

Minnesota Board of Water and Soil Resources. Minutes.

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Minnesota Board of Water & Soil Resources

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DATE: September 15, 1993

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: September 22-23, 1993 BWSR Tour and Meeting

The Board of Water and Soil Resources (BWSR) will meet on Thursday, September 23, 1993, beginning at 8:30 a.m. at the Sawmill Inn (2301 Pokegama Avenue South) in Grand Rapids. The agenda and informational materials are enclosed for your review.

A sleeping room reservation has been made (see attached listing) for the nights of Tuesday, September 21 and Wednesday, September 22. The rooms have 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 need to make any changes to this reservation, please call the Sawmill Inn directly at 218-326-8501. You are on your own for breakfast and dinner both days, lunch will be provided (attached is a listing of restaurants in Grand Rapids).

A tour of Itasca County has been scheduled for Wednesday, September 22, 1993 (see attached agenda). There will be a short meeting at 8:00 a.m. in Sawmill 3 to brief you on the tour and then the bus will depart from the Sawmill Inn at 8:30 a.m. Please dress casual and comfortable, don't forget to pack a warm jacket.

SUMMARY OF AGENDA

5 - General Discussion Relating to the Tour.

After the tour and an evening of reflection this provides an opportunity for the Board to discuss any issues, provide comments or debate elements relating to the tour and forum.

6 - Wadena County Water Plan.

The Board received under last months mailing a summary of the Wadena County Water Plan. Enclosed is another copy of that summary. County representatives will be present for the discussion. Staff has reviewed the plan and recommends that the Board approve the plan. **DECISION ITEM.**

7 - Lake Protection - Roles/Opportunities

Dan Steward has been BWSR's representative to the Minnesota Lake Federation and has taken a special interest in lake management and the roles various organizations play and the opportunities that exist for the partnership of local government and BWSR. Dan will present some provoking thoughts and ideas for future consideration. **DISCUSSION ITEM.**

8 - Minnesota Lake Advocacy Program

Dave Neiman will review the history of the lake advocate program and what their goals and objectives are for the initiative. This is a very interesting program that strives to get greater involvement of those who have a vested interest in maintaining the value of their lake resources. **DISCUSSION ITEM.**

9 - Wetland Conservation Act Implementation in Shoreland Areas.

Board Conservationists Mark Nelson and Dale Krystosek will facilitate discussion on the experiences of administration of the wetland conservation act in shoreland areas. Wetlands are a critical component to the long-term maintenance of the quality of lake resources. The partnerships between the counties and SWCDs in managing wetlands and lakes is key to success. **DISCUSSION ITEM.**

10 - Coastal Zone Management (CZM) in Minnesota.

Mike Peloquin, Area Hydrologist, DNR, Duluth, will review what CZM is and what strategy the state is pursuing to take advantage of some of the opportunities that the program may provide. This program is focused on Lake Superior and will depend on a grass roots approach to participation. The roles of local governments in local water planning and conservation program initiatives provides a good base from which to start. **DISCUSSION ITEM.**

11 - Block Grant Allocation Reconsideration Request.

After last months Board decision on the block grant program we have received, to date, one request from a county for the Board to revisit the allocation. The request asks that the Board eliminate the requirement for any CASH match relating to the Wetland Conservation Act. Maybe more will be forthcoming as the initiative has been circulated using a "form" resolution. Although the Board has the authority to reconsider and to allow all in-kind match, staff does not support the change. The legislature authorized 50% of the cost of the program implementation, $2,000,000 of a $4,000,000 estimated cost for local government implementation. The understanding is that the remaining would come from local funds or fees. The Board authorized that the match could be 1/2 cash and 1/2 in-kind recognizing that some local governments would be integrating the program into local landuse controls and thereby seeing some efficiencies. The cash also recognizes the need to build local capacity for administration of the program rather than taking from one resource program to pay for another. Changing at this time, when the permanent program

is starting, means that only half a program can be administered. As the Board stated in its approval last month, the allocation would be revisited next year as additional information on administration of the program is developed. First, does the Board choose to reconsider the allocation decision? If so, the alternatives are to increase the in-kind match from 1/2 to 3/4 or to all in-kind match.
DECISION ITEM.

If you have any questions or need additional clarification please feel free to call. Travel safely, I look forward to seeing you on the 22nd!

RDH:mja
Enc.

BOARD OF WATER AND SOIL RESOURCES
SAWMILL INN, GRAND RAPIDS
SLEEPING ROOMS FOR SEPTEMBER 21-22, 1993

1) Mark Nelson
2) Doug Thomas
3) Mary Jo Anderson
4) Ron Harnack
5) Jim Lemmerman - Tues. night only
6) Brian Dwight - Wed. night only
7) Ron Shelito - ~~Wed. night only +~~ Tues. + Wed.
8) Dale Krystosek
9) Ted Lovdahl
10) Jim Rossman
11) Jim Nielsen
12) Barb Uppgaard
13) Fred Bergsrud
14) Barbara Cobb
15) Kathleen Roer
16) Dwain Otte
17) John Boulton
18) Howard Peterson
19) Warren Rodning
20) Donald Ogaard

TENTATIVE AGENDA FOR THE BWSR TOUR
WEDNESDAY, SEPTEMBER 22, 1993

8:00 a.m.	Welcome to Itasca County Sawmill 3, Sawmill Inn, Grand Rapids
8:30 a.m.	Buses depart from Sawmill Inn Tour wetland sites in shoreland and development areas. Also tour some shoreland erosion sites.
10:00 a.m.	Coffee break
10:20 a.m.	Continue tour
11:30 a.m.	Lunch at Rutgers Resort on Sugar Lake
12:30 p.m.	Issues Forum (at Rutgers Resort) (Four separate forum topics) - Woman Lake discussion on cost-share for lake projects - Wally Christiansen - Discussion on economics of clean water and tourism - Realtor - SWCD Funding - SWCD Representative - Minnesota Lake Association presentation - Pat Wulff Questions and Answers - Open Discussion
2:45 p.m.	Load pontoons (weather permitting) and continue tour, shoreland erosion sites and demonstration of water sampling on Sugar Lake
5:30 p.m.	Return to Sawmill Inn
6:00 p.m. - ?	Hospitality Room Opens (Suite 131)
	Dinner On Your Own!

BWSR MEETING
THURSDAY, SEPTEMBER 23, 1993

8:30 - 12:30	Sawmill Inn, Grand Rapids (Blandin Rooms A & B)

RESTAURANTS IN GRAND RAPIDS

SAWMILL	
Forest Lake Rest. & Lounge	1201 NW 4th St. (HWY 2 West)
Rainbow Inn	1300 E. HWY 169
The Harbor	Pokegama Lake (S. HWY 169)
Drumbeater Supper Club	Pokegama Lake (S. HWY 169)
Roy & Dot's Restaurant	Cohasset (4 miles West on HWY 2) This restaurant has a 4-meat Prime Rib Buffet on Thursday night and five (fish added) on Friday night for $11.95.
Perkins	Central Square Mall
Country Kitchen	625 S. Pokegama Ave.*
Frontier Cake & Steak	600 3rd St. N.E.
The Hong Kong Garden	220 NE 2nd St.
McDonald's	1221 S. Hwy. 169
Kentucky Fried Chicken	902 S. Pokegama Ave.*
Taco Johns	910 S. Pokegama Ave.*
The Subway	S. Pokegama Ave.*
Hardee's	810 S. Pokegama Ave.*
Pizza Hut	S. Pokegama Ave.*
Sammy's Pizza	S. Pokegama Ave.*
Dairy Queen	615 NE 4th St.
Buryl's Ribs & Chicken	973 NE 4th St.

There are some others, but these are a good cross section.

* (Pokegama Ave. is the same as South HWY 169.)

BOARD OF WATER AND SOIL RESOURCES
SAWMILL INN
GRAND RAPIDS
SEPTEMBER 23, 1993

PRELIMINARY AGENDA

8:30 a.m.	1.	Call Meeting to Order
	2.	Adopt Agenda
	3.	Approve Minutes of August 25, 1993
	4.	Reports • Chairman's Report - Jim Nielsen • Executive Director's Report - Ron Harnack • Committee Reports
9:00 a.m.	5.	General Discussion Regarding Tour
9:30 a.m.	6.	Wadena County Water Plan - Dale Krystosek
9:45 a.m.	7.	Local Roles/Opportunities in Lake Protection Efforts - Dan Steward
10:15 a.m.	8.	Minnesota Lake Advocacy Program - Dave Neiman
10:45 a.m.	9.	WCA Implementation in Shoreland Areas - Mark Nelson and Dale Krystosek
11:15 a.m.	10.	Coastal Zone Management - Mike Peloquin
11:30 a.m.	11.	Block Grant Allocation Reconsideration - Ron Harnack
12:00 p.m.	12.	Advisor Comments • Gary Nordstrom, SCS • Curt Borchert, MACDE • Marlin Libbesmeier, MAT • Howard Peterson, MAWD • Allan Oehlke, MASWCD • Pat Wulff, MLA
	13.	Open Discussion
	14.	Board Issues - discussion, comments, action needed

15. Upcoming Meetings
- October 27, 1993 BWSR Meeting, St. Paul
- December 8, 1993 BWSR Meeting, St. Paul

Board Member Attendance at Conventions
- December 3-4, 1993 MAWD Annual Convention, Brainerd
- December 5-7, 1993 MASWCD Annual Convention, St. Cloud
- December 5-7, 1993 AMC Annual Convention, Rochester

12:30 p.m. ADJOURN

BOARD OF WATER AND SOIL RESOURCES
ROOM 112, STATE CAPITOL
ST. PAUL, MINNESOTA
AUGUST 25, 1993

APPOINTED MEMBERS PRESENT
Jim Nielsen, Dwain Otte, Barbara Cobb, John Boulton, Barbara Uppgaard, Warren Rodning, Jim Rossman, Howard Peterson, Sharon Clark, Kathleen Roer, and Ted Lovdahl.

APPOINTED MEMBER ABSENT
Donald Ogaard

AGENCY MEMBERS PRESENT
Wayne Anderson, Pollution Control Agency (PCA)
Paul Burns, Department of Agriculture (MDA)
Fred Bergsrud, U of M/Extension Service (MES)
Wayne Edgerton, Department of Natural Resources (DNR)
Kim Benson-Johnson, Department of Health (MDH)

OTHERS PRESENT
D'Wayne DeZiel, C. Merle Anderson, and Bob Pigeon, Minnesota Association of Soil & Water Conservation Districts (MASWCD)
Gary Wehrenberg, Bev Nordby, and Curtis Borchardt, Minnesota Association of Conservation District Employees (MACDE)
Gary Nordstrom, Soil Conservation Service (SCS)
Susan Schmidt, Legislative Water Commission
Dave Weirens, Association of Minnesota Counties (AMC)

STAFF PRESENT
Ron Harnack
Bruce Sandstrom
Greg Larson
Trish Peters
Dave Behm
Marybeth Block
Steve Miller
John Jaschke
Mary Jo Anderson

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

Minutes of June 25, 1993 - Howard Peterson stated that a change is needed on page three regarding the Cottage Grove Ravine Watershed District petition hearing. It should read, "the alternatives for consideration are to establish or reject establishment of a watershed district", rather than "not to establish or reject establishment..." Moved by Lovdahl, seconded by Otte, to approve the minutes of June 25, 1993, as corrected. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

** 93-42

Chairman Nielsen briefly commented on the statewide flooding situation. He asked members to on comment how the flooding situation has affected their area.

Paul Burns stated that the Department of Agriculture has a conservative estimate of $1 billion in crop loss, with the most severe damage in southwestern Minnesota. Kim Benson-Johnson stated that the Department of Health is testing wells that were affected by the floods; they will have results by mid-September. Wayne Edgerton, on behalf of DNR, thanked the rain gauge monitors for their efforts during the floods. Wayne Anderson stated that PCA is trying to get an assessment of the short-term and long-term impacts and how to put together programs that affect the environment as well as the farmers. Fred Bergsrud stated that MES is working to provide emotional and financial assistance to individuals to help them get through the flooding disaster. Ron Harnack stated that about 2 million acres have been affected by the flooding with the long-term economic affects to be seen in the years to come. Ron stated that an assessment of $100 million damage to erosion and sedimentation of not recognizing the soil loss or reduced crop productivity - this will take years and years to recuperate. There's also the economic stress in rural Minnesota. Ron said that excellent coordination and cooperation has helped the Emergency Management Agency in Minnesota assist those in need. He stated that a pat on back goes to SWCDs, watershed districts and counties for their assistance on the flood assessment.

Executive Director Report - Ron Harnack reported that Jim Birkholz attended the legislative tour of the Minnesota River; it was a very successful tour with the focus on nonpoint and feedlots as significant issues. This was a good opportunity to educate legislators and promote SWCDs and programs related to our agency in cooperation with local government.

Ron reported that meetings have been held with DNR regarding the Minnesota Forest Improvement Program - this has been a very positive initiative. DNR proposes to come up with $50,000 to support the BWSR Reinvest In Minnesota (RIM)/Permanent Wetland Preserves (PWP) program in the Minnesota River.

Ron reported that he has visited the BWSR northern regional offices. Staff members are doing a very good job of setting priorities based on the demands being placed upon them.

Ron stated that feedlots is an ongoing issue before the BWSR. Meetings with PCA, DNR, and MDA have been held; good cooperative initiative among the agencies. They are making progress in this area. There is a Thursday, August 26, meeting scheduled to finalize a first draft proposal.

Ron reported on a window of opportunity that is taking place along the Lake Superior clay cliffs. BWSR is involved with a cost-share project that is stabilizing about 1000 feet near the tunnel using riprap. Hundreds of thousands of dollars have been saved on this erosion project due to a coordinated effort between the Department of Transportation, landowners, contractors and BWSR.

John Boulton stated that there was good participation at the Wellner-Hageman dedication on August 15.

Committee Reports

Education Committee - Sharon Clark stated that the Education Committee is moving ahead, although she is concerned with Susan's maternity leave and the effects it will have. Ron Harnack stated that he is looking into a mobility assignment from DNR/Information & Education to provide services to BWSR while Susan is on leave. The DNR staff person would cover conventions, take care of publications and special projects including 1/2 hour radio spots in the field offices and also focus on special news releases in the regions relating to SWCDs, WDs and counties. Barbara Liukkonen will carry the Education Committee during the three months Susan is out. Sharon stated that Barbara is doing a great job, although she's overworked. Sharon asked where we are with the second education position in the southern part of the state. Ron stated that Chris Hofstede, who is on a one-year leave of absence and is returning in September, could be a possible candidate for this additional capacity in the education area; however, Ron is awaiting the outcome of the BWSR budget situation. Ron said that he's less optimistic today regarding the second education position than months ago, but would like to fill that position. Fred Bergsrud stated that MES is willing, but they need to get decide upon a course of action so they can go to their advisory committee with options. Ron stated that it would be a tremendous advantage to have a second position and we will work on that.

Sharon Clark commented that Governor Carlson needs to be commended on the assistance he has given regarding the flooding disaster. She would like BWSR to thank Governor Carlson. Moved by Clark, seconded by Boulton, to send a letter of commendation to Governor Carlson. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

** 93-43

Feedlot Committee - Jim Rossman reported that the feedlot committee has been meeting with agencies.

Ron reported that the Rice Creek Watershed District Locke Lake project, in Ramsey County, is now in district court. This issue is ongoing; there is potential for BWSR to be asked by court to make a recommendation. All other appeals have been resolved.

Reding Guidelines - Bruce Sandstrom distributed the fourth draft of the guidelines. We did not receive any comments during the six week comment period. He addressed the key points:
- they are not rules, but guidelines
- emphasis on consistency with approved local water plans
- consistency with MPCA NPDES permit
- consistency with Met Council's guidance and model ordinance
- guidance on the use of wetlands
- no oversign-enforcement by individuals

Future issues:
- 110B water planning rules need to be revised
- guidance document will have to be revised periodically

Bruce reported that staff recommends approval of the guidelines. Barb Cobb commended Bruce on this document, especially on the wetlands section; the draft is an excellent guideline. Chairman Nielsen commended Bruce on a job well done. Moved by Cobb, seconded by Rodning, to accept the staff recommendation to approve the Reding Guidelines. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

** 93-44

Affirmative Action Plan - Ron Harnack highlighted five key areas of the Affirmative Action Plan:
1) Executive Director and Chairman's statement of commitment, with supervisors to be accountable and responsible for this; 2) action will be taken as situation is occurring; 3) referred to program objectives (one page 6-7) and that the Affirmative Action Committee will meet as required; he reported that he appointed Mary Jo Anderson to be the BWSR Affirmative Action Officer; 4) the BWSR harassment policy on page 17-18; and 5) annual goals on page 19. Barbara Uppgaard had a question page 22 regarding certain definitions; staff will check into this. Moved by Uppgaard, seconded by Otte, to adopt the Affirmative Action Plan as presented. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried. Wayne Edgerton stated that DNR would like to emphasize going to high schools and grade schools to increase the interest of minorities in working in natural resources.

** 93-45

Chairman Nielsen asked members to volunteer to work with the staff Affirmative Action Committee as needed and also for an annual review of the Affirmative Action Plan. Kathy Roer, Ted Lovdahl, Barb Uppgaard volunteered.

Chairman Nielsen called for a recess in the meeting at 10:25 a.m. The meeting reconvened at 10:35 a.m.

Ron Harnack asked that representatives of MACDE present at the meeting today introduce themselves: Gary Wehrenberg-Area 6, Bev Nordby- Area 7, Helen McLennan-Area 2, Curtis Borchardt-Area 1.

Ron introduced Susan Schmidt, Executive Director, Legislative Water Commission; Steve Miller, BWSR realty specialist; Marybeth Block, BWSR RIM coordinator; and Trish Peters, BWSR student worker.

Cottage Grove Ravine - Howard Peterson reported that the hearing was held on the proposed establishment of the Cottage Grove Ravine Watershed District. Howard reported that the hearing committee (Dwain Otte, Barbara Cobb, Howard Peterson, and Bruce Sandstrom) met this morning to review and approve the June hearing minutes. Howard reported that the hearing committee recommends to BWSR that the Cottage Grove Ravine Watershed District be established. Moved by Peterson, seconded by Otte that BWSR accept the hearing committee's recommendation to establish the Cottage Grove Ravine Watershed District. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried. Howard stated that MAWD will support the Cottage Grove Ravine Watershed District in their start-up phase. Barb Cobb stated that people don't realize that watershed district boundaries are based on the hydrologic area. Education is essential so that people know who makes the determinations and why. About 94.8 percent of the watershed district is within two cities; it needs to be clarified who pays for what, said Barb. Kathy Roer stated that there is a typo on page seven of the order - it should read, exhibit 21, rather than exhibit 20. Bruce introduced Gary Berg, representative of Cottage Grove, and Barry Johnson, representative of Woodbury.

** 93-46

Emergency Flood Response - Chairman Nielsen commented on Governor Carlson's response to the flooding situation. Chairman Nielsen is proud of the staff for their ideas to come up with proposals to focus on what can be done, assessment, and prioritization of dollars to be spent. Many meetings have been held with agencies and cluster groups to deal with this.

- Ron Harnack explained the RIM Easement Grazing and Haying proposal. BWSR has received few requests from landowners to hay and graze RIM reserve lands. The BWSR has the authority to allow for grazing under emergency situations. Ron stated that staff recommends that the BWSR not authorize grazing activities due to fragileness of the lands.

Discussion followed. It would be detrimental to allow grazing as the RIM lands would not significantly contribute to the needs of the landowners and the impact to the RIM lands by grazing could be negative. Moved by Rodning, seconded by Roer, not to authorize grazing and haying as recommended by staff. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

** 93-47

-RIM Permanent Wetland Preserves Special Sign-Up - Ron stated that the economic stimulus proposed for this special sign-up is to provide 50 percent payment (not to exceed $20,000) upon signing the easement agreement. The sign-up will focus in the areas specifically affected by flooding. He referred to the agriculturally declared disaster map, showing contiguous counties which are included in the presidentially declared counties. Five counties are not included - Koochiching, Lake, Cook, Cass and Crow Wing. It was suggested to open the special sign-up statewide as only five counties would be excluded. Ron explained the issues that need BWSR action today. Discussion followed. October 27 is the deadline for submission. The board conservationist can verify and make allocations within one week based on eligibility. $7.5 million is available from bonding, Legislative Commission on Minnesota Resources (LCMR) funding, and the North American Waterfowl Association for wetland restoration available for this sign-up. Bev Nordby commented that 54 people have come into their office in Mower SWCD after considerable promoting of the Permanent Wetlands Preserve (PWP) and now none of these 54 will be eligible for the restricted sign-up. Bev stated that this is very frustrating for the SWCD staff after spending so much time on this and then to find out the outcome. Marybeth is very sensitive to Bev's concern, but also prioritized funding is preferred rather than restricting sign-up. Chairman Nielsen asked if these issues have been run by the Governor's office. Ron said he had reviewed the issues with Cindy Jepsen, Governor's office. Chairman Nielsen stated that we're using vague words here: flood damage, crop loss. Kathy Roer stated that our agency goal is to promote this program and ensure that the criteria is followed; it shouldn't be based on how much the farmer has suffered. The consensus of the BWSR was to delete Issue #2, which restricts sign-up to individuals who have experienced financial losses caused by flooding. SWCDs will determine and certify that the applicant has suffered financially from the disaster. Strike Issue #2. The remaining three issues were:

- Issue #1 - statewide special sign-up for the RIM program and Permanent Wetland Preserve (PWP).
- Issue #3 - Chairman Nielsen said that he will not support this issue if the word "restrict" is not included. Ron stated, restrict the allocation of funds to flood impacted areas consistent with the following eligible lands and specific criteria:

- Eligible Riparian Lands that:
    1) are located in the boundary of the 100-year floodplain, and
    2) have eligible crop history.
- Eligible Wetland Restoration Areas that:
    1) have eligible crop history

- Eligible Permanent Wetlands Preserve areas that:
  1) are cropped wetlands (basin meets crop history requirements) and
  2) are types 1 or 2

- Issue #4 - provide an initial payment of 50 percent of the easement payment (up to a maximum of $20,000). It was decided to change $20,000 to $15,000 as a maximum. Moved by Otte, seconded by Clark to change $20,000 to $15,000 as a maximum. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried. Moved by Otte, seconded by Clark, to approve the above mentioned Issues #1-4.

** 93-48

** 93-49

Chairman Nielsen adjourned the meeting for lunch at 12:10 p.m. The meeting reconvened at 1:15 p.m. with the morning discussion continued.

Rossman called for a roll call vote on the RIM/PWP sign-up: Affirmative: Boulton, Clark, Lovdahl, Otte, Rodning, Uppgaard. Opposed: Cobb, Roer, Rossman, Nielsen. Abstained: Peterson. Carried.

Issue #5 - the state will not knowingly adversely impact property owners adjacent to wetland restoration easements. In situations where adjacent landowners will be impacted, the state will seek a conservation or flowage easement. Discussion was that this was existing policy and why was this needed? Ron indicated that the issue has been raised and no "formal policy" was found on record. Moved by Roer, seconded by Lovdahl, to adopt this issue. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

** 93-50

Cost-Share Flood Response - Ron stated that in his memo to members on 8/17/93, page three, referring to the date of December 1993, should be changed to December 1995. Ron explained and reviewed the following five items: 1) extension of the cost-share grants to SWCDs through December 1995, to permit them to address the timely construction of conservation practices delayed by the flooding and wet weather; 2) SWCDs are authorized to extend contracts with landowners for the construction of conservation practices through December 1995, in areas where flooding and wet conditions have prevented completion of the contracts within the specified time; 3) SWCDs are authorized to modify contracts with landowners to change the conservation practice and practice location to address more critical conservation needs resulting from the flooding; 4) SWCDs are authorized to cost-share up to 100 percent for the repair of previously cost-shared projects damaged by the flooding. Discussion followed. Moved by Rossman, seconded by Cobb, to approve the cost-share provisions as stated above. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

** 93-51

Soil Conservation Service (SCS) Report: Gary Nordstrom reported that nine counties have been approved, one county is pending and considerable more have applied for $889,000 available for sign-up. Agricultural Stabilization and Conservation Service (ASCS) has no money yet but decided to move ahead with sign-up for Emergency Conservation Program (ECP) cost-share funding. The Agricultural Conservation Program (ACP) money will be used first, then the ECP will be available. Gary is meeting with the Governor on August 31 to get message out to ensure that everyone knows what is available for funding. Gary also received notice from Washington yesterday that SCS will be given considerably more responsibility regarding wetland determinations on ag land for the Clean Water Act.

Education Program Update - Barbara Liukkonen distributed informational materials. Leadership sessions held in the spring were successful; she is working with the Training Team on additional fall training needs. Publications have been compiled, including a one-page fact sheet regarding flooding that has been distributed statewide. "Expecting a Baby," a brochure on safe drinking water, has been published and distributed, and the first two issues of "Arrowhead Currents" regarding the Arrowhead region's water resources, has also been published. Barbara is now involved in storm drain stenciling and ten communities have become involved in this project. Good media attention on this event. Ron commended Barbara for her efforts, her involvement has been very successful. Chairman Nielsen thanked Barbara - good packets!

WCA Grant Allocation - Ron Harnack reviewed the grants and options for grant allocations. Barb Cobb read a letter from Ramsey SWCD regarding the administrative workload. Helen McLennan said Area II had concerns about the workload and allocation. Greg reported that dozens of factors were looked at to come up with workloads by rank and allocation according to proposed policy options. Greg and Ron stated that it is important to take action today so counties can consider the budgeting issue regarding matching funds. Dave Weirens reviewed the statute from the county level. Chairman Nielsen stated that this is interim action on behalf of the board and will be revisited next year. Ron stated that the BWSR has the authority to go 50 percent in-kind match. Following are policy considerations:

1) The BWSR supports the policy of a natural resources block grant to counties, along with the reduced administrative expense to the state through consolidation of a number of individual grant programs.

2) It is the BWSR policy that counties maintain their existing efforts in natural resources protection, and that local matches and BWSR grants are used to accelerate and/or enhance the programs and initiatives within the county. The BWSR further maintains that if counties use new local matching funds or grant dollars to supplant existing budgets the BWSR will strongly consider withholding future grants to the county.

3) In awarding the Wetland Conservation Act portion of the grant to counties the BWSR expects that counties will provide the necessary coordination to ensure that all areas of the

county are covered by the act. Seamless coverage will be spent including any proposed distribution of funds to the implementing LGU's.
4) It is a policy of the BWSR that the local match for the Wetland Conservation Act portion of the grant will be comprised of 50 percent new resources (levy or fees) and 50 percent in-kind contributions.
5) It is the BWSR's policy that each SWCD shall receive a base amount of $5,000 for carrying out its required duties and functions under the Wetland Conservation Act.

** 93-52 Discussion followed. Moved by Otte, seconded by Rossman, to adopt proposed 1994 BWSR natural resources block grant. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

Advisory Report Analysis of Alternatives for Financing Maintenance and Repair of Public Ditches - Bruce Sandstrom introduced Elizabeth (Beth) Carlson. Beth started in January to work on this special project and worked most of July without pay to finalize this report as funding ran out. Beth is now working with DNR. Beth reported on her findings and explained the cost/benefit ratio, using various methods. Chairman Nielsen thanked Beth for her report.

