
Co. BWSR	Co. DNR- Wildlife
Dept.	Phone #
Fax # 297-5615	Fax # 612-634-4576

May 17, 1993

To: Al Kean
BWSR
Southbridge Office Building
155 S Wasbasha STE 104
St. Paul, Mn 55107

From : Gerald W Larson Gerald W. Larson
DNR-Area Wildlife Manager
110 North lake shore Dr.
Glenwood, Mn. 56334

Subject: Tim Gramm Mn Department of AGRI PERPETUAL CONSERVATION EASEMENT on land in Section 29 of Hoff Twp, Pope County.

In addition to the recommendation made by the Pope County SWCD in a letter to BWSR on May 11, 1993 the Minnesota Department On Naturel Resources Section of Wildlife makes the following recommendations:

Leave the unirrigated corner of the SW 1/4 of the SE 1/4 of Section 29 of Twp. 123, R. 40 in Pope County as wildlife nesting habitat cover. The approximately seven acre area should be seeded to a combination of alfalfa and brome grass. The recommended seeding rate should be 5 pounds of brome grass and 3 pounds of alfalfa per acre. The seeding should be redone very 10 years or sooner if necessary to maintain a good stand of vegetation for nesting cover.

The use of vehicles on these acres shall be limited to that which is necessary to maintain the nesting cover or control noxious weeds.

A change in the ownership of the easement area shall not terminate this agreement.

cc Wayne A. Edgerton

DEPARTMENT: AGRICULTURE

STATE OF MINNESOTA
Office Memorandum

DATE: May 17, 1993

TO: Chairman Nielson and BWSR

FROM: Elton R. Redalen, Commissioner

PHONE: 297-1551

SUBJECT: Gramm Conservation Easement Issue

From research by my staff, and communications with BWSR staff, I understand that the Board has the authority to consider the Gramm conservation easement vacation easement vacation request at the Board's May meeting. I also understand that the Board is required to consult with the commissioners of the departments of Agriculture and Natural Resources before making a decision.

My position is that the request appears reasonable and should be approved, with the following conditions:

- The landowner pay the state the difference in the value of the land without an easement.
- A recorded conservation plan for the highly erodible soil that is acceptable to the local SWCD.

The statutory test, that the "public interest and general welfare are better served by the alteration, release, or termination" would be met through a recorded conservation plan. If the conservation plan accomplishes as much or more than what was protected by the easement, I think it would be in the state's interest to accept the change. Also, from what I understand about the soil type of the land covered by the easement, similar soils are regularly farmed in the area.

cc: Jerry Heil
Dave Ball
Gail Ryan
Paul Burns

DATE: MAY 18, 1993

TO: BWSR
SOUTHBRIDGE OFFICE BUILDING
155 S WABASHA STE 104
ST PAUL , MN 55107

SUBJECT: TIM GRAMM, MN DEPT OF AG CONS EASEMENT

Dear Sirs:

In March of 1992 I purchased a 1/4 section of farmland from the State of MN, Dept of AG that had a Conservation Easement on 15 acres of class IV,Hecla Loamy Sand, 0 to 3 percent slope on this farm. This soil type is not Highly Erodible Land. This farm has been irrigated for more than 10 years and has been farmed for as long as anyone can remember.

When I purchased the farm there were standing corn stalks on the whole farm. In talking with Senator Charlie Berg of Chokio, he thought that we would be able to get this easement changed so I went ahead and no-tilled edible beans on 137 acres of the farm including about 10 acres of the easement area. There was no soil erosion in 1992.

The primary purpose of the easement was to protect marginal soils from wind erosion. I have consulted with the Pope County SWCD to come up with a conservation plan on these acres to eliminate the erosion caused by wind.

A secondary purpose of the easement was to provide wildlife habitat. I have worked with the Pope County DNR Wildlife Manager and have come to an agreement on establishing a nesting area in the southwest corner of this farm.

Another concern is the violation of the easement in 1992. I am told that RIM rules read that triple damages be paid for a knowing violation. With the severe weather situations of last year, I show a net loss on this farm of $28.80 per acre not including any land or machinery costs. Also, I believe with the establishment of the field windbreaks and the wildlife habitat in the 7 acre corner of this farm the damages will be repaid.

The purchase price for the farm was $615 per tillable. The sale of this farm was reduced because of the easement being on the property title. So I propose to pay the State of MN this price for the 15 acre for a total of $9225. I believe this money should be used in a higher priority project.

I plan to be at your Board meeting next week and will try to answer any questions you may have. Thank you for your consideration of this matter.

Sincerely,

Tim Gramm

Tim Gramm
Rt 2 Box 17
Hancock, MN 56244
Ph 612-392-5123

1992 PRODUCTION

5-7-92 NO-TILLED EDIBLE BEANS
80 POUNDS SEED/ ACRE AT $.52/ POUND= $41.60

5-25-92 KILLING FROST REDUCED STAND

5-30-92 INTERSEED WHOLE FIELD
56 POUNDS SEED/ ACRE AT $.52/ POUND= $29.12

8-3-92 SPRAY TO CONTROL WEEDS
3 OUNCES PURSUIT/ ACRE = $15.28

8-1- 8-30-92 IRRIGATION ELECTRICITY = $5.00

9-27-92 CUSTOM BEAN PULLER = $14.50

10-1-92 EDIBLE BEAN COMBINE RENTAL= $18.00

TOTAL CASH COST PER ACRE $123.50

10-1-92 58093 POUNDS EDIBLE BEANS
$.14/ POUND = $8133

12-08-92 ASCS DISASTER PAYMENT = $4842

TOTAL INCOME $12975

TOTAL INCOME PER ACRE $ 94.70

NET LOSS $28.80

GARDEN STATE BEAN CO., Inc.
524 South Seventh, Oakes, ND 58474

Scale Ticket # 27200

Date 10-6-92
Commodity/Kind Navy
Location Dawson
Grower Tim Gramm
Landlord

Weigher AH
Driver On ___ Off X
Custom ___
Sale ___
Storage X
Contract ___

58600 Truck Gross Weight
28220 Truck Tare Weight
30380 Truck Net Wt.

Pup Gross Weight
Pup Tare Weight
___ Pup Net Wt.

30380 Net Wt. Truck and Pup
2716 lbs. Total Dockage
27664 Clean Wt.
___ Moisture Correction OK % M
27664 Payable Wt. ___ price
___ % Total Pick 1 grade
___ % Total Check Seed Coats

8.6 % FM
.34 % Splits
8.94 % Total Dockage

To: ___
Truck ___
Lic. No. ___ TRL No. ___
Comments:

"ALL STORAGE CONTRACTS ON DRY EDIBLE BEANS TERMINATE ON APRIL THIRTIETH OF EACH YEAR."

"This warehouse is not responsible for returning an identical percentage of check seed coats back to receiptholder in the event of redelivery."

B.L. No ___

Hughes Trading Co., Inc.

Location Dawson

GARDEN STATE BEAN CO., Inc.
524 South Seventh, Oakes, ND 58474

Scale Ticket # 27203

Date 10-8-92
Commodity/Kind Navy
Location Dawson
Grower Tim Gramm
Landlord

Weigher AH
Driver On ___ Off X
Custom ___
Sale ___
Storage X
Contract ___

59860 Truck Gross Weight
28140 Truck Tare Weight
31720 Truck Net Wt.

Pup Gross Weight
Pup Tare Weight
___ Pup Net Wt.

31720 Net Wt. Truck and Pup
1291 lbs. Total Dockage
30429 Clean Wt.
___ Moisture Correction OK % M
___ Payable Wt. ___ price
30429 % Total Pick 1 grade
___ % Total Check Seed Coats

2.68 % FM
1.39 % Splits
4.07 % Total Dockage

To: ___
Truck ___
Lic. No. ___ TRL No. ___
Comments:

"ALL STORAGE CONTRACTS ON DRY EDIBLE BEANS TERMINATE ON APRIL THIRTIETH OF EACH YEAR"

"This warehouse is not responsible for returning an identical percentage of check seed coats back to receiptholder in the event of redelivery."

MINNESOTA
STEVENS
Report ID: MHC355-R001

U.S. Department of Agriculture
Agricultural Stabilization and Conservation Service

FARM ENTITLEMENT REPORT

Prepared: 12-08-92
Time: 15:35
Page: 1

Farm Number: 3216 92 Total Farm Payment-Insured: $11,024 Uninsured: $9,677

Crop	Prac	Part	Yield	Acreage
SWNBN	NI		1752.0	137.60

Expected Production: 241,075.20
Rate: 0.1720 Percent Loss: 76%
Secondary Crop Value

	Insured	Uninsured
Disaster Level	156,698.88	144,645.12
Actual production	58,093.00	58,093.00
Disaster loss	98,605.88	86,552.12
Gross payment	$11,024	$9,677
Less secondary use	$0	$0
Less Miscellaneous Adjustment:	0	0
Net farm payment	$11,024	$9,677

Producer: 469728612 S TIM GRAMM Total Payment: $9,677

Crop	Per-cent	PY/CY Insur.	Actual Production	Disaster Loss	Amt. Indemnity	Crop Payment	Pymt Cd	Payment Made	LFP Payment
SWNBN	ALL	N Y	58,093.00	86,552.12		$9,677			

5004
#4842
Amount paid

J

TO: Board Members

FROM: Doug Thomas

DATE: May 17, 1993

SUBJECT: Minnesota's Non-Point Pollution Control Program (319)

Ahead of the upcoming Board meeting Ron Harnack asked that I put together some background information on the State's non-point program for Board members.