Chairman Nielsen appointed a Finance Committee - Rossman to chair, Roer, Clark and Otte to serve on the committee.

Capitol Budget and Legislation - Chairman Nielsen asked if members have concerns or information pertaining to legislative issues, they should contact he or Ron as soon as possible. Ron stated that the first legislative forms regarding the capitol budget must be submitted to the Department of Administration by September 17.

Advisor Comments
Minnesota Association of Watershed Districts (MAWD): Howard Peterson reported that he attended a tour of the Sauk River Watershed District. He reported that Big Pine Lake may be petitioning for a watershed district.

Minnesota Association of Conservation District Employees (MACDE): Curtis Borchardt reported that staff statewide are trying to deal with erosion problems due to floods.

Ron Harnack reported that the September meeting will be September 23 (Thursday) in Grand Rapids and a tour of Itasca County on September 22 (Wednesday). More information will be forthcoming.

Ron stated that the October meeting will be held October 27. There will not be a meeting in November, and the December meeting will be held December 8.

** 93-53 Moved by Roer, seconded by Boulton, to adjourn the meeting at 3:20 p.m. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

Respectfully submitted,

D. James Nielsen
Chairman

OVERVIEW OF THE WADENA COUNTY WATER PLAN
JUNE, 1993

BACKGROUND

Wadena County began development of the Wadena County Comprehensive Local Water Plan by resolution of the County Board in January, 1992 and delegated the Wadena Soil and Water Conservation District (SWCD) to coordinate development of the plan. The Wadena SWCD named a 26 member task force to oversee development of the plan and hired Don Sirucek to serve as the Water Plan Coordinator. Ralph Lorentz, Wadena County Commissioner, served as the Chairman of the task force. The Water Planning Task Force met 12 times, completing the draft plan in March, 1993.

COUNTY DESCRIPTION

Wadena County is located in central Minnesota within the central hardwood forest ecoregion. Three major watersheds, the Crow Wing River, the Redeye River (Leaf River), and the Long Prairie River are within Wadena County. All three of these major watersheds flow generally southeasterly, and ultimately empty into the Mississippi River. Land use data from 1969 estimated 39% of the county was cultivated, 41% forested, and 15% pasture and open. Population in Wadena County has declined since 1980. Census data showed 12,199 residents in 1960, with the population peaking in 1980, but declining to 13,166 by 1990.

Wadena County has 29 lakes covering about 3,343 acres. The original vegetation map of Minnesota shows that Wadena County had about 32% of the county covered with vegetaion commonly found in wetlands. Wadena County currently has an estimated 73% of its pre-settlement wetlands remaining.

Geologic conditions in the county are dominated by outwash sandplains that cover about 70% of the county. Other important features of the landscape are the drumlin fields, or long finger like ridges that were formed by glacial deposits, which cover about 30% of Wadena County.

Agriculture is an important part of the county's economy with approximately 129,400 acres of cropland. About 17,166 acres are irrigated, with permited withdrawls of 6,143 million gallons yearly. Crops on irrigated land include row crops, alfalfa, potatoes and edible beans.

STAFF REVIEW

The Wadena Local Water Planning Task Force has developed a water plan that will meet the present and future water resource needs of the county. The Wadena Soil and Water Conservation District, in cooperation with the other resource management agencies, will be responsible for implementing the plan. The county will establish and maintain a permanent comprehensive Local Water Planning Committee as a standing committee of the County Board of Commissioners.

The Wadena SWCD and the other local agencies and task force have done an excellent job during plan development. Throughout the planning process they had good attendance at task force meetings and discussed issues in a thorough manner. The task force developed a set of 8 goals and set forth 10 policy statements that will guide the implementation of the water plan. The task force placed a high value on the water resources of Wadena County, and take water resource protection and management very seriously. Their efforts should be commended.

During plan development, the Wadena SWCD made substantial progress in developing additional technical capabilities, including utilization of the EPPL 7 geographic information system (GIS). This increased GIS capability should be a valuable asset during the coming years of plan implementation in storing, analyzing, and mapping water resource data and as a tool in resource management decision making. In addition, the local staff developed other capabilities related to data analysis, water quality monitoring, and utilization of

best management practices that will enhance water quality within the county.

Wadena County faces a diverse set of water resource management challenges in the coming years. Groundwater management and protection in the sand plain area was identified as a priority. Sand plain areas cover about 70% of the surface area of Wadena County and 6 of the 7 munincipalities, and 90% of the population lives in the sand plain areas. Lake protection and wetland management and protection are also identified as important. The plan states that some areas of high population density are not served by community water and sanitary sewer systems and the existence of water wells not constucted to code pose a potential public health issue. Solid waste disposal was also identified as a key concern of the task force. The plan goes on to identify that the loss of wetlands in agricultural areas and along lakeshore is becoming an important issue in the county. The strategies outlined in the plan should be effective in meeting these water resource management challenges. The water plan implemenatation funds should help achieve the goals outlined in the plan.

BWSR staff will continue working with the Water Plan Coordinator and task force to ensure that the comments made in the preliminary and final reviews are addressed in the plan. No review problems are anticipated.

ASSOCIATION OF
AMC
MINNESOTA COUNTIES

Greg Ron
F.Y.I.
99

Date: August 26, 1993

To: AMC Joint Wetland Protection Sub-Committee

From: David Weirens
Policy Analyst

Re: Wetland Conservation Act Survey Results

18 county highway departments responded to the Wetland Conservation Act survey that was sent to all county engineers on August 6. The information on these surveys is summarized below.

1. How often have you had to mitigate wetland impacts, as required by the Wetland Conservation Act, resulting from road construction?

Some county engineers reported that wetland mitigation has not been necessary on recent projects, and is not expected to be a major impact on future projects. Other engineers reported a number of projects that require mitigation, some engineers indicated that all grading projects in recent years have required mitigation and this trend is expected to continue into the future. For some counties, a better question may be, how many projects have not required mitigation.

2. Which federal, state and/or local government wetland protection programs impact your road construction? Which wetland protection programs are having the greatest impact on your road construction?

Programs mentioned include the following: Army Corps of Engineers, U.S. Fish and Wildlife Service, Bureau of Indian Affairs, DNR, MPCA, tribal governments, and local governments. The Army Corp, DNR and Wetland Conservation Act (local governments) were reported on nearly all surveys.

The restrictive nature of the Wetland Conservation Act was pointed out by some engineers when reporting that it would cause the greatest impact. However, the DNR and Army Corps of Engineers also have programs that affect road construction projects.

Several engineers discussed the similarities between the program, but most often the differences and difficulty in responding to conflicting regulations over the same impacted wetland.

125 CHARLES AVENUE ST. PAUL MINNESOTA 55103-2108 612-224-3344 FAX 612-224-6540

3. What success have you had in finding or acquiring suitable lands for wetland mitigation? Which agencies (federal, state, and local governments) have been helpful in your search for suitable land? Which agencies have been detrimental to your search? Other land acquisition issues and problems?

Success in finding wetland mitigation sites has been across the entire spectrum, some counties have had no problems and some have had little success. Expectations are that finding sites will become more difficult and expensive in the future.

Several agencies have been helpful in finding sites, most often the DNR and U.S. Fish and Wildlife Service have assisted counties in this effort. Several responses pointed to help from local governments in finding sites, most notably the soil and water conservation district. Several counties reported that the DNR has been detrimental to their search for suitable wetland mitigation sites, and that no federal or state agencies have been helpful.

The number of agencies involved in wetland protection was an issue. There are too many agencies involved with different regulations, with an inability to work together toward a common goal.

4. What increase in road construction costs has your county experienced as a result of wetland mitigation (average dollar amount or percent of project cost)? What part of wetland mitigation has been the costliest (added design costs to maximize avoidance, land acquisition, excavation, etc.) What opportunities are there for minimizing the costs of wetland mitigation?

The cost to mitigate a wetland impact varies considerable from county to county as well as within a county. Land prices, terrain, and type of replacement are the primary factors that affect cost. Land acquisition and construction are the two greatest costs associated with mitigation.

Several engineers reported a specific project's mitigation cost, but many also reported the cost as a percentage of the project cost. The estimates of increased cost range from 1-2 percent to 10 percent. ← project

Future issues that are expected to increase the cost of wetland mitigation are land acquisition, time delays due to searching for suitable sites and permit approval, 2-1 replacement ratio, and design changes. Few opportunities to reduce costs were identified.

5. What type of wetland replacement (restoration or creation) are you using, or expect to use to mitigate wetland impacts? Have you, and/or do you plan on using wetland banking for replacement? How are governmental agencies influencing your decisions on wetland replacement and banking?

The topography of the counties often dictates the type of replacement that is possible, i.e. counties which have much of their pre-settlement wetlands have difficulty in finding restorable wetlands. Restoration is the preferred method of mitigation, however, most counties reported using both restoration and creation.

The opportunities for banking have been limited by suitable sites, but most often by DNR and Army Corps regulations. Coordination of mitigation between the agencies involved is difficult, and some agency staff are biased against creation, thereby limiting options. One engineer proposed a system that would allow counties to buy mitigation sites obtained by the U.S. Fish and Wildlife Service.

6. What benefits have the residents of your county noticed or identified with improved environmental awareness of road construction? Has the increased visibility of wetland issues increased citizen activism in your road construction program?

The majority of the responses indicate that residents have identified little if any benefit from increased wetland protection. Some of the comments are as follows:

- the abundance of wetlands makes any benefit hard to perceive;
- wetland laws have been used to hinder project development;
- the county residents are greatly concerned over the impact of wetlands regulations as the majority of landowners are farmers;
- farmers we have talked to cannot believe the these requirements for wetland mitigation;
- most citizens are frustrated that the DNR can control private property so much;
- not aware of any public recognition of wetland mitigation;
- the county zoning department has experienced increased complaints of "alleged wetlands violations" as another means to continue existing neighbor versus neighbor feuds;
- the residents are concerned about the effects of this law on maintenance of their drainage systems;
- most residents don't believe we can replace wetlands adequately or at the same quality;
- some citizens use wetland issues to stop projects when other blocking methods do not work;
- comments made by people who have been informed of our costs for creating wetlands has generally been surprise or disgust at the perceived waste of money; and

- feedback received by residents in our county indicates the Corps and DNR control too much and practical, common sense solutions to minor wetland impacts are needed.

7. How many road construction projects, requiring wetland mitigation, has your county initiated that were driven by the need to make county roads safer?

The majority of comments indicate that all road construction projects are driven by the need to make roads safer. One survey reported on a project that included a lengthy discussion on safety versus minimizing an impact to wetlands. Safety prevailed in that permit process.

8. How has the requirement to avoid wetlands affected your ability to make the roads safer in your county (inability to remove curves or requiring curves to avoid a wetland)?

Several engineers reported that the safety effects of wetland protection have been minimal to date, but it foreseen that this could become a problem in the future. However, several engineers indicated that design speeds and sight distances have been compromised to eliminate or reduce wetland impacts. In addition, it has been necessary to increase steeper inslopes which result in more single car rollovers.

The impact of wetland regulations on road construction will be felt in traffic accident statistics. Liability issues need to be recognized when adding curves or reducing sight distances as part of a road construction project.

9. Please make any other comments regarding your experiences in mitigating wetlands as required by the Wetland Conservation Act, and any other federal, state, and local government program.

The central issue for county engineers is not the requirement to mitigate wetland impacts, but the numerous agencies involved in wetland regulation and their differing and at times conflicting programs. The added complexity delays projects and adds unnecessary cost to projects.

Completed surveys identified many other issues with wetland regulation, some of them are summarized below.

* The 2-1 replacement ratio will create problems in finding interested landowners without a major staff commitment to investigate and buy land.
* Bad experiences with the DNR which have delayed projects over two years.

* There should be a system set up to allow agencies needing mitigation credit to buy into a bank and receive credit.
* An opportunity to minimize mitigation costs to allow wetland enhancement or institute a statewide bank where wetland rich counties can pay to create wetlands in wetland poor counties.
* Anyone working in this area should be well versed on the county's right to safe roads, the county engineer's responsibilities, and the responsibilities of the agencies involved with wetland programs. Reading the statutes these agencies operate under will reveal they have less authority than they tell you. This particularly applies to the DNR and Fish and Wildlife Service.

MINNESOTA DEPARTMENT OF
TRADE AND ECONOMIC DEVELOPMENT

500 Metro Square
121 7th Place East
Saint Paul, Minnesota 55101-2146 USA

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BOARD
& SOIL RESOURCES

MEMORANDUM

September 3, 1993

TO: All State Agency Commissioners and Department Heads

FROM: E. Peter Gillette, Jr.
Commissioner

SUBJECT: **Executive Order 93-9**

As Governor Carlson noted in his memo of August 27, this department will be conducting a feasibility study of "one-stop shopping" for business permits and regulatory affairs as required by Executive Order 93-9.

That Executive Order defines one-stop shopping and identifies a number of issues which are to be addressed in the feasibility study.

Attached here are two documents:

- a proposed timetable for conduct of the study; and
- a memo commenting on the issues identified in the Executive Order.

I am asking all interested and affected state agencies to respond initially to the issues raised in the Executive Order (and to raise any other issues they think appropriate). Based on the responses received, individual working groups can be established on particular questions.

Please direct your written responses to:

Charles A. Schaffer
Minnesota Department of Trade and Economic Development
500 Metro Square
121 7th Place East
St. Paul, MN 55101-2146
(612) 296-0617

Peter Gillette

CAS:mm
Atts.

An Equal Opportunity Employer

MINNESOTA DEPARTMENT OF
TRADE AND ECONOMIC DEVELOPMENT

500 Metro Square
121 7th Place East
Saint Paul, Minnesota 55101-2146 USA

MEMORANDUM

September 3, 1993

TO: All State Agency Commissioners and Department Heads

FROM: E. Peter Gillette, Jr.
Commissioner of Trade and Economic Development

SUBJECT: **Workplan for Regulatory Study Under Executive Order 93-9**

1. August 27 — Memorandum from Governor Carlson to all state department heads directing their cooperation in study (copy attached).

2. September 3 — Memo from E. Peter Gillette to all state department heads. This memo

   - outlines the issues raised by the Executive order;
   - asks for written comments, expressions of interest;
   - identifies the working methodology;
   - notes that comments will be invited from the regulated public.

3. September 3 — A similar memo goes to affected constitutional officers, appropriate legislative committees and other parties in state government known to be interested.

4. September 7 — (tentative) 1:30 PM Briefing to Administrative Agency Cluster, 301 Centennial
(tentative) 4:00 PM Briefing to Environmental Agency Cluster, 130 Governor's Conference Room

5. September 15 — (tentative) 7:45 AM Briefing to Jobs and Commerce Cluster, Commissioner E. Peter Gillette's office

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Peter Gillette

6.	September 20	A notice appears in the *State Register* soliciting the comments of interested and affected parties.
7.	September 21	(tentative) 4:00 PM Briefing to Human Resources Cluster, 130 Governor's Conference Room
8.	September 15 - November 1	Initial collection of responses. Identification of working group members, topics, issues.
9.	November 1	Formation of working groups. Initial exchange of summaries of issue-related responses.
10.	October - June '94	Working groups.
11.	June '94 - September '94	Consensus building; recommendations, draft legislation, report drafting.
12.	September '94	Recommendations to Governor with draft legislation.

CAS:mc

Attachment

ARNE H. CARLSON
GOVERNOR

STATE OF MINNESOTA

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
SAINT PAUL 55155

MEMORANDUM

TO: All Commissioners and Agency Heads

FROM: Governor Arne H. Carlson

DATE: August 27, 1993

SUBJECT: **Executive Order 93-9 "One-Stop Shopping" Study**

By Executive Order 93-9 I have directed the Commissioner of Trade and Economic Development to investigate the feasibility of implementing "one-stop shopping" by businesses for regulatory affairs in Minnesota. The Commissioner will report his findings and recommendations to me by January 1, 1995. To help ensure the success of this project I have directed that all state agencies shall cooperate in the conduct of this study.

I want to stress that this project is a high priority for me. As you are aware, I am deeply committed to minimizing the regulatory burden on Minnesota businesses and to assisting businesses in achieving regulatory compliance as promptly and expeditiously as possible. I ask that you cooperate fully in this study so that these goals can be accomplished.

Commissioner Gillette has directed Charles Schaffer of his staff to head up the feasibility study. He will be contacting all of you with specific details for accomplishing the project, or you may call him at (612) 296-0617.

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MINNESOTA DEPARTMENT OF
TRADE AND ECONOMIC DEVELOPMENT

500 Metro Square
121 7th Place East
Saint Paul, Minnesota 55101-2146 USA

MEMORANDUM

August 20, 1993

TO: Parties Interested in or Affected by Executive Order 93-9 Regarding a Feasibility Study on "One-Stop Shopping" for Regulatory Matters

FROM: Charles A. Schaffer

SUBJECT: **Conduct of the Study**

Background

Executive Order 93-9 was signed by the Governor and filed with the Secretary of State on July 7, 1993. It was published in the State Register on July 19, 1993 (Vol. 18, Issue No. 3). Pursuant to Minn. Stat. § 4.035, Subd. 2 the Order becomes effective on August 2, 1993.

The Executive Order requires the Commissioner of Trade and Economic Development to investigate the feasibility of implementing true "one-stop shopping" by business for regulatory affairs in Minnesota, and to report his findings and recommendations (including legislative initiatives) to the Governor by January 1, 1995.

The substance of this Executive Order was a recommendation of the Commissioner of Trade and Economic Development in his May 15, 1993, report to the Governor on implementation of Executive Order 92-15 regarding state agencies' review of rules and regulations.

Context of the Study

Executive Order 93-9 is explicit as to the definition of what constitutes one-stop shopping for regulatory affairs: a single agency or sub-agency in state government (though perhaps with more than one office location) which has the authority, personnel, expertise, procedures and systems resources to:

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- o assist and advise the "business public" with the substance and procedures of individual regulations and the steps to compliance;
- o provide to and accept from business applicants the necessary forms and documents for regulatory compliance;
- o process these forms and documents in accordance with statutes and rules; and
- o directly issue licenses and permits as agent for the applicable agency.

The activities proposed for the one-stop shopping agency are substantially greater than those found in current permit assistance programs (Minn. Stat. § 116C.24-116C.32 and § 116J.69-116J.86) in that the one-stop agency would process forms and applications and issue licenses and permits as agent for the state agency having statutory authority and responsibility for the regulatory activity involved.

Issues

Executive Order 93-9 identifies a number of issues to be examined and resolved:

1) The relationship between the agency that provides the "one-stop shopping" service and the department or agency which has statutory authority for substantive regulation or enforcement.

Comment :

At its lowest level this issue involves the degree to which various licenses and permits and regulatory activities affect a "business public" and thus can be/should be part of any one-stop operation. As noted in the Commissioner's report on Executive Order 92-15, a number of state agencies licensing occupations or regulating the conduct of those occupations do not regard their activities as affecting business in any way despite the fact that such regulation is a text-book example of an individualized economic decision by government (see p. 9 of the Commissioner's report on E.O. 92-15).

The Department of Trade and Economic Development's business licensing assistance statute provides a broad definition of "business license" to include any permit, registration, certification or other form of approval authorized by statute or rule to be issued by any agency or instrumentality of the state of Minnesota as a condition of doing business in Minnesota

(Minn. Stat. § 116J.70). Such a broad definition could be interpreted to include activities like incorporations, tax filings and the like. In practice the actual scope of the licensing assistance activity was narrowed to those requirements for "commercial business undertakings, projects and activities" (Minn. Stat. § 116J.73) with specific exemptions listed for occupational regulations and environmental regulations (Minn. Stat. § 116J.70 Subd. 2a).

At a more substantial level this issue addresses the question of whether administrative agencies can delegate their statutory authority to another state administrative agency. [(See Beck, Minnesota Administrative Procedure, § 24.5 (1987); Hubbard Broadcasting Inc. v. Metropolitan Sports Facilities Commission, 381 N.W.2d 842, 847 (Minn. 1986); In re Hansen, 275 N.W.2d 790, 796-7 (Minn. 1987); appeal dismissed, 441 U.S. 938 (1979); Dragonosky v. Minnesota Board of Psychology, 367 N.W.2d 521, 525 (Minn. 1985)].

If such a delegation is possible, do the present statutes for transfer of duties pursuant to a reorganization order (Minn. Stat. § 16B.37) or entering into interagency agreements or joint powers agreements (Minn. Stat. § 471.59, Subd. 1) offer procedures adequate to the task?

In selecting an agency or department for performing the "one-stop shopping" role, consideration will have to be given to the issues of separation of functions in administrative agencies [(Withrow v. Larkin, 421 U.S. 35 (1975)] and avoidance of coloration of opinion and action by staff making decisions on more than one regulatory activity (that is, avoiding knowledge of facts in one application from influencing decisions on another activity) [(Hortonville Joint School District No. 1 v. Hortonville Educational Association, 426 U.S. 482 (1976)].

2) A determination of who should perform competency testing or assure competency in cases where that is a prerequisite to securing a license or permit (e.g., licensed professions and building trades), and who assures or evaluates the adequacy of continuing education or other competency-based criteria that are a condition of relicensure.

Comment:

It needs to be decided if this is an issue of personnel and procedure only, or if the study will also look at more substantive changes like removing the state from regulatory standard setting and competency testing and

having a private organization perform those functions. The use by states of such private standard setting most frequently involves the adoption by the state of a particular standard developed by a private sector organization (e.g., the National Uniform Fire Code of the National Fire Protection Association). Less frequently occurring is a state's authorizing a private organization to act on its behalf in standard setting, testing, certifying, or licensing (see the cases noted above on the delegation issue). Such use of private bodies has been substantially reduced since the U.S. Supreme Court's decision in American Society of Mechanical Engineers v. Hydrolevel [(102 S.Ct. 1935 (1982)].

3) How disputes concerning delay in issuing a license or permit, denial of a license or permit, or suspension or termination of a license or permit for disciplinary or other reasons will be handled.

4) How the acceptance of "one-stop shopping" by regulatory and enforcement agencies will be secured and how compliance and enforcement activity will be coordinated.

Comment :

Nos. 3 and 4 again relate to the issues noted above of delegation and relationship of one function (e.g., licensing) to other related activities (e.g., compliance) and unrelated activities (e.g., promotion, economic development, revenue collection).

Nos. 3 and 4 also raise substantial principal-agent issues in the design of incentives for accomplishing one-stop shopping. Specifically, for current regulatory agencies there must be procedures to ensure that the agencies do not engage in Nash behaviors where agencies independently determine and adjust their degree of participation with resulting less-than-optimal levels of the public good sought in one-stop shopping. In selecting the state agency to operate the one-stop function, procedures must be in place to avoid adverse selection (where the agency misrepresents its ability) and moral hazard (where the agency does not deliver adequate effort).

5) How to acquire a staff that has the level of expertise necessary to provide the level of assistance and advice demanded by true "one-stop shopping."

Comment :

Personnel issues will have to be addressed in the context of agency reorganizations, union contracts, civil service provisions (see, for example, Chapter 192, Sec. 75, Laws of 1993, codified as Minn. Stat. § 43A.05, dealing with personnel matters in agency restructurings).

Similarly, issues of design and operation of necessary information/communication systems will have to be considered in light of recent legislation (see, Chapter 192, Sec. 71, Laws of 1993, codified as Minn. Stat. § 16B.41, relating to computer systems planning and the Information Policy Office).

6) How the strengths and limitations of "one-stop shopping" will be communicated to regulated parties.

Comment :

As noted above, the issue of communication to regulated parties will be influenced by whether the study yields procedural changes only (and whether they are user-optional, involve some or all regulatory contacts) or also recommends changes in the number, kind and requirements of regulations. There are two 1993 statutes to be considered: Chapter 192, Laws of 1993, codified as Minn. Stat. § 15.91 to 15.92, relating to state agency reporting of goals and performance; Chapter 252, Sec. 2, Laws of 1993, codified as Minn. Stat. § 116J.581 relating to the duties of the Competitiveness Task Force.

7) How matters of overlapping jurisdiction (state/federal, state/local) will be handled and how those issues will be communicated to the affected parties.

Comment :

This is a substantial issue in areas of environmental protection; health; food manufacturing and sales; occupational safety.

8) How the need for legislative change will be determined and who will be responsible for preparing and monitoring initiatives to secure such change.

9) Legal liability and other legal issues.

Comment :

The issues discussed above raise legal issues, e.g., statutory changes needed to establish one-stop shopping, delegation (if legally permissible) or transfer of agency licensing or permitting authority, rulemaking authority, employee relations issues, and others. In addition, the study should address the risk and allocation of liability for improperly issuing, denying or suspending a license or permit and the potential costs of defense.

10) Such other issues as the study group deems important and appropriate.

Conduct of the Study

I am asking all interested and affected state departments to respond initially to me by October 1 on the issues raised in this memo (and to raise any other issues they think appropriate). These responses should be directed to me at:

Charles A. Schaffer
MN Department of Trade and Economic Development
500 Metro Square
121 7th Place East
St. Paul, Minnesota 55101-2146

Concurrently a notice will appear in the *State Register* seeking the comments of interested and affected parties outside government.

Based on the responses received individual working groups can be established on particular questions. I foresee these using the methodology we used in this department's 1984 study on state regulation. That method, developed by the American Bar Association's Committee on Law and the Economy, provides for exchange of written materials as the principal way to focus attention on the question. Meetings are for seeking consensus, negotiating positions and framing majority and minority positions.

Although the Executive Order does not require a report until January 1, 1995, I would hope to have all work completed by early Fall of 1994.

CAS:mc

Date: August 31, 1993

COPY **Res. #86-93**

RESOLUTION

On motion of Commissioner Cummings, seconded by Commissioner H. Hanson, the following Resolution was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held August 31, 1993 at the Courthouse, Austin, MN.

WHEREAS, the Minnesota State Legislature developed and adopted a comprehensive wetland protection act in 1991, and

WHEREAS, the Interim Program was administered by cooperating units of government for a period of eighteen months with very little funding from the state, and

WHEREAS, CCRSF1570 file dated 5/06/93 Sec. 6 states that "Grants must be matched with a combination of local cash **OR** in-kind contributions", and

WHEREAS, County Governments have had aid LGA reductions for the State for several years, making any increased spending or taxation extremely difficult, and

WHEREAS, 60% of the counties have delegated the administration of the WCA to Soil and Water Conservation Districts which have no levy authority, and

WHEREAS, this new state law is primarily regulatory and not optional for counties to accept or reject realistically, and

WHEREAS, the Board of Water and Soil Resources Board at their August 25th, 1993 meeting passed a motion requiring one/half of the grant to be a cash or levied new monies, rather than allowing for a total in-kind match or allowing counties to split the match as they could afford,

THEREFORE, BE IT RESOLVED, that Mower County requests that the BWSR Board reconsider their previous action, and allow the match to be at the county's discretion.

BE IT FURTHER RESOLVED, that counties be better informed of future funding levels, and recommend actions, in advance of a BWSR decision, to allow counties and opportunity to respond accordingly.