For purposes of the upcoming Board discussion, of which Kathy Svanda from the PCA will be present to make a presentation on the State's non-point program, the attached material is limited to the Federal 319 program which is administered by the State's designated water quality agency, which is PCA for Minnesota. Before going on it is safe to say that there are many other non-point programs and activities carried out by many state agencies including the BWSR, federal agencies such as the Soil Conservation Service, and many local governments including counties, SWCD's, and WD's.

The primary purpose of 319 which is administered by the U.S. Environmental Protection Agency (EPA) is to offer guidance and assistance to states to assist in coordinating and accelerating their non-point efforts.

To this end the 319 program in Minnesota takes on two basic components. The first component is the development of the State's Nonpoint Source Pollution Management Program, which is designed to provide an assessment of where we are at and a five year plan of goals and objectives. The second part of the program is the development of a yearly workplan which is used to support the funding that is received by the State from EPA. Funding for Minnesota comes in the form of a non-competitive base @816,000 and a competitive portion @820,000.

Included with this cover memo are background information that includes:

** The introduction and table of contents from the State's 1988 State Management Plan.

** The 1993 Management Plan format and list of BWSR staff assignments to the various Chapter working groups.

** The 1993 guidance and criteria for competitive 319 proposals.

** A summary of the 319 competitive proposals submitted to EPA and their prioritization as done by PCA. At this time funding decisions have been made and the BWSR did not receive funding for any of the proposals it submitted. Also no local projects were selected. I hope to have a list by the Board meeting for you.

I realize that this may seem overwhelming but if you have any questions or would like to discuss 319 with me please do not hesitate to contact me at (612) 297-5617.

MINNESOTA

NONPOINT SOURCE POLLUTION

MANAGEMENT PROGRAM

September 26, 1988

Prepared by the

Minnesota Pollution Control Agency

Division of Water Quality

Preface

This document represents the second generation of assessment and planning for abatement of the nonpoint source pollution problem in Minnesota. As such, it builds upon and replaces the 1980 Water Quality Management Plan (208 Plan). This document is in two parts: 1) the Assessment Report and 2) the Management Program. This document was prepared by the State of Minnesota pursuant to Nonpoint Source Guidance published December 1987 by the U.S. Environmental Protection Agency and United States Code, title 33, section 1329.

MINNESOTA NPS MANAGEMENT PROGRAM

	Page
Preface	i
I. INTRODUCTION	1
II. PROCESS FOR DEFINING BEST MANAGEMENT PRACTICES	5
III. LOCAL, STATE AND FEDERAL PROGRAMS FOR CONTROLLING NPS	10
TIER I: COMPREHENSIVE WATER QUALITY PROJECTS	12
A. Clean Water Partnership	12
B. Clean Lakes Program	13
TIER II: STATEWIDE IMPLEMENTATION OF BEST MANAGEMENT PRACTICES	15
A. Agricultural Crop Production	15
B. Animal Waste Management	19
C. Pesticide and Fertilizer Application	22
D. Urban Runoff/Infiltration	26
E. Construction	28
F. Individual Sewage Treatment Systems	30
G. Hydromodification	32
H. Silviculture	34
I. Mining	36
J. Highway De-icing Chemicals	37
K. Special Erosion Problems	38
L. Land Disposal	40
SUPPORTING PROGRAMS	41
A. Monitoring	41
B. Research	45
C. Information and Education	48
D. Local Water Planning	51
E. Local Program Delivery System and Technical Assistance	54
F. State Water Planning, Coordination and Program Evaluation	59

RECOGNIZING NONPOINT SOURCE POLLUTION

In Minnesota, it is well known that nonpoint sources of pollution degrade water quality. In fact, water quality monitoring of rivers has shown that the majority of impaired uses are the result of nonpoint sources or a combination of point and nonpoint sources. The need for effective programs to control nonpoint sources of pollution is clear if Minnesota is to achieve its water quality goal of maintaining the chemical, physical and biological integrity of the State's waters. The Minnesota Pollution Control Agency (MPCA) has followed an extensive process of development in working towards this goal. This same process also assists the State in meeting the requirements for Section 319 of the 1987 Clean Water Act.

In 1967, the Minnesota Legislature established the Minnesota Pollution Control Agency, "To meet the variety and complexity of problems relating to water, air and land pollution in areas of the state affected thereby, and to achieve a reasonable degree of purity of water, air and land resources of the state consistent with the maximum enjoyment and uses . . ." Minnesota Statutes Chapter 116. In conjunction with the State's effort, a major national effort to combat water pollution began with the passage of the federal Clean Water Act of 1972. The basic goal of the Clean Water Act was to "restore and maintain the chemical, physical, and biological integrity of the nation's waters." This is a goal the State of Minnesota is committed to achieving and maintaining. This legislation created a variety of programs to study and regulate sources of water pollution. Most of the responsibility for carrying out these programs was assigned to state governments, under supervision of the federal Environmental Protection Agency (EPA).

Since passage of the legislation, MPCA and EPA have concentrated their water cleanup efforts on so called "point sources" of pollution: discharges of wastewater, usually via pipes, from municipal sewage systems and from industrial or commercial operations. In the mid-1970s, however, the Minnesota Pollution Control Agency (MPCA), in cooperation with state and federal agencies and local officials, initiated the Water Quality Management Planning effort required under Section 208 of the Clean Water Act. The purpose of the planning effort was to identify significant water quality problems due to nonpoint sources of water pollution and set forth effective programs to correct those problems.

A number of significant developments have occurred and impacted the original intent of the 1980 Minnesota Water Quality Management Plan. Fiscal, administrative and legislative constraints limited its implementation. Recognizing the seriousness of the nonpoint source (NPS) pollution problem, the Energy/Environment/Resources subcabinet approved the charge to the NPS Issues Team, "to develop recommendations for a state and local program to protect and improve the water quality of Minnesota's lakes, rivers and ground water through control of nonpoint sources of pollution." To accomplish this charge, the NPS Issues Team brought many of the agencies with responsibility and authorities for addressing the problem together to review past state and federal program recommendations, including the 1980 Water Quality Management Plan (208), current programs and activities, and provide current recommendations for a comprehensive program to solve water quality problems resulting from nonpoint source pollution.

The NPS Issues Team recommended a comprehensive water quality program be implemented through a variety of existing programs and a new program, the Clean Water Partnership (CWP) be established to protect and improve surface and ground water quality in Minnesota by providing state financial and technical assistance to local units of government. In 1987, the Clean Water Partnership was established by the Minnesota Legislature (Minnesota Statutes Sections 115.091 to 115.103).

Many of the activities, resources and accomplishments of the 208 planning process, the interagency NPS Issues Team, and the Clean Water Partnership provided the basis for Minnesota's NPS assessment for Section 319 of the 1987 Clean Water Act. This includes advisory assistance provided by the project Coordination Team, an advisory group made up of seventeen federal, state, and local agencies established for the Clean Water Partnership Program and a definition of nonpoint source.

Defining nonpoint source is, itself, a difficult problem because of the complex nature of the nonpoint source issue. For activities related to Section 319 of the 1987 Clean Water Act, a nonpoint source is defined as "a land management activity or land use activity that contributes or may contribute to ground and surface water pollution as a result of runoff, seepage or percolation and that is not defined as a point source in section 115.01, subdivision 15. Nonpoint sources include, but are not limited to rural and urban land management activities and land use activities and specialty land use activities such as transportation." (Section 115.093, Subdivision 6.) As a practical measure for Section 319, Minnesota considers:

agricultural runoff,
animal feedlots,
pesticide and fertilizer application,
urban runoff/infiltration,
construction,
on-site sewage systems,
hydrologic modifications,
forestry,
mining runoff,
highway runoff, and
special erosion problems

as nonpoint source, but excludes inplace pollutants and atmospheric acid deposition for which programs already exist.

In addition to the information provided by the above activities, the Minnesota NPS assessment requires specific information available from local resource management groups. This specific information was sought and obtained through a series of public participation meetings conducted as part of the development of Minnesota's Ground Water Protection Strategy and through a survey of over 350 local resource management groups.