This resolution was passed at a duly called meeting of the Mower County Commissioners on August 31, 1993.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

MINNESOTA ASSOCIATION OF CONSERVATION DISTRICT EMPLOYEES

ALERT ALERT ALERT ALERT ALERT ALERT ALERT ALERT
****

August 27, 1993

TO: Minnesota Soil and Water Conservation Districts

FROM: MACDE Board of Directors

Dear Members:

On August 25, 1993 four of the seven MACDE Directors attended the BWSR Board Meeting at the Capitol. It was an interesting experience for some if they had never been and turned out to be rather frustrating in an action item taken by the BWSR Board.

They passed a motion on the Block Grant for Natural Resources which includes grants for Local Water Planning, Wetland Conservation Act, and DNR Shoreland grant. It will be a lump sum paid to the counties but has varying required local contributions. The Local Water Planning will remain the same as in the past with the same percentage of local levy match as counties have had for two or three years. The DNR Shoreland grant has a total in-kind match. However, the Wetland Conservation Act must be a 1 : 1 match with one-half of the match to be cash or levied. (New Monies) Hopefully, you have all received a copy of the county grants. However, the one they voted on wasn't the one that I had received.

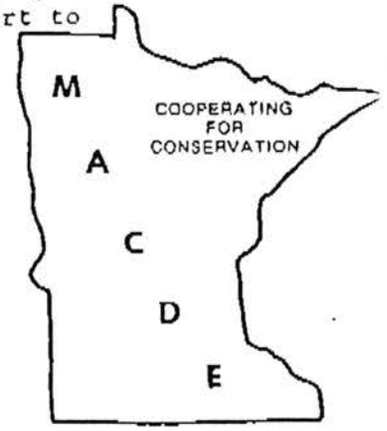
Legislation provided the alternative to match the grant with a combination of cash OR in-kind.

Some of us tried to protest stating that county boards did not support the WCA very well under any circumstances but they would most likely not be willing to levy or appropriate new money to it.

Therefore, the MACDE Directors decided at their Thursday, August 26th meeting to send out a Resolution to all districts, asking that you take it to your county boards for adoption and then send it to all BWSR Board Members.

It is imperative that this take place before their September 22nd meeting so they will act on it once again. If you feel the same as we do, please adapt or use the Resolution enclosed and help facilitate this mass effort to get BWSR to reconsider.

THANK YOU FOR YOUR HELP!



RESOLUTION FOR WETLAND CONSERVATION ACT GRANT FUNDS TO COUNTY GOVERNMENTS

WHEREAS, the Minnesota State Legislature developed and adopted a comprehensive wetland protection act in 1991, and

WHEREAS, the Interim Program was administered by cooperating units of government for a period of eighteen months with very little funding from the state, and

WHEREAS, CCRSF1570 file dated 5/06/93 Sec. 6 states that "Grants must be matched with a combination of local cash OR in-kind contributions, and

WHEREAS, County Governments have had aid LGA reductions from the State for several years, making any increased spending or taxation extremely difficult, and

WHEREAS, 60% of the counties have delegated the administration of the WCA to Soil and Water Conservation Districts which have no levy authority, and

WHEREAS, this new state law is primarily regulatory and not optional for counties to accept or reject realistically, and

WHEREAS, the Board of Water and Soil Resources Board at their August 25th, 1993 meeting passed a motion requiring one/half of the grant to be a cash or levied new monies, rather than allowing for a total in-kind match or allowing counties to split the match as they could afford,

THEREFORE, BE IT RESOLVED, that County requests that the BWSR Board reconsider their previous action, and allow the match to be at the county's discretion.

BE IT FURTHER RESOLVED, that counties be better informed of future funding levels, and recommended actions, in advance of a BWSR decision, to allow counties an opportunity to respond accordingly.

This resolution was passed at a duly called meeting of the County Commissioners on .

_____

Chairman, County

_____

Date

MINNESOTA ASSOCIATION OF CONSERVATION DISTRICT EMPLOYEES

ALERT ALERT ALERT ALERT ALERT ALERT ALERT ALERT
****

August 27, 1993

TO: Minnesota Soil and Water Conservation Dist

FROM: MACDE Board of Directors

Dear Members:

On August 25, 1993 four of the seven MACDE Dire
Meeting at the Capitol. It was an interesting e
never been and turned out to be rather frustrati
the BWSR Board.

They passed a motion on the Block Grant for Nat
grants for Local Water Planning, Wetland Conserv
grant. It will be a lump sum paid to the counties but has varying required local contributions. The Local Water Planning will remain the same as in the past with the same percentage of local levy match as counties have had for two or three years. The DNR Shoreland grant has a total in-kind match. However, the Wetland Conservation Act must be a 1 : 1 match with one-half of the match to be cash or levied. (New Monies) Hopefully, you have all received a copy of the county grants. However, the one they voted on wasn't the one that I had received.

Legislation provided the alternative to match the grant with a combination of cash OR in-kind.

Some of us tried to protest stating that county boards did not support the WCA very well under any circumstances but they would most likely not be willing to levy or appropriate new money to it.

Therefore, the MACDE Directors decided at their Thursday, August 26th meeting to send out a Resolution to all districts, asking that you take it to your county boards for adoption and then send it to all BWSR Board Members.

It is imperative that this take place before their September 22nd meeting so they will act on it once again. If you feel the same as we do, please adapt or use the Resolution enclosed and help facilitate this mass effort to get BWSR to reconsider.

THANK YOU FOR YOUR HELP!

M A C D E
COOPERATING FOR CONSERVATION

MINNESOTA ASSOCIATION OF CONSERVATION DISTRICT EMPLOYEES

ALERT ALERT ALERT ALERT ALERT ALERT ALERT ALERT
****

August 27, 1993

TO: Minnesota Soil and Water Conservation Districts

FROM: MACDE Board of Directors

Dear Members:

On August 25, 1993 four of the seven MACDE Directors attended the BWSR Board Meeting at the Capitol. It was an interesting experience for some if they had never been and turned out to be rather frustrating in an action item taken by the BWSR Board.

They passed a motion on the Block Grant for Natural Resources which includes grants for Local Water Planning, Wetland Conservation Act, and DNR Shoreland grant. It will be a lump sum paid to the counties but has varying required local contributions. The Local Water Planning will remain the same as in the past with the same percentage of local levy match as counties have had for two or three years. The DNR Shoreland grant has a total in-kind match. However, the Wetland Conservation Act must be a 1 : 1 match with one-half of the match to be cash or levied. (New Monies) Hopefully, you have all received a copy of the county grants. However, the one they voted on wasn't the one that I had received.

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THANK YOU FOR YOUR HELP!



RESOLUTION FOR WETLAND CONSERVATION ACT GRANT FUNDS TO COUNTY GOVERNMENTS

WHEREAS, the Minnesota State Legislature developed and adopted a comprehensive wetland protection act in 1991, and

WHEREAS, the Interim Program was administered by cooperating units of government for a period of eighteen months with very little funding from the state, and

WHEREAS, CCRSF1570 file dated 5/06/93 Sec. 6 states that "Grants must be matched with a combination of local cash OR in-kind contributions, and

WHEREAS, County Governments have had aid LGA reductions from the State for several years, making any increased spending or taxation extremely difficult, and

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WHEREAS, this new state law is primarily regulatory and not optional for counties to accept or reject realistically, and

WHEREAS, the Board of Water and Soil Resources Board at their August 25th, 1993 meeting passed a motion requiring one/half of the grant to be a cash or levied new monies, rather than allowing for a total in-kind match or allowing counties to split the match as they could afford,

THEREFORE, BE IT RESOLVED, that County requests that the BWSR Board reconsider their previous action, and allow the match to be at the county's discretion.

BE IT FURTHER RESOLVED, that counties be better informed of future funding levels, and recommended actions, in advance of a BWSR decision, to allow counties an opportunity to respond accordingly.

This resolution was passed at a duly called meeting of the County Commissioners on .

_____

Chairman, County

_____

Date

Oct. 1993

Minnesota Board of Water & Soil Resources

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

Field Offices

Northern Region:

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

3217 Bemidji Avenue N.
Bemidji, MN 56601
(218) 755-4235
Fax (218) 755-4201

217 S. 7th Street
Suite 202
Brainerd, MN 56401-3660
(218) 828-2383
Fax (218) 828-6036

Southern Region:

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

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

P.O. Box 267
1400 E. Lyon Street
Marshall, MN 56258
(507) 537-6060
Fax (507) 537-6368

Metro Region:

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

An Equal
Opportunity Employer

Printed on recycled paper

DATE: October 19, 1993

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: October 27th Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, October 27, 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.

SUMMARY OF AGENDA

1 - COMPREHENSIVE STATE GROUND WATER PROTECTION PROGRAM (CSGWPP)

The state is undertaking a major initiative in updating the state's groundwater protection program. The update is led by Minnesota Pollution Control Agency (MPCA) with general guidelines from Environmental Protection Agency (EPA). Many of the agencies are involved in the effort and the implications of the plan for agencies and local government may be significant. As the plan process enters the draft and discussion stages it is appropriate that BWSR play a role as facilitator in bringing local government into the process. This discussion will serve to bring us up-to-date on what the program is; what is being done; what are some of the issues; and the time frames for finalization. **DISCUSSION ITEM.**

2 - RIM CONTRACT AMENDMENT

Mr. Neal Dodd has requested that the boundaries of his RIM easement be amended to remove 2.2 acres in exchange for 7.1 acres of native prairie not currently under easement. The SWCD and the Department of Natural Resources (DNR) Wildlife Manager have recommended that BWSR approve the amendment. Staff supports the amendment. Your packet includes information on the specifics of the amendment. **DECISION ITEM.**

3 - ISSUES RELATING TO REAUTHORIZATION OF THE FEDERAL FARM BILL
Minnesota has traditionally attempted to actively influence the elements of the federal farm bill to promote more conservation and to have the federal government acknowledge state and local government roles in addressing conservation concerns. As each agency begins to formulate it's position to pass on to Minnesota's congressional delegation it seems appropriate to have some discussion by the Board that represents all the interests state and local on how Minnesota might reflect a common perspective. We are asking that the member agencies be prepared to discuss some of their thoughts and ideas for policy direction and how to develop, if appropriate, a coordinated perspective among the conservation agencies.

4 - BIOLOGICAL INDICATORS
The DNR has proposed to the Environmental Quality Board (EQB) that they undertake an initiative to assess the progress or success of environmental programs. This would be based on the establishment of certain biological indicators that tell us what the status of the environment is today and tomorrow. In this way we can judge how successful we are in improving the environment that we live in and how successful the programs are in achieving the state's objectives for the environment. DNR staff will review the proposal with the Board. **DISCUSSION ITEM.**

5 - FEEDLOT MANAGEMENT INITIATIVE
The agencies have been meeting for the last few months to assess roles and relationships; current capacities of the agencies and local government; the goals and objectives of the program; the needs for education, training, technical assistance, and financial assistance; the options for changes in the regulatory program; and finalize an integrated approach to feedlot issues. The agencies participating are PCA, DNR, BWSR, Minnesota Department of Agriculture (MDA), and Minnesota Extension Service (MES). Each has developed a proposed initiative to address elements of the program. Each agency will briefly review their portion of the proposal. Although we have attempted to clearly define the roles of the agencies there continues to be some areas that require additional discussion to resolve differences. The proposals have been overviewed for the Feedlot Advisory Group (FLAG) but has not yet been reviewed specifically with SWCD's or counties. The agencies will briefly review their elements of the proposal. **DISCUSSION ITEM.**

6 - AREA II PROJECT FUNDING CRITERIA
What is eligible for funding by BWSR has been an issue raised regarding a flood damage reduction project in Lac Qui Parle County. The project involves the construction of flood overflow channels to reduce cross-over flooding to another watershed. The statute states that BWSR may provide financial assistance for "project and construction costs for the building of floodwater retarding and retention structures within a general plan for floodplain

management" (MS 103F.173); and that "Money granted by the state may not be used for any project of stream channelization" (103F.175). Some local interests concerned about the project have claimed that the project is channelization and therefore not eligible for funding by BWSR. DNR and BWSR have reviewed the issue and have determined that the project is not channelization based on definition of channelization used by the DNR permitting process. Information in your packet reflects staff perspective on the issue and a memo from the attorney general reflects their perspective on the Board's discretion. As this may come up as an issue at the scheduled DNR permit hearing in November, it felt that a decision by the Board relating to project eligibility is appropriate at this time. Staff recommendation: Adopt the definition of channelization as defined by the DNR meaning that this project is not channelization and adopt the position that the project does retard flooding and is an eligible activity for funding.

7 - WETLAND CONSERVATION ACT (WCA)/PERCENT OF WETLANDS IN COUNTY
The WCA provides special requirements for replacement or mitigation in counties where less than 80% of the original wetlands acreage remain. The data base for the information is an assessment conducted by the University of Minnesota in the late 70's. Considerable data relating to wetlands has been developed since that time and some counties have requested a change in their status of current wetlands in relation to the original wetland base in the county. Greg Larson has reviewed with the other agencies the type of criteria that the Board should consider in making a decision to change a county from lessor to a greater than 80% county. Greg will review the criteria with the Board at this meeting and ask for a decision at the December meeting. **DISCUSSION ITEM.**

8 - MINNESOTA RIVER COST-SHARE INITIATIVE
As you recall BWSR was appropriated $600,000 for FY 94 and $500,000 for accelerating cost-share projects in the Minnesota River Basin as part of the Minnesota River 10 year clean-up initiative. There are various options for allocating these $'s and staff are currently meeting with SWCD's in the basin to get their ideas on how this might be best achieved. Options include just distributing the $'s as part of the regular cost-share allocation; distributing the $'s on a watershed approach; splitting out $'s for technical capacity and $'s for cost-share projects; allocating on 5-year implementation plans of districts within specific watersheds; or combinations of the above. Included in your packet is information that was sent out to SWCD's and a draft proposal from the Blue Earth River Basin Initiative group. We would bring the allocation options to the Board in December for decision.
DISCUSSION ITEM.

9 - SOUTHERN EDUCATION SPECIALIST
Assuming that our budget is not impacted by future reductions we believe that we have an opportunity to enter into another partnership with MES to establish a southern education specialist similar to the Barb Liukkonen position in Duluth. The Board education plan and

strategy sets this as a high priority for consideration and implementation. Discussions with Fred Bergsrud indicate that MES is willing to make a similar commitment for a southern specialist beginning next year. The obligations of the Board and MES would be similar to that with the northern specialist. If the Board approves the education committee proposal then staff will proceed to formalize the proposal for final Board action in December. **DECISION ITEM.**

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 27th!

RDH:mja
Enc.

BOARD OF WATER AND SOIL RESOURCES
ROOM 112, STATE CAPITOL
ST. PAUL, MINNESOTA
OCTOBER 27, 1993

PRELIMINARY AGENDA

9:00 a.m.	1.	Call Meeting to Order
	2.	Adopt Agenda
	3.	Approve Minutes of September 23, 1993
	4.	Reports • Chairman's Report - Jim Nielsen • Executive Director's - Ron Harnack • Committee Reports
9:30 a.m.	5.	Comprehensive State Ground Water Protection Program (CSGWPP) - Eric Mohring, BWSR; Don Jakes, Pollution Control Agency (PCA); and Susan Schmidt, Legislative Water Commission (LWC)
10:15 a.m.	6.	RIM Contract Amendment - Marybeth Block
10:30 a.m.	7.	Issues Relating to Reauthorization of the Federal Farm Bill - Jim Birkholz
11:15 a.m.	8.	Biological Indicators - Ron Harnack
11:30 a.m.	9.	Feedlot Management Initiative - Al Kean
Noon	Lunch	
1:00 p.m.	10.	Area II Project Funding Criteria - Al Kean
1:20 p.m.	11.	Wetland Conservation Act/Percent of Wetlands in County - Greg Larson
1:45 p.m.	12.	Minnesota River Cost-Share Initiative - Greg Larson
2:15 p.m.	13.	Southern Education Specialist - Ron Harnack

(continued)

2:30 p.m.

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

15. Board Issues - discussion, comments, action needed

16. Upcoming Meetings
- December 3-4, MAWD Annual Convention, Brainerd
- December 5-7, MASWCD Annual Convention, St. Cloud
- December 5-7, AMC Annual Convention, Rochester
- December 8, 1993 BWSR Meeting, St. Paul

3:00 p.m. Adjourn

SUBJECT: Request to Amend RIM Perpetual Contract #61-07-86-01

Mr. Neal Dodd has requested that the boundaries of his RIM Reserve contract be amended to remove 2.2 acres for an access lane and I acre plot adjacent to the lake shore. The SWCD, DNR Wildlife Manager and the landowner have agreed to allowing the release of these acres in exchange for 7.1 acres of native prairie not under easement. Mr. Dodd is making this request because he has put the property up for sale but the lack of access to the lake has been a serious deterrent to potential buyers.

STAFF RECOMMENDATION:

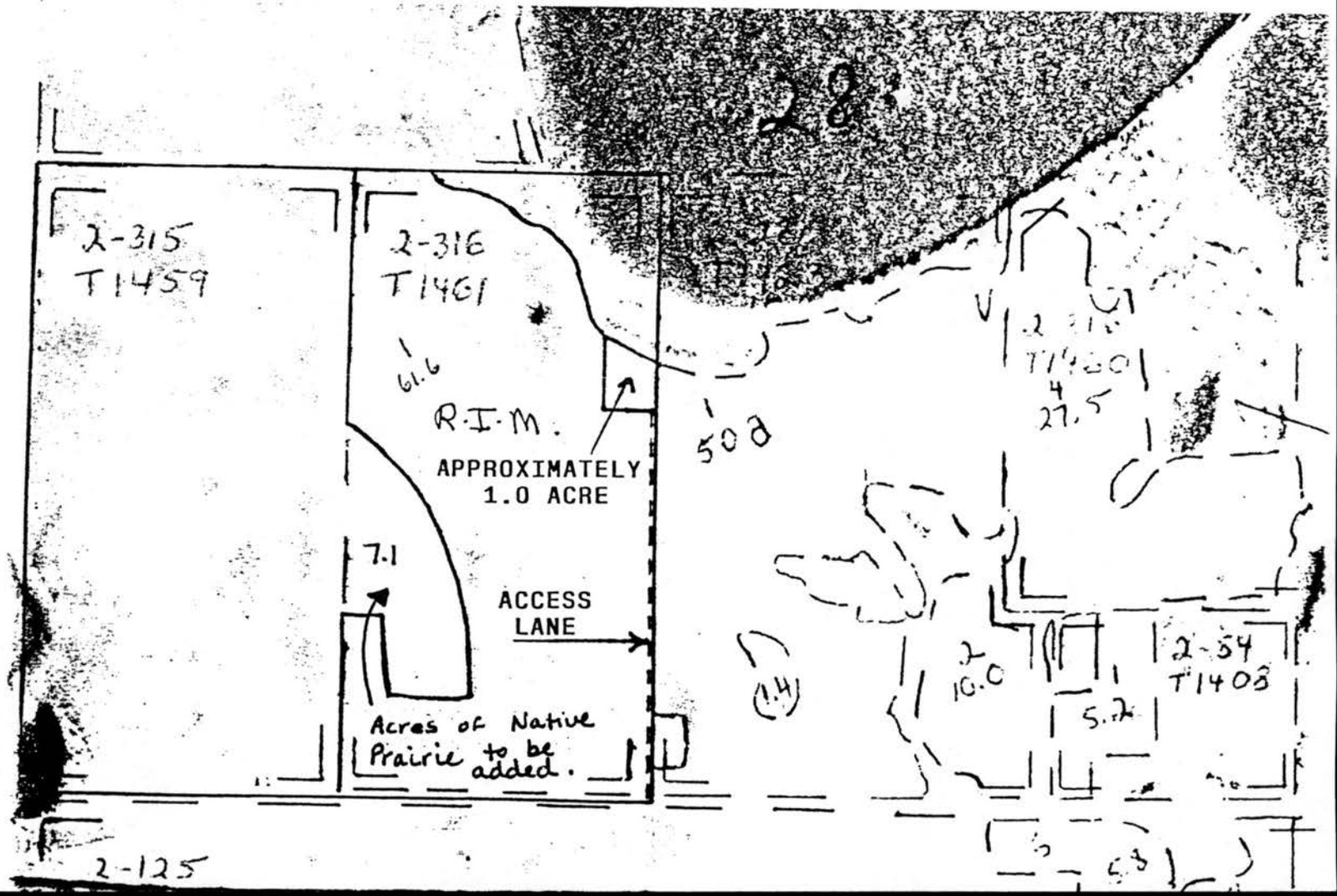
The proposal be accepted based on the recommendation of the SWCD and DNR wildlife manager. The state will received 4.9 acres of donated land containing native prairie.

REQUIRED ACTION:

The BWSR will draft an amendment to the current easement upon receipt of:

a) An Exhibit A reflecting the acre exchange
b) An Amended Conservation Plan and Exhibit B
c) An aerial photo outlining the acres to be released and the acres to be added to the easement. The areas will be labeled reflecting the exact acres.

All required legal and document recording costs associated with the amendment will be the responsibility of the landowner.



POPE SOIL & WATER
CONSERVATION DISTRICT

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

DATE: September 21, 1993

TO: Mr. Neal Dodd
Rt. 2 Box 115
Montevideo, Mn. 56265

SUBJECT: RIM Easement Boundary Change:

Dear Neal

At the Pope SWCD Board meeting held September 14, 1993 the Board recommended allowing a 2 rod access lane along the East side of your RIM area. In addition they also agreed to allowing approximately 1.0 acre be removed from the RIM easement area, see the enclosed map for location of this area. The Board felt this location would be best so as not to disturb the area by the lake for nesting birds.

In exchange for the access lane and the 1.0 acre, you agree to replace these acres from the area on the West side of your property that is not now in RIM.

The access lane would contain approximately 1.2 acres plus approximately 1.0 acre additional, for a total of 2.2 acres.

If you have any questions feel free to contact me at the 612-634-5326.

Sincerely

Kim W. Krueger

Kim W. Krueger
Pope SWCD RIM Coordinator

cc Jerry Larson DNR Glenwood
Board of Water & Soil Resources

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

PHONE NO.

FILE NO.

October 18, 1993

To: Pope Co. SWCD Board
24 1st Ave. SE.
Glenwood, Minn. 56334

From: Jerry Larson
DNR-Area Wildlife Manager

Subject: Neal Dodd RIM Easement Boundary Change

I will accept the Pope County SWCD recommendation to exchange 2.2 acres of RIM land for 9.1 acres of native prairie land in the E 1/2 SW 1/4 of Section 28 in Barsness Twp. located in Pope County.

Neal Dodd
Rt. 2 Box 115
Montevideo, Mn.56265

Date: August 26, 1993

Minnesota Board of Water and Soil Resources

To: Mary Miller

SUBJECT: RIM EASEMENT

Dear Mary,

This proposal is regard to RIM Easement #61-07-86-1.
We are in the process of selling this property and would like to exchange 7.1 acres (shown on map) not in Rim for approx. 5.2 acres, currently in Rim. The new owner needs to have an adequate access lane and established guideline at North end of property.
It is important to understand that very little, if any of the habitat on the 5.2 acres will be disturbed.
I am enclosing a map of the property with the detailed measurements drawn in.

Kim Kruger (Pope Soil & Water Conservation District) has worked with me on all of my Rim planning and helped put this proposal together.
I would ask that you contact him, and or, myself if you have any questions or suggestions on this proposal,

Thank you,

Neal Dodd

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
500 LAFAYETTE ROAD, ST. PAUL, MINNESOTA 55155-4037

OFFICE OF THE COMMISSIONER

DNR INFORMATION (612) 296-6157

RECEIVED
SEP 28 1993
BOARD OF WATER & SOIL RESOURCES

September 3, 1993

Mr. Robert Dunn, Chair
Minnesota Environmental Quality Board
658 Cedar Street
St. Paul, MN 55155

RON L
LET'S GET ON BOARD.

Dear Bob:

I am bringing to your attention a matter for discussion and possible action at the September 16, 1993 Board meeting. I ask that we set aside approximately 15 minutes on the agenda to discuss establishing a task force to develop a coordinated program to monitor Minnesota's environmental quality through biological assessments.

Recent events during the field tours of the Legislative Commission on Minnesota Resources have brought this issue up. Specifically, during the Commission's tour of Southeast Minnesota, a Minnesota Pollution Control Agency spokesperson indicated the Agency wanted to begin biological monitoring of water quality. This raised some question about possible duplication and overlap with the Department's Stream Flow Assessment program, however after review of the situation with Department and Commission staff, it became apparent that we have an opportunity rather than a problem.

Biological monitoring is the leading edge of meaningful and useful ecosystem monitoring, especially adaptable to regional assessment and therefore valuable for judging actions at the field level. The Commission may be ready to support such efforts beginning with a program to put together a comprehensive coordinated plan for biological monitoring of specific Minnesota resources, ecological systems, and overall environment. All that stands in our way is agreement among the agencies about how we should structure this program. It is my view that the Board should encourage, or possibly lead, the development of this agreement.

Time is short, the Commission will be requesting proposals in early December, with a January submittal deadline. We need to move quickly to bring the agencies together. I suggest we appoint a task force of agency representatives, other appropriate entities such as the university, and perhaps some federal or local agencies. The Department would be happy to coordinate this effort if needed. The task force charge would be:

- To review current biological environmental quality monitoring programs in public agencies and to develop a consensus project proposal to coordinate those programs, so as to increase productivity, reduce overlap, ensure comprehensive assessment, and provide accurate longitudinal data on the quality of Minnesota's resources, its ecosystems, and its environment.

While it is impossible to predict the actions the Commission will recommend to the 1995 Legislature, or the action the Legislature will take, this is an opportunity we cannot afford to overlook. It fits the Commission strategic plan and is the kind of work laid out for the Commission in its organic act. Furthermore, the Commission's director, John

Velin, and I reviewed the concept, and he would like to come to the Board meeting to join in our discussion.

I appreciate your consideration of this matter and look forward to a discussion of it on the 16th.

Yours truly,

Rodney W. Sando
Commissioner

c: EQB Members
John Velin, LCMR
EQB Technical Representatives

Farmland Policy Action for Minnesota

The expected 1995 reauthorization of the federal farm bill offers us an opportunity to think through where we stand on public agricultural and conservation policies. Individual farmers make land management decisions that can be significantly influenced by agricultural policies. The resulting impacts on the greater rural environment and rural economy can be substantial. Could federal farm policies be revised to enhance the "agricultural landscape," rather than diminish it? Some Minnesotans think so, and they invite you to join in their discussions.

This document is designed to become the focus of joint efforts to influence the writing of federal agricultural policies to improve the agricultural landscape of Minnesota and the upper midwest. What follows is a set of specific policy actions argued over by an unofficial and unsanctioned group of Minnesota agency and organization representatives.

The people listed below participated in the drafting of this document, but they did not seek consensus on it, nor have their agencies or organizations formally acted on it. If you are interested in participating in these ongoing efforts, please drop one of them a line.