In addition to the information provided by the above activities, the Minnesota NPS Management Program relies heavily on information gathered through a series of public participation meetings conducted as part of the development of the Rules for administration of the Clean Water Partnership Program (MN Rules chp. 7076) and information supplied by representatives of the:

Department of Health
Metropolitan Council
Board of Water and Soil Resources
Department of Agriculture
USDA - Soil Conservation Service
Minnesota Extension Service
State Planning Agency
Department of Transportation
Department of Natural Resources
Association of Minnesota Counties
League of Minnesota Cities
Minnesota Association of Townships
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service
USDA - Agricultural Stabilization and Conservation Service
Agriculture Experiment Station
Minnesota Geological Survey
U.S. Environmental Protection Agency
Minnesota Pollution Control Agency

FORMAT FOR 1993 REVISED MANAGEMENT PROGRAM

EXECUTIVE SUMMARY

CHAPTER 1 -- INTRODUCTION
(Where has the program come since 1988 and where is it going over the next four years)

THE ASSESSMENT

CHAPTER 2 -- UPDATE AND EVALUATION OF THE NPS ASSESSMENT
(includes GIS maps illustrating monitoring data in rivers and lakes for each basin)

THE PLAN

CHAPTER 3 -- OVERALL APPROACH OF THE NPS MANAGEMENT PROGRAM
[to include section on status of Basin Planning effort and how it fits in with MP]

CHAPTER 4 -- EXISTING NPS PROGRAMS IN THE STATE (includes program matrix)
[partially done]

CHAPTER 5 -- STRATEGY FOR IDENTIFYING AND ADDRESSING PRIORITY WATERSHEDS
[underway - March/April/May]

CHAPTER 6 -- STATEWIDE NPS EDUCATION AND INFORMATION STRATEGY
[done]

CHAPTER 7 -- MONITORING STRATEGY
[apply information stemming from M & A group currently meeting to revise MPCA's strategy]

CHAPTER 8 -- BMP PROCESS, DEVELOPMENT AND IMPLEMENTATION
[Jim Klang/Dave Wall/Dave Johnson]

THE IMPLEMENTATION

CHAPTER 9 -- STRATEGIES FOR ADDRESSING THE MAJOR SOURCE PROBLEMS IN MN

9.1 Agricultural Erosion [Jan]

9.2 Pesticides and Fertilizers [April]

9.3 Animal Feedlots [May]

9.4 Nutrient Management [Nov]

9.5 Urban Stormwater and Construction Site Runoff/Infiltration [Feb]

9.6 On-site wastewater systems [April]

9.7 Forestry Runoff [Done]

9.8 Hydrologic Modification (wetland protection, drainage, dredge/fill) [May]

9.9 Mining Runoff [Fall]

CHAPTER 10 -- NSP PROGRAM GOALS AND ESTIMATED 4-YEAR SCHEDULE [Fall]

CHAPTER 11 -- FUNDING SOURCES/FEDERAL CONSISTENCY REQUIREMENTS

APPENDICIES

TO: Dorothy Stainbrook, PCA

FROM: Doug Thomas

DATE: January 15, 1993

SUBJECT: 319 Non-point Subcommittee Membership

As we discussed here is the list of BWSR staff that have been appointed to serve on the various 319 Non-point Subcommittees.

Project Coordination Team	-	Doug Thomas
	Alternates,	Chuck Niska & Dave Behm

Feedlot	-	Al Kean
Agricultural Erosion	-	Dave Behm
Agricultural Pesticide	-	Doug Thomas
Silviculture	-	Jim Limmerman, Duluth Office
Monitoring	-	Dale Krystosek, Bemedji Office
On-Site	-	Doug Thomas
Hyrdomodification	-	John Jaske
Watershed	-	Dave Behm
Urban Runoff	-	Bruce Sandstrom
Ag. Nutrient Mgmt	-	Greg Larson

If you have any questions please give me a call at 297-5617.

Guidance and Criteria for developing 319 proposals for FY93

Developed by MPCA with guidance from EPA

Required Components:

* The work plan elements clearly demonstrate that tasks are implementation tasks and not planning, program development or diagnostic tasks.
* The proposal has identified the mechanisms and process to be used for measuring success (i.e., the proposal provides for monitoring and evaluation of program effectiveness).
* The proposal reflects needs identified in the Management Program.
* If the project is a watershed project, it needs to include an evaluation monitoring component.
* 40% match is provided and a detailed description of the match source(s) is included.

Guidelines to help proposal achieve priority status

* Proposed project is in Great Lakes area, or if not, project has a watershed-specific application.
* 50% match is provided and detailed description of match source is included.
* If project is a statewide project proposal (as opposed to a watershed implementation project) it is under $100,000.
* If the project is long-term, there is a plan showing how the project will become self-supporting.
* The proposal identifies how the project will move a waterbody toward quantifiable load reduction.
* The project proposal has an identified I & E component (agencies may want to jointly propose projects to achieve this goal).
* The proposal has identified how the project will achieve coordination with local entities.
* The project proposal reflects priorities listed in EPA Regional guidance (wetlands and urban stormwater have been listed to-date).
* If the project is research or education-oriented, it is based upon a previously documented need.
* The proposal has a well-developed plan for ensuring coordination between state and local agencies.
* The proposed activity applies or integrates existing programs to control nonpoint source pollution.

PRIORITIZATION AND COMMENTS FOR 319 PROPOSALS - FY93

Review team: Tom Davenport
Kathy Svanda
Gaylen Reetz
Wayne Anderson
Dave Nelson
Dorothy Stainbrook

Total base money available: $ 816,100
Approximate competitive money available: $ 820,000

I. PROJECTS PROPOSED UNDER COMPETITIVE FUNDING

[Projects are prioritized into Tiers but ARE NOT ranked within those Tiers]

TIER 1: HIGHEST PRIORITIES

Proposal name	Review Comments
1. (pg.18) MES - I & E Coordinator [$ 93,740]	- This is based on clearly id'd need in the statewide NPS I & E strategy developed with 319 support (which has undergone peer review and has been incorporated into the revised Management Program) - Proposal is well-coordinated with PCA - This is MES's priority project for FY93 - MES has established a track record of meeting project milestones successfully in previously funded projects
2. One of the two wetlands proposals listed below as 2a or 2b.	
2a. (pg. 84) Prior Lake Watershed District- Wetland restoration Project [$ 74,250]	- comprehensive wetlands project that addresses the whole subwatershed - tied to a Clean Lakes project - strong coordination with and

	oversight by USFWS - documentation of the process and the cost/benefits for future use by other agencies is valuable and is a major thrust of the project - if not funded under 319, this may be an appropriate project for Clinton money - match must be changed prior to final submittal; federal money or federal in-kind services cannot be used for match
2b. (pg. 80) PCA - Wetlands/CWP Position [$ 61,000]	- would provide continuity of CWP wetlands work after USFWS IPA is completed, and allows training to occur during USFWS IPA term - documented need in many of the CWP diagnostic studies - wetland restoration is an EPA-Region 5 high priority and the CWP program is the state's priority NPS watershed program
3. (pg. 15) DNR-Forestry; BMP Audit Process Transference [$ 10,000]	- Other agencies are interested in the audit "process" for different source problems (i.e., Ag and Urban), and the procedures appear to be transferable; - DNR-Forestry has a proven track record with previous 319 projects and has successfully met originally proposed milestones - Project is process oriented and not just Forestry focused. - while the auditing process will continue for Forestry, this brings resolution to the 319 portion of the project
4. (pg. 73) Contractual-Garvin Brook Ground water monitoring [$ 9,670]	- Continuation of long-term GW monitoring project evaluation
5. (pg. 74) Contractual-Whitewater Project for National Monitoring Program [$ 50,000]	- EPA would like Minnesota to submit a project specifically designed for the National Monitoring Program set-aside and this was the project most suited to the specific criteria

6. (pg. 41) Contractual-Riparian project in MNRAP subwatersheds [$ 90,000]
   - This is a well-thought out project that pulls together implementation, monitoring, I & E, coordination, and project documentation
   - Detailed proposal (you can see what will be done and how it will be accomplished)
   - tied to work plans of the SCS and USFWS IPAs
   - involves constructed wetland treatments
   - tied to existing state funding source (LCMR)
   - if not funded through 319, may be appropriate to submit for Clinton 319 money

7. (pg. 142) Ag waste in the MN Riv [$ 54,721]
   - continuation of an established position

8. (pg. 25) MNRIP position [$ 60,317]
   - continuation of the MNRIP position

9. (pg. 51) Urban Runoff Management [$ 79,973]
   - continuation of position

10. (pg. 53) BMP Engineer [$ 65,000]
    - continuation of BMP position

11. Equipment [$ 58,000]

12. Conference/Training [$ 12,000]

$534,104

TIER 2: HIGH PRIORITY PROJECTS

1. (pg. 28) MDA - Urban Pesticides [$ 76,000]
   - Pro's are that it's based on a documented need (from the Pesticide Management Program) and it is related to urban runoff issues (an EPA priority).
   - Another pro is that it is coordinated locally with Minneapolis Chain of Lakes CWP
   - Funding concerns are that it does not demonstrate implementation of BMPs very clearly. EPA would like to see work plan revised to identify

	implementation of BMPs within the project. - EPA questioned the cost of $50,000 per year for 100 pesticide samples
2. (pg. 74) Contractual Anoka Sand Plain Project [$ 35,000]	- Complements USDA Water Quality Demo project by providing water quality monitoring for evaluation (something that is not included in USDA funding of project) - continuation of previous long-term project
3. (pg. 113) Growth Management [$ 49,500]	- 319 project previously funded that needs to be given opportunity to reach completion
4. (pg. 79) DNR-Waters Field audit of DNR activities/permits related to NPS [$ 40,000]	- This is an activity that could lead to better problem identification and coordination between DNR and PCA - EPA questioned why this type of activity was not done under previous coordinator position, and wanted clarification of which lands audit process would cover (federal, state, and locally owned lands or just state lands?)
5. (pg. 117) Local/PCA-Schwanz Lake CWP Phase II Project [$ 103,895]	- This is a CWP implementation project that has undergone diagnostic work and meets all 319 criteria (watershed, implementation, etc) - This has gone through interagency ranking process and is highest ranked project of those that did not make 1993 state funding selection (due only to limited funds not) - potential for funding under Clinton 319 money
6. (pg. 59) Local/PCA-Mountain Lake CWP Phase II Project [$ 188,377]	- This is a CWP implementation project that has undergone diagnostic work and meets all 319 criteria (watershed, implementation, etc) - This has gone through interagency ranking process and is second highest ranked (after Schwanz) project of those that did not make 1993 state

	funding selection due to limited funding - potential for funding under Clinton 319 money
7. (pg. 95) S. St. Louis SWCD Urban Runoff Demo Project in Miller Creek watershed [$ 100,000]	- In the Great Lakes priority area - Urban runoff is EPA-Region 5 high priority issue - Project focuses on waterbody which has good diagnostic data
8. (pg. x) BWSR - Feedlot Tech. Assistance to SWCDs [$ 60,000]	- this would be a continuation of a previously funded position - does not involve technical assistance on feedlot permitting issues, but focuses on TA to SWCD staff for design and construction of feedlot pollution abatement systems - Task I. of the work plan is the only task that is 319 fundable; this work element needs to be expanded and developed with more detail to bring the project to a higher priority (i.e., products and timelines need to be identified for Task I: A,B, and C)
9. (pg. 1) MES - Use of MAP to provide TA on livestock waste issues [$ 58,000]	- proposal builds on previous 319 work efforts and products - proposal is written well and seems to fufill need - fulfills function that is complementary to the state's existing feedlot permitting program rather than in conflict
TIER 3: MID-LEVEL PRIORITY	
1. (pg. 50) DNR-Forestry [$8,500]	- Good concept but EPA noted last year that they had supported forestry BMP auditing for two years and it would need to be self-supporting by this year.
2. (pg. 98) BWSR- Lake Superior Shoreline Stabilization Project	- This project is in the Great Lakes area and serves a documented need but does not meet guidance criteria

[$ 65,000]	for cost share proposals (i.e., must be demo projects, not general implementation of BMPs). - This project was given $100,000 in FY91 and was rejected in FY92 with EPA comments that it has not demonstrated how it will eventually become self-supporting. - EPA questioned the progress shown on this project in the past, relative to the proposed milestones.
3. (pg. 103) PCA-Duluth stormwater outreach position [$ 65,735]	- Project is in the Great Lakes area - project is focused on urban runoff activities (an EPA priority) - project is high priority for MPCA Duluth Regional office - outreach for urban runoff is a high priority need coming out of the NPS Urban Stormwater subcommittee - may be fundable under 104
4. (pg. 76) PCA - CWP Program Evaluation [$ 61,000]	- CWP is 319's priority watershed program and it has now evolved to the point where the major programmatic problems need to identified and corrected, and the successful components need to be documented and standardized.
5. (pg. 110) Carlton/S. St. Louis SWCDs: Erosion Control Asst.	- Project is in the Great Lakes area - Similar project with these SWCDs was funded in FY91 and FY92; progress has been good and coordination with MPCA has been good. - Work plan components need further detail and clarification - May be candidate for Clinton 319 funds
6. (pg. 104) MN Geological Survey Trend Analysis [$ 27,000]	- Project is in the Great Lakes area (an EPA priority area) - it is based on needs identified in Lake, St. Louis, and Carlton County local water plans - Involves educational component and good methods for evaluating success - 319 does not fund assessment work however, and EPA viewed this as assessment project

7. (pg. 7) BWSR - Technical Asst. for erosion control and feedlot systems in the MN River [$ 175,000]	- well developed proposal with clear implementation tasks - EPA noted in preproposal review that parts of the work plan were fundable but the project needed to be coordinated through MPCA (i.e., this would not involve PCA on the technical assistance team but might involve PCA designating the priority watershed areas where work should occur first) - funding request exceeds criteria for designating it a priority non-watershed project; Work plan could achieve higher priority status if training and modeling activities could be supported with other funding source and 319 funds would support the implementation activities. - There was some question as to whether the high number of feedlot and erosion control systems to be implemented was realistic
8. (pg. 36) BWSR-Blue Earth Project [$ 190,000]	- Cost share portion does not meet 319 guidance criteria on cost share projects - Project appears to be a collection of demo projects within separate small watersheds within the basin, rather than a watershed project with an integrated comprehensive plan for achieving load reduction. - Staffing at $128,000 is not fundable as a priority under competitive funding, as noted in FY93 guidance criteria - There is no plan as to how project will continue to completion after a year of 319 funding - EPA noted that work elements A, C, and E could be appropriate for Clinton money

TIER 4: PROJECTS NOT FUNDABLE UNDER 319 (NOT SUBMITTING AS PART OF APPLICATION)

1. (pg. 4) BWSR-TA on permitting and manure management practices in Sauk River	- Involves feedlot permitting activities which conflict with PCA responsibilities

[$ 185,000]	- feedlot permitting activities are not fundable under 319 (EPA-Region 5) - Unclear on what "low cost options" entail
2. (pg. 16) MDA - Feedlot land use controls and permitting procedures for feedlots [$ 62,500]	- Although this proposal addresses land use issues of feedlots, it is not a water quality oriented project (when feedlots **are** a permitting issue around a water resource they are covered by MPCA regulations)
3. (pg. 32) PCA - Video dvlpment on MN River [$ 6,741]	- This is not an identified need made by MNRIP group and has not been coordinated with overall strategy - This type of project needs to go through PIO
4. (pg. 94) BWSR- Cost Sharing to local governments to complete feedlot inventories [$ 174,000]	- Does not meet 319 criteria for cost sharing proposals (i.e., innovative, demo projects, technical transfer)
5. (pg. 55) Cass County-Boy River On-site Implementation Project [$ 22,850]	- Pro: it is low cost and innovative. - Potential to be a good demo project for other surrounding areas with similar problems - EPA views this type of work as more appropriate to funding at the local or state level rather than through 319 where the priorities are more related to NPS pollution from agricultural and urban sources. EPA noted that this type of project is ideal however, for the CLinton money.
6. (pg. 10) PCA-Community Coord. for On-Site Grants Program [$ 63,000]	- on-site efforts are not currently fundable under 319; may be appropriate for Clinton money
7. (pg. 13) PCA-TA to locals on resolving on-site issues [$ 9,240]	- cost is low - work plan, goals and products are clearly laid out - local need is high - EPA views this type of work as more appropriate to funding at the local or state level rather than through 319 where the priorities are more

	related to NPS pollution from agricultural and urban sources.
8. (pg. 48) City of Prior Lake Acceleration of Stormwater BMPs [$ 150,000]	- This project is more of a capital improvements program which EPA has rejected in the past as a non-appropriate 319 activity - EPA noted that this may be appropriate for Clinton money
9. (pg. 102) PCA-Duluth surface water technician [$76,000]	- Too similar in nature to 319-funded regional position in Duluth
10. (pg. 78) MDA-Geologic Sensitivity Analysis for Pesticide Management Plan [$ 24,000]	- The focus of this project is on planning activities, which is not fundable under 319
11. (pg. 44) Gull Lake Project [$ 18,350]	- Premature, needs to submit diagnostic study prior to funding - may have potential for Clinton money
12. (pg. 34) Red Lake Watershed Dist. Clearwater River Project [$ 62,500]	- Premature proposal, need to finish diagnostic Phase I study first
13. (pg. 26) PCA - MN River Play Production [$ 10,000]	- This is an innovative concept and may be well received in the communities, but it is an activity that is more appropriately funded through private foundation sources, and these sources should be explored first.
14. (pg. 23) Sportsman Coalition Conference [$ 5,000]	- this has been funded in the past and needs to stand on its own now
15. (pg. 89) Becker County SWCD Hamden Slough Sub-Watershed Wetlands Project [$ 146,000]	- Premature proposal, needs diagnostic work before submittal - may be candidate for Clinton money
16. (pg. 90) DNR-Mining Creation of Wetlands from	- Based on research work that was previously funded

Mining Tailings and Wetland Treatment of Acid Mine [$ 50,000 for each]	- Some of this work is related to work being done to satisfy PCA compliance conditions which could be viewed as conflict of interest
17. (pg. 101) PCA-River Watch [$ 80,000]	- Similar to situation with CLMP last year where program was being cut and 319 was requested to pick it up; EPA response was that 319 was to "support" state programs and if the state was saying it wasn't important enough to fund then 319 support was not appropriate. - EPA comments were that monitoring was only going to be funded through National Monitoring Projects
18. (pg. 89) DNR-Forestry Printing of Forestry Wetland BMPs [$ 19,000]	- Document will need to be reviewed and approved by PCA and EPA before given financial support

June, 1993

Minnesota Board of Water & Soil Resources

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DATE: June 17, 1993

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: June 25th Meeting and June 26th Tour

The Board of Water and Soil Resources (BWSR) will meet on Friday, June 25, 1993, beginning at 12:00 noon. The meeting will be held in the McKnight I Room, at the Holiday Inn East, I-94 and McKnight Road (see attached map). The agenda and informational materials are enclosed for your review.