Wayne Anderson
Minnesota Pollution Control Agency
520 Lafayette Rd. N.
St. Paul, MN 55155-3898

Jim Birkholz
State Board of Water and Soil Resources
155 S. Wabasha, #104
St. Paul, MN 55107

Tom Cochrane
Minnesota AgriGrowth Council
8030 Cedar Ave. S., Suite 213
Bloomington, MN 55425

Joe Duggan
Pheasants Forever, Inc.
P. O. Box 75473
St. Paul, MN 55175

Wayne Edgerton
Minnesota Department of Natural Resources
500 Lafayette Rd
St. Paul MN 55155-4013

Jerry Hagaman
Minnesota Farm Bureau Federation
Box 64370
1976 Woodale Dr.
Woodbury, MN 55164

Mary Hanks
Minnesota Department of Agriculture
90 W. Plato Blvd.
St. Paul, MN 55107

Ron Kroese
Land Stewardship Project
14758 Ostlund Trail N.
Marine on St. Croix, MN 55047

Kevin Lines
Minnesota Department of Natural Resources
500 Lafayette Rd.
St. Paul, MN 55155-4007

Gary Nordstrom
USDA Soil Conservation Service
375 Jackson St., #600
St. Paul, MN 55101

Steve Taff
Department of Agricultural and
Applied Economics
University of Minnesota
St. Paul, MN 55108

Farmland Policy Action for Minnesota

Minnesotans want to work in and enjoy a *healthy agricultural landscape* that supports:

- economically-secure farm families
- a safe and abundant supply of food and fiber
- prosperous and stable rural communities
- diverse plant and animal communities
- clean water and air

We think we can get part way there by crafting *federal farmland policies* that are :

- fair to farmers and to the public
- cost effective and workable
- understandable to farmers, to agency personnel, and to the public
- flexible for farmers and for administering agencies
- administered locally whenever possible

In particular, these farm policy actions might help us along the way:

1. Congress should stress in all farm legislation the *need to balance private property rights with valid public interests* in the management of farm land. Agencies must be encouraged to work *with* property owners, not over them. Agency personnel should be rewarded on the basis of improvements in the local agricultural landscape, not on the mere building of programs.

2. The USDA should make every effort to *administer federal farm programs through local farmland councils*, while still retaining some agency oversight. The councils would be made up of landowners, local officials, agency representatives, public interest groups, etc. Administrative costs would be the responsibility of the USDA and other participating agencies.

3. Congress should amend federal pollution laws to *hold designated local government units responsible for environmental damages* that exceed federally-established minimum quality standards. Government units could mandate farmland management changes to reach these standards, but landowners required to to meet environmental quality levels *in excess* of federal standards should be *compensated by the government unit imposing the stricter standards*. The role of the federal government should be clarified to include financial incentives, education, and regulation oversight, but not direct regulation.

4. The USDA should *require "total farmland resource plans" for all producers who participate in federal agricultural subsidy programs* (not just those with highly erodible land). These plans would would be designed by the landowner, subject to the formal approval of the local farmland council. Farmers would work with a single representative of the local farmland council who represents (to the extent possible) *all* local, state, and federal agencies that influence farmland practices. *The landowner would not be subject to penalty* for pollution from any farming practices permitted in an approved plan. Plans would be subject to reapproval every five years. Any amendment prior to that time would require approval of both the local farmland council and the landowner. Appeals would be administered through a state-level farmland council, administered by the USDA.

5. The local farmland councils should *administer planning efforts in a phased fashion*. Whenever possible, council representatives should work with farmers to ensure voluntary adoption of practices needed to meet federal minimum standards. In part, this would require that farmers be made aware that the public has an *"expectation of stewardship"* with regard to farmland management. Where necessary, federal agricultural subsidies would be withheld to ensure compliance with the farmland plan. In certain instances, regulatory action through the responsible local government unit would be authorized.

6. The USDA should *require that a portion of recurring annual setaside lands be placed into multiyear status*. Any lands set aside for conservation purposes should be administered through an easement program, not through the price-support program. Farm program subsidies should be paid on a *per-acre,* not on a production volume basis.

7. Congress should *greatly expand funding for long-term easement programs* that focus on farmland conservation goals. Much of this funding can come from current, often inconsistent programs. For example, all existing federal wetlands programs should be combined into a single wetland protection and enhancement program. CRP program expenditures should be redirected into a more highly targeted and multiple-goal based long-term easement program that keeps environmentally sensitive lands out of production, without adversely affecting local farming economies.

8. The USDA should *redirect research dollars* away from commodity production and toward the examination and demonstration of farming practices and imaginative public programs that focus on creating a healthy agricultural landscape. This would include attention non-crop land use alternatives such as habitat developement, flood storage, scenic amenities, etc.

June 1993

RDH

SF-00006-15 4-96

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : Natural Resources

DATE : January 26, 1993

TO :
Jim Schneider
Ray Nyberg

FROM :
Kent Lokkesmoe, Director Kent L
Division of Waters

PHONE : 6-4810

SUBJECT : CHANNELIZATION

RECEIVED
JAN 26 1993
BOARD OF WATER & SOIL RESOURCES

Jim raised the issue of channelization definitions and the need to have concurrence with BWSR. I discussed this issue with Ron Harnack and we agree that channelization is modifying a watercourse by straightening and deepening. The Lac Qui Parle cut-off project is not channelization. If you would like further clarification let me know.

KL/t
cc: Ron Harnack ✓

cc - Al K. - agreed
cc - Marshall Plan
RDH - J & N. Rice

SF-00006-03

15

STATE OF MINNESOTA

DEPARTMENT of Attorney General

Office Memorandum

TO: Ron Nargang, Acting Director
Soil and Water Conservation Board

DATE: 12/28/83

FROM: Jon K. Murphy JKM
Special Assistant Attorney General

PHONE: 6-9310

SUBJECT: Permissible Projects under Minn. Stats. § 104.42, et seq.

You have asked whether Minn. Stats. § 104.42 et seq., authorizes the funding of projects other than flood control dams. More specifically, you have asked whether the statute would authorize funding for projects such as the construction of floodways across an oxbow on a river or the installation of dikes or levies to control the inundation of prime agricultural land during high flow events.

The purpose of the program under Minn. Stat. § 104.42 et seq., is to provide financial assistance for "project and construction costs for the building of flood water retarding and retention structures within a general plan for flood plain management." Thus at issue is whether the above identified projects constitute "flood water retarding and retention structures." In the event the Soil and Water Conservation Board, based upon its expertise of the subject matter, believes that the above identified projects do constitute "flood water retarding and retention structures", and provided that the procedures set forth under Minn. Stat. §§ 104.46 and 104.47, are fully complied with in determining whether a project should be funded or not, I cannot see where the decision to fund such projects could be subject to legal challenge.

JKM:cc

STATE OF MINNESOTA
SOIL AND WATER CONSERVATION BOARD
DEPARTMENT OF AGRICULTURE
90 W. Plato Blvd.
St. Paul, MN 55107
Telephone: (612) 296-3767

Regional Offices

Northwest Region
1819 Bemidji Ave.
Bemidji, MN 56601
218-755-3963

Northeast Region
Government Service Center
320 W. 2nd Street
Rm. 603
Duluth, MN 55808
218-723-4752

West Central Region
611 Iowa Avenue
Staples, MN 56479
218-894-1692

South Central Region
227 N. Minnesota Street
New Ulm, MN 56073
507-354-4193

Southeast Region
Friedell Bldg., Rm. 135
1200 S. Broadway
Rochester, MN 55901
507-285-7458

Southwest Region
Box 111
1400 E. Lyon Street
Marshall, MN 56258
507-537-7260

East Central Region
90 W. Plato Blvd.
St. Paul, MN 55107
612-296-3767

December 16, 1983

TO: Jon Murphy, Special Assistant Attorney General

FROM: Ronald Nargang, Assistant Director

SUBJECT: Allowed Projects under M.R.S. 104.42 - 104.50

The Area II Upper Minnesota River Basin Board has requested the funding of projects other than Flood Control Dams under M.R.S. 104.42 - 104.50 from the Soil and Water Conservation Board. These projects consist of constructed floodways across an oxbow on a river. This would allow flood waters to bypass an oxbow in a controlled manner while requiring low flows to use the old channel.

Other projects would be the installation of dikes or leeves along side natural watershed crossovers to control the inundation of prime agricultural land during high flow events.

We have consulted with the DNR Hydrologists in Area II and they are supportive of these projects. We have concerns about the scope of these projects in relationship to M.R.S. 104.42 - 104.50 and respectfully request your opinion of the eligibility of these projects under the current law.

RN:mtm
cc: Darrell Apelgrain
Willard Pearson

AN EQUAL OPPORTUNITY EMPLOYER

SUBJECT: Request to Amend RIM Perpetual Contract #61-07-86-01

Mr. Neal Dodd has requested that the boundaries of his RIM Reserve contract be amended to remove 2.2 acres for an access lane and I acre plot adjacent to the lake shore. The SWCD, DNR Wildlife Manager and the landowner have agreed to allowing the release of these acres in exchange for 7.1 acres of native prairie not under easement.

STAFF RECOMMENDATION:

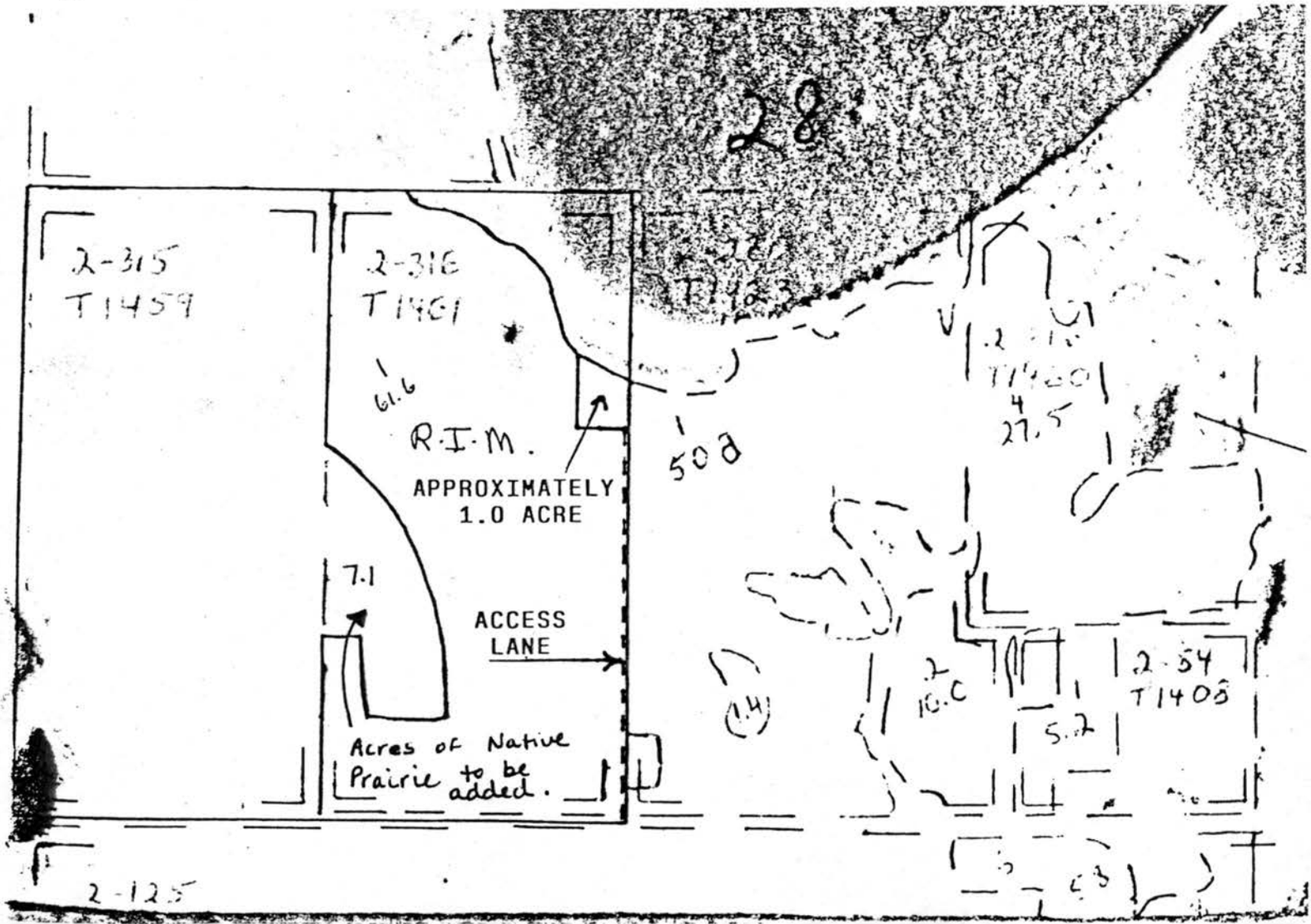
The proposal be accepted based on the recommendation of the SWCD and DNR wildlife manager. The state will received 4.9 acres of donated land containing native prairie.

REQUIRED ACTION:

The BWSR will draft an amendment to the current easement upon receipt of:

a) An Exhibit A reflecting the acre exchange
b) An Amended Conservation Plan and Exhibit B
c) An aerial photo outlining the acres to be released and the acres to be added to the easement. The areas will be labeled reflecting the exact acres.

All required legal and document recording costs associated with the amendment will be the responsibility of the landowner.



POPE SOIL & WATER
CONSERVATION DISTRICT

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

DATE: September 21, 1993

TO: Mr. Neal Dodd
Rt. 2 Box 115
Montevideo, Mn. 56265

SUBJECT: RIM Easement Boundary Change:

Dear Neal

At the Pope SWCD Board meeting held September 14, 1993 the Board recommended allowing a 2 rod access lane along the East side of your RIM area. In addition they also agreed to allowing approximately 1.0 acre be removed from the RIM easement area, see the enclosed map for location of this area. The Board felt this location would be best so as not to disturb the area by the lake for nesting birds.

In exchange for the access lane and the 1.0 acre, you agree to replace these acres from the area on the West side of your property that is not now in RIM.

The access lane would contain approximately 1.2 acres plus approximately 1.0 acre additional, for a total of 2.2 acres.

If you have any questions feel free to contact me at the 612-634-5326.

Sincerely

Kim W. Krueger

Kim W. Krueger
Pope SWCD RIM Coordinator

cc Jerry Larson DNR Glenwood
Board of Water & Soil Resources

STATE OF
MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

PHONE NO. FILE NO.

October 18, 1993

To: Pope Co. SWCD Board
24 1st Ave. SE.
Glenwood, Minn. 56334

From: Jerry Larson
DNR-Area Wildlife Manager

Subject: Neal Dodd RIM Easement Boundary Change

I will accept the Pope County SWCD recommendation to exchange 2.2 acres of RIM land for 9.1 acres of native prairie land in the E 1/2 SW 1/4 of Section 28 in Barsness Twp. located in Pope County.

Neal Dodd
Rt. 2 Box 115
Montevideo, Mn.56265

Date: August 26, 1993

Minnesota Board of Water and Soil Resources

To: Mary Miller

SUBJECT: RIM EASEMENT

Dear Mary,

This proposal is regard to RIM Easement #61-07-86-1.
We are in the process of selling this property and would like to exchange 7.1 acres (shown on map) not in Rim for approx. 5.2 acres, currently in Rim. The new owner needs to have an adequate access lane and established guideline at North end of property.
It is important to understand that very little, if any of the habitat on the 5.2 acres will be disturbed.
I am enclosing a map of the property with the detailed measurements drawn in.

Kim Kruger (Pope Soil & Water Conservation District) has worked with me on all of my Rim planning and helped put this proposal together.
I would ask that you contact him, and or, myself if you have any questions or suggestions on this proposal.

Thank you,

Neal Dodd

Oct Board Packet

Minnesota Board of Water & Soil Resources

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

Field Offices

Northern Region:

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

3217 Bemidji Avenue N.
Bemidji, MN 56601
(218) 755-4235
Fax (218) 755-4201

217 S. 7th Street
Suite 202
Brainerd, MN 56401-3660
(218) 828-2383
Fax (218) 828-6036

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

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

P.O. Box 267
1400 E. Lyon Street
Marshall, MN 56258
(507) 537-6060
Fax (507) 537-6368

Metro Region:

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

An Equal Opportunity Employer

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October 8, 1993

TO : SWCDs in the Minnesota River Basin

FROM : Greg Larson, Head-Water and Land Management Section

RE : Allocation of special Minnesota River funding

As many of you are aware, we received additional funding this biennium to accelerate the installation of water quality practices in the Minnesota River basin. We received $600,000 for fiscal year 1994 and $500,000 for fiscal year 1995. The funding was included in the appropriation for the state cost-share program. Consequently, that program must be used as the means of implementation.

Jeff Nielsen, supervisor of our southern region, and I have been asked to develop a proposal for allocating the initial $600,000 to SWCDs. That proposal would be forwarded to the BWSR for their consideration. Jeff organized a meeting of SWCD supervisors and officials to discuss funding options. A summary of that meeting and a map of the basin is provided.

We are seeking your suggestions! The ideas on the meeting summary are intended to provoke discussion and are by no means the only way that the money could be allocated. We ask that you give serious consideration to this issue and respond to Jeff. The timetable - that follows - indicates our desire to determine an allocation process by the the end of 1993.

- week of October 4th: mailing to SWCDs in the basin
- staff overview of this process to BWSR at their October 27th meeting
- SWCDs comments to Jeff Nielsen by November 10th
- BWSR staff prepares a recommendation for consideration by BWSR at their December 8th meeting

[I envision the staff recommendation to BWSR to consist of 3 or more options----as suggested by SWCDs]

Please be advised that at least one group of SWCDs are preparing proposals that may reach the BWSR yet this month. However, I do not expect the BWSR to take final action on any proposal until their December meeting.

As a reminder: the $600,000 must be spent in the Minnesota River basin through the existing state cost-share program. The program focus is water quality.

This process involves ONLY fiscal year 1994 funding. The $500,000 for fiscal year 1995 may be allocated differently although the option chosen for this year may limit the options for next year.

Contact Jeff or me if you have questions or comments.

CC: Ron Harnack
BWSR staff
Tim Larson, MPCA

Options to allocate the Minnesota River accelerated funding were generated by the following group which met on 9/22/93 in New Ulm:

Chuck Peterson, Blue Earth County SWCD Manager
Bruce Berger, Redwood SWCD Supervisor
Steven Breaker, SCS, DC Faribault County
Merle Anderson, Watonwan SWCD Supervisor (Area VI Director)
Kathy Krzmarzick, Brown SWCD Office Manager
Richard Zupp, Pipestone SWCD Supervisor (Area V Director)
Jim Schafer, Renville County SWCD Supervisor
Gerald Rodning, Nicollet SWCD Supervisor
Tim Larson, MPCA
Greg Larson, BWSR
Mary Mueller, BWSR
Jeff Nielsen, BWSR

The basis for the "new" Cost-Share money is:

a. water quality driven and
b. to be spent only in the Minnesota River Basin.

Several ideas were generated by the group with the following being agreed to as the best options (Note: these options are in no particular order):

1. Take the available funds and allocate them to SWCDs via a special project application. This would be similar to the special project applications currently used for the Cost-Share Program. SWCDs could apply for funds to install projects on "the books" or new projects.

2. Identify two or three watersheds that have developed an implementation plan and fund a joint powers group or similar cooperative ventures between SWCDs.

3. A variation of 1. Cost-share on an issue, such as feedlots, which has been identified by an SWCD or group of SWCDs as having a water quality impact. Funds would be allocated via a special project application.

4. Divide the available funds between options 1. and 2. with more money going to the one deemed by BWSR to be a higher priority.

Technical assistance to implement whatever option was acknowledged as very important. As allowed by the cost-share appropriation language, up to 20% can be used for cost-share administrative and technical services. It is the goal of BWSR staff to increase technical assistance through SWCDs. There are various ways to accomplish this. Ideas generated at the meeting are as follows (These options are in no particular order):

1. Fund SWCDs to contract with private engineers to design and install practices.
2. Fund SWCDs to hire new technicians to add to existing technical staff.

Regarding number 2., BWSR would consider proposals for a long-range agreement to share the cost of technicians.

Example: 20% of $600,000 = $120,000 available
SWCDs would hire three new technicians.

First Year:	BWSR would pay $40,000 per technician (BWSR pays 100%)
Second Year:	BWSR would pay $33,333 per technician
Third Year:	BWSR would pay $24,000 per technician
Fourth Year and Beyond:	BWSR would pay $20,000 per technician (BWSR pays 50%)

In about year three or four there would be enough money remaining to start another agreement to fund another new technician just like in year number one.

SWCDs would be expected to pick up more and more of the local cost as the years pass with an estimated state and local partnership fund at about a 50/50 rate in year four.

BWSR recognizes that during the first year there is more start-up costs, such as training and equipment, and less time to adjust local budgets. By BWSR defraying most of these costs the first few years, more time is available for an SWCD to establish their budget.

SWCDs, individually or in a group, would be eligible to apply for this technical portion of the grant based upon their needs, irrespective of their need for more cost-share practice funds.

3. Similar to number 2 except that the SWCD hired technicians would be certified engineers. Registered

4. Require that all cost-share services (t/a) money be tied to the practice money. This means it would be business as usual allowing up to 20% of the cost-share grant to be used by each SWCD. Those with successful cost-share grant applications in the Minnesota River Basin would be allowed to take 20% for cost-share services.

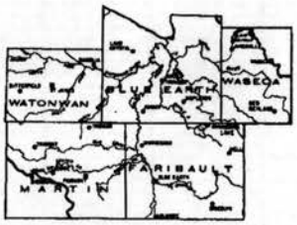
5. Fund SWCDs to increase present part-time technical staff to a full-time status.

Summary prepared by Jeff Nielsen



MINNESOTA RIVER BASIN

22. Upper Minnesota
23. Pomme de Terre
24. Lac qui Parle
25. Hawk–Yellow Medicine
26. Chippewa
27. Redwood
28. Middle Minnesota
29. Cottonwood
30. Blue Earth
31. Watonwan
32. Le Sueur
33. Lower Minnesota



Blue Earth River Basin Initiative

Mary Mueller, Project Coordinator
P.O. Box 756
Highway 15 South
New Ulm, Minnesota 56073
507-359-6079
507-359-6018 (Fax)

1993

RECEIVED
OCT 0 5 1993
BOARD OF WATER
& SOIL RESOURCES

ack
ctor
r & Soil Resources
ıa St., Ste. 104
5107

ack:

ı River Basin Initiative Joint Powers Board (BERBI JPB) is currently
rehensive basin plan. With a completion target of January 1994, this
ss is a vehicle for setting goals and determining needs. We anticipate using Minnesota River Assessment Project (MRAP) data as well as other information to set priorities for implementation activities and goal setting.

During the interim, we are consulting county comprehensive water plans, SWCD comprehensive plans and available MRAP data. Investigation of thirteen minor watersheds using the SWCD Methodology of Land Use Assessment indicates a tremendous need for best management practices (BMPs) application within the Basin. Specific needs for the Basin were estimated using MRAP/SWCD data. This estimate is enclosed on table I titled "IMPLEMENTATION PRACTICES FOR THE BLUE EARTH RIVER BASIN BASED ON A 4.2% SAMPLE USING MRAP - SWCD METHODOLOGY ". The implementation practices estimated on this table reflect the needs, based on the assumption that all cropland is under conservation tillage or in vegetative cover crops. Currently, approximately 15% of the cropland is under a conservation tillage system with an additional 1% in vegetative cover (determined by MRAP/SWCD Methodology, 1990 data). We have much to accomplish in this arena.

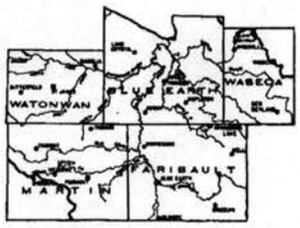
It is very apparent to us that we do not possess the technical or financial capabilities to tackle these problems. For this reason we are making a special request of the Board of Water and Soil Resources by asking you to consider a special Cost-Share allocation to the BERBI utilizing the Minnesota River Cost-Share dollars. Our request is twofold in that we are seeking a basin allocation of Cost-Share dollars to implement BMPs as well as financial assistance to hire a basin engineering technician position. These proposals are explained in greater detail on the following pages. Although our proposals are presented separately, funds for hiring a basin engineering technician are essential if we are to accomplish the cost-share implementation outlined in this request.

Martin County
Roland Milow, JPB
507-238-2408
Linda Meschke, Tech. Chr.
507-238-3221 CLWP
Jerry Voyles, SWCD
507-235-6670

Waseca County
Curt Russell, JPB
507-465-8052
Marla Watje, SWCD
507-835-4831
Bill Stephens, CLWP
507-835-0655

Watonwan County
Harold Wolle, Jr., JPB
507-375-5905
Brian Goepfert, SWCD
507-375-3104
C. Merle Anderson, CLWP
507-736-2461

County Commissioner Rep.
George Doyle
507-239-2192



Blue Earth River Basin Initiative

Mary Mueller, Project Coordinator
P.O. Box 756
Highway 15 South
New Ulm, Minnesota 56073
507-359-6079
507-359-6018 (Fax)

Blue Earth County
Raymond Phelps, JPB Chr.
507-524-3481
Charles Peterson, SWCD
507-345-4744
Rick Hanna, CLWP
507-389-8381

Faribault County
Jan Willette, JPB
507-526-2558
Gary Wehrenberg, SWCD
507-526-2388 CLWP

Martin County
Roland Milow, JPB
507-238-2408
Linda Meschke, Tech. Chr.
507-238-3221 CLWP
Jerry Voyles, SWCD
507-235-6670

Waseca County
Curt Russell, JPB
507-465-8052
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507-835-4831
Bill Stephens, CLWP
507-835-0655

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507-375-5905
Brian Goepfert, SWCD
507-375-3104
C. Merle Anderson, CLWP
507-736-2461

County Commissioner Rep.
George Doyle
507-239-2192

September 30, 1993

RECEIVED
OCT 05 1993
BOARD OF WATER
& SOIL RESOURCES

Mr. Ron Harnack
Executive Director
Board of Water & Soil Resources
155 S. Wabasha St., Ste. 104
St. Paul, MN 55107

Dear Mr. Harnack:

The Blue Earth River Basin Initiative Joint Powers Board (BERBI JPB) is currently writing a comprehensive basin plan. With a completion target of January 1994, this planning process is a vehicle for setting goals and determining needs. We anticipate using Minnesota River Assessment Project (MRAP) data as well as other information to set priorities for implementation activities and goal setting.

During the interim, we are consulting county comprehensive water plans, SWCD comprehensive plans and available MRAP data. Investigation of thirteen minor watersheds using the SWCD Methodology of Land Use Assessment indicates a tremendous need for best management practices (BMPs) application within the Basin. Specific needs for the Basin were estimated using MRAP/SWCD data. This estimate is enclosed on table I titled "IMPLEMENTATION PRACTICES FOR THE BLUE EARTH RIVER BASIN BASED ON A 4.2% SAMPLE USING MRAP - SWCD METHODOLOGY ". The implementation practices estimated on this table reflect the needs, based on the assumption that all cropland is under conservation tillage or in vegetative cover crops. Currently, approximately 15% of the cropland is under a conservation tillage system with an additional 1% in vegetative cover (determined by MRAP/SWCD Methodology, 1990 data). We have much to accomplish in this arena.