A single sleeping room reservation has been made for the following members for the night of June 25: Don Ogaard, Ted Lovdahl, Jim Rossman, and John Boulton. The room has been direct billed (so you will not pay for it) and listed in your name under the group name Board of Water and Soil Resources. If you will not be staying on June 25, please call the Holiday Inn directly at 612-731-2220 to cancel your reservation. Also, because of the later starting time of the meeting on June 25, sleeping room reservations have not been made for the night of June 24; if you need a room on the 24th, please call the Holiday Inn directly.

The BWSR meeting will adjourn at 3:00 p.m. and then meet with the Minnesota Association of Watershed Districts (see attached agenda). You are invited to attend the MAWD banquet at 7:00 p.m. The MAWD tour of the metro area is scheduled for Saturday morning. The bus departs from the Holiday Inn at 8:30 a.m., and will return about 2:00 p.m. A direct billing (you will not pay) has been done for your dinner on Friday evening, registration and lunch for the tour on Saturday. You are on your own for lunch on Friday and breakfast on Saturday.

Please submit your expense claims by June 30 (end of the fiscal year). Any expenses received after July 16 will not be paid.

SUMMARY OF AGENDA:

1994 SWCD ALLOCATIONS
Each year in June the Board makes annual allocation to SWCD's for general services support, RIM, and general cost-share. The general services grants support the staffing and office administration of the SWCD's; the RIM services provides funding for the districts technical, administrative, monitoring, and marketing of the RIM Reserve Program (**the RIM services grant amounts anticipates that the Board endorses the continued 50% allocation of RIM Reserve to the Minnesota River Basin**); the general cost-share grants provide financial assistance to landowners for implementation of conservation practices and an additional capability for staff technical assistance based on 20% of the cost-share practice. The Board has previously approved the criteria for these allocations leaving little room for modification. The enclosed allocation sheet represents the actual allocation for each district. Staff recommends approval of the allocation. With the Board's approval, districts may begin to encumber the $'s against projects.
DISCUSSION & DECISION

COTTAGE GROVE RAVINE WATERSHED PETITION UPDATE
On June 24, 1993, the Board will conduct a hearing on the establishment of a watershed district for the Cottage Grove Ravine area. The Board members conducting the hearing will provide a brief status of and perspective on the hearing. **DISCUSSION**

GIS PRODUCTS & EXAMPLES
During the past year the BWSR in cooperation with LMIC and several pilot counties have been developing a way and means for the integration and use of geographic information system data sets at the local level. Doug Thomas will review what can be done in terms of locating potential priority feedlots that impact surface water. This type of analyses can provide SWCD's and counties a valuable tool for targeting limited staff and financial resources. Other applications may also be utilized with this capability in place.
DISCUSSION

FUTURE MEETINGS & SELECT AGENDA ITEMS

July - NO MEETING
August 25, 1993
* RIM Program procedures
* Hearing guidelines
* Affirmative Action Plan
September 22-23, 1993
* Fall tour - Itasca County etal
October 27, 1993
November - NO MEETING
December 8, 1993
*Block grant allocations to counties

If you have any questions or need additional clarification please feel free to call. Travel safely; I look forward to seeing you on the 25th!

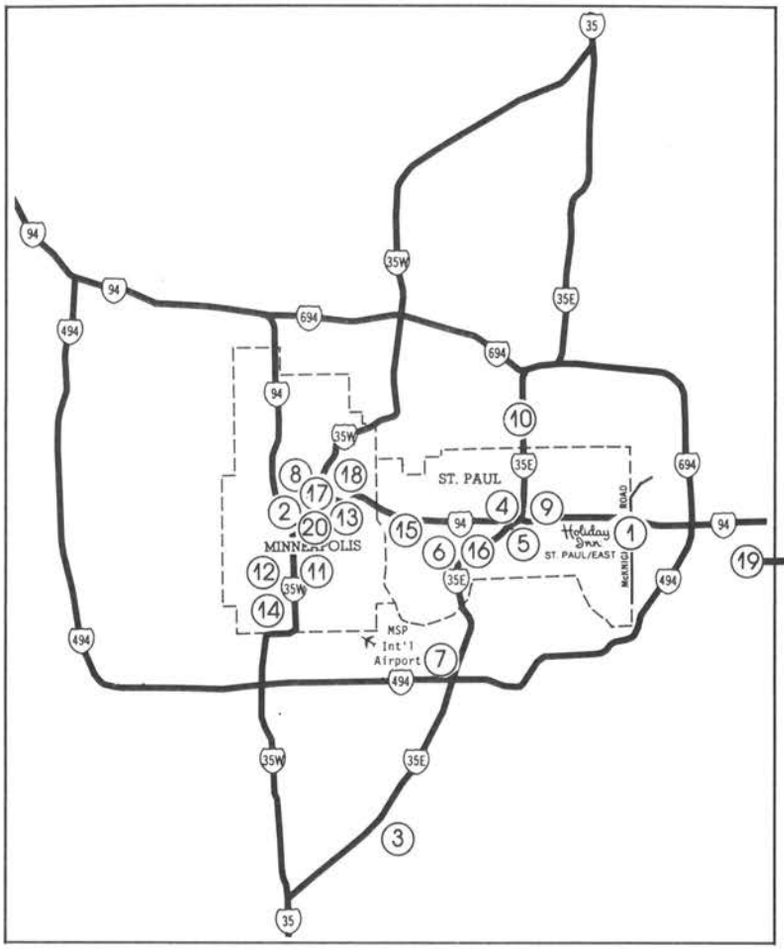
BOARD OF WATER AND SOIL RESOURCES
HOLIDAY INN EAST
(I-94 & MCKNIGHT ROAD)
ST. PAUL, MINNESOTA 55119
JUNE 25, 1993

PRELIMINARY AGENDA

12:00 NOON	1.	Call Meeting to Order
	2.	Adopt Agenda
	3.	Approve Minutes of May 26, 1993
	4.	Reports • Chairman's Report - Jim Nielsen • Committee Reports • Executive Director's Report - Ron Harnack
12:30 p.m.	5.	1994 SWCD Allocations - Greg Larson • General Services • RIM • Cost-Share
	6.	Update on Cottage Grove Ravine Watershed Petition Hearing - Howard Peterson
	7.	GIS Products/Examples - Doug Thomas
	8.	Advisor Comments • Curt Borchert, MACDE • Marlin Libbesmeier, MAT • Gary Nordstrom, SCS • Howard Peterson, MAWD • Allan Oehlke, MASWCD • Pat Wulff, MLA
	9.	Board Issues - discussion, comments, action needed
3:00 p.m.	Adjourn	

Map & Attractions

Holiday Inn®



Minneapolis/St. Paul Attractions

1. Holiday Inn St. Paul/East
2. Orchestra Hall
3. Minnesota Zoo
4. State Capitol
5. Padleford Sternwheeler Cruises
6. Governor's Mansion
7. Fort Snelling
8. IDS Center
9. World Trade Center
10. Public Library
11. Walker Center
12. Guthrie Theatre
13. American Swedish Institute
14. Minneapolis Institute of Arts
15. Science Museum of Minnesota
16. Landmark Center
17. Hubert H. Humphrey Metrodome
18. Target Center
19. St. Croix Meadows/Greyhound Racing Park
20. Minneapolis Convention Center

1/91

ST. PAUL/EAST
I-94 at McKnight Road • 2201 Burns Avenue • St. Paul, MN 55119 • 612/731-2220

1993 Summer Tour
June 25 & 26, 1993

Holiday Inn-East, St. Paul
I-94 & McKnight

Preliminary Schedule

Friday, June 25:

12:30 - 1:00 Registration

1:00 - 1:30 Watershed Districts and the National Flood Control Insurance Program
Eric Berman -- Federal Emergency Management Administration

1:30 - 2:30 Tools for Effective Public Reltaions
Susan Tsakakis -- BWSR
Cynthia Clish -- Clish Resources

2:30 - 3:00 Break

3:00 - 4:30 Environmental Assessment in the Red River Basin
Don Ogaard -- Red River Management Board
Mark Deuschman -- HDR
Joe Gibson -- DNR

4:40- 5:30 WMOs and Watershed Districts in the Metro Area
Cliff Aichinger -- Ramsey-Washington Metro
Joel Schilling -- SEH
-- Bassett Creek WMO

6:00 Social

7:00 Dinner and Program

Saturday, June 26:

8:30 - 2:00 Tour
Valley Branch, Rice Creek and Ramsey Washington Metro

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To	From
Marylo Anderson	Judy Erickson
Co. BWSR	Co. mawd
Dept.	Phone #
Fax #	Fax #

FY 1994 ALLOCATIONS TO SOIL AND WATER CONSERVATION DISTRICTS

Staff Recommendation (June 16, 1993)

DISTRICT	COST SHARE		SERVICE GRANTS		TOTAL SERVICE GRANTS
	REGULAR ALLOCATION	SLR/SPECIAL PROJECTS	GENERAL SERVICES	RIM SERVICES	
TODD	23,603	$22,500	$9,107	$1,800	$10,907
TRAVERSE	8,034	7,893	8,971	1,855	10,826
WABASHA	23,083		9,009	5,055	14,064
WADENA	6,924		8,949	2,400	11,349
WASECA	11,353		9,016	10,960	19,976
WASHINGTON	14,157		9,204	1,055	10,259
WATONWAN	9,903	4,113	9,016	10,438	19,454
WILKIN	12,457	7,000	8,934	7,785	16,719
WINONA	19,006	29,000	9,061	3,355	12,416
WRIGHT	19,933		9,347	11,230	20,577
YELLOW MEDICINE	18,414		9,031	13,160	22,191
ALLOCATED TOTAL	$1,449,546	$373,599	$824,000	$685,296	$1,509,296
PROGRAM TOTAL	$1,461,000		$849,000	$750,000	$1,599,000
ALLOCATED TOTAL	1,449,546		824,000	685,296	1,509,296
BALANCE	$11,454		$25,000	$64,704	$89,704

NOTES:

Crow Wing cost-share allocation reduced $2133 for program violations.
Stevens cost-share allocation reduced $2641 for program violations.
Pennington regular cost-share allocation reduced $6525 for program violations.
West Ottertail cost-share allocation reduced $155 for program violations.

Balance in cost-share to be made part of December, 1993 "roll-over" allocations to SWCDs.

Balance in general services to be used for purchases on behalf of SWCDs such as raingages; also, grants will be made to SWCDs as needed for support of special events such as regional conservation expos. In addition, $12,000 of this balance is proposed to be allocated as partial funding for continuation of Mary Mueller's technical support position to SWCDs in the Minnesota River Basin. Specifically, this amount would fund Ms. Mueller's time spent in the Blue Earth River Basin SWCDs providing technical assistance and coordination of accelerated soil and water conservation activities. This assistance has been requested by the involved SWCDs.

Balance in RIM services to be allocated in early 1994 to adjust for activity from the fall '93 RIM sign-up.

FY 1994 ALLOCATIONS TO SOIL AND WATER CONSERVATION DISTRICTS

Staff Recommendation (June 16, 1993)

DISTRICT	COST SHARE		SERVICE GRANTS		TOTAL SERVICE GRANTS
	REGULAR ALLOCATION	SLR/SPECIAL PROJECTS	GENERAL SERVICES	RIM SERVICES	
LYON	19,435	$39,000	$9,046	$9,085	$18,131
MAHNOMEN	9,395		8,919	800	9,719
MARSHALL-BELTRAMI	6,506		9,024	1,100	10,124
MARSHALL	11,430		8,949	1,800	10,749
MARTIN	27,179		8,971	7,575	16,546
MC LEOD	17,731		9,016	8,065	17,081
MEEKER	22,069		9,024	38,330	47,354
MILLE LACS	10,584		9,107	8,275	17,382
MORRISON	27,005	27,575	9,137	8,865	18,002
MOWER	11,265	7,860	8,934	11,095	20,029
MURRAY	15,858		9,024	9,385	18,409
NICOLLET	11,596		8,986	9,895	18,881
NOBLES	29,295		9,054	3,465	12,519
NORMAN	18,668	11,825	8,934	18,835	27,769
OLMSTED	39,507		9,009	1,900	10,909
EAST OTTER TAIL	25,137		9,099	3,200	12,299
WEST OTTERTAIL	26,173		9,099	27,035	36,134
PENNINGTON	4,322	15,625	8,934	1,300	10,234
PINE	11,859		9,061	100	9,161
PIPESTONE	16,964		8,971	1,955	10,926
EAST POLK	13,219		8,960	3,300	12,260
WEST POLK	20,540		8,960	1,000	9,960
POPE	26,158		8,964	9,965	18,929
RAMSEY	10,759		9,227	0	9,227
RED LAKE	7,605	5,513	8,934	1,100	10,034
REDWOOD	12,626		8,986	22,405	31,391
RENVILLE	12,367		8,934	43,478	52,412
RICE	19,509		8,971	27,100	36,071
ROCK	17,549		8,956	(55)	8,901
ROOT RIVER	24,109		8,919	23,700	32,619
ROSEAU	12,965		8,964	1,800	10,764
NORTH ST. LOUIS	4,715	11,668	9,219	600	9,819
SOUTH ST. LOUIS	8,452	11,940	9,370	600	9,970
SCOTT	21,899	7,500	9,610	8,875	18,485
SHERBURNE	5,396		9,114	2,800	11,914
SIBLEY	14,467		9,097	30,075	39,172
STEARNS	48,452		9,279	6,965	16,244
STEELE	11,436		8,986	4,965	13,951
STEVENS	21,560		8,979	5,210	14,189
SWIFT	12,711		8,926	9,530	18,456

FY 1994 ALLOCATIONS TO SOIL AND WATER CONSERVATION DISTRICTS

Staff Recommendation (June 16, 1993)

DISTRICT	COST SHARE		SERVICE GRANTS		TOTAL SERVICE GRANTS
	REGULAR ALLOCATION	SLR/SPECIAL PROJECTS	GENERAL SERVICES	RIM SERVICES	
AITKIN	$6,075	$16,225	$9,182	$1,400	$10,582
ANOKA	7,928	40,041	9,398	3,165	12,563
BECKER	30,586		8,971	2,100	11,071
BELTRAMI	11,859		9,046	2,200	11,246
BENTON	11,431		9,009	15,360	24,369
BIG STONE	17,392		8,949	3,310	12,259
BLUE EARTH	24,624		9,054	6,375	15,429
BROWN	15,266		8,971	22,805	31,776
CARLTON	5,902		9,046	500	9,546
CARVER	23,444	15,000	9,076	10,130	19,206
CASS	8,626	11,900	9,219	700	9,919
CHIPPEWA	13,134		8,949	7,830	16,779
CHISAGO	13,816		9,114	6,205	15,319
CLAY	22,926		9,009	8,775	17,784
CLEARWATER	10,156		8,986	3,210	12,196
COOK	3,483	2,013	8,964	600	9,564
COTTONWOOD	18,498		8,964	8,975	17,939
CROW WING	4,705		9,234	500	9,734
DAKOTA	28,026		9,174	2,500	11,674
DODGE	13,562		8,949	900	9,849
DOUGLAS	21,477	10,838	9,264	22,015	31,279
FARIBAULT	16,541		8,971	3,955	12,926
FILLMORE	29,899		8,986	7,875	16,861
FREEBORN	21,307		8,934	18,475	27,409
GOODHUE	31,856		9,001	11,675	20,676
GRANT	13,341		9,009	1,300	10,309
HENNEPIN	13,901		10,106	3,465	13,571
HUBBARD	7,521	4,544	8,971	900	9,871
ISANTI	8,880		8,979	4,700	13,679
ITASCA	6,500		9,212	700	9,912
JACKSON	19,947		8,979	16,920	25,899
KANABEC	7,690	8,500	9,009	3,365	12,374
KANDIYOHI	18,498		8,986	14,275	23,261
KITTSON	7,605		8,971	1,700	10,671
KOOCHICHING	3,606	22,081	9,024	600	9,624
LAC QUI PARLE	27,264		8,979	3,010	11,989
LAKE	5,649	33,445	9,031	500	9,531
LAKE OF THE WOODS	4,544		9,054	1,000	10,054
LE SUEUR	21,307		9,031	13,250	22,281
LINCOLN	15,435		8,941	3,510	12,451

FY1994 SLR/Special Projects

Number of applications received: 54
Amount requested: $1,106,089

Available dollars:

•10% of cost-share appropriation=	146,100
•SLR (streambank, lakeshore and roadside) portion of cost-share appropriation=	159,000
•Returned cost-share funds from January, 1993=	69,000
TOTAL	$ 374,100

The following list, in alphabetical order, is a summary of each application. The board staff grants team ranked every project according to the criteria which is attached to this summary. The **[FUND]** notation is the staff recommendation to approve the project.

SWCD: Aitkin **[FUND]**
Type of Application: SLR
Request Amount: $16,225
State Contribution: 50%
Other Contributor(s): Private landowners
Project Description: Prairie River Stabilization. To stabilize an eroding bank of soil on the Prairie River, at a just above point where it empties into the Big Sandy Lake Reservoir. Proposed work consists of stabilizing the bank toe with rip-rap, and revegetating the area above the rock. BWSR Engineer Al Kean assisted the SWCD with cost estimates for this project.

SWCD: Anoka
Type of Application: SLR
Request Amount: $42,700
State Contribution: 50%
Other Contributors: Watershed District
Project Description: Rice Creek Streambank Stabilization. To stabilize badly eroding banks of Rice Creek, which have been contributing sediment into the creek, and eventually Locke Lake. Rip-rap will be installed at each site, with vegetative stabilization used above the rock.

SWCD: Anoka
Type of Application: SLR
Request Amount: $30,000
State Contribution: 15%
Other Contributors: City of Fridley, RCWD, Private landowners
Project Description: Rice Creek Rabbit Ears. To control erosion on private land on Rice Creek, treating 2450 feet of bank with filter fabric and gabion baskets.

SWCD: Anoka **[FUND]**
Type of Application: Special Project
Request Amount: $30,000
State Contribution: 47%
Other Contributors: City of Fridley and private landowners
Project Description: To control runoff above LaBelle Pond, to prevent erosion of the bank above the pond, and subsequent degradation of the pond. This is the continuation of a project first funded by the BWSR in 1992.