It is very apparent to us that we do not possess the technical or financial capabilities to tackle these problems. For this reason we are making a special request of the Board of Water and Soil Resources by asking you to consider a special Cost-Share allocation to the BERBI utilizing the Minnesota River Cost-Share dollars. Our request is twofold in that we are seeking a basin allocation of Cost-Share dollars to implement BMPs as well as financial assistance to hire a basin engineering technician position. These proposals are explained in greater detail on the following pages. Although our proposals are presented separately, funds for hiring a basin engineering technician are essential if we are to accomplish the cost-share implementation outlined in this request.

In brief we are requesting $300,000 of the current Minnesota River Cost-Share dollars, utilizing $63,000 to hire and equip a basin engineering technician (please see detailed requests for engineering position and cost-share allocation). We anticipate hiring the technician for five years (minimum) to provide survey, design and construction assistance for cost-shared practices within the Basin. The remaining $237,000 will be spent on sharing the cost of application of BMPs as outlined in the State Cost-Share rules.

The Cost-Share dollars are being requested for 1994. We will evaluate our programs effectiveness and submit another request for 1995. A projection of Cost-Share needs is presented on table II titled "BERBI IMPLEMENTATION PRACTICES STATE COST-SHARE NEEDS FOR 1994 - 1998".

We believe that a basin approach to Cost-Share allocation, expenditures and technical assistance is in concert with our overall goals. We also feel that the requested funds will complement our existing effort in manure management, on-site sewage treatment and riparian and tile intake buffers funded through our LCMR project. If this proposal is funded, we will utilize these funds to supplement existing implementation funds such as the Agricultural Conservation Program (ACP) and traditional State Cost-Share dollars.

We thank you for considering our request. If you would like to discuss this matter in more detail, please feel free to contact me or Mary Mueller, our project coordinator.

Sincerely,

Ray Phelps

Ray Phelps, Chairperson

ENGINEERING TECHNICIAN PROPOSAL

We, the Blue Earth River Basin Initiative Joint Powers Board (BERBI JPB), desire to improve our technical capabilities in order to better serve our clientele in improving the water quality of the Blue Earth River Basin. A basin engineering technician will assist us in reaching this goal. Our intent is to hire an engineering technician for a minimum of five years. This technician would work on priority engineering projects throughout the Basin. We envision asking our neighboring counties and SWCDs who are not currently part of the BERBI but contribute to the watershed to enter into a memorandum of understanding (MOU) enabling us to share our resources to achieve our water quality improvement goal. This will include contributions in engineering of priority practices within the Basin but outside the confines of the JPB (letter to neighboring counties is attached).

The BERBI technical committee has projected the five-year need for State Cost-Share projects to be as reflected on the table titled BERBI IMPLEMENTATION PRACTICES - STATE COST-SHARE PROJECTED NEEDS FOR 1994 - 1998. In order to accomplish application of these projects, we will need technical support. We will utilize a basin engineering technician to survey and design practices by priority Basin need. These priorities will be determined using local expertise of the problem in the Basin as well as recommendations outlined in the upcoming Minnesota River Assessment Project report. We project that this employee will mean faster turnaround of requested projects. We also hope to upgrade the capabilities of our existing staff through training and access to the engineering technician.

Our proposal is to hire this basin engineering technician in cooperation with the Board of Water and Soil Resources (BWSR). We are requesting a 100% contribution from the BWSR for the first year of a five year-agreement. The BERBI JPB will gradually assume additional responsibility until a 50-50 split is accomplished the fourth year. We suggest that the funds for this position come from the Minnesota River Cost-Share allocation administered through the BWSR. Our portion of the financial commitment will be solicited from the counties within the confines of the JPB. After five years, the need for this position will be re-evaluated, and if the need continues to exist, we will again enter into an agreement at our mutual discretion. The table titled ENGINEERING TECHNICIAN PROPOSAL outlines the financial contribution we are requesting. Office rent and miscellaneous expenses will be the responsibility of the BERBI JPB and the SWCDs and counties it serves. SWCD employees and CLWP coordinators will assist the basin engineer in application of BMPs funded through this request. The JPB envisions entering into a MOU with the Soil Conservation Service (SCS) to provide for training and sign-off approval authority. If an arrangement with SCS should prove infeasible, we may consider hiring a professional engineer. If this becomes necessary, we will need to adjust our salary and benefit projections upward. Therefore, we ask you to allow for flexibility in the line items of our proposal matrix.

ENGINEERING TECHNICIAN PROPOSAL

Year	Salary & Benefits	Vehicle & Maintenance	Equipment	Phone & Supplies	Total Costs	BWSR Request	BERBI Commitment
1994	25,000	25,000	10,000	3,000	63,000	63,000	0
1995	27,000	5,000	0	3,000	35,000	28,000	7,000
1996	29,000	5,000	0	3,000	37,000	22,200	14,800
1997	30,000	5,000	0	3,000	38,000	19,000	19,000
1998	31,000	5,000	0	3,000	39,000	19,500	19,500

* Our most important objective is hiring the right person to accomplish our objectives, therefor we need flexibility in the salary and benefits column. We will adjust the other items requested if additional salary and benefits are necessary.

* Current staff will be involved in the administrative and technical aspects of application of BMPs. The value of their services is estimated on the table below.

* Rental of office space and other miscellaneous expenses will be the responsibility of the Blue Earth River Basin Initiative Joint Powers Board and the soil and water conservation districts and counties it serves.

* SWCDs and CLWP coordinators will provide additional phone and supply expenditures estimated at $3,000/yr.

CONTRIBUTIONS OF SWCDs AND CLWP COORDINATORS

Year	Technical Administrative	Office Rent	Phone & Supplies	Total
1994	31,250	1,650	3,000	35,900
1995	33,750	1,650	3,000	38,400
1996	36,250	1,650	3,000	40,900
1997	37,500	1,650	3,000	42,150
1998	38,750	1,650	3,000	43,400

berbi\engtech.tbl

COST-SHARE ALLOCATION PROPOSAL

We are in the process of developing a comprehensive plan for the BERBI. In this plan we will clearly layout our priorities for achieving water quality goals for the Blue Earth River. We are awaiting the MRAP final report to clarify where our efforts are best spent. In the interim, we are focusing our attention on those practices we believe will reduce sediment and nutrient loading in the river. Preliminary MRAP/SWCD Methodology data suggests the overall conservation needs are as outlined on table I titled IMPLEMENTATION PRACTICES FOR THE BLUE EARTH RIVER BASIN BASED ON A 4.2% SAMPLE USING MRAP - SWCD METHODOLOGY. We project our short-term need for State Cost-Share dollars on table II titled BERBI IMPLEMENTATION PRACTICES STATE COST SHARE PROJECTED NEEDS FOR 1994 - 1998.

We recognize that Cost-Share dollars will not allow us to achieve all the practices set forth on our projection table. We will continue to utilize federal ACP and traditional State Cost-Share dollars wherever possible. The dollars we are requesting will be used to apply additional practices. We envision utilizing the programs to complement one another. We are requesting $237,000 of the Minnesota River Cost-Share dollars to be allocated to the BERBI in order to begin applying practices on a priority basis. We anticipate making similar requests in the future but will continue to seek other opportunities such as roll-over funds and special projects to build a strong implementation base.

If this request is honored, we will increase our information and publicity efforts in order to allow as many landowners as possible to participate.

TABLE I
IMPLEMENTATION PRACTICES
FOR THE BLUE EARTH RIVER BASIN
BASED ON A 4.2% SAMPLE USING MRAP - SWCD METHODOLOGY

Practice	Unit Size	Total Units	Price Per Unit	Total Costs
Contour Farming	Acre	4,631	4.25/Acre	$19,681.75
Critical Area Planting	Acre	88	235.00/Acre	$20,680.00
Dam - Multi-Purpose	Each	71	11,000.00/Ea.	$781,000.00
Ditch or Riparian Buffer	Acre	8,738	235.00/Acre	$2,053,430.00
Diversion	Foot	15,476	2.25/Foot	$34,821.00
Dump Clean Up	Each	1,357	500.00/Each	$678,500.00
Fencing - Livestock Exclusion	Foot	671,905	1.10/Foot	$739,095.50
Field Windbreak	Foot	3,003,810	0.15/Foot	$450,571.50
Filter Strip for Livestock Runoff	Acre	152	1,067.00/Acre	$162,184.00
Grade Stabilization Structure	Each	571	4,500.00/Each	$2,569,500.00
Grassed Waterway	Foot	419,048	1.75/Foot	$733,334.00
Long-Term Set-Aside	Acre	93,821	1350.00/Acre	$126,658,350.00
Pasture Renovation	Acre	2,593	125.00/Acre	$324,125.00
Septic System Upgrade	Each	6,762	2,000.00/Each	$13,524,000.00
Side Inlet Structure	Each	190	1,067.00/Each	$202,730.00
Strip Cropping Contour	Acre	0	10.50/Acre	0.00
Stock Watering Pond	Each	48	1,000.00/Each	$48,000.00
Stream Channel Stabilization	Foot	1,510,038	11.50/Foot	$17,365,437.00
Terrace	Foot	427,714	3.00/Each	$1,283,142.00
Vegetative Strips	Foot	0	0.01/Each	0.00

Practice	Unit Size	Total Units	Price Per Unit	Total Costs
Waste Storage Pond:				
Clay or Silt-Based Soils	Each	190	10,000.00/Each	$1,900,000.00
Sand-Based Soils	Each	95	18,000.00/Each	$1,710,000.00
Water Table within 6 Ft. of Surface	Each-Add	71	10,000.00/Each	$710,000.00
Water and Sediment Control Basin:				
Tile Outlet	Each	2,167	375.00/Each	$812,625.00
Earth Fill	Foot	47,619	5.00/Foot	$238,095.00
Well Sealing	Each	3,500	500.00/Each	$1,750,000.00
Wetland Restoration	Acre	5,883	1,550.00/Acre	$9,118,650.00
Tile Intake Buffers*	Each	10,263	20.00/Each	$205,260.00
Manure Management Plans	Each	2,952	60.00/Each	$177,120.00
Conservation Cropping System**	Acre	60,775	5.00/Acre	$303,875.00

* Based on a 1.9% sample.

** Based on a 0.4% sample.

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TABLE II
BERBI IMPLEMENTATION PRACTICES
STATE-COST SHARE PROJECTED NEEDS FOR 1994 - 1998

Practice	Unit Size	Total Units	Price Per Unit	Total Costs	Cost-Share Funds Needed
Erosion Control Structures	Each	17	$11,000.00	$187,000.00	$140,250.00
Strip Cropping	Acre	200	$10.50	$2,100.00	$1,575.00
Terrace	Foot	52,500	$3.00	$157,500.00	$118,125.00
Diversion	Foot	7,800	$2.25	$17,550.00	$13,162.50
Storm Water Control Systems:					
Grassed Waterway	Foot	66,500	$1.75	$116,375.00	$87,281.25
Water & Sediment Control Basins	Each	295	$650.00	$191,750.00	$143,812.50
Grade Stabilization Structures	Each	72	$4,500.00	$324,000.00	$243,000.00
Total				$632,125.00	$474,093.75
Field Windbreaks	Foot	396,000	$0.15	$59,400.00	$44,550.00
Animal Manure Mgmt. Systems:					
Manure Storage Ponds	Each	97	$17,000.00	$1,649,000.00	$1,236,750.00
Filter Strip for Livestock Runoff	Acre	52	$1,067.00	$55,484.00	$41,613.00
Total				$1,704,484.00	$1,278,363.00
Critical Area Stabilization:					
Traditional	Acre	55	$235.00	$12,925.00	$9,693.75
*Riparian Buffers	Acre	2100	$235.00	$493,500.00	$370,125.00
*Tile Intake Buffers	Each	210	$20.00	$4,200.00	$3,150.00
Total				$510,625.00	$382,968.75
SLR Stabilization	Foot	12,502	$11.50	$143,773.00	$71,886.50

- While it appears these practices meet the state cost-share guidelines for Critical Area Stabilization standards do not exist at this time. We anticipate encouraging the writing of standards and specifications for future application of these practices.

Total Cost: $ 3,414,657

Total Annual Costs: $ 682,871

Total Cost-Share Dollars Needed: $ 2,524,975

Total Annual Cost-Share Dollars Needed: $ 504,995

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SUBJECT: Request to Amend RIM Perpetual Contract #61-07-86-01

Mr. Neal Dodd has requested that the boundaries of his RIM Reserve contract be amended to remove 2.2 acres for an access lane and I acre plot adjacent to the lake shore. The SWCD, DNR Wildlife Manager and the landowner have agreed to allowing the release of these acres in exchange for 7.1 acres of native prairie not under easement. Mr. Dodd is making this request because he has put the property up for sale but the lack of access to the lake has been a serious deterrent to potential buyers.

STAFF RECOMMENDATION:

The proposal be accepted based on the recommendation of the SWCD and DNR wildlife manager. The state will received 4.9 acres of donated land containing native prairie.

REQUIRED ACTION:

The BWSR will draft an amendment to the current easement upon receipt of:

a) An Exhibit A reflecting the acre exchange
b) An Amended Conservation Plan and Exhibit B
c) An aerial photo outlining the acres to be released and the acres to be added to the easement. The areas will be labeled reflecting the exact acres.

All required legal and document recording costs associated with the amendment will be the responsibility of the landowner.

POPE SOIL & WATER
CONSERVATION DISTRICT

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

DATE: September 21, 1993

TO: Mr. Neal Dodd
Rt. 2 Box 115
Montevideo, Mn. 56265

SUBJECT: RIM Easement Boundary Change:

Dear Neal

At the Pope SWCD Board meeting held September 14, 1993 the Board recommended allowing a 2 rod access lane along the East side of your RIM area. In addition they also agreed to allowing approximately 1.0 acre be removed from the RIM easement area, see the enclosed map for location of this area. The Board felt this location would be best so as not to disturb the area by the lake for nesting birds.

In exchange for the access lane and the 1.0 acre, you agree to replace these acres from the area on the West side of your property that is not now in RIM.

The access lane would contain approximately 1.2 acres plus approximately 1.0 acre additional, for a total of 2.2 acres.

If you have any questions feel free to contact me at the 612-634-5326.

Sincerely

Kim W. Krueger

Kim W. Krueger
Pope SWCD RIM Coordinator

cc Jerry Larson DNR Glenwood
Board of Water & Soil Resources

SUBJECT: Request to Amend RIM Perpetual Contract #61-07-86-01

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STAFF RECOMMENDATION:

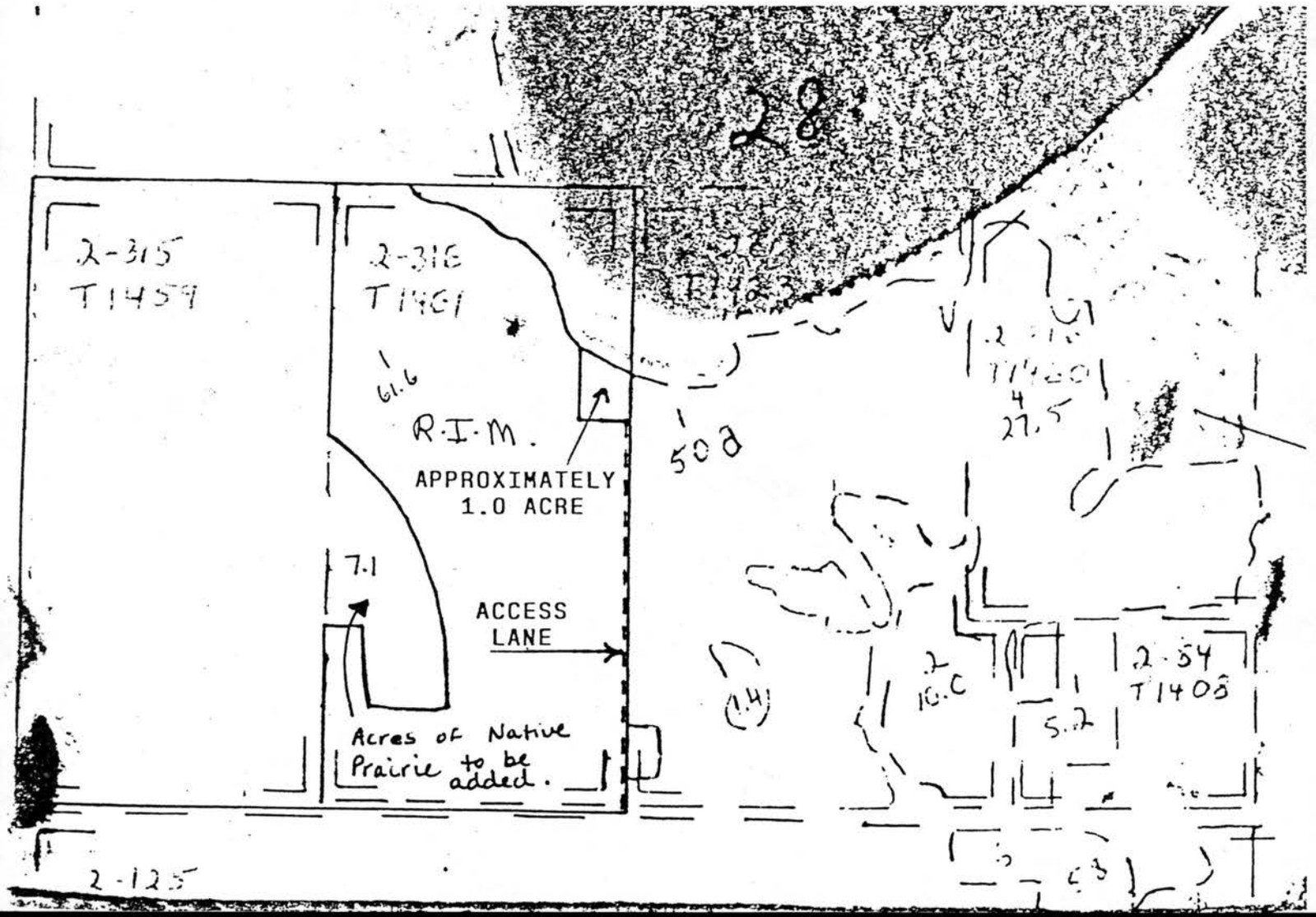
The proposal be accepted based on the recommendation of the SWCD and DNR wildlife manager. The state will received 4.9 acres of donated land containing native prairie.

REQUIRED ACTION:

The BWSR will draft an amendment to the current easement upon receipt of:

a) An Exhibit A reflecting the acre exchange
b) An Amended Conservation Plan and Exhibit B
c) An aerial photo outlining the acres to be released and the acres to be added to the easement. The areas will be labeled reflecting the exact acres.

All required legal and document recording costs associated with the amendment will be the responsibility of the landowner.



STATE OF
MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

PHONE NO.

FILE NO.

October 18, 1993

To: Pope Co. SWCD Board
24 1st Ave. SE.
Glenwood, Minn. 56334

From: Jerry Larson
DNR-Area Wildlife Manager

J.L

Subject: Neal Dodd RIM Easement Boundary Change

I will accept the Pope County SWCD recommendation to exchange 2.2 acres of RIM land for 9.1 acres of native prairie land in the E 1/2 SW 1/4 of Section 28 in Barsness Twp. located in Pope County.

Neal Dodd
Rt. 2 Box 115
Montevideo, Mn.56265

Date: August 26, 1993

Minnesota Board of Water and Soil Resources

To: Mary Miller

SUBJECT: RIM EASEMENT

Dear Mary,

This proposal is regard to RIM Easement #61-07-86-1.
We are in the process of selling this property and would like to exchange 7.1 acres (shown on map) not in Rim for approx. 5.2 acres, currently in Rim. The new owner needs to have an adequate access lane and established guideline at North end of property.
It is important to understand that very little, if any of the habitat on the 5.2 acres will be disturbed.
I am enclosing a map of the property with the detailed measurements drawn in.

Kim Kruger (Pope Soil & Water Conservation District) has worked with me on all of my Rim planning and helped put this proposal together.
I would ask that you contact him, and or, myself if you have any questions or suggestions on this proposal.

Thank you,

Neal Dodd

Agenda Item: COMPREHENSIVE STATE GROUND WATER PROTECTION PROGRAM (CSGWPP)

- Don Jakes, MPCA Ground Water Unit
  - background on program
  - Ground Water Protection Strategy
  - 1989 Ground Water Act
  - assessment of Minnesota activities
  - timetable for CSGWPP development

- Susan Schmidt, Legislative Water Commission (LWC)
  - LWC perspective
  - evaluating implementation of ground water act

- Eric Mohring, BWSR Staff
  - BWSR, local government role

- Questions and discussion

October 6, 1993 - MPCA

DRAFT

State Ground Water Programs Assessment: Key Recommendations

(not in order of priority)

ECOSYSTEM HEALTH/ENVIRONMENTAL PROTECTION: Environmental protection, expressed as protection of ecosystem health and/or environmental protection, needs to be specifically stated in statutory goal and in rules for all ground water related state agencies. (SA I - "B" on p.1 & "a" on p. 4)

EMPHASIS ON PREVENTION: The state should place much greater program emphasis on preventing ground water impacts before they occur. (SA II - "g" on p. 8; SA III - "1" on p. 16; SA IV - "3" on p. 20, "9" on p. 22, "a" on p. 23; SA VI - "3" on p. 39)

EVALUATING PROGRAM SUCCESS: Begin to systematically document overall progress toward ground water protection goals. Programs need to include monitoring of program success or failure, including quality and quantity trends, not just regulatory compliance. Use and improve Minnesota Milestones, state agency budget indicators, and other indicators of resource protection. Monitoring needed for both regulatory and nonregulatory efforts (such as Best Management Practices). (SA II - "1" on p. 10; SA III - "1" on p. 12; SA IV - "6" on p. 22; SA V - " 7" & "8" on p. 35)

DIRECT RESOURCES TO MOST EFFECTIVE PROGRAMS: Evaluate ground water protection efficiency of various programs, redirect resources to the programs which provide the most protection for the cost. (SA II - "2" on p. 5, SA IV - "4" on p. 21)

STATE PROGRAM REORGANIZATION: Address duplications and gaps in state programs. Combine or better coordinate similar protection efforts. (SA III - "1" on p. 16, SA IV - "1" on p. 19)

COORDINATION BY THE ENVIRONMENTAL QUALITY BOARD: Expand and strengthen EQB role to coordinate and oversee ground water programs. (SA II - "1" on p. 5, SA III - "b" on p. 12, "3" on p. 17, "b" & "6" on p. 18, SA IV - "5" on p. 21, SA V - "3" on p. 33)

GROUND WATER ADVISORY COUNCIL: Develop a standing ground water advisory council with membership composed of involved parties (government and private sectors) - council could advise the EQB, WRC, and/or other decision-makers. (SA III - "a" on p. 12, "a" on p. 13, "a" on p. 15, "3" on p. 17)

METRO AREA WATER MANAGEMENT REVISION: The Twin Cities Metropolitan Area needs an adequate and functional framework for ground and surface water management, including setting protection priorities which are different from the rest of the state. (SA II - "e" on p. 8, "2" on p. 10; SA III - "b" on p. 13)

LOCAL GOVERNMENT ROLE: In law and in practice, local government should have a more central role in shaping and carrying out state programs and priorities. (SA I - "ii.B" on p. 3; SA II - "3" on p. 10; SA III - "b" on p. 13, "a" & "b" on p. 14; SA IV - "b" on p. 23)

LOCAL LAND USE PLANNING: Strong front-end planning efforts are needed with environmental consideration included. Base development restrictions on the degree of environmental protection needed. Pass a consolidated land use planning and zoning act, consolidating administration of planning and zoning authorities and requiring environmental and land use considerations in planning and zoning. (SA I - "iiB" on p. 3, SA III - "2" on p. 17; SA IV - "3" on p. 20)

STATE COMMITMENT TO LOCAL EFFORTS: The state needs a larger commitment to local government:

1. Improve assistance, technology transfer, and interpreted data, and make sure state programs consistently provide these. (SA III - "b" on p. 14, "d" on p. 15, "4" on p. 17; SA IV - "a" on p. 23, "a" on p. 27; SA V - "a" on p. 29, "f" & "g" on p. 32, "4" on p. 34, "6" & "8" on p. 35; SA VI - "2" on p. 38, "6" on p. 40)
2. Promote local governments' unique opportunities to address pollution sources which the state and federal government can't. (SA IV - "10" on p. 23)

MANAGER/DECISION-MAKER/TRAINER TRAINING NEEDS: Provide continually updated, repeatedly available, easily accessible training opportunities and information sources. (SA IV - "4" on p. 21, "e" on p. 28; SA VI - "4" on p. 37, "6" on p. 40)

COUNTY ATLASES: Accelerate completion of county atlases, complete all within 10 years. (SA II - "a" on p. 7, "7" on p. 9; SA V - "d" on p. 31, "a" & "b" on p. 33)

SENSITIVE AREAS: Resolve roadblock in Ground Water Protection Act's provisions on mapping of sensitive areas - either eliminate provisions for formal designation of sensitive areas or develop sensitive area maps for the state. (SA IV - "a" & "b" on p. 24)

PROVIDE ADEQUATE MONITORING: Provide long-term, stable, and adequate funding for statewide programs to monitor ground water quality and quantity baselines and trends, including MPCA's GWMAP ambient monitoring, MDA's pesticide and nutrient monitoring, MDH's public well supply and dump monitoring, and DNR's water quantity monitoring programs. Fully fund through the Environmental Trust Fund. Expand programs in order to adequately monitor trends both geographically and over time. Carry out EQB Monitoring Plan recommendations. (SA II - "c" on p. 7, "8" on p. 9; SA IV - "5" on p. 21, "6" on p. 22, "1" on p. 23; SA V - "a", "i", & "iii", "v" on p. 30, on p. 29, "d" on p. 31, "c" on p. 33)

DATA MANAGEMENT: Increase and improve collection and interchange of data, as well as increased analysis of data for decision-making purposes. (SA II - "e" on p. 8, "10" on p. 9, "6" on p. 11; SA III - "a" & "b" on p. 14; SA IV - "4" on p. 21; SA V - "b" & "c" on p. 30, "e" on p. 31, "g" on p. 32, "3" on p. 34' SA VI - "4" on p. 37)

DATA STANDARDIZATION: Develop and implement a mandatory statewide set of data elements for ground water information, which is compatible with federal standards. (SA V - "a" on p. 29, "2" on p. 32, "5" on p. 34)

GROUND WATER CLEARINGHOUSE: Expand capabilities and provide long-term support. The Clearinghouse needs to be the up-front user-friendly access point. The Clearinghouse database needs to be electronically interfaced to all water quality and quantity databases so there is a single access point for obtaining all data. (SA V - "a" & "iii" on p. 29, "e" on p. 31, "g" on p. 32, "3" on p. 34)

CONTAMINATION TRANSFER: Prevent cross-media transfer of contamination in all permitting and remediation programs. Minimize transfer of contamination to other sites. (SA IV - "9" on p. 22, "11" on p. 28)

AGRICULTURAL CHEMICALS: Accelerate progress in addressing agricultural chemicals, including completing and implementing MDA's Pesticide Management Plan (PMP) and Fertilizer Management Plan (FMP). Regularly review and revise the PMP and FMP as necessary - make sure that sufficient resources are available for full implementation. (SA I - "11" on p. 10; SA III - "1" on p. 16, SA IV - "9" on p. 26)

WELLHEAD PROTECTION JURISDICTION: Means must be developed to protect wellheads if well owners have no jurisdiction or if there are multijurisdictional conflicts or a perceived lack of jurisdiction. The state must take a leadership role. (SA II - "5" on p. 6; SA III - "b" on p. 13, "2" on p. 17; SA IV - "8" on p. 26)

ON-SITE SEPTIC SYSTEMS: Legislation needed to make state rule requirements mandatory statewide and fund effective local programs to improve enforcement. (SA IV - "4" on p. 21, "d" on p. 28)

EDUCATION AND OUTREACH AS TOOL: More outreach is needed - provide information on environmental effects resulting from various practices so people understand the need for voluntary change. Ensure dissemination is a component of information development projects. (SA IV - "4" on p. 21; SA V - "8" on p. 35; SA VI - "2" on p. 36, "3" on p. 37, "a", "b" & "c" on p. 38, "6" on p. 40)

COORDINATED PUBLIC EDUCATION: Provide a single, long-term home for state coordination of environmental education. Facilitate information distribution by building partnerships between information sources and education suppliers. (SA VI - "4" on p. 37, "2" on p. 38, "6" on p. 40)

PUBLIC EDUCATION PLANS: Implement the Office of Environmental Education's environmental education plan. Develop and fully implement the EQB ground water education plan mandated by 1989 GWPA. (SA III - "b" on p. 18; SA VI - "1" & "2" on p. 36, "3" on p. 37, "2" on p. 38, "6" on p.40)

STATE FEEDLOT PROGRAM

DRAFT PROPOSAL FOR TECHNICAL AND FINANCIAL ASSISTANCE

Prepared by Board of Water and Soil Resources Staff
10-20-93

BACKGROUND

The MPCA, as lead agency for the NPS pollution control program in MN, has undertaken a major feedlot program redesign initiative. Other state agencies involved in the feedlot program have been asked to participate in this initiative, which is to include a consolidated legislative proposal.