WCD: Anoka **[FUND]**
Type of Application: Special Project
Request Amount: $10,041
State Contribution: 50%
Other Contributors: Coon Creek Watershed District and the City of Coon Rapids.
Project Description: Sand Creek Shoreland Stabilization. To protect the banks along Sand Creek with filter fabric and rip rap. This project will have additional benefits, including maintaining the capacity of the creek, controling the meander of the creek, reducing the sediment load into the creek, and protecting the public park, as well as the adjacent shoreland.

SWCD: Anoka
Type of Application: Special Project
Request Amount: $162,000
State Contribution: 50%
Other Contributors: City of Fridley, Rice Creek Watershed District
Project Description: Locke Lake Sediment Basin; to create an in-lake sediment basin, by dredging accumulated material out of the lake. Sediment accumulation has been occurring for a number of years, due to the contribution of material from the watershed area draining into the lake.

SWCD: Carver
Type of Application: SLR
Request Amount: $67,000
State Contribution: 93%
Other Contributors: MPCA, San Francisco Township
Projet Description: A large number of tires were deposited in a gully adjacent to a township road. With their subsequent removal, a large amount of gully erosion began, which has washed out the road. Project funds are to be used to correct the existing gully erosion, cover many of the remaining tires at this site, create a holding pond, and to install a series of structures to convey water down to the bottom of the slope.

SWCD: Carver **[FUND]**
Type of Application: Special Project
Request Amount: $15,000
State Contribution: 50%
Other Contributors: Landowner
Project Description: Lange-Bevens Creek Slope Stabilization; to protect a private home built above Bevens Creek, which is built on

a hillside eroding into the creek. Proposed work includes constructing a slope stabilization system which will safeguard the home, as well as preventing erosion from entering into the creek.

SWCD: Cass
Type of Application: Special Project
Request Amount: $10,000
State Contribution: 11%
Other Contributors: Leech Lake Reservation, DNR, MPCA, Beltrami, Cass and Hubbard SWCDs, and Cass County
Project Description: Leech Lake Watershed Monitoring Project. In-lake water quality monitoring. To be funded through the LWRPMP Challenge Grant process in early 1993.

SWCD: Cass **[FUND]**
Type of Application: SLR
Request Amount: $11,900
State Contribution: 50%
Other Coontributors: Cass County
Project Description: County Road 61 Erosion Control Project; to prevent and eliminate the erosion of one mile of roadside area. Materials from this roadway are being conveyed to a wetland area. Also, the road washing out is a safety hazard.

SWCD: Cook **[FUND]**
Type of Application: SLR
Request Amount: $2,013
State Contribution: 36.5%
Other Contributors: City of Grand Marais, Cook SWCD
Project Description: City of Grand Marais Diversion; an inadequate diversion created in the 1950's is currently over-topping during precipitation events, flooding land downslope. Damages caused by this water are causing local residents to bring suit against the city. Stretches of the current diversion are also eroding, carrying sediment into Lake Superior. Proposed work is to include stabilizing the existing diversion, installing rip-rap over the course of the existing channel. In addition, much of the sediment in the diversion will be excavated; the areas disturbed during this work will be revegetated.

SWCD: Douglas **[FUND]**
Type of Application: SLR
Request Amount: $10,838
State Contribution: 75%: 50% MNDOT, 25% BWSR
Other Contributors: Douglas County
Project Description: Lake Le Homme Dieu Beach Project; a public park area on the lake is eroding due to runoff from the adjacent state highway. In addition, the public septic system on this site is contributing sewage waste into the water table. Corrective measures would include the prevention of erosion, as well as the elimination of the sewage problem. This is the second half of the project first funded by the BWSR in FY93.

SWCD: Douglas
Type of Application: Special project
Request Amount: $31,700
State Contribution: 61%
Other Contributors: County water planning funding, county extension, county zoning, and the SWCD.
Project Description: Lake Miltona Watershed Study; to determine the possible ways to reduce the amounts of nutrients entering the lake, looking at both the septic systems on the lake, as well as land uses within the watershed.

SWCD: Goodhue
Type of Application: Special project
Request Amount: $18,938
State Contribution: 75%
Other Contributors: Landowner to contribute 25%
Project Description: Animal waste management and control demonstration project involving a hog farrowing - finishing operation.

SWCD: Goodhue
Type of Application: Special project
Request Amount: $26,800
State Contribution: 50%
Other Contributors: Goodhue County and landowner in-kind
Project Description: No-till conservation tillage risk-share demonstration project that includes crop scouting and on-site technical assistance--- to maximize landowner success

SWCD: Hubbard **[FUND]**
Type of Application: SLR
Request Amount: $4,544
State Contribution: 50%
Other Contributors: Nevis Township
Project Description: Lake Belle Taine Lakeshore and Roadside stabilization; an access road and bridge leading out to an island in the lake have been eroding from both above and below, due to surface runoff and wave action. Project work would be to stabilize the banks around the bridge using rock rip rap, and the road will be redesigned to minimize surface runoff washing sediment into the lake.

SWCD: Kanabec **[FUND]**
Type of Application: SLR
Request Amount: $8,500
State Contribution: 50%
Other Contributors: Private landowners
Project Description: Knife Lake Shoreline Stabilization; to stabilize 400+ feet of shoreline on the west side of the lake. Soils are being lost at the rate of a foot per year since the level of the lake has been raised in 1983. Reshaping, along with use of geotextile fabric and rock rip rap will be used to treat the problem.

SWCD: Koochiching **[FUND]**
Type of Application: Special Project
Request Amount: $22,081
State Contribution: 65%
Other Contributors: SWCD (10%), landowner (25%)
Project Description: Scott Albrecht Dairy Farm Manure Management Project; this farmer has been issued an interim permit to operate, and is in the process of improving manure management on his farm near Mizpah, MN. Project work includes construction of a stacking slab and 2 concrete feedlots to serve as temporary holding facilities. The landowner will be working with the SCS to develop a long nutrient term management plan. Also, buffer strips will be installed to prevent off-site runoff.

SWCD: Lake **[FUND]**
Type of Application: SLR
Request Amount: $25,000
State Contribution: 50%
Other Contributors: City of Two Harbors
Project Description: City of Two Harbors Campground Project; to treat 700 feet of Lake Superior shoreline to prevent further erosion. Proposed work includes reshaping and armoring the shoreline, with placement of geo-textile filter fabric, and placement of rock rip-rap. This project is a part of the US EPA 319 match.

SWCD: Lake **[FUND]**
Type of Application: Special Project
Request Amount: $6,129
State Contribution: 37%
Other Contributors: Lake SWCD (13%), Private Landowner (50%)
Project Description: Al Lupa Erosion Control Project; the project consists of constructing a 130 foot long concrete retaining wall, dowel-anchored into the bedrock. The area behind the wall will be backfilled with granular fill, with expansion holes placed to convey moisture.

SWCD: Lake **[FUND]**
Type of Application: Special Project
Request Amount: $2,316
State Contribution: 37%
Other Contributors: Lake SWCD (13%), landowner (50%)
Project Description: Bob Ion Erosion Control Project;

SWCD: Lyon **[FUND]**
Type of Application: Special Project
Request Amount: $27,500
State Contribution: 51%
Other Contributors: SCS, ASCS, landowner
Project Description: D. & D. Taveirne manure management system; runoff from a 500-head cattle herd's waste is a potential threat for nearby Rock Lake. Project work includes building a liquid holding pond, a stocking slab and development of a waste management/utilization plan.

SWCD: Lyon **[FUND]**
Type of Application: Special Project
Request Amount: $11,500
State Contribution: 38%
Other Contributors: SCS, ASCS, landowner
Project Description: Greg Taveirne manure management system installation; this project is to protect Rock Lake through the creation of a waste storage pond to receive manure from both confinement buildings and open lots where runoff reaches the lake.

SWCD: Lyon
Type of Application: SLR
Request Amount: $33,000
State Contribution: 25%
Other Contributors: Yellow Medicine Watershed District; City of Minneota, Westerheim and Eidsvold Townships, and Lyon County.
Project Description: Yellow Medicine River channel clean out and stabilizationm as well as building flood protection through creation of a series of levees.

SWCD: Morrison **[FUND]**
Type of Application: Special Project
Request Amount: $16,600
State Contribution: 50%
Other Contributors: landowner
Project Description: Willard Doucette-Mississippi River stabilization project; project to stabilize the toe, slope and upper portion of the river bank at this landowner's site. Project work includes the placement of filter fabric, rock and a jetty of rock in the river to divert the river away from the bank.

SWCD: Morrison **[FUND]**
Type of Application: Special Project
Request Amount: $10,975
State Contribution: 50%
Other Contributors: landowner
Project Description: Rex Pearson-Long Prairie River stabilzation project; project work entails protecting the river bank from ice jacking and subsequent sloughing.

SWCD: Mower **[FUND]**
Type of Application: Special Project
Request Amount: $7,860
State Contribution: 50%
Other Contributors: Red Rock and Windom Townships
Project Description: Eastside Lake/Dobbins Creek improvement project; to do stream survey and monitoring on Dobbins Creek, as well as cost- share the installation of 3 waterways to reduce non-point source pollution into this lake, the only one in Mower County.

SWCD: Norman **[FUND]**
Type of Application: SLR
Request Amount: $11,825
State Contribution: 50%
Other Contributors: Norman County
Project Description: Norman County Highway ditch repair 29-1; to stabilize a 50 foot long ditch wash out through reshaping, reseeding and installing a grade stabilization structure. The water flows from this site into the Wild Rice River.

SWCD: Norman
Type of Application: SLR
Request Amount: $3,525
State Contribution: 50%
Other Contributors: Norman County
Project Description: Norman County Highway ditch repair 29-2; to repair another ditch gully, through reshaping, revegetating and placement of a tile line above the gully to intercept a seep/spring, and place a drop structure.

SWCD: Pennington
Type of Application: SLR
Request Amount: $8,088
State Contribution: 50%
Other Contributors: Pennington County
Project Description: County road 61 outlet channel installation; to stabilize a county road ditch that is washing out. Project funds will be used to install a drop structure to convey water, as well creating a rip rap area for water to flow downstream.

SWCD: Pennington
Type of Application: SLR
Request Amount: $10,000
State Contribution: 50%
Other Contributors: City of Thief River Falls
Project Description: City golf course stabilization; project to treat the Thief River along the golf course, by stabilizing the river bank through the use of rock rip-rap.

SWCD: Pennington
Type of Application: SLR
Request Amount: $27,063
State Contribution: 50%
Other Contributors: Pennington County
Project Description: County road & ditch repair; county ditch 30 is washing out, causing an adjacent road to also erode. The project proposes to reinforce, reshape and revegetate the road ditch.

SWCD: Pennington **[FUND]**
Type of Application: SLR
Request Amount: $15,625
State Contribution: 12.5%
Other Contributors: U.S. Army Corps, Red Lake Watershed District
Project Description: St. Hilaire Cemetery stabilization; to use

filter fabric and rock rip rap to stabilize the 450 feet of Red Lake River frontage.

SWCD: Pine
Type of Application: SLR
Request Amount: $10,000
State Contribution: 50%
Other Contributors: Kettle River Township
Project Description: Mikrot Road ditch repair; road ditch gully is eroding a township road. Project is to reshape and reslope 1/2 mile of township road ditches, install new culverts to convey water under the road, and revegetate the ditch area. Sediment from this area is conveyed into a wetland adjacent to Fox Lake.

SWCD: Pine
Type of Application: SLR
Request Amount: $7,000
State Contribution: 50%
Other Contributors: Norman Township
Project Description: Norman Township road ditch repair and re-routing of runoff. Erosion would be prevented through the stabilization of the ditch, thereby elimination sediment loading into a wetland and eventually Willow River.

SWCD: West Polk
Type of Application: SLR
Request Amount: $75,000
State Contribution: 12.5%
Other Contributors: U.S. Army Corps of Engineers, Red Lake Watershed District
Project Description: Grand Marais River erosion control; project to reconstruct a channel to control erosion, reshape and stabilize the bank of the river and install drop structure for waters entering the Red River of the North, reducing the sediment load entering the river.

SWCD: Red Lake **[FUND]**
Type of Application: Special Project
Request Amount: $5,513
State Contribution: 50%
Other Contributors: Red Lake County
Project Description: Fournier stormwater and erosion control project; to prevent erosion currently taking place adjacent to a county road and into the Clearwater River through the installation of a grade structure, as well as a stable outlet for flow to be carried to the river.

SWCD: Redwood/Lyon/Brown
Type of Application: SLR
Request Amount: $25,000
State Contribution: 50%
Other Contributors: Each applicant County
Project Description: Clean out of snagged trees in the Cottonwood River and its tributaries and bank stabilization.

SWCD: Root River
Type of Application: SLR
Request Amount: $22,455
State Contribution: 50%
Other Contributors: Houston County
Project Description: Caledonia erosion control project; to treat an eroding road ditch by redirecting the stormwater flow through a culvert. The stream channel will be restored and stabilized.

SWCD: Root River
Type of Application: SLR
Request Amount: $16,170
State Contribution: 50%
Other Contributors: Houston County
Project Description: Yucatan-Root River bank stabilization; to protect an eroding streambank, which, if left unprotected, will likely fail, with river flow then going into a vacated channel. This might cause the bridge downstream to be threatened.

SWCD: Sherburne
Type of Application: SLR
Request Amount: $17,000
State Contribution: 50%
Other Contributors: City of Elk River
Project Description: Erosion protection of the banks of the Mississippi River. Rock rip rap will be placed on the river bank. This is the continuation of a project first funded in 1990.

SWCD: No. St. Louis **[FUND]**
Type of Application: Special Project
Request Amount: $11,668
State Contribution: 50%
Other Contributors: Private landowners
Project Description: Sand Lake erosion control project; to install erosion control measures such as filter fabric and rock rip rap on the lakeshore.

SWCD: So. St. Louis
Type of Application: SLR
Request Amount: $50,000
State Contribution: 25%
Other Contributors: Great Lakes Commission (50%), landowners (25%)
Project Description: Sucker Bay erosion control project; will treat 1/4 mile of shoreline through protection of the bank toe and the stabilization of bank by armoring with rock.

SWCD: So. St. Louis **[FUND]**
Type of Application: Special Project
Request Amount: $11,940
State Contribution: 50%
Other Contributors: Landowner
Project Description: Sewall bank stabilization (on Lake Superior); project to install a reinforced earth wall on this site and treating a slope adjacent to a home on the lake.

SWCD: Scott **[FUND]**
Type of Application: Special Project
Request Amount: $7,500
State Contribution: 50%
Other Contributors: Landowner
Project Description: Sand Creek erosion control; project to stabilize a 150 foot portion of the bank along Sand Creek which flows into the Minnesota River. Measures include putting a gravel filter down below rock rip rap. Engineering will be provided by the Soil Conservation Service.

SWCD: Stearns
Type of Application: Special Project
Request Amount: $2,500
State Contribution: 50%
Other Contributors: Landowners
Project Description: Big Watab Lake erosion control; to prevent gully erosion from entering the lake through construction of a diversion. Reshaping, sloping, and revegetation will also be done.

SWCD: Todd **[FUND]**
Type of Application: Special Project
Request Amount: $22,500
State Contribution: 75%
Other Contributors: Sauk River Watershed District, Todd SWCD
Project Description: Sauk River feedlot investigation, to prescribe low-cost options for mitigation of identified feedlot problems. The SWCD will work with the watershed district, MPCA, BWSR and others to identify those feedlots identified as non- point source problems. The SWCD will then work with the landowners to install low cost practices to mitigate the identified problems.

SWCD: Traverse **[FUND]**
Type of Application: SLR
Request Amount: $7,893
State Contribution: 50%
Other Contributors: Lake Valley Township
Project Description: Lake Valley Township/Twelve Mile Creek roadside and streambank stabilization; project is to correct an erosion problem in a road ditch which is a tributary to Twelve Mile Creek. The adjacent streambank will also be stabilized.

SWCD: Wadena
Type of Application: Special Project
Request Amount: $12,600
State Contribution: 75%
Other Contributors: Wadena County Water Planning, County Extension, Staples Irrigation Center
Project Description: To provide manure management assistance to 20 farmer/landowners in the county. Proposal includes follow-up analysis of soils and manure.

SWCD: Watonwan
Type of Application: SLR
Request Amount: $3,951
State Contribution: 50%
Other Contributors: Watonwan County and landowners
Project Description: Watonwan River bank stabilization project; to treat 200 feet of streambank along the Watonwan River using the Palmiteer method of bank stabilization.

SWCD: Watonwan **[FUND]**
Type of Application: SLR
Request Amount: $4,113
State Contribution: 50%
Other Contributors: City of Madelia
Project Description: Madelia River bank stabilization project; to stabilize a vertical bank of the river, which has been eroding at a rate of over 5 feet per year. Protection measures to control the erosion include using the palmiteer method of bank stabilization on the banks, as well as placing rock rip rap.

SWCD: Wilkin
Type of Application: Special Project
Request Amount: $20,000
State Contribution: 21%
Other Contributors: ASCS (37%), landowner (42%)
Project Description: Feedlot relocation; to provide a landowner with the assistance to relocate his system so it no longer drains into a wetland.

SWCD: Wilkin **[FUND]**
Type of Application: SLR
Request Amount: $7,000
State Contribution: 50%
Other Contributors: ASCS (25%), landowner (25%)
Project Description: Christopher streambank erosion protection project; to correct severe erosion/sedimentation problems on the Otter Tail River. Corrective measures include placing rock rip rap on the river bank and re-vegetating the area.

SWCD: Winona **[FUND]**
Type of Application: Special Project
Request Amount: $29,000
State Contribution: 16%
Other Contributors: ASCS (19%), landowner (65%)
Project Description: Kronebusch Farm manure management system; to assist the landowner with installation of a new retention pond which will act as a settling basin for solids and debris. Wastewater will then flow from a constructed wetland into an aeration system onto a grassed waterway.

STREAMBANK, LAKESHORE & ROADSIDE
APPLICATION SCORING CRITERIA

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

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

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

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

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

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

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

5. Is this a continuation or completion of an on-going project? 0 or 5 points

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

SPECIAL PROJECT
APPLICATION SCORING CRITERIA

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

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

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

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

4. Cause & Effect: (0 to 10 points)

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

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

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

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