Seven major components of the feedlot program have been identified, as listed below. The federal, state, local and private organizations involved in these different components and their associated roles are also briefly summarized below.

1. Research

Federal: EPA - Section 319 funding
Agricultural Research Service (ARS) - lead agency for development of Feedlot Evaluation Model and related feedlot and manure utilization research
SCS - conservation practice standards development
Ag Utilization and Research Institute (AURI) -

State: LCMR - funding
U of M - wide range of ag research, including lead for development of Manure Application Planner and other feedlot management software

2. Information and Education (I & E)

Federal: SCS -
EPA -
State: MES -
MPCA -
BWSR -
MDA -
DNR -
Local: SWCDs -
Counties -
WDs -
Private: Commodity and producer organizations -

3. Technical Assistance

Federal: SCS - evaluation, design, engineering sign-off and construction inspection
State: BWSR - limited training, evaluation, design and construction inspection through EPA grant position
Local: Counties - via feedlot officers & coordination with SWCDs
SWCDs - evaluation, design, construction inspection and limited monitoring
WDs - limited funding for technical assistance
Private: Consultants - evaluation, design, engineering sign-off, and construction inspection

4. Financial Assistance

Federal: ASCS - Agricultural Conservation Program (ACP)
State: BWSR - state Cost-Share Program
MDA - ag loan programs with limited feedlot applicability
Local: Counties - limited technical and construction funding, including Clean Water Partnership involvement
WDs - limited initiatives for feedlot runoff control

5. Regulation

Federal: EPA - NPDES (National Pollutant Discharge Elimination System) permit requirements and other nonpoint source program requirements for federal participation
State: MPCA - state feedlot program regulations and permitting
Local: Counties - limited feedlot permitting authority delegated by MPCA

6. Monitoring

Federal: SCS -
State: MPCA -
Local: Counties -
SWCDs -

7. Enforcement

State: MPCA - interpretation and enforcement of water quality and permitting regulations
AG Office - prosecution of violations
DNR - investigations and citations by conservation officers
Local: County Attorneys - prosecution of violations

The MPCA is the lead agency for the regulatory, monitoring and enforcement components of the feedlot program. Because the BWSR has a major role in the technical and financial assistance components of the state feedlot program, BWSR staff have prepared this draft proposal.

PERTINENT FACTS AND ASSUMPTIONS

1. Large feedlot facilities (greater than 1000 animal units) will continue to be low priority for providing federal or state technical and financial (t & f) assistance. This is the current threshold for requiring a federal NPDES permit.

2. The most recent inventory of feedlot facilities throughout the state was conducted in 1978. At at that time, approximately 90,000 feedlots were identified, of which an estimated 14,000 were considered potential pollution hazards.

3. MPCA staff have estimated that at the present time there are approximately 40,000 - 50,000 feedlots in MN with less than 1000 a.u. A total of approximately 16,000 feedlots have been permitted.

4. Some LGUs have conducted updated feedlot inventories in conjunction with, or in response to, comprehensive local water planning. At this time, the extent of these inventories is limited, however, and expected to only be to level 1 or 2 of the state Feedlot Inventory Guidebook. Levels 1 and 2 do not include rating the pollution potential.

5. Available feedlot inventory data indicates that on average approximately 20% of feedlots are high priority. However, the existing data is quite limited and the percent of high priority feedlots is quite variable within individual counties. The definition of high priority is also variable, but generally limited to feedlots within 300 ft. of a stream or 1000 ft. of a lake. This definition does not consider ditches, tile inlets and sensitive ground water.

6. The ARS Feedlot Evaluation Model developed in MN is, and will continue to be, the primary tool for rating feedlot pollution potential.

7. The proposed permit program, involving permit-by-rule for feedlots with less than 300 a.u., will result in a surge of need for t & f assistance when initiated, starting with a need for pollution potential rating (level 3 of the Feedlot Inventory Guidebook) to identify high priority sites.

8. The Feedlot Evaluation Model rating, along with an evaluation of the receiving water sensitivity, are critical information for prioritization of t & f assistance.

9. The Blue Earth County investigations triggered by the National Wildlife Federation will likely be expanded, creating an additional surge of need for t & f assistance.

10. The SCS and ASCS will continue to be major players in the

delivery of t & f assistance for feedlot pollution abatement, including technical oversight and sign-off for at least some design work by SWCD staff. (i.e. This federal-state partnership is and will continue to be viable and effective.) However, significantly increased state t & f assistance would require additional technical sign-off capability.

11. It would be appropriate to seek additional t & f assistance through federal programs and partners (i.e. ACP) to complement an increased state commitment.

12. Increased t & f assistance provided through the existing local government infrastructure should be a cost-effective approach that complements the proposed LGU role in the regulatory component of the feedlot program (i.e. permit-by-rule for feedlots with less than 300 a.u.). Local delivery of t & f assistance, meshed with local permitting for the majority of producers, should improve one-stop delivery of more comprehensive services. Consistency of program delivery statewide will be an issue to address.

13. Enhancing the local capability to implement local water plan priorities is desirable, because it would build on existing successful local water planning efforts.

14. The lack of a financial incentive (i.e. administrative funding) for counties that assume delegated authority for the current permitting program has been a substantial factor in the limited participation in this program.

15. The development and implementation of manure application / nutrient management plans are critical aspects of feedlot pollution abatement. This is a critical area for technical assistance and monitoring. The MES should have a significant role in this specialty aspect of feedlot pollution abatement to train and assist system designers, feedlot operators, and manure appliers. Co-ops, crop consultants and other producer advisors could also play a substantial role in this area. Supplementing the feedlot system design team in this specialty area would enable more SWCD and SCS staff time to be directed toward feedlot runoff control system design, for which these staff are typically most qualified. The MES, SWCD and SCS networks offer an effective delivery system for manure application planning.

16. The need for t & f assistance will far exceed short-term state financial resources for this program. This will require the development of a long-term strategy, based on a prioritization system.

17. It will be important to provide some assurance of funding continuity for technicians and engineers to attract and maintain good expertise.

EXISTING TECHNICAL AND FINANCIAL ASSISTANCE PROGRAMS

Technical Assistance

Federal: The SCS provides technical assistance for feedlot evaluation, runoff control system design, manure utilization planning and system construction through its network of district and area offices, under the general direction of the state office. The SCS has many applicable design and construction standards.

State: SWCDs currently provide technical assistance for feedlots to varying extents (none to substantial) generally working in concert with the SCS for technical direction and engineering sign-off.

The BWSR currently has the only state agency staff position dedicated to technical assistance and training for feedlot runoff control system design and construction through SWCD staff. This position has been funded by an EPA Section 319 grant for the past three years. However, funding was not continued for the current fiscal year. This position will end when the remaining funds run out, unless a source of additional funding can be identified.

Private engineering consultants and agricultural suppliers provide technical assistance for runoff control system design and implementation. This assistance is primarily utilized by the larger operations at this time.

Very limited indirect technical assistance is provided by MPCA staff during the permitting process when seeking an acceptable water quality protection design.

Financial Assistance

Federal: The ASCS provides cost-share grants for animal waste control facilities as a component of its ACP allocation for MN. The amount of funding utilized has varied substantially from year to year, with a recent low of $109,000 in 1987 (46 facilities with no long term agreements) and recent high of $1,100,000 in 1991 (102 facilities, including long term agreements). The ability of the SCS to provide corresponding technical assistance for feedlots has been a limiting factor in recent years. A $400,000 LCMR grant to support five additional state-funded SCS staff for two years is currently underway through the MDA. With this added staffing, the SCS is expected to utilize approximately $1,000,000 per year of its $6,000,000 annual allocation of ACP funds for animal waste control facilities. The maximum federal cost-share rate is 75%, although a lesser percentage is often provided.

In recent years, the EPA has provided approximately $50,000 per year of funding through Section 319 for demonstration projects

involving animal waste control facility construction for nutrient management purposes. However, the EPA has indicated that 319 funding may not be available for this type of use in the future.

State: BWSR: The state cost-share program administered by the BWSR and implemented through the SWCDs, has provided approximately $350,000 annually for animal waste control facilities in recent years. This has corresponded to 15 - 20 projects per year. Although the maximum state cost-share rate is 75%, a lesser percentage is often provided. Joint state, federal and landowner cost-sharing is quite common for these projects, in which case the combined state and federal shares are less than or equal to 75%.

MDA: The MDA administers the Rural Finance Authority (RFA) program, which can finance animal waste control facilities. However, this program has not been utilized significantly for this purpose, apparently due to the requirement for first mortgages on the entire farm.

MPCA: The PCA administers the Clean Water Partnership program which can help fund feedlot pollution abatement systems. This program is currently progressing into the implementation phase for this type of work. Potential future funding available for feedlot pollution abatement work is expected to be several hundred thousand dollars per year.

Total Existing Financial Assistance

$1,000,000 + $50,000 + $350,000 = $1,400,000/yr., which corresponds to approximately 125 animal waste control systems per year.

TECHNICAL AND FINANCIAL ASSISTANCE STRATEGIES

Technical and Financial Needs

1. Scope

a. Assume a 10-yr. initial strategy focused on high priority feedlots.

2. Identification of High Priority Feedlots

a. The first technical assistance need for this strategy would be identification of high priority feedlots using the Feedlot Evaluation Model and receiving waters sensitivity analyses, in conjunction with local water plans.

b. Estimate 1 technician can perform 4 feedlot ratings per day on average, including field and office work.

c. Estimate 1,780 effective work hours/yr. = 222 days.

d. 50,000 feedlots with less than 1000 a.u. - 16,000 permitted feedlots = 34,000 unpermitted feedlots / (222 days/FTE yr. x 4 feedlots/day) = 38 FTE yrs.

e. Cost estimate = $35,000/FTE yr. x 38 FTE yrs. = $1,330,000 / 10 yrs. = $133,000/yr. This work should occur primarily in the first few years of the strategy (i.e. $1,330,000 / 3 yrs. = $443,000/yr. for the first 3 yrs.).

3. Estimate of High Priority Feedlots

a. 0.20 x (50,000 - 16,000) = 6,800 high priority feedlots.

4. Feedlot Waste Control System Design

a. Estimate one technician can design 10 systems/yr. on average, including construction inspection, if there is a mix of large and small facilities. (Note: It might be possible to increase this number to say 15 systems/yr. by using more standardized designs, reducing the time it takes to develop manure management plans, etc. via additional MES training and assistance. Expanded partnerships between MES and other state and local units of government would help to better integrate nutrient management planning and current research with feedlot system design and operation.)

b. 6,800 h.p. feedlots / 10 feedlots/FTE yr. = 680 FTE yrs. / 10 yrs. = 68 FTEs x $35,000/FTE yr. = $2,380,000/yr.

5. Feedlot Waste Control System Construction

a. Estimate that the average cost of a feedlot waste control system is $30,000.

b. 6,800 feedlots x $30,000/feedlot system = $204,000,000 / 10 yrs. = $20,400,000/yr.

6. Technical Review and Sign-off

a. Assume 1 engineer per MASWCD area x 7 areas = 7 engineers x $50,000/yr. = $350,000/yr. We would envision these engineers being employed by clusters of SWCDs.

7. Technical Training

a. Assume 1 staff position at the BWSR to provide technical training to SWCD staff, working in collaboration with appropriate state and federal agencies.

b. 1 x $50,000/yr. = $50,000/yr.

8. Monitoring

a. This function has been identified as a separate program component. However, it would likely be performed most efficiently by SWCDs as part of the technical assistance functions. We estimate that annual payments to the SWCDs of $100/feedlot would enable them to provide this monitoring in conjunction with standardized reporting requirements of feedlot operators.

b. Assume a declining percentage of random checks over the 10-yr. strategy averaging 1000 feedlots/yr. x $100/feedlot = $100,000/yr.

9. Local Administration of Feedlot Program

a. This function is primarily a part of the regulatory component of the feedlot program. However, funding would best be provided to counties through the current BWSR Natural Resources Block Grant system. We estimate that an average of $10,000/county would be sufficient with significant variability of allocation based on expected workload.

b. $10,000/county/yr. x 87 counties = $870,000/yr.

Technical Assistance Strategies

We believe that the most cost-effective strategy for providing technical assistance is through the existing network of SWCDs, in cooperation with the SCS and its similar network of local offices. Private consultants could also provide increased technical assistance through increased state cost-share program funding. Commodity/producer groups and agricultural suppliers could provide increased assistance through information and education, manure testing for better manure application, etc. This strategy also envisions technical training for SWCD employees provided by BWSR, in cooperation with MES and other agencies.

1. State Cost Share Program

a. From the estimates above, the average annual technical assistance cost (including monitoring) for the proposed 10-yr. strategy is $133,000 + $2,380,000 + $350,000 + $50,000 + $100,000 = $3,013,000/yr.

b. Under the state cost share program, the technical design costs for private consultants are cost shareable. However, neither the SWCDs nor the SCS currently charge for their design services. If feedlot operators served by this program shared 25% of the technical assistance costs, the estimated state share would be $2,260,000/yr. At 50% cost share, the state share would be $1,500,000/yr.

2. State Revolving Loan Fund

a. It may be necessary or appropriate to utilize a state revolving loan fund (SRF) in combination with state cost-share grants, if feedlot operators share technical assistance costs. The annual state cost for this SRF would depend on administrative costs and the interest rate charged. The technical assistance costs payed by the feedlot operator could be added to the operator share of construction costs, if a revolving loan was also used for part or all of construction costs, as indicated below. A potential model for implementation of a loan program is the state Housing Finance Program, which operates through existing banking institutions with a small state staff for management and oversight. A loan program for feedlots would probably best be handled through existing farm lenders, due to the uniqueness of farm lending, as compared to other real estate and business lending.

Alternative Strategies for Construction Funding Assistance

1. Cost-Share Programs

a. At the present time, both the federal and state cost-share programs for animal waste control facilities allow cost-share rates up to 75%.

b. Based on the above estimates, the corresponding state funding needs for feedlot system construction for the proposed 10-yr. strategy would be 0.75 x $20,400,000/yr. = $15,300,000/yr. - $1,000,000/yr. federal ACP funding = $14,300,000/yr.

c. For an average state cost-share rate of 50%, the estimated state funding needs would be 0.50 x $20,400,000/yr. = $10,200,000/yr. - $1,000,000/yr. federal ACP funding = $9,200,000/yr.

d. With the proposed addition of state-funded engineers for design assistance and engineering sign-off, it might be worthwhile to seek federal approval for the use of ACP funding for projects designed completely by SWCD staff using SCS standards. This would enable the use of more ACP funds for feedlot waste control system construction.

2. State Revolving Loan Fund

a. If the entire estimated annual construction funding needs were met through an SRF, the annual cost to the state would be controlled by the interest rate charged, which would reflect the capital and administrative costs of the loan program and the state's ability to provide program maintenance funds.

b. If we assume no-interest loans, 7% APR capital cost and 2% administrative cost, the program maintenance cost would be an

estimated 0.09 x $20,400,000/yr. = $1,836,000/yr.

c. Low-interest loans rather than no-interest loans would of course result in lower annual program maintenance costs.

d. A potential problem with this alternative strategy is its compatibility with the existing state and federal cost-share programs. A potential way to deal with this might be to target the grants and loans to different types of feedlots or feedlot problems.

3. Combination Grant and Loan Program

a. As indicated above, it might be appropriate to provide lower maximum cost-share rates in combination with low or no-interest loans for the feedlot operator share. The state costs for this type of financial assistance program can be estimated from the above estimates for pure cost-share grant and SRF programs. Again, the compatibility of grant and loan programs could be a problem.

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October 20, 1993

TO : Board Members

FROM : Greg Larson Greg Larson

RE : Clearwater County request

My letter to Erv Berglund et al. dated September 5th concerning the request by Clearwater County to become a "greater than 80% county" explains the process I initiated. The reviewers concur that Clearwater SWCD acting on behalf of Clearwater County has made a convincing argument. **Consequently, we recommend that Clearwater County be shifted to the greater than 80 percent category.** This change offers greater flexibility in wetland replacement, both in terms of ratio and type and location of replacement.

I recommend that the methodology used by Clearwater SWCD -- and described in attachment B -- be the standard by which other counties should use to seek a shift in wetland percentage. The method was unbiased and built upon the Anderson and Craig study.

If you concur with this recommendation, this "tentative" decision will be noticed in the State Register. The notice will include the methodology and offer a 30 day comment period. A formal decision would be made following the comment period. Since this is a rule issue, albeit a technical point, I believe we should be quite formal in our deliberations.

I have included other background material. Contact me if you have questions.

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779-5099

September 5, 1993

7-4601
TO : Erv Berglund, DNR
6-0701 Tom Landwehr, DNR
6-0779 Doug Norris, DNR
Frank Pafko, MnDot

7-8219 Larry Zdon, MPCA

FROM : Greg Larson

RE : Request from Clearwater County

As expected, Clearwater County has requested to shift from a less than 80 percent county to a greater than 80 percent county. I have enclosed their letter of request and documentation. If you recall, during drafting and subsequent debate, we knew requests such as this would be made. There are 5 counties: Anoka, Sherburne, Morrison, Wadena and Clearwater that are within 10 percent of 80 percent and given the "slop" inherent in the Anderson, Craig study using mesoscale data they are likely all eligible to shift to the > 80% category. The county, however, must make the request and convince the BWSR. **What I am seeking from you is ideas on a standard process [guidelines] that requesting counties should use to seek BWSR approval.** I think that Clearwater has made their case and their use of a GIS such as EPPL-7 bolstered their argument. What do you think?

My thoughts of a process follow: After receipt of a request from a county with proper documentation (based on these [forthcoming] guidelines), BWSR will route the information to you for a recommendation; within 30 days of your receipt you will provide us your recommendation; if the majority of this team, which includes me, concur with the county request, the matter will be put on the BWSR agenda. If approved by the BWSR, the action will be noticed in the State Register.

Because this is a <u>technical</u> issue, I am comfortable with this process. While the result has policy implications, the issue of 80% or not is a technical call and I am comfortable asking you to assist us in this endeavor.

After you've reviewed the enclosed material contact me. I would like to resolve the Clearwater issue at the October 27th BWSR meeting.

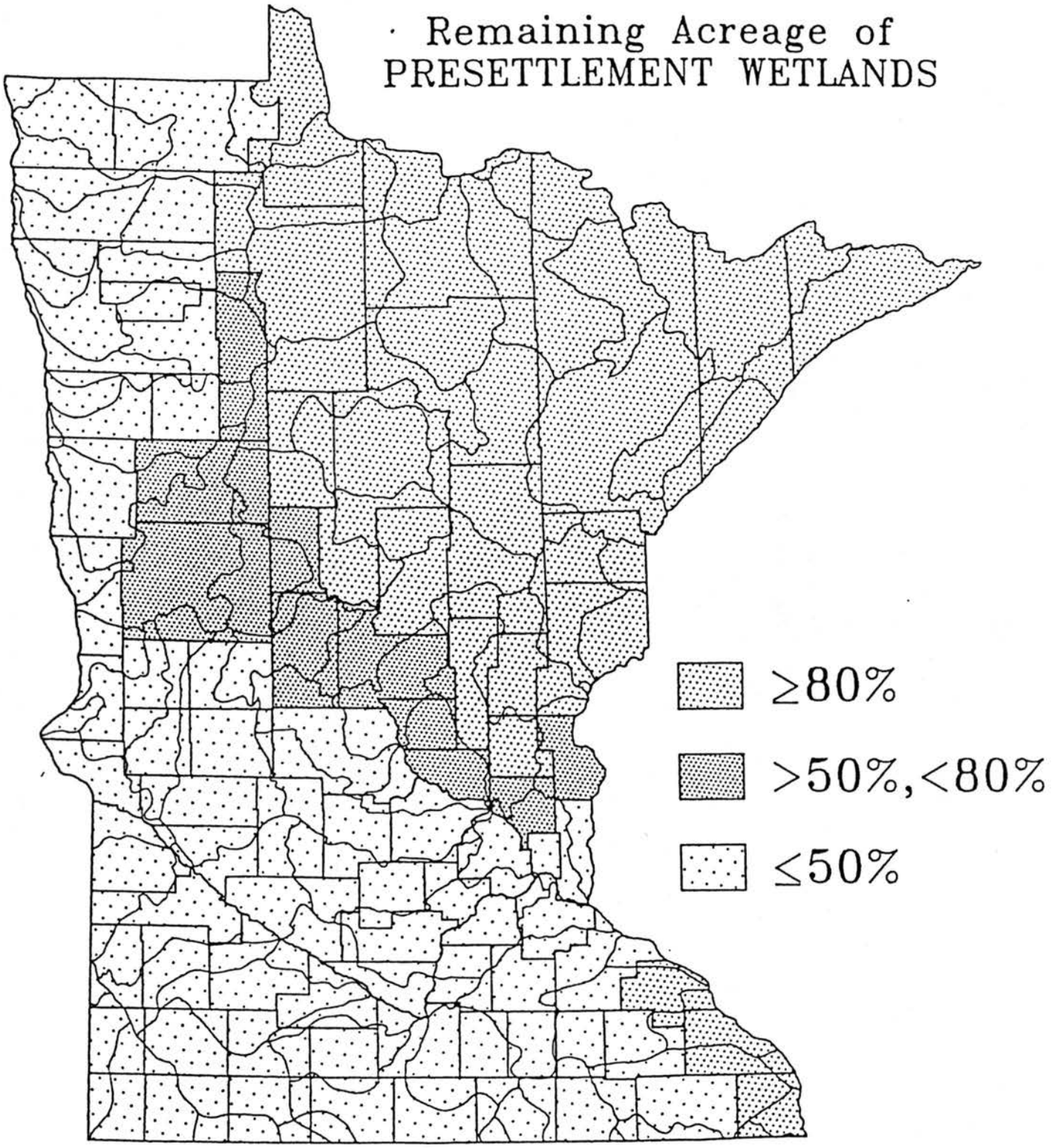
PS: Certainly, many other counties would like to try to shift to the > 80 percent category. I don't

believe we will see requests from counties with less than 50 percent. So, worst case, we will have ten counties to consider. GL

CC: John Jaschke
Ron Harnack

A:clear80

Remaining Acreage of PRESETTLEMENT WETLANDS



Adapted from:

Growing Energy Crops on Minnesota's Wetlands, The Land Use Perspective
Anderson and Craig, CURA, Univ. of Minn., 1984

Vegetation, Land and Water Surface Changes in the Upper Navigable Portion of the Mississippi River Basin over the Period 1939–1973
Olson and Meyer, RSL, Univ. of Minn., 1976

Counties in Minnesota currently having greater than or equal to 80 percent of their presettlement wetland acreage[1] (from PARADOX data base, WETACRES)

COUNTY	PERCENT
Aitkin	91.10
Beltrami	94.06
Carlton	93.28
Cass	91.40
Cook	100
Crow Wing	86.75
*Houston	83.87
Hubbard	92.11
Isanti	80.00
Itasca	95.02
Kanabec	86.96
Koochiching	98.01
Lake	97.54
Lake of the Woods	88.61
Mille Lacs	90.32
Pine	92.08
St. Louis	93.88
*Wabasha	87.50
*Winona	81.82

1 Data were adapted from Anderson and Craig (CURA 1984) except for * counties where estimates were from Olson and Meyer (RSL 1976).

Counties in Minnesota currently having greater than 50 but less than 80 percent of their presettlement wetland acreage[1] (from PARADOX data base, WETACRES)

COUNTY	PERCENT
Anoka	70.93
Becker	54.65
Benton	65.08
Chisago	64.29
Clearwater	77.64
Morrison	72.67
Ottertail	54.90
Sherburne	72.09
Todd	53.08
Wadena	73.12

10 Counties

1 Data were adapted from Anderson and Craig (CURA 1984).

Counties in Minnesota currently having less than or equal to 50 percent of their presettlement wetland acreage[1] (from PARADOX data base, WETACRES)

COUNTY	PERCENT	COUNTY	PERCENT
Big Stone	1.74	Mower	.50
Blue Earth	2.15	Murray	3.03
Brown	1.02	Nicollet	2.08
Carver	16.67	Nobles	0
Chippewa	.51	Norman	2.78
Clay	2.39	Olmsted	0
Cottonwood	0	Pennington	8.01
Dakota	14.29	Pipestone	0
Dodge	.86	Polk	4.55
Douglas	35.29	Pope	23.33
Faribault	1.12	Ramsey	33.33
Fillmore	0	Red Lake	8.25
Freeborn	1.48	Redwood	.58
Goodhue	0	Renville	.42
Grant	1.12	Rice	13.16
Hennepin	31.03	Rock	0
Jackson	1.36	Roseau	44.08
Kandiyohi	9.91	Scott	11.77
Kittson	18.57	Sibley	2.07
Lac Qui Parle	1.16	Stearns	21.92
Le Sueur	10.14	Steele	2.60
Lincoln	2.5	Stevens	1.64
Lyon	.93	Swift	4.24
Mahnomen	23.21	Traverse	.38
Marshall	19.23	Waseca	4.35
Martin	.55	Washington	42.86
McLeod	6.12	Watonwan	.86
Meeker	21.67	Wilkin	.23
		Wright	21.43
		Yellow Medicine	.75

1 Data were adapted from Anderson and Craig (CURA 1984).

CLEARWATER SOIL AND WATER
CONSERVATION DISTRICT

P.O. Box 327
Bagley, Minnesota 56621
Telephone (218) 694-6845



MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

July 14, 1993

Greg Larson, Administrator
Water and Land Section
Board of Water and Soil Resources
155 S. Wabasha Street - Suite 104
St. Paul, Mn 55107

RECEIVED
JUL 16 1993
BOARD OF
& SOIL RESOURCES

Dear Greg:

On behalf of the Clearwater County Board of Commissioners and the Clearwater Soil and Water Conservation District Board of Supervisors, I am formally requesting that Clearwater County be placed in the category of having over 80% of its presettlement wetlands remaining as this pertains to the Wetland Conservation Act of 1991.

I have enclosed the data compiled by Doug Thompson that duplicates what Anderson & Craig did in their report. This information illustrates the change in the percentage of remaining presettlement wetlands in Clearwater County when using updated 2.5 acre land use parcels versus the 40 acre data used by Anderson & Craig.

I hope this information will be sufficient to initiate the requested change.

Feel free to contact me if you have any questions.

Regards,

Milayne Lundmark

Milayne Lundmark
District Manager

as:ML encl.
cc: John Brooks

ATTACHMENT B

CURRENT WETLAND ACREAGE IN CLEARWATER COUNTY

as it pertains to the Permanent Rules
of the Wetland Conservation Act

Reference (Interim Rules):
8420.0540 Subpart 5 : (A)
8420.0720 Subpart 3
8420.0740 Subpart 2 (B-1)

Anderson and Craig, 1984, used state-wide, 1969 generalized land use and older soils data to determine the percentages of pre-settlement wetlands in Minnesota counties. These figures were used to determine how various counties in Minnesota would need to apply rules of the 1991 Wetland Conservation Act. In this study, Clearwater County was shown to have 77% of its presettlement wetlands, thus placing it in the 50-80% category of counties.

More recent landuse studies had been done in the Clearwater County which showed a larger number of wetlands than Anderson and Craig reported. Therefore, the Clearwater SWCD repeated Anderson and Craig's methods, first to insure proper procedure, then to apply the newer data to update the presettlement wetland percentage.

Their wetland inventory was based on two factors:

a) the location of peat and wet mineral soils as indicators of presettlement wetlands, and

b) current land use as indicators of land that had been drained.

They assumed that if a certain type of land use such as cropland occurred on a soil type of peat or poorly drained soil that this land was drained. This assumption does not allow for the following two scenarios that occur in Clearwater County:

a) there are 9,000 acres of cropped wetlands in the county in the form of commercial wild rice paddies,

b) many Clearwater County landowners farm around small wetlands that are less than one-half the size of a 40-acre cell, however, this type of land would show as 40 acres of cropland with no wetlands.

To their credit they state, "figures were produced from statewide data files which may be somewhat less accurate than county level data files." Using their methods and files, Figures and Tables 1-5 illustrate their results using the 1969 40-acre land use files. The results from the application of the 1987 land use data (collected by the Clearwater SWCD from 1987 ASCS aerial photos and the interpretation of 267,556 2.5-acre parcels) to these methods is shown in Figures and Tables 6-8 and is summarized in Tables 9 and 10.

Though this procedure shows that Clearwater County has 83.2 % of its presettlement wetlands, this figure is still too low. Even the updated map (Figure 8) shows the extreme southwest township in our county (South LaPrairie Township) to have no presettlement wetlands when 40-acre soils data is used. However, Figure 9 shows the comparison between land use in the township as designated in the 1969 and 1987 land use surveys. The township is actually saturated with small and large wetlands. This is further verified by Figure 10 which is a copy of the National Wetland Inventory Maps for 4 sections in South LaPrairie Township. Even this map misses many small wetlands and virtually none of these wetlands have been drained.

In addition, most of our lakes are very shallow open water marshes. The inclusion of both undetected wetlands and shallow lakes would significantly increase the percentage of undrained wetlands in our county beyond the 83% level. Also, we did not even add in the 1100 acres of wetland restorations done in our county over the past 4 years by the US Fish and Wildlife Service, nor did we attempt to add in the thousands of acres of wetlands added by beavers in the last 5 years.

Based on this analysis, we request that Clearwater County be changed to an "80% or greater" county for the administration of the Wetland Conservation Act Permanent Rules.

Summary

Table 9. Acreage of Drained & Undrained Soil Classes in Clearwater County comparing Presettlement, 1984, and 1987 data

SOIL CLASS	(Table 2) Presettlement	(Table 5) 1984	(Table 8) 1987
Well Drained	422,135	422,135	422,135
Wet Mineral - Drained	0	35,830	27,912
Peat - Drained	0	21,515	13,577
Wet Mineral - Undrained	158,567	122,737	130,655
Peat - Undrained	88,187	66,672	74,610
	668,889	668,889	668,889
(Total - Undrained Soils	246,754	189,409	205,265)

* * *

Table 10. Acres of Undrained Wet Soils as percentages of presettlement undrained acres in Clearwater County.

	Undrained Soils	% of Presettlement
1984 Statewide Data (40 acre parcels)	189,409 ac.	76.7 %
1987 County Level Data (2.5 acre parcels)	205,275 ac.	83.2 %

Note: The supporting maps were in color and could not be reproduced - feasibly - to be included w/ this mailing.

GL

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October 8, 1993

TO : SWCDs in the Minnesota River Basin

FROM : Greg Larson, Head-Water and Land Management Section

RE : Allocation of special Minnesota River funding

As many of you are aware, we received additional funding this biennium to accelerate the installation of water quality practices in the Minnesota River basin. We receive[illegible]00,000 for fiscal year 1994 and $500,000 for fis[illegible]ar 1995. The funding was included in the a[illegible]n for the state cost-share program. Conse[illegible]rogram must be used as the means of i[illegible]

Jeff Nielsen [illegible]n region, and I have been [illegible]allocating the initial[illegible]would be forwarded [illegible]. Jeff organized a [illegible]officials to discuss fun[illegible]at meeting and a map of the [illegible]

We are seeking your su[illegible]ideas on the meeting summary are intende[illegible]discussion and are by no means the only way [illegible]money could be allocated. We ask that you give s[illegible]s consideration to this issue and respond to Jeff. The timetable - that follows - indicates our desire to determine an allocation process by the the end of 1993.

<u>•week of October 4th: mailing to SWCDs in the basin</u>
<u>•staff overview of this process to BWSR at their October 27th meeting</u>
<u>•SWCDs comments to Jeff Nielsen by November 10th</u>
<u>•BWSR staff prepares a recommendation for consideration by BWSR at their December 8th meeting</u>
[I envision the staff recommendation to BWSR to consist of 3 or more options----as suggested by SWCDs]

Please be advised that at least one group of SWCDs are preparing proposals that may reach the BWSR yet this month. However, I do not expect the BWSR to take final action on any proposal until their December meeting.

Blue Earth proposal included GL

As a reminder: the $600,000 must be spent in the Minnesota River basin through the existing state cost-share program. The program focus is water quality.

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October 8, 1993

TO : SWCDs in the Minnesota River Basin

FROM : Greg Larson, Head-Water and Land Management Section

RE : Allocation of special Minnesota River funding

As many of you are aware, we received additional funding this biennium to accelerate the installation of water quality practices in the Minnesota River basin. We received $600,000 for fiscal year 1994 and $500,000 for fiscal year 1995. The funding was included in the appropriation for the state cost-share program. Consequently, that program must be used as the means of implementation.

Jeff Nielsen, supervisor of our southern region, and I have been asked to develop a proposal for allocating the initial $600,000 to SWCDs. That proposal would be forwarded to the BWSR for their consideration. Jeff organized a meeting of SWCD supervisors and officials to discuss funding options. A summary of that meeting and a map of the basin is provided.

We are seeking your suggestions! The ideas on the meeting summary are intended to provoke discussion and are by no means the only way that the money could be allocated. We ask that you give serious consideration to this issue and respond to Jeff. The timetable - that follows - indicates our desire to determine an allocation process by the the end of 1993.

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Blue Earth Proposal Included GL

As a reminder: the $600,000 must be spent in the Minnesota River basin through the existing state cost-share program. The program focus is water quality.

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This process involves ONLY fiscal year 1994 funding. The $500,000 for fiscal year 1995 may be allocated differently although the option chosen for this year may limit the options for next year.

Contact Jeff or me if you have questions or comments.

CC: Ron Harnack
BWSR staff
Tim Larson, MPCA

Options to allocate the Minnesota River accelerated funding were generated by the following group which met on 9/22/93 in New Ulm:

Chuck Peterson, Blue Earth County SWCD Manager
Bruce Berger, Redwood SWCD Supervisor
Steven Breaker, SCS, DC Faribault County
Merle Anderson, Watonwan SWCD Supervisor (Area VI Director)
Kathy Krzmarzick, Brown SWCD Office Manager
Richard Zupp, Pipestone SWCD Supervisor (Area V Director)
Jim Schafer, Renville County SWCD Supervisor
Gerald Rodning, Nicollet SWCD Supervisor
Tim Larson, MPCA
Greg Larson, BWSR
Mary Mueller, BWSR
Jeff Nielsen, BWSR

The basis for the "new" Cost-Share money is:

a. water quality driven and
b. to be spent only in the Minnesota River Basin.

Several ideas were generated by the group with the following being agreed to as the best options (Note: these options are in no particular order):

1. Take the available funds and allocate them to SWCDs via a special project application. This would be similar to the special project applications currently used for the Cost-Share Program. SWCDs could apply for funds to install projects on "the books" or new projects.

2. Identify two or three watersheds that have developed an implementation plan and fund a joint powers group or similar cooperative ventures between SWCDs.

3. A variation of 1. Cost-share on an issue, such as feedlots, which has been identified by an SWCD or group of SWCDs as having a water quality impact. Funds would be allocated via a special project application.

4. Divide the available funds between options 1. and 2. with more money going to the one deemed by BWSR to be a higher priority.

Technical assistance to implement whatever option was acknowledged as very important. As allowed by the cost-share appropriation language, up to 20% can be used for cost-share administrative and technical services. It is the goal of BWSR staff to increase technical assistance through SWCDs. There are various ways to accomplish this. Ideas generated at the meeting are as follows (These options are in no particular order):

1. Fund SWCDs to contract with private engineers to design and install practices.
2. Fund SWCDs to hire new technicians to add to existing technical staff.

Regarding number 2., BWSR would consider proposals for a long-range agreement to share the cost of technicians.

Example: 20% of $600,000 = $120,000 available
SWCDs would hire three new technicians.

First Year:	BWSR would pay $40,000 per technician (BWSR pays 100%)
Second Year:	BWSR would pay $33,333 per technician
Third Year:	BWSR would pay $24,000 per technician
Fourth Year and Beyond:	BWSR would pay $20,000 per technician (BWSR pays 50%)

In about year three or four there would be enough money remaining to start another agreement to fund another new technician just like in year number one.

SWCDs would be expected to pick up more and more of the local cost as the years pass with an estimated state and local partnership fund at about a 50/50 rate in year four.

BWSR recognizes that during the first year there is more start-up costs, such as training and equipment, and less time to adjust local budgets. By BWSR defraying most of these costs the first few years, more time is available for an SWCD to establish their budget.

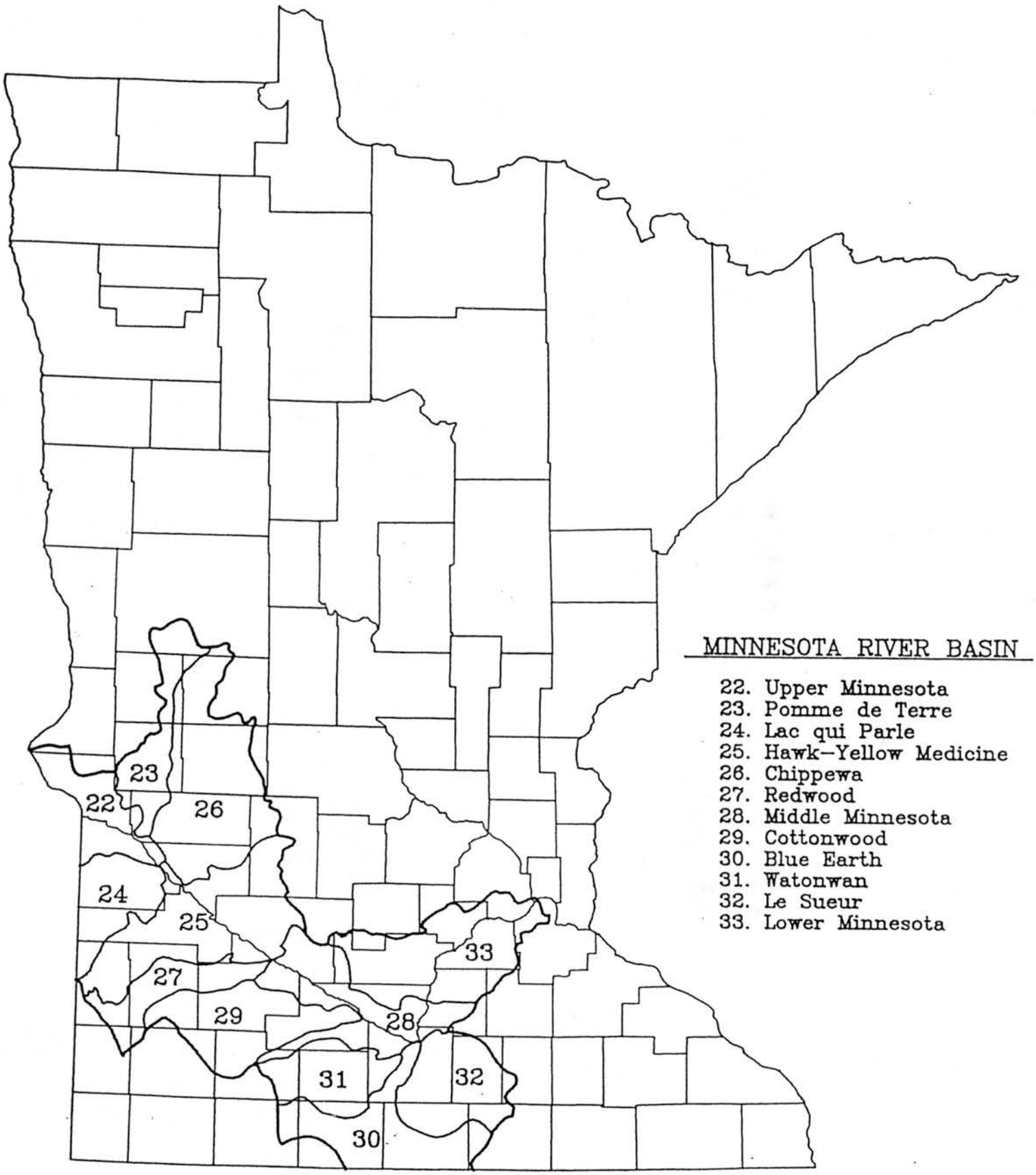
SWCDs, individually or in a group, would be eligible to apply for this technical portion of the grant based upon their needs, irrespective of their need for more cost-share practice funds.

3. Similar to number 2 except that the SWCD hired technicians would be certified engineers.

4. Require that all cost-share services (t/a) money be tied to the practice money. This means it would be business as usual allowing up to 20% of the cost-share grant to be used by each SWCD. Those with successful cost-share grant applications in the Minnesota River Basin would be allowed to take 20% for cost-share services.

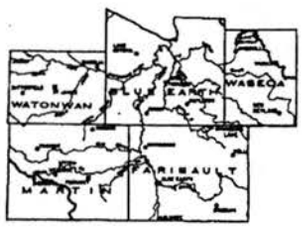
5. Fund SWCDs to increase present part-time technical staff to a full-time status.

Summary prepared by Jeff Nielsen



MINNESOTA RIVER BASIN

22. Upper Minnesota
23. Pomme de Terre
24. Lac qui Parle
25. Hawk–Yellow Medicine
26. Chippewa
27. Redwood
28. Middle Minnesota
29. Cottonwood
30. Blue Earth
31. Watonwan
32. Le Sueur
33. Lower Minnesota



Blue Earth River Basin Initiative

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507-359-6018 (Fax)

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Charles Peterson, SWCD
507-345-4744
Rick Hanna, CLWP
507-389-8381

Faribault County
Jan Willette, JPB
507-526-2558
Gary Wehrenberg, SWCD
507-526-2388 CLWP

Martin County
Roland Milow, JPB
507-238-2408
Linda Meschke, Tech. Chr.
507-238-3221 CLWP
Jerry Voyles, SWCD
507-235-6670

Waseca County
Curt Russell, JPB
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Marla Watje, SWCD
507-835-4831
Bill Stephens, CLWP
507-835-0655

Watonwan County
Harold Wolle, Jr., JPB
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Brian Goepfert, SWCD
507-375-3104
C. Merle Anderson, CLWP
507-736-2461

County Commissioner Rep.
George Doyle
507-239-2192

September 30, 1993

OCT 0 5 1993
BOARD OF WATER

Mr. Ron Harnack
Executive Director
Board of Water & Soil Resources
155 S. Wabasha St., Ste. 104
St. Paul, MN 55107

Dear Mr. Harnack:

The Blue Earth River Basin Initiative Joint Powers Board (BERBI JPB) is currently writing a comprehensive basin plan. With a completion target of January 1994, this planning process is a vehicle for setting goals and determining needs. We anticipate using Minnesota River Assessment Project (MRAP) data as well as other information to set priorities for implementation activities and goal setting.

During the interim, we are consulting county comprehensive water plans, SWCD comprehensive plans and available MRAP data. Investigation of thirteen minor watersheds using the SWCD Methodology of Land Use Assessment indicates a tremendous need for best management practices (BMPs) application within the Basin. Specific needs for the Basin were estimated using MRAP/SWCD data. This estimate is enclosed on table I titled "IMPLEMENTATION PRACTICES FOR THE BLUE EARTH RIVER BASIN BASED ON A 4.2% SAMPLE USING MRAP - SWCD METHODOLOGY". The implementation practices estimated on this table reflect the needs, based on the assumption that all cropland is under conservation tillage or in vegetative cover crops. Currently, approximately 15% of the cropland is under a conservation tillage system with an additional 1% in vegetative cover (determined by MRAP/SWCD Methodology, 1990 data). We have much to accomplish in this arena.

It is very apparent to us that we do not possess the technical or financial capabilities to tackle these problems. For this reason we are making a special request of the Board of Water and Soil Resources by asking you to consider a special Cost-Share allocation to the BERBI utilizing the Minnesota River Cost-Share dollars. Our request is twofold in that we are seeking a basin allocation of Cost-Share dollars to implement BMPs as well as financial assistance to hire a basin engineering technician position. These proposals are explained in greater detail on the following pages. Although our proposals are presented separately, funds for hiring a basin engineering technician are essential if we are to accomplish the cost-share implementation outlined in this request.

In brief we are requesting $300,000 of the current Minnesota River Cost-Share dollars, utilizing $63,000 to hire and equip a basin engineering technician (please see detailed requests for engineering position and cost-share allocation). We anticipate hiring the technician for five years (minimum) to provide survey, design and construction assistance for cost-shared practices within the Basin. The remaining $237,000 will be spent on sharing the cost of application of BMPs as outlined in the State Cost-Share rules.

The Cost-Share dollars are being requested for 1994. We will evaluate our programs effectiveness and submit another request for 1995. A projection of Cost-Share needs is presented on table II titled "BERBI IMPLEMENTATION PRACTICES STATE COST-SHARE NEEDS FOR 1994 - 1998".

We believe that a basin approach to Cost-Share allocation, expenditures and technical assistance is in concert with our overall goals. We also feel that the requested funds will complement our existing effort in manure management, on-site sewage treatment and riparian and tile intake buffers funded through our LCMR project. If this proposal is funded, we will utilize these funds to supplement existing implementation funds such as the Agricultural Conservation Program (ACP) and traditional State Cost-Share dollars.

We thank you for considering our request. If you would like to discuss this matter in more detail, please feel free to contact me or Mary Mueller, our project coordinator.

Sincerely,

Ray Phelps

Ray Phelps, Chairperson

ENGINEERING TECHNICIAN PROPOSAL

We, the Blue Earth River Basin Initiative Joint Powers Board (BERBI JPB), desire to improve our technical capabilities in order to better serve our clientele in improving the water quality of the Blue Earth River Basin. A basin engineering technician will assist us in reaching this goal. Our intent is to hire an engineering technician for a minimum of five years. This technician would work on priority engineering projects throughout the Basin. We envision asking our neighboring counties and SWCDs who are not currently part of the BERBI but contribute to the watershed to enter into a memorandum of understanding (MOU) enabling us to share our resources to achieve our water quality improvement goal. This will include contributions in engineering of priority practices within the Basin but outside the confines of the JPB (letter to neighboring counties is attached).

The BERBI technical committee has projected the five-year need for State Cost-Share projects to be as reflected on the table titled BERBI IMPLEMENTATION PRACTICES - STATE COST-SHARE PROJECTED NEEDS FOR 1994 - 1998. In order to accomplish application of these projects, we will need technical support. We will utilize a basin engineering technician to survey and design practices by priority Basin need. These priorities will be determined using local expertise of the problem in the Basin as well as recommendations outlined in the upcoming Minnesota River Assessment Project report. We project that this employee will mean faster turnaround of requested projects. We also hope to upgrade the capabilities of our existing staff through training and access to the engineering technician.

Our proposal is to hire this basin engineering technician in cooperation with the Board of Water and Soil Resources (BWSR). We are requesting a 100% contribution from the BWSR for the first year of a five year-agreement. The BERBI JPB will gradually assume additional responsibility until a 50-50 split is accomplished the fourth year. We suggest that the funds for this position come from the Minnesota River Cost-Share allocation administered through the BWSR. Our portion of the financial commitment will be solicited from the counties within the confines of the JPB. After five years, the need for this position will be re-evaluated, and if the need continues to exist, we will again enter into an agreement at our mutual discretion. The table titled ENGINEERING TECHNICIAN PROPOSAL outlines the financial contribution we are requesting. Office rent and miscellaneous expenses will be the responsibility of the BERBI JPB and the SWCDs and counties it serves. SWCD employees and CLWP coordinators will assist the basin engineer in application of BMPs funded through this request. The JPB envisions entering into a MOU with the Soil Conservation Service (SCS) to provide for training and sign-off approval authority. If an arrangement with SCS should prove infeasible, we may consider hiring a professional engineer. If this becomes necessary, we will need to adjust our salary and benefit projections upward. Therefore, we ask you to allow for flexibility in the line items of our proposal matrix.

ENGINEERING TECHNICIAN PROPOSAL

Year	Salary & Benefits	Vehicle & Maintenance	Equipment	Phone & Supplies	Total Costs	BWSR Request	BERBI Commitment
1994	25,000	25,000	10,000	3,000	63,000	63,000	0
1995	27,000	5,000	0	3,000	35,000	28,000	7,000
1996	29,000	5,000	0	3,000	37,000	22,200	14,800
1997	30,000	5,000	0	3,000	38,000	19,000	19,000
1998	31,000	5,000	0	3,000	39,000	19,500	19,500

* Our most important objective is hiring the right person to accomplish our objectives, therefor we need flexibility in the salary and benefits column. We will adjust the other items requested if additional salary and benefits are necessary.

* Current staff will be involved in the administrative and technical aspects of application of BMPs. The value of their services is estimated on the table below.

* Rental of office space and other miscellaneous expenses will be the responsibility of the Blue Earth River Basin Initiative Joint Powers Board and the soil and water conservation districts and counties it serves.

* SWCDs and CLWP coordinators will provide additional phone and supply expenditures estimated at $3,000/yr.

CONTRIBUTIONS OF SWCDs AND CLWP COORDINATORS

Year	Technical Administrative	Office Rent	Phone & Supplies	Total
1994	31,250	1,650	3,000	35,900
1995	33,750	1,650	3,000	38,400
1996	36,250	1,650	3,000	40,900
1997	37,500	1,650	3,000	42,150
1998	38,750	1,650	3,000	43,400

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COST-SHARE ALLOCATION PROPOSAL

We are in the process of developing a comprehensive plan for the BERBI. In this plan we will clearly layout our priorities for achieving water quality goals for the Blue Earth River. We are awaiting the MRAP final report to clarify where our efforts are best spent. In the interim, we are focusing our attention on those practices we believe will reduce sediment and nutrient loading in the river. Preliminary MRAP/SWCD Methodology data suggests the overall conservation needs are as outlined on table I titled IMPLEMENTATION PRACTICES FOR THE BLUE EARTH RIVER BASIN BASED ON A 4.2% SAMPLE USING MRAP - SWCD METHODOLOGY. We project our short-term need for State Cost-Share dollars on table II titled BERBI IMPLEMENTATION PRACTICES STATE COST SHARE PROJECTED NEEDS FOR 1994 - 1998.

We recognize that Cost-Share dollars will not allow us to achieve all the practices set forth on our projection table. We will continue to utilize federal ACP and traditional State Cost-Share dollars wherever possible. The dollars we are requesting will be used to apply additional practices. We envision utilizing the programs to complement one another. We are requesting $237,000 of the Minnesota River Cost-Share dollars to be allocated to the BERBI in order to begin applying practices on a priority basis. We anticipate making similar requests in the future but will continue to seek other opportunities such as roll-over funds and special projects to build a strong implementation base.

If this request is honored, we will increase our information and publicity efforts in order to allow as many landowners as possible to participate.

TABLE I
IMPLEMENTATION PRACTICES
FOR THE BLUE EARTH RIVER BASIN
BASED ON A 4.2% SAMPLE USING MRAP - SWCD METHODOLOGY

Practice	Unit Size	Total Units	Price Per Unit	Total Costs
Contour Farming	Acre	4,631	4.25/Acre	$19,681.75
Critical Area Planting	Acre	88	235.00/Acre	$20,680.00
Dam - Multi-Purpose	Each	71	11,000.00/Ea.	$781,000.00
Ditch or Riparian Buffer	Acre	8,738	235.00/Acre	$2,053,430.00
Diversion	Foot	15,476	2.25/Foot	$34,821.00
Dump Clean Up	Each	1,357	500.00/Each	$678,500.00
Fencing - Livestock Exclusion	Foot	671,905	1.10/Foot	$739,095.50
Field Windbreak	Foot	3,003,810	0.15/Foot	$450,571.50
Filter Strip for Livestock Runoff	Acre	152	1,067.00/Acre	$162,184.00
Grade Stabilization Structure	Each	571	4,500.00/Each	$2,569,500.00
Grassed Waterway	Foot	419,048	1.75/Foot	$733,334.00
Long-Term Set-Aside	Acre	93,821	1350.00/Acre	$126,658,350.00
Pasture Renovation	Acre	2,593	125.00/Acre	$324,125.00
Septic System Upgrade	Each	6,762	2,000.00/Each	$13,524,000.00
Side Inlet Structure	Each	190	1,067.00/Each	$202,730.00
Strip Cropping Contour	Acre	0	10.50/Acre	0.00
Stock Watering Pond	Each	48	1,000.00/Each	$48,000.00
Stream Channel Stabilization	Foot	1,510,038	11.50/Foot	$17,365,437.00
Terrace	Foot	427,714	3.00/Each	$1,283,142.00
Vegetative Strips	Foot	0	0.01/Each	0.00

TABLE II
BERBI IMPLEMENTATION PRACTICES
STATE-COST SHARE PROJECTED NEEDS FOR 1994 - 1998

Practice	Unit Size	Total Units	Price Per Unit	Total Costs	Cost-Share Funds Needed
Erosion Control Structures	Each	17	$11,000.00	$187,000.00	$140,250.00
Strip Cropping	Acre	200	$10.50	$2,100.00	$1,575.00
Terrace	Foot	52,500	$3.00	$157,500.00	$118,125.00
Diversion	Foot	7,800	$2.25	$17,550.00	$13,162.50
Storm Water Control Systems:					
Grassed Waterway	Foot	66,500	$1.75	$116,375.00	$87,281.25
Water & Sediment Control Basins	Each	295	$650.00	$191,750.00	$143,812.50
Grade Stabilization Structures	Each	72	$4,500.00	$324,000.00	$243,000.00
Total				$632,125.00	$474,093.75
Field Windbreaks	Foot	396,000	$0.15	$59,400.00	$44,550.00
Animal Manure Mgmt. Systems:					
Manure Storage Ponds	Each	97	$17,000.00	$1,649,000.00	$1,236,750.00
Filter Strip for Livestock Runoff	Acre	52	$1,067.00	$55,484.00	$41,613.00
Total				$1,704,484.00	$1,278,363.00
Critical Area Stabilization:					
Traditional	Acre	55	$235.00	$12,925.00	$9,693.75
*Riparian Buffers	Acre	2100	$235.00	$493,500.00	$370,125.00
*Tile Intake Buffers	Each	210	$20.00	$4,200.00	$3,150.00
Total				$510,625.00	$382,968.75
SLR Stabilization	Foot	12,502	$11.50	$143,773.00	$71,886.50

- While it appears these practices meet the state cost-share guidelines for Critical Area Stabilization standards do not exist at this time. We anticipate encouraging the writing of standards and specifications for future application of these practices.

Total Cost: $ 3,414,657

Total Annual Costs: $ 682,871

Total Cost-Share Dollars Needed: $ 2,524,975

Total Annual Cost-Share Dollars Needed: $ 504,995

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GREG LARSON
BWSR
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SUITE 104
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Minnesota Board of Water & Soil Resources

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Fax (218) 755-4201

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Fax (218) 828-6036

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Fax (507) 359-6018

1200 S. Broadway
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Rochester, MN 55904
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Metro Region:

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Fax (612) 297-5615

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MEMORANDUM

October 7, 1993

TO: INTERAGENCY WETLANDS GROUP

FR: John Jaschke J.J.

RE: OCTOBER 25th MEETING AGENDA

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*Our next meeting in scheduled for Monday, October 25th at 9 a.m. at the USCOE **4th** floor Conference Room. The agenda will focus on Regulatory Simplification, specifically:*

* *Interagency Wetland Banking Agreement*

* *USCOE/LGU General Permit Agreement*

I have taken the comments and discussion from the last meeting and made changes to both of these documents. Please review the attached copies, discuss within your agency and get comments to me as soon as you can. If given enough time I can incorporate your suggestions before the next meeting.

We will take a few minutes at the beginning of the meeting for other updates and news. Remember to send the camera-ready documents you are working on to me by October 15th. Box lunches will be provided.

attch.

DRAFT 10/5/93 (BWSR/JJ)

Minnesota
Interagency WETLAND BANKING AGREEMENT

WHEREAS; landowners that have received wetland project approvals (as required by state and federal laws, rules and agency regulations) should have access to all replacement options; and,

WHEREAS; the State Wetland Bank established by the Wetland Conservation Rule provides a sound option for wetland replacement; and,

WHEREAS; other benefits to use of a wetland banking program include:

1. Appropriate and perpetual mitigation is assured as wetland replacement credits will be required to meet the principals and procedures for review, deposit, withdrawal, auditing and monitoring as provided for in the Wetland Conservation Act Rule (MN Rule 8420.0700 to 8420.0760).

2. More efficient and cost-effective mitigation will be realized as landowners will be able to seek replacement that meets all of the agencies requirements without having to secure and develop individual mitigation sites.

3. A positive-net-balance of wetland acres will be realized as wetland restoration and creation projects must be completed and reviewed *before* credits can be withdrawn.

WHEREAS; the approval agency retains control over the mitigation requirements through their respective approval processes. Any approved project that impacts wetlands must meet the replacement conditions (size, type, location, etc.) of the agency exercising regulatory authority. Wetland bank credits could only be used if credits exist in the state wetland bank that meet the agency mitigation requirements.

THEREFORE; the parties to this agreement concur that state wetland bank credits are a viable replacement option for projects that are subject to their respective authorities and require wetland mitigation, and hence, will allow landowners to seek mitigation therein.

THEREFORE; be it resolved by the signatures of the persons below, under their respective agency's authorities, that this agreement is effective on the date all signatures are affixed.

_____ Ronald D. Harnack, Executive Director, BWSR
_____ Ben Wopat, Chief, Regulatory Branch-St. Paul District, USCOE
_____ Patty Burke, Director, Div. of Water Quality, MPCA
_____ Lynn Lewis, MN Field Operations Supervisor, USFWS
_____ Kent Lokkesmoe, Director, Div. of Waters, MDNR
_____ Gary Nordstrom, SCS State Conservationist, USDA
_____ , MNDOT
_____ Doug Ehorn, Chief, Wetlands , Region 5 - USEPA

DRAFT 10/6/93 (BWSR/JJ)

PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS

General Permit No. GP-02-MN

Effective Date: 1 March 1994

Applicant: General Public in designated local government units (LGUs) in Minnesota.

Expiration Date: 31 February 1996

PROPOSED PROGRAMMATIC GENERAL PERMIT

EFFECT

Part 1 for (selected LGUs):

Applicants who have obtained an approved replacement plan for wetland draining or filling from the local government unit (LGU), as noticed and reviewed according to the Minnesota Wetland Conservation Act (WCA) (MN Rules Part 8420.0510 to 8420.0630), will not be required to also seek Section 404 approvals from the USCOE for projects draining or filling less than **3 acres**. Copies of all such replacement plans will be sent to the U.S. Army Corps of Engineers - Regulatory Branch (Corps). For those activities that would cause the loss of more than **three acres** of wetland by draining or filling, the application will be forwarded to the Corps for authorization under the notification provisions of the nationwide permits or under individual permit procedures.

Part 2 for all LGUs administering the WCA:

a. Applicants who have obtained an approved replacement plan for wetland draining or filling from the local government unit (LGU), as noticed and reviewed according to the Minnesota Wetland Conservation Act (WCA) (MN Rules Part 8420.0510 to 8420.0630), will not be required to also seek Section 404 approvals from the USCOE for projects draining or filling less than **1/2 acre**. Copies of all such replacement plans will be sent to the USCOE Regulatory Branch.

b. Landowners receiving a Certificate of Exemption from the LGU will not need further approval from the Corps if the project meets all the requirements of the Nationwide Permit (NWP) and Regional Conditions as issued for public notice on January 29, 1993. Landowners may self-certify their project's qualification for a NWP after reading the NWP & Regional Conditions public notice and signing at the appropriate location on the Certificate of Exemption.

SCOPE

1. In accordance with Title 33 CFR 325.3 (b), public notice is hereby made of a proposal by the Army Corps of Engineers, St. Paul District to issue a Regional General Permit (GP) authorizing activities subject to U.S. Army Corps of Engineers (Corps) regulatory authority in designated LGUs in Minnesota (see part 6 for listing). Under this proposed GP agreement, the general public would be authorized by the Secretary of the Army to discharge dredged or fill material into waters of the United States, including wetlands, within the designated LGUs in Minnesota, if and when such discharges are permitted, authorized, or approved by the designated LGUs, pursuant to the WCA and this GP agreement adopted on (date). This Department of the Army permit is proposed for issuance pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), subject to the conditions, limitations, and exclusions listed in subsequent paragraphs of this permit.

2. A general permit is a Department of the Army authorization which may be issued on a regional basis in order to avoid unnecessary duplication of the regulatory control exercised by another federal, state, or local agency provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. This GP agreement recognizes that the scope of activities regulated, and the level of protection provided by the WCA with respect to water quality, wetlands, fish and wildlife habitat, wetland plant communities, threatened and endangered species, in-stream habitat, riparian areas, natural areas, and other functions and values of the aquatic environment is similar to, or greater than, that provided by the Corps regulatory program. By eliminating the need for individual detailed review and approval by the Corps, this GP agreement would avoid duplication and relieve the public of unnecessary delays, while allowing more federal regulatory resources to be directed toward the review of work that has more than minimal adverse effects on the aquatic environment.

3. To be valid, this GP agreement requires certification by the Minnesota Pollution Control Agency (MPCA) in accordance with Section 401 of the Clean Water Act. The certification, if issued, will express the agency's opinion that the proposed activities will not violate applicable water quality standards. Written comments concerning possible impacts to the waters of Minnesota should be addressed to: MPCA; Division of Water Quality, with a copy provided to the Corps of Engineers, Regulatory Branch and the MN Board of Water and Soil Resources (see section 10 for addresses).

4. This proposed permit authorizes any activity requiring a Department of the Army permit under Section 404 of the Clean Water Act, subject to the limitations contained in this GP agreement, that is not already authorized under existing nationwide or regional general permits, subject to the conditions, limitations, and exclusions listed in subsequent paragraphs. A list of Corps nationwide general permits with notification requirements, conditions, exclusions, and best management practices is attached.

5. The Corps and the BWSR (Minnesota Board of Water and Soil Resources) will provide the necessary training and materials to the designated LGUs prior to the effective date of this agreement.

6. Procedures

a. Any applicant seeking authorization under this GP agreement must complete the standard combined joint application form (Appendix 1) used in Minnesota by the Corps, the Minnesota Department of Natural Resources (DNR), and LGUs, and submit it to the (selected LGUs). When the LGU has determined the application is complete, a copy will be sent to the Corps and the BWSR. Copies of these applications must also be distributed as per the notification requirements of the WCA Rule (MN Rules 8420.0230 and 8420.0540, Subp. 9). The application must include all information as required by the WCA Rule for replacement plans (MN Rules 8420.0530 to 8420.0540.) to be considered complete, and will be rejected for processing under this GP agreement if this information is not provided.

b. A permit application would be considered complete by the LGU when all the required materials listed in Appendix 2 have been received and found to be acceptable. Employees of the LGU would field verify all wetland delineations (applying the three-parameter principles of the 1987 and 1989 versions of "The Federal Manual for Identifying and Delineating Wetlands") submitted as part of a permit application, and no application would be considered complete until the LGU concurs with the delineation.

c. The Corps, BWSR and representatives of (the selected LGUS) will meet annually to review LGU performance and a determination will be made as to the continuation of the programmatic GP agreement. As a result of this determination, either; 1) the Corps will provide written confirmation that the LGU program meets the conditions of the GP agreement or; 2) the Corps will notify the LGU that the program does not meet the conditions of the GP agreement and the GP will be modified, suspended or revoked.

d. Upon the Corps' receipt of a permit application for work in the LGU that has not been reviewed or approved by the LGU under the GP agreement, the applicant will be notified of the applicability of any existing Department of the Army nationwide permits or of the potential applicability of this GP agreement, and will be given the option of seeking authorization under this GP agreement. However, the provisions of this GP agreement do not revoke, supplant, or in any way invalidate any other components of the existing Corps regulatory program, and applicants may continue to seek authorization under existing nationwide or individual permit procedures if the project does not meet the terms and conditions of this GP agreement.

e. Any applications received by the LGU seeking authorization for work in wetlands that has already been started or completed without a permit will be forwarded directly to the Corps. The Corps will make a decision as to whether an after-the-fact permit will be considered, or if immediate restoration is appropriate. If the Corps decides an after-the-fact permit would be considered, the applicant would be required to follow the application procedures detailed in parts (a) and (b) above.

7. Conditions, Limitations, and Exclusions:

a. This GP agreement does not authorize excavation activity (it only authorizes drain and fill activities) as regulated by the Corps and described in the September 17, 1993 Public Notice.

b. This GP agreement does not authorize any activity within Minnesota local government units that is undertaken or sponsored by any unit of state or federal government.

c. This GP agreement does not authorize the discharge of dredged or fill material into any other waters or wetlands not regulated under the WCA such as those regulated by the DNR under GP-01-MN.

d. No work may be performed under this GP agreement unless and until all required federal, state, and local permits, licenses, and certifications are obtained.

e. Any and all special conditions, best management practices, or limitations stipulated by the LGU become mandatory requirements of this GP agreement.

f. This GP agreement authorizes the use of the state wetland bank in order to satisfy mitigation requirements deemed necessary by the LGU unless the Corps, USEPA, USFWS, and MDNR provide written objections with justification for not allowing use of the bank. The Corps will make the final determination on whether banking can be used if agency objections are expressed.

g. No activity is authorized under this GP agreement which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project and shall not begin work on the activities until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service.

h. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR 325, appendix C. The prospective permittee must notify the District Engineer if the authorized activity may

affect any properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from Minnesota State Historic Preservation Office.

i. Regardless of whether a proposal meets the other conditions of this permit, the District Engineer retains discretionary authority to exclude the proposal from authorization under this GP agreement and subject it to individual permit review procedures whenever special concerns for the aquatic environment or other relevant factors of the public interest warrant such review. The District Engineer also retains the authority to add special conditions to this permit on a case by case basis when necessary to ensure the project does not result in more than minimal adverse impact on the aquatic environment.

j. The permittee shall permit the District Engineer or his authorized representative(s) or designee(s) and the BWSR to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein. The district Engineer also retains the authority to enforce the terms and conditions of this permit and to take necessary enforcement actions against unpermitted activities, pursuant to the applicable enforcement provisions of the Clean Water Act and its implementing regulations.

k. The permittee shall maintain the structure or work authorized herein in good condition.

l. This permit does not grant any property rights or exclusive privileges.

m. This permit does not authorize any injury to the property or rights of others.

n. This permit does not authorize interference with any existing or proposed Federal project.

o. If the activity authorized herein is not initiated on or before the expiration or revocation date of this permit, this authorization, if not previously revoked or specifically extended, shall automatically expire.

p. No work shall commence prior to approval under this permit.

8. Limits of Federal Liability. In issuing this GP agreement, the Federal government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes;

b. Damaged to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest;

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;

d. Design or construction deficiencies associated with the permitted work;

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

9. The provisions of this GP agreement will be subject to reconsideration at any time, but at least every five (5) years. This permit may be modified, suspended, or revoked in accordance with 33 CFR 325 if it is determined that the public interest would be best served by so doing.

10. Additional Information:

Findings:

- The U.S. Army Corps of Engineers supports Section 404 program assumption and GP agreements with state/local governments.
- Simplification and streamlining of wetland regulatory programs is desirable for landowners and regulators.
- Minnesota local governments have the technical and administrative ability to implement a comprehensive wetland protection program as demonstrated by their experience with the Wetland Conservation Act (WCA) program.
- There is significant commonality between Section 404 and the WCA regulations.
- The GP agreement will result in no change to the scope or extent of state or federal wetland protection regulations.

a. The Corps has available a statement of findings and decision document that the proposed activities comply with the requirements for issuance of general permits.

b. Preliminary review indicates that the proposed activities are not likely to adversely affect historic properties which the National Park Service has listed on, or determined eligible for listing on, the National Register of Historic Places.

c. Preliminary review indicates that the proposed activities are not likely to jeopardize the continued existence of any species or the critical habitat of any fish and wildlife, or plant which is designated as endangered or threatened pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). Therefore, no formal consultation request has been made to the Untied States Department of the Interior, Fish and Wildlife Service.

d. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

e. The Corps is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the activities proposed for authorization considered under this GP agreement. Any comments received will be considered by the Corps to determine whether to issue, modify, or condition this GP agreement. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

f. The activities proposed for authorization under this GP agreement involve the discharge of dredged or fill material into waters of the United States. Therefore, the Corps' evaluation of the impact of the activities upon the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) (1) of the Clean Water Act (40 CFR 230).

g. Any interested parties and agencies entertaining objections to or desiring to express their vies concerning this permit must do so by filing their comments in writing no later than 30 days from the date of issuance of this notice. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this GP agreement. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing. Any comments submitted should refer to the Public Notice Number shown on this notice, and should be addressed to the District Engineer (ATTN: Regulatory Branch) at the address shown below. Mick Weburg of the Regulatory Branch, telephone (612)290-5375, may be contacted for additional information.

11. Agency Addresses:

a. U.S. Army Corps of Engineers, St. Paul District; Regulatory Branch, 333 Sibley, 4th Floor, St. Paul, Minnesota, 55101. Point of contact; Mick Weburg.

b. U.S. Environmental Protection Agency, Region 5, Wetlands and Watersheds Section, 77 West Jackson Boulevard (WQW-16J), Chicago, Illinois 60604. Point of contact; Ms. Sue Elston.

c. U.S. Fish and Wildlife Service, Twin Cities Field Office, 4101 East 80th Street, Bloomington, Minnesota, 55425-1665. Point of contact; Lynn Lewis.

d. Minnesota Historic Preservation Office, MN Historical Society, Gov't Programs and Compliance Office, 345 Kellog Blvd. West, St. Paul, Minnesota, 55102-1906. Point of Contact; Dennis Gimmestad

e. Minnesota Board of Water and Soil Resources, 155 South Wabasha, Suite 104, St. Paul, Minnesota, 55107. Point of contact; John Jaschke.

f. Minnesota Department of Natural Resources, Division of Waters, 500 Lafayette Road, St. Paul, Minnesota, 55155-4001. Point of contact; Bruce Gerbig.

g. Minnesota Pollution Control Agency, Division of Water Quality, 520 Lafayette Road, St. Paul, Minnesota, 55155-3898. Point of contact; Larry Zdon.

James T. Scott
Colonel, Corps of Engineers
District Engineer

Appendix 2

Appendix I

LOCAL-STATE-FEDERAL PROJECT NOTIFICATION/APPLICATION FORM

Use this form to notify/apply to the Department of Natural Resources, the Corps of Engineers, and your local offices of a project or work you propose which may fall within their jurisdiction. These agencies should advise you of their jurisdiction or permit requirements within 45 days. Some local governments may also require submission of their own application forms. Fill out this form completely and mail a copy, with plans, maps, etc. to each of the agencies listed on the reverse of the form. Keep a copy for your records. YOU MUST OBTAIN ALL REQUIRED AUTHORIZATIONS BEFORE BEGINNING WORK.

THIS SPACE FOR AGENCY USE ONLY: *LGU NUMBER:*_____

*CORPS NUMBER:*_____ *MDNR NUMBER:*_____

I. Applicant's Name (Last, First, M.I.) / Authorized Agent, if any / Area Code, Telephone / ( )

Address (Street, RFD, Box Number, City, State, Zip Code)

II. LOCATION OF PROPOSED PROJECT (ATTACH DRAWING SHOWING HOW TO GET TO SITE)

COUNTY *Quarter Section(s)* *SECTIONS(s) No.* *TOWNSHIP(s) No.* *RANGE(s) No.* *Lot, Block, Subdivision*

Fire No., Box No., or Project Address *Work will affect ___lake ___wetland ___waterway ___ag production*
Waterbody Name, No. (if known)

III. ESTIMATED PROJECT COST: $ *LENGTH OF SHORE AFFECTED (in feet):*

IV. Volume of fill or excavation (cubic yds.): *Area filled or excavated is* *acres, or* *square feet.*
(NOTE: You may substitute dimensions)

V: TYPE OF WORK AND AREA (Check all that apply):
____FILL ____EXCAVATE ____REPAIR ____CONSTRUCT
____REMOVE ____DRAIN ____DAM ____SHORELINE ____WETLAND ____WATERWAY ___LAKE
____DOCK ____CULVERT ____BRIDGE ____ACCESS PATH ____RIPRAP ____SAND BLANKET
*OTHER (describe):*_____
*WETLAND TYPE(S) AND ACREAGE(S) PROPOSED TO BE FILLED/DRAINED:*_____
Attach drawings and plans. Include a description of any proposed compensatory mitigation. Important: Identify any disposal and borrow areas. Describe the work below; how it would be done, what equipment would be used:

VI. PROJECT PURPOSE (why is this project needed--what benefits will it provide?):

VII. ALTERNATIVES (describe any other sites or methods that could be used to achieve the purpose of your project while avoiding or minimizing wetland/water impacts: Attach additional sheets, if needed).

VIII. DATES-- Activity proposed to begin on: *Be completed:*
Has any of the work been done? NO____ YES____ (identify any completed work on drawing).

IX. ADJOINING PROPERTY OWNERS (Attach list if more than two).
Name *Address* *City* *State* *Zip*
*1.*_____
*2.*_____

X. PERMITS have been received (enter an R) or already applied for (enter an A) from: ____DNR ____ARMY CORPS
____COUNTY ____TOWN/CITY ____WATERSHED DISTRICT ____MN. POLLUTION CONTROL AGENCY.
*Has an archaeological survey of the project site been done? _____ If so, by whom:*_____

XI. I hereby notify the recipients of this form of the project proposed herein and request that I be advised of any permits or other determinations concerning this project that I must obtain. I understand that proceeding with work before all required authorizations are obtained may subject me to Federal, State, and/or local administrative, civil and/or criminal penalties.

_____ *DATE:*_____
Signature of Person Proposing Project or Agent

<<< PLEASE CAREFULLY READ AND COMPLETE BACK OF FORM>>>

INSTRUCTIONS--PLEASE READ CAREFULLY

A copy of this form, with copies of all plans, drawings, etc., should be sent to each agency indicated below. Please check the appropriate spaces below to show everywhere you are sending this form. Remember to keep a copy for yourself.

____ MUNICIPAL GOVERNMENT (CITY OR TOWN) OR COUNTY ZONING OFFICE. SEND TO COUNTY IF YOUR PROJECT SITE IS NOT IN A MUNICIPAL AREA. PLEASE LIST THE MUNICIPALITY OR COUNTY TO WHICH YOU ARE SENDING THE FORM:_____

____ WATERSHED DISTRICT OFFICE (IF ONE EXISTS FOR YOUR PROJECT AREA). PLEASE LIST DISTRICT OFFICE NAME:_____

____ MINNESOTA DEPT. OF NATURAL RESOURCES (MDNR) REGIONAL OFFICE.

____ YOUR LOCAL SOIL AND WATER CONSERVATION DISTRICT.

____ U.S. ARMY CORPS OF ENGINEERS. SEND TO:

Department of the Army, Corps of Engineers, St. Paul District,
ATTN: CO-R, 180 Kellogg Blvd. E., Room 1421, St. Paul, MN 55101-1479

Note: The above agencies may provide a copy of your completed form to the Minnesota Pollution Control Agency (MPCA). MPCA water quality rules may apply to your proposal.

ATTENTION. FROM USDA: **Any activity including drainage, dredging, filling, leveling or other manipulations, including maintenance, may affect a landuser's eligibility for USDA benefits under the 1985 Food Security Act as amended. Check with your local USDA office to request and complete Form AD-1026 prior to initiating activity.**

IMPORTANT: Some agencies, including the Corps of Engineers and the MDNR accept this form as a permit application form. If you wish this form to constitute an application to the Corps and/or MDNR for any necessary permits for your project please carefully read the following information and sign where indicated.

****

Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.

_____ _____ _____ _____

Signature of Applicant | Date | Signature of Agent | Date

NOTE: The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the information requested below is provided.

Agent's Name:_____ Agent's Title:_____

Address:_____

_____

Telephone: (_____)_____

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SEE ATTACHMENT ABOUT MDNR PERMIT FEES

PERMIT APPLICATION SUBMITTAL CHECKLIST

Procedure	Documentation
■ Delineation	■ Delineate on-site wetlands consistent with current federal manual guidelines. ■ Show contiguous wetlands: - Location - Size - Type - Hydrologic connections
■ Sequencing	■ Documentation that: - Wetland impacts have been avoided to the extent possible. - No alternative to wetland modification exists. - The wetland impacts have been minimized.
■ Replacement Plan	■ Replace at required ratio. ■ Replace within same watershed or county in < 80% counties. ■ Include: - Design - Construction - Maintenance provisions ■ If using wetland banking provisions, review credits proposed.

USCOE/LGU Wetland GP Agreement - Potential LGUs

METRO
Coon Creek WD
Minnehaha Creek WD
Rice Creek WD
Ramsey-Washington-Metro WD
City of Chanhassen
City of Minnetonka
City of Mahtomedi

GREATER MN
City of Duluth
City of Rochester/Olmsted Co.
Blue Earth County/City of Mankato
Beltrami Co. SWCD
Cass Co. SWCD
Wright Co. SWCD
Stearns Co.

9/27/93 (BWSR, JJ)

Sample for G.P.
(Project #)

Form Provided By BWSR (6/92)

WETLAND CONSERVATION ACT 1991

*CERTIFICATE OF EXEMPTION OR COMPLIANCE**

LGU ADDRESS
AND PHONE NUMBER

_____
(Name, address, and phone of applicant)

_____
(Description of project/Name of development)

_____
(Location of work: Township, Range, Section, Qtr. Section, Lot, Block, Subdivision, City, County)

The wetland activity at the above site is exempted from the Wetland Conservation Act (WCA) for the following reason: [Please Circle (A), (B), OR (C) (D)]

This exemption certification expires _____
(Date)

(A) Exemption # _____ (from M.S. 103G.2241)

Description of Exemption

_____

_____

_____

_____; OR

(B) A Wetland Does Not Exist; OR

(C) Wetland Loss Has Been Avoided

(D) Wetland Has Been Replaced As Per Approved Plan (attached)

_____ _____
(LGU Official Signature) (Dated)

The information provided for this exemption determination is truthful and accurate to the best of my knowledge.

_____ _____
(Applicant Signature) (Dated)

* THIS CERTIFICATION ONLY APPLIES TO THE WCA OF 1991. Permits from local, state, and federal agencies may be required. Check with the appropriate authorities before commencing work in or near wetlands. The Combined Joint Notification (CJN) form can be used for this purpose.

New

Self Certification for Corps Nationwide Permit (Optional):

I have reviewed the U.S. Army Corps of Engineers (Corps) public notice announcement of "Regional Conditions For Nationwide Permits in Minnesota" and have determined that my wetland project, which is exempt from the WCA, qualifies for and meets all the terms and conditions of Nationwide Permit # ____.

_____ _____
(Applicant Signature) (Date